



Rialtas  
na hÉireann  
Government  
of Ireland

Tionscadal Éireann  
Project Ireland  
**2040**

Arna chomhchistiú ag an Roinn Forbatha Tuaithe agus Pobail  
Co-funded by the Department of Rural and Community Development

Ár dTodhchaí  
Tuaithe  
Our Rural  
Future



Arna chomhchistiú ag  
an Aontas Eorpach  
Co-funded by  
the European Union

# 2023 - 2027 LEADER Programme Operating Rules

## Ireland's CAP Strategic Plan

## Version History

Version	Updated Content	Date
1	2023 - 2027 LEADER Programme Operating Rules	30/01/2024

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## Acronyms and Terms

Agreement	The contract between each LAG and the Department
Authorised Officer	Chief Officer or CEO of the LAG or officer delegated this responsibility for LEADER
Beneficiary	A beneficiary is a natural / legal person or a private / community based group responsible for initiating and implementing the LEADER project. LAGs, their Implementing Partners and Animating Partners who receive funding from the LEADER programme are also deemed to be a beneficiary.
CLLD	Community-Led Local Development
DAFM	Department of Agriculture, Food & the Marine
CAP	Common Agricultural Policy
CRO	Companies Registration Office
DAP	Department Appeal Panel
Department / DRCD	Department of Rural and Community Development
EAFRD	European Agricultural Fund for Rural Development
EU	European Union
eTC	Electronic Tax Clearance
FLAG	Fisheries Local Action Group
IC&BDU	Inspection, Compliance & Business Development Unit
ICT	Information and Communication Technology
IP	Implementing Partner
LAG	Local Action Group
LCDC	Local Community Development Committees
LDS	Local Development Strategy
LEADER	Liaisons Entre Actions de Development de l' Economie Rurale i.e. Links Between Actions for the Development of the Rural Economy

LECP	Local Economic and Community Plan
LEO	Local Enterprise Office
MEAT	Most Economically Advantageous Tender (MEAT)
Minister	The Minister for Rural and Community Development
OJEU	The Official Journal of the European Union
OTSC	On-The-Spot-Check
Programme	Ireland's CAP Strategic Plan 2023 - 2027
Project file	The LEADER IT System is the primary source of information where all files relating to LEADER funding must be filed.
Project Promoter	The beneficiary under the LEADER programme for the implementation of operations, not including administration and animation expenditure
Single Interest Group	Single interest groups refer to the representatives on the LAG from various sectors in society, such as but not limited to: community & voluntary, environmental, economic, social, cultural, agricultural, youth, etc.
SMEs	Small and Medium Enterprises ( <i>including micro</i> )

# 1 Introduction

The LEADER programme has been operating in Ireland and across EU Member States since its commencement in 1991 as an experimental rural development programme. LEADER has evolved through five successive programming periods to become a key intervention within EU rural development policy. It forms an integral part of the EU funding framework, delivered through national rural development programmes of each Member State. Over the three decades of its existence, the programme has supported the development of a wide range of innovative and sustainable projects that have brought increased jobs and vibrancy to rural communities across the EU.

For the purposes of the LEADER programme in Ireland, rural areas are defined as all parts of Ireland with the exception of the areas within the boundaries of the five main cities of Dublin, Cork, Limerick, Waterford and Galway.

LEADER is a community-led approach to local development funded through Ireland's CAP Strategic Plan 2023 – 2027 (the Programme). It is financed by the European Agricultural Fund for Rural Development (EAFRD) and connected to Specific Objective 8 of the CAP Strategic Plan (CSP):

*Vibrant Rural Areas - promote employment, growth, gender equality, including the participation of women in farming, social inclusion and local development in rural areas, including the circular bio-economy and sustainable forestry.*

Objective 8 focuses on promoting growth and jobs in rural areas, developing the rural and bio-economies, digitising the rural economy, and promoting social inclusion. While this Objective references forestry, it should be noted that forestry is listed as an ineligible activity for LEADER support in Ireland's CAP Strategic Plan as agreed with the EU Commission.

It supports locally identified initiatives (at local or sub-regional level) that seek to address locally identified needs and challenges. It is delivered by a network of Local Action Groups (LAGs), which have been selected to implement Local Development Strategies (LDSs or Strategies) for their respective sub-regional areas.

These Operating Rules provide a governance framework for the implementation of the 2023 – 2027 LEADER programme and LAG Local Development Strategies, in accordance with the Programme's priorities, relevant EU Regulations and national regulatory and governance requirements. They supplement the terms and conditions of the contract between each LAG and the Department of Rural and Community Development (the Department).

The EU Regulations (Section 2.6) provide the legal basis for the LEADER Operating Rules. In accordance with the terms of the Agreement, the LEADER Operating Rules are binding on each LAG and project beneficiary. They may be amended from time to time at the discretion of the Department.



DRCD is the Contracting Authority with delegated Paying Agency functions and managing authority responsibility for LEADER in Ireland.

These LEADER Operating Rules should be read in conjunction with the Funding Agreement and the relevant EU and national regulatory requirements. Relevant EU Regulations are available on the European Union website, together with other guidance and support documentation.

All parties involved in the delivery of LEADER actions must be familiar with these Operating Rules and the relevant regulatory requirements and should be aware of all amendments made over the Programme lifetime.

In matters of interpretation, the Department's decisions are final. Where an interpretation of these Operating Rules is required, the query should be forwarded in the appropriate template to [OR2327@drcd.gov.ie](mailto:OR2327@drcd.gov.ie) (Appendix 24).

## 2 Policy Context

### 2.1 Policy Framework

The LEADER programme is a key intervention of *Our Rural Future*, the Government's Policy for rural development launched in 2021, which aims to deliver a wide range of actions to rural communities over the lifetime of the policy.

Ireland's Common Agricultural Policy (CAP) is supported by two funds drawn from the EU's multiannual financial framework budget for the years 2021 to 2027 – the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD).

For the period 2023-2027, the CAP Strategic Plan (CSP) will be built around nine Specific Objectives:

- 1. Fair Income** - support viable farm income and the resilience of the agricultural sector.
- 2. Competitiveness** - enhance market orientation and increase farm competitiveness.
- 3. Food Chain** - improve the position of farmers in the food value chain.
- 4. Climate Change Action** - contribute to climate change mitigation and adaptation.
- 5. Environmental Care** - foster sustainable development and efficient management of natural resources such as water, soil and air.
- 6. Landscapes and Biodiversity** - contribute to halting and reversing biodiversity loss, enhance ecosystem services and preserve habitats and landscapes.
- 7. Generational Renewal** - attract and sustain young farmers and new farmers and facilitate sustainable business development in rural areas.
- 8. Vibrant Rural Areas** - promote employment, growth, gender equality, including the participation of women in farming, social inclusion and local development in rural areas, including the circular economy, bio-economy and sustainable forestry.
- 9. Food and Health** - improve the response of EU agriculture to societal demands on food and health.

LEADER is cross linked specifically to Objective 8 'Vibrant Rural Areas'.

Objective 8 focuses on promoting growth and jobs in rural areas, developing the rural and bio-economies, digitising the rural economy, and promoting social inclusion. While the Specific Objective references forestry, it should be noted that forestry is listed as an ineligible activity for LEADER support in Ireland's CAP Strategic Plan as agreed with the EU Commission.

The coherence and consistency between local strategies and existing national, regional or sub-regional strategies including sectoral ones must be ensured. Accordingly, the key national policies that provide the overarching policy context for this LEADER programming period include the *CAP Strategic Plan 2023-2027*, *Our Rural Future: Rural Development Policy 2021-2025* and Ireland's *Climate Action*

*Plan 2023*. At EU level, these include the *Sustainable Development Goals (SDGs)*, the *European Green Deal*, the *EU's Rural Action Plan* and the EU's Charter of Fundamental Rights.

## **2.2 Overarching Policy Context**

In addition to the themes and sub-themes outlined in Section 3, there are a range of specific policy programmes and agendas that provide an overarching policy context for the 2023-2027 period. This policy context includes regional, national and international interventions and commitments in key areas such as climate action, equality and inclusion and sustainable rural development models, as outlined below.

### **2.2.1 Our Rural Future: Rural Development Policy 2021-2025**

*Our Rural Future* provides a whole-of-government policy for rural Ireland. It sets out an ambitious vision for thriving rural communities centred on balanced regional development, employment opportunities and vibrant, inclusive communities. Some of the key areas of focus for *Our Rural Future* include investing in employment and entrepreneurship; optimising digital connectivity; revitalising rural towns and villages; and supporting the transition to a climate neutral economy.

### **2.2.2 Sustainable Development Goals**

At the heart of the 2030 Agenda for Sustainable Development are the 17 Sustainable Development Goals (SDGs) which recognise that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality and support economic growth; all while tackling climate change.

### **2.2.3 Climate Change Mitigation**

The European Green Deal seeks to transform Europe into the world's first climate neutral continent by 2050. Ireland's Climate Action Plan 2023 shares the vision, commitments and targets of the European Green Deal and seeks to set Ireland on a path to becoming a cleaner, greener, more sustainable economy and society.

### **2.2.4 EU Charter of Fundamental Rights**

The European Union is built on fundamental rights, democracy and the rule of law. Article 2 of the Treaty on European Union provides that:

*"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail".*

EU action in this area is based on the EU Treaties and on the EU Charter of Fundamental Rights. The Charter enshrines the fundamental rights people enjoy in the EU. It is a comprehensive instrument

protecting and promoting people's rights and freedoms in the light of changes in society, social progress and scientific and technological developments.

### **2.2.5 EU Long-term Vision for Rural Areas**

Under the EU Long-term Vision for Rural Areas, the European Commission has set out a long-term vision for the EU's rural areas up to 2040 which identifies areas of action towards stronger, better connected, more resilient and prosperous rural communities.

Central to this long-term vision are the **Rural Pact** and the **EU Rural Action Plan**. The Rural Pact provides a framework for co-operation on rural matters between public authorities, civil society, businesses, academia and citizens at European, national, regional and local levels. The EU Rural Action Plan seeks to compliment and strengthen existing EU policies related to rural development and is articulated around a range of flagship initiatives in areas such as sustainable transport, digitalisation, economic diversification and climate change mitigation.

### **2.2.6 Local Economic and Community Plans (LECP)**

The Local Government Reform Act 2014 provided for the creation of a Local Economic and Community Plan (LECP) in each local authority area. The purpose of the LECP is to set out, for a six-year period, the objectives and actions needed to promote and support the economic development and the local and community development of the relevant local authority area, both by itself directly and in partnership with other economic and community development stakeholders.

## **2.3 LEADER Community-Led Local Development (CLLD) approach**

LAG membership comprises public and private partners from the economic, social, cultural and environmental sectors.

LEADER promotes a Community-Led Local Development (CLLD) approach that involves the participation of local communities in developing responses to key economic, environmental and social challenges.

As a CLLD approach, LEADER is a methodology that places the rural community at its centre. Groups of people representing defined geographical areas in the form of LAGs are charged with identifying the challenges to development in their own communities and developing initiatives to address these challenges. Through LDSs, LAGs seek to facilitate participation by all parties who wish to contribute to this process, thus ensuring that each LDS is as representative of local community needs as possible.

Article 31 of the Common Provisions Regulation 2021/1060<sup>1</sup> defines CLLD in the context of a Local Development Strategy stating that:

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<sup>1</sup> Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021

*The Member State shall ensure that community-led local development is:*

- a) focused on sub-regional areas;*
- b) led by local action groups composed of representatives of public and private local socioeconomic interests, in which no single interest group controls the decision-making;*
- c) carried out through strategies in accordance with Article 32;*
- d) supportive of networking, accessibility, innovative features in the local context and, where appropriate, co-operation with other territorial actors.*

The use of a CLLD approach has particular potential to benefit minority and hard to reach groups who may not necessarily engage with other local development processes. The approach is based on establishing strategic partnerships, within the sub-regional area, in the form of LAGs. The partnership is the driving force behind the design and implementation of the LDS. The composition of the LAG is made up of public and private partners. It should be seen as a dynamic body, which adapts itself to local specificities with representatives from the economic, social, cultural and environmental sectors with no single interest group controlling the decision making process.

The LDS is premised on identifying the needs and potential of the area. LAGs were tasked with designing an LDS through active consultation with local communities in their areas. A series of local objectives and strategic actions were developed to address these local priorities. CLLD approaches have the flexibility to respond to the diversity of rural areas and tailor solutions to local needs. The LEADER approach is based on a distinct methodology and includes the following seven principles set out in Section 2.4.

## **2.4 The 7 Principles of LEADER**

The EU CAP Network (formerly ENRD) has produced a comprehensive guide to the [LEADER CLLD Approach](#) including the Principles of the LEADER Approach:

- 1) **Bottom-Up Approach** – places local communities at the centre of local development processes and is defined by consultation, participation and collective decision-making.
- 2) **Area-Based Approach** – focuses on coherent sub-regional areas and seeks to target the priorities and opportunities of the LDS area as a whole.
- 3) **The Local Partnership** – the Local Action Group (LAG) is a central element of the CLLD approach and must comprise partners from public, private and civil society.
- 4) **An integrated and multi-sectoral strategy** – the LAG and their LDS should seek to capitalise on links and synergies between different sectors in their area.
- 5) **Networking** – networking is also a central element of the LEADER approach and seeks to support networking and exchange at local, national and European levels.
- 6) **Innovation** – supporting innovative solutions to local issues.

- 7) **Co-operation** – fostering and supporting co-operation and collaboration between LAGs at national and European level.

## 2.5 The Local Development Strategy

As a Community-Led Local Development initiative, the LEADER programme is designed to engage, resource and enable local communities to manage local development in their areas. Central to this process is the LDS, which must be developed by a LAG. The LDS is a community-led plan designed in partnership with the local community to achieve a collective vision and support the sustainable development of the LDS area and to address the locally identified needs and to achieve a defined set of local objectives. All funding decisions taken by the LAG are underpinned by the LDS objectives and priorities.

## 2.6 EU Regulatory Framework

LEADER is governed by EU framework regulations. The [Common Provisions Regulation \(EU\) 2021/1060](#) is a single rulebook that lays down the financial and common provisions applicable that governs eight EU funds. Articles 31 – 34 of the Common Provisions Regulation (CPR) 2021/1060 provide the regulatory framework for the administration of the LEADER programme in so far as the sub-regional areas, LAGs and LDSs are concerned. The [CAP Strategic Plan \(CSP\) Regulation 2021/2115](#)<sup>2</sup>, the [Financial, Management and Monitoring of the CAP Regulation 2021/2116](#)<sup>3</sup> and the [evaluation of the CAP Strategic Plans and the provision of information for monitoring and evaluation Regulation 2022/1475](#)<sup>4</sup> are the key governing regulations for the programme setting out provisions relating to activities to be funded, coordination and governance as well as monitoring, reporting and evaluation requirements.

There are also a number of supporting Regulations, which are contained in the table below.

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<sup>2</sup> Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021

<sup>3</sup> Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021

<sup>4</sup> Regulation (EU) 2022/1475 of the European Parliament and of the Council of 6 September 2022

<b>Key EU Regulations relating to LEADER</b>	
<b>Regulation No.</b>	<b>Summary</b>
2021/1060	REGULATION (EU) 2021/1060 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy. <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1060&amp;from=EN">https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1060&amp;from=EN</a>
2021/2115	Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013. <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R2115&amp;from=EN">https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R2115&amp;from=EN</a>
2021/2116	REGULATION (EU) 2021/2116 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (Horizontal regulation) <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R2116&amp;qid=1655738139921&amp;from=EN">https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R2116&amp;qid=1655738139921&amp;from=EN</a>
2988/95	Regulation on the protection of the European Communities financial interests. <a href="https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31995R2988">https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31995R2988</a>
2018/1046	Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02018R1046-20221214">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02018R1046-20221214</a>
2021/2289	COMMISSION IMPLEMENTING REGULATION (EU) 2021/2289 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2115 of the European Parliament and of the Council on the presentation of the content of the CAP Strategic Plans and on the electronic system for the secure exchange of information. <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R2289&amp;qid=1660823178291&amp;from=EN">https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R2289&amp;qid=1660823178291&amp;from=EN</a>
2021/2290	COMMISSION IMPLEMENTING REGULATION (EU) 2021/2290 of 21 December 2021 laying down rules on the methods for the calculation of the common output and result indicators set out in Annex I to Regulation (EU) 2021/2115 of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013. <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R2290&amp;qid=1660562939711&amp;from=EN">https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R2290&amp;qid=1660562939711&amp;from=EN</a>
2022/127	COMMISSION DELEGATED REGULATION (EU) 2022/127 of 7 December 2021 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with rules on paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro. <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0127&amp;from=EN">https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0127&amp;from=EN</a>

2022/128	<p>Commission Implementing Regulation (EU) 2022/128 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council on paying agencies and other bodies, financial management, clearance of accounts, checks, securities and transparency.</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0128&amp;qid=1660823028811&amp;from=EN">https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0128&amp;qid=1660823028811&amp;from=EN</a></p>
2022/129	<p>Commission Implementing Regulation (EU) 2022/129 of 21 December 2021 laying down rules for types of intervention concerning oilseeds, cotton and by-products of wine making under Regulation (EU) 2021/2115 of the European Parliament and of the Council and for the information, publicity and visibility requirements relating to Union support and the CAP Strategic Plans.</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0129&amp;from=EN">https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0129&amp;from=EN</a></p>
2022/1475	<p>COMMISSION IMPLEMENTING REGULATION (EU) 2022/1475 of 6 September 2022 laying down detailed rules for implementation of Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards the evaluation of the CAP Strategic Plans and the provision of information for monitoring and evaluation.</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R1475&amp;qid=1663766596311&amp;from=en">https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R1475&amp;qid=1663766596311&amp;from=en</a></p>
2023/130	<p>COMMISSION IMPLEMENTING REGULATION (EU) 2023/130 of 18 January 2023 laying down rules for the implementation of Regulation (EU) 2021/2115 of the European Parliament and of the Council on the presentation of the content of the annual performance report.</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023R0130">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023R0130</a></p>
2023/860	<p>COMMISSION IMPLEMENTING REGULATION (EU) 2023/860 of 25 April 2023 amending and correcting Implementing Regulation (EU) 2022/128 as regards transparency, the management declaration, the coordinating body, the certification body, and certain provisions for EAGF and EAFRD.</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32023R0860&amp;qid=1682506366322">https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32023R0860&amp;qid=1682506366322</a></p>
2023/2831	<p>Commission Regulation (EU) No 2023/2831 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to De Minimis aid</p> <p><a href="https://eur-lex.europa.eu/eli/reg/2023/2831">https://eur-lex.europa.eu/eli/reg/2023/2831</a></p>
2020/972	<p>Commission Regulation (EU) 2020/972 of 2 July 2020 amending Regulation (EU) No 1407/2013 as regards its prolongation and amending Regulation (EU) No 651/2014 as regards its prolongation and relevant adjustments.</p> <p><a href="https://eur-lex.europa.eu/eli/reg/2020/972/oj/eng">https://eur-lex.europa.eu/eli/reg/2020/972/oj/eng</a> (De Minimis aid)</p>



## **3 LEADER Themes and Areas Eligible for funding**

### **3.1 Applicable Geographical Areas**

Rural areas are defined as all parts of Ireland outside the city boundaries of, Cork, Dublin, Galway, Limerick and Waterford. All areas outside of these boundaries are eligible for LEADER support.

The Programme designated 28 LEADER sub-regional areas in Ireland. Each LAG has defined the local areas within their respective sub-regional areas covered by their Local Development Strategies (LDSs). All projects funded by LEADER must take place within Ireland (outside the city boundaries of Cork, Dublin, Galway, Limerick and Waterford), must be in line with the LDS, and must be to the benefit of the region covered by the respective LDS. Specific rules apply to funding provided to co-operation projects (Section 7), which takes place outside of the LAGs sub-regional area.

### **3.2 Programme Themes and Sub-Themes**

The LEADER element of the CAP Strategic Plan 2023-2027 outlines a series of themes that were identified as part of research and consultations undertaken in developing the plan. These themes are reflective of the key challenges and opportunities facing rural Ireland. Each theme is given further definition through a number of sub-themes, which reflect the key areas that require the most support and have the greatest potential to promote the sustainable development of rural communities. The sub-themes are considered to be sufficiently broad and flexible to encompass the diversity of local needs in rural areas and the range of projects supported through the LDS.

<b>LEADER Themes and Sub-Themes</b>		
<b>Economic Development and Job Creation</b>	<b>Rural Infrastructure and Social Inclusion</b>	<b>Sustainable Development and Climate Change Mitigation and Adaptation</b>
<ul style="list-style-type: none"> <li>• <i>The Green Economy</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Rural Infrastructure</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Sustainable Development of Rural Environment</i></li> </ul>
<ul style="list-style-type: none"> <li>• <i>Agricultural Diversification</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Accessible Services</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Climate Change Capacity Building</i></li> </ul>
<ul style="list-style-type: none"> <li>• <i>Rural Tourism &amp; Recreation</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Optimising Digital Connectivity</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Climate Change Mitigation and Adaptation</i></li> </ul>
<ul style="list-style-type: none"> <li>• <i>Enterprise Development</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Rural Youth</i></li> </ul>	
<ul style="list-style-type: none"> <li>• <i>Rural Food Production</i></li> </ul>		
<ul style="list-style-type: none"> <li>• <i>Social, Community &amp; Cooperative Enterprises</i></li> </ul>		

### **3.3 Theme 1: Economic Development and Job Creation**

Theme One focuses on the need to support the development of the rural economy which has been identified as a focus for rural development. This is demonstrated by driving continued local economic development, including diversification of the rural economy and the creation of employment opportunities for the local community, including those from disadvantaged groups.

#### **3.3.1 Sub-theme 1a. The Green Economy**

Significant potential for employment opportunities for rural areas are presented by the green economy. There is a strong need to maximise the opportunities presented by the circular and bio economy with Ireland being in a particularly favourable position to develop its bio and circular economies because of its abundance of natural advantages.

### **3.3.2 Sub-theme 1b. Agricultural Diversification**

In the context of enterprise development, and in line with the overall aims of the CAP Strategic Plan specific focus is placed on diversification opportunities for farm families. Agricultural diversification is defined as Entrepreneurial use of farm resources for non-agricultural purposes, for example, farm shops, recreational activities, etc.

### **3.3.3 Sub-theme 1c. Rural Tourism & Recreation**

Tourism plays a very significant role in the rural economy and it is essential that Ireland continues to develop its tourism sector in a sustainable way. Areas such as outdoor rural recreation, outdoor activities, cultural and heritage initiatives, festivals, and other events have all been identified as areas of significant potential that would benefit from investment in order to contribute to the sustainable development of rural tourism.

Other examples of actions that may be supported include:

- feasibility studies to explore the tourism potential of an area;
- marketing initiatives;
- the creation of tourism hubs to facilitate a multi-sectoral approach;
- activities that centre on the development and renovation of infrastructure, which contribute to historic and heritage based tourism;
- actions that promote the development of cultural/heritage infrastructure of local significance and arts-based activities and events;
- the provision of amenity and leisure facilities, which can support adventure/eco-based tourism.

LEADER supported tourism projects must comply with relevant Fáilte Ireland and/or other sectoral standards.

### **3.3.4 Sub-theme 1d. Enterprise Development**

There exists a strong need to facilitate business development in rural areas by providing opportunities and support to businesses and individuals looking to develop rural enterprises. Within this area of support, increased focus should be given to supporting female entrepreneurs in rural communities.

LEADER can support micro, small and medium enterprises as defined in Commission Recommendation 2003/361/EC<sup>5</sup>. An updated user guide to the SME definition is available on the Commission's website.<sup>6</sup>

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<sup>5</sup>Further guidance is available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32003H0361&qid=1690282401776>

<sup>6</sup> <https://ec.europa.eu/docsroom/documents/42921>

Local Enterprise Offices (LEOs) have primary responsibility for micro-enterprise in Ireland. LEADER must complement rather than compete with LEO activity; effective systems of collaboration and consultation are required to ensure a co-ordinated and effective allocation of resources.

Supported actions might include investment support or sector-specific training programmes for aspiring entrepreneurs, early stage promoters, social enterprises, start-ups and established SMEs.

### **3.3.5 Sub-theme 1e. Rural Food Production**

Ireland has seen considerable growth and expansion in the artisan food sector over the past decade. The LEADER programme is well positioned to continue to support this sector with investment in artisan and micro, small and medium food producers to develop and expand rural food production, skills development and marketing.

### **3.3.6 Sub-theme 1f. Social, Community & Cooperative Enterprises**

Social Enterprises are enterprises whose objective is to achieve a social, societal or environmental impact rather than maximising profits for their owners. Our Rural Future identifies social enterprises as an important part of local economies in rural areas often filling gaps in markets that are not attractive to commercially focused companies due to low population densities or economies of scale.

## **3.4 Theme 2: Rural Infrastructure & Social Inclusion**

A central focus will be the need to ensure the social cohesion of a sub-regional area i.e. not just to support economic development but also to support social inclusion. Rural Ireland is becoming increasingly diverse and it is important to embrace this diversity ensuring that future community development recognises the needs of all members of society.

People may be excluded and marginalised from participating in activities that are considered the norm for others in society because of inadequate income and resources. In rural areas, in particular, the low density of population, high levels of out-migration and distance from urban centres, can often result in fewer employment options and lower levels of service provision than in urban areas. In rural areas, people's experience of exclusion is often compounded by physical isolation.

### **3.4.1 Sub-theme 2a. Rural Infrastructure**

Measures to develop and/or enhance rural infrastructures, in order to provide an opportunity for more people to live and work in their rural communities.

### **3.4.2 Sub-theme 2b. Accessible Services**

This sub-theme focuses on improving access to basic services for people living in rural and remote areas and groups who are at risk of social exclusion, including hard to reach and new communities. In some cases, it might involve the introduction of a new service or the re-introduction of a previously withdrawn service under the following categories:

- community
- training
- social/cultural
- recreation

### **3.4.3 Sub-theme 2c. Optimising Digital Connectivity**

Digital connectivity is now fundamental to the development of rural areas, with the COVID-19 pandemic highlighting the importance of digitalisation in supporting so many aspects of our daily lives. As well as the requirement for good IT infrastructure and connectivity, supporting the development of digital skills and digital literacy is also essential to enable rural dwellers to maximise the benefits of digitalisation.

Increased access to reliable and high-speed broadband is vital for the economic and social development of rural areas and communities. High-quality broadband enables businesses to set-up or continue to be based in rural areas, by overcoming barriers relating to access to markets and services. There is also a potential to create additional employment as access to broadband can support businesses to grow.

This sub-theme supports local actions that complement national initiatives aimed at developing a comprehensive rural broadband infrastructure. This sub-theme does not cover most broadband infrastructure, as this is covered under the National Broadband Plan. Actions that may be covered include basic ICT training to priority groups, for example, to enable older people and young people to stay connected. Other actions may focus on skills development for installing broadband, feasibility studies in relation to community broadband.

### **3.4.4 Sub-theme 2d. Rural Youth**

Gaps exist in the diversity of activities available in rural areas for young people, outside of sports. There is a need to encourage rural youth participation in issues that affect their daily lives, to build their leadership capabilities and to provide on-going input to the development of future rural youth initiatives.

The promotion of youth entrepreneurship and associated training can provide improved pathways for young people to access economic opportunities in rural areas. Actions that develop the social infrastructure of rural areas provide important opportunities for young people to realise their potential. These might include:

- the provision of youth clubs/cafés
- improved access to ICT
- sports/recreation activities
- arts-based projects
- youth development programmes

Young people, particularly those who may be vulnerable, also have distinct needs regarding the type of services they may need to access.

For the purposes of LEADER, young people are defined as people aged 15 to 40 years.

### **3.5 Theme 3: Sustainable Development of the Rural Environment and Climate Change Mitigation and Adaptation**

While recognising that sustainable development, climate change mitigation and adaptation is a cross-cutting issue and in this context will be considered for all LEADER interventions, a number of specific areas are identified under this theme.

This theme seeks to maximise the potential of environmental actions to contribute to the sustainable development of rural communities. It focuses on utilising the landscape within a local area, its features and natural resources, while simultaneously creating a greater environmental awareness and improving environmental protection.

LAGs and project promoters must comply with all national and EU Legislation, as well as any restrictions or obligations imposed by Government Departments or the relevant Local Authority, which may apply to the proposed project. All projects must have the necessary permissions and licences in place before any work commences. Projects funded under any sub-theme must also comply with the relevant environment and heritage requirements (Section 8).

#### **3.5.1 Sub-theme 3a. Sustainable Development of the Rural Environment:**

Support to encourage protection and sustainable use of water resources, protection and improvement of local biodiversity and development of renewable energy.

#### **3.5.2 Sub-theme 3b. Climate Change Capacity Building:**

Create greater awareness and engagement around climate change and foster the development of a greater range of local responses to climate change.

#### **3.5.3 Sub-theme 3c. Climate Change Mitigation and Adaptation:**

Providing support that encourages and complements climate change mitigation and adaptation initiatives.

### **3.6 Cross-Cutting Objectives**

In addition to the themes outlined previously, consideration should also be given to projects that address the cross-cutting issues of environment, climate change and innovation in so far as LEADER interventions have the potential to complement and support such initiatives:

- **Innovation:** Funding may be provided to pilot new production methods that enhance the competitiveness of SMEs (Micro, Small and Medium Enterprises). The LAG can also act as a

platform for social innovations to provide basic services for hard to reach communities. As CLLD strategies by definition are relatively small-scale, innovation does not necessarily relate to high-level technological development.

- **Environment:** Funding may be provided to protect the environment through greater awareness of environmental issues, efficient use of natural resources and heritage preservation. The local environment can also be promoted through rural tourism and local job creation afforded by demand for environmental goods/services.
- **Climate Change:** Funding can be provided to promote actions that reduce the carbon footprint of the community and local industry.

### 3.7 Smart Village Strategies

Smart Villages has become an increasingly central concept and delivery model in European rural development policy in recent years. In line with the CAP Strategic Plan regulation, Member States were asked to take into account the cross-cutting objective of modernising rural areas by fostering and sharing of knowledge, innovation and digitalisation in rural areas. The European Network for Rural Development (ENRD), now the EU CAP Network states [“the Smart Villages concept is primarily about how rural communities themselves make best use of both technology and social innovation to respond to ongoing and emerging challenge.”](#)

As well as being an overarching policy for this new LEADER programme, the Smart Villages concept has become an increasingly central concept and delivery model in European rural development policy in recent years. The concept implies the active participation of local communities in improving their economic, social and environmental conditions through innovative and collaborative initiatives and often with a focus on utilising digital technologies and the solutions and efficiencies that they can bring to communities. The Smart Villages concept is closely aligned with that of the LEADER approach. Indeed, once all the LEADER principles are applied, it creates the conditions for the development of Smart Village initiatives. Where Smart Village initiatives are identified as priorities in an LDS, LAGs will need to be innovative and align with policies such as the EU’s Long Term Vision for Rural Areas, as well as engaging with communities to progress and finance small-scale investments.

Much materials have been published on the [ENRD website](#) with regard to Smart Villages concept and most recently, as part of the LDS guidance development, a presentation on Smart Villages was presented to interested groups. This presentation can be viewed [on line](#) and may prove beneficial for communities who wish to develop a Smart Village Strategy for their area.

Article 77(1) (e) of Commission Regulation 2021/2115 states that *“Member States may grant support for co-operation under the conditions set out in this Article and as further specified in their CAP Strategic Plans to prepare and implement smart-village strategies, as determined by Member States.”*

The preparation and implementation of Smart Village strategies supported will be a result indicator for this Programme. The CAP Strategic Plan creates a specific indicator on the number of Smart village strategies supported/financed. (R.40 - Smart transition of the rural economy: Number of supported smart-village strategies). This result indicator will be captured as part of the Department's obligations under Ireland's CAP Strategic Plan Annual Performance Report. In addition, and in line with Article 15(5) of Regulation (EU) 2022/1475, LAGs must report on the number of projects (operations) related to smart village strategies.

This data will be collected in 2026 and 2030.



## 4 LEADER Implementation Structure

For the 2023-2027 programme period, LEADER will be positioned within a defined framework for development and implementation. It is important to define the roles of those organisations that will have a formal role in the LEADER elements of the CAP Strategic Plan.

### 4.1 Managing Authority

The Department of Agriculture, Food and the Marine (DAFM) is the Managing Authority for Ireland's CAP Strategic Plan (CSP) and has the primary responsibility for the implementation of all aspects of Ireland's CSP. The management of the LEADER element of Ireland's CAP Strategic Plan has been delegated to the Department of Rural and Community Development (DRCD).

### 4.2 The Paying Agency

The Department of Rural and Community Development is the Contracting Authority with delegated Paying Agency functions and is also the managing authority with responsibility for LEADER. The Department is responsible for ensuring that the systems and processes that support this function are compliant with all regulatory requirements. This includes inter-alia monitoring LAG compliance with financial management and decision-making requirements, for example through the annual performance review and annual planning process. In addition, the Department is responsible for the on-going checks and controls in respect of LAG expenditure, together with the payment of all project and administration expenditure to the LAGs.

### 4.3 Local Action Group

LAGs are the key body in the *LEADER delivery model*. The number of LAGs is determined on the number of approved local development strategies (LDSs) in each of the 28 sub-regional areas. The LAG is responsible for designing and implementing the LEADER Local Development Strategy, making decisions on actions funded through the LDS and managing the funding allocated to the LDS.

The LAG membership is *composed of representatives of public and private local socioeconomic interests, in which no single interest group controls the decision-making<sup>7</sup> from the relevant sub-regional area*. Typically, a LAG includes local authority elected members and officials, business representatives, representatives from the community and voluntary sector, local development representatives, farming interests, local state agencies, etc.

Article 33 of the EU Common Provisions Regulation (CPR) 2021/1060 outlines the roles of LAGs. LAGs are tasked with developing the LDS and implementing, with their partner organisations, the actions contained within the strategy. Thus, the LAG is responsible for animation, capacity building,

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<sup>7</sup> Article 31 (2) (b) EU Common Provisions Regulation 2021/1060

managing calls for projects, decision-making on local projects that are awarded funding and the financial management and monitoring of projects and the overall LDS. LAGs will report directly to DRCD on financial elements and to DRCD and/or its agent's on the oversight of the LEADER monitoring framework.

The activities of each LAG will include working and engaging with rural communities with a view to identifying and progressing innovative projects that enhance the viability and sustainability of that community. There will be a strong animation focus on areas which have not benefited from LEADER financial support in the past.

The LAGs engagement with all sectors of society in a sub-regional area will be crucial for the development phase of its LDS as well as its implementation and must include the seven principles of LEADER. In that regard, the membership of the LAG will include a broad range of public and private local socio-economic interests in order to secure the LAGs effective operation, and in doing so, reflect the objectives of its LDS.

#### **4.4 LAG Financial Partner**

Where the LAG is a partnership of bodies and interests (LCDC-led model), rather than a corporate entity in its own right (LDC-led model), it selects a lead partner from within the LAG to manage administrative and financial operations. The Lead Financial Partner is delegated to carry out Administrative Checks on non-Inhouse projects delivered by their LAG.

#### **4.5 LAG Implementing Partner**

LAGs may decide that a partner will have a more operational role in the delivery of LEADER and will be designated as an Implementing Partner in the local context. The implementing partner may be responsible for undertaking distinct tasks within LEADER (e.g. animation, administering calls for projects, financial management), with management oversight provided by the LAG. The specific tasks that are delegated to the Implementing Partner are at the discretion of the LAG and should be documented in a Service Level Agreement between the parties. A LAG may have more than one Implementing Partner.

#### **4.6 Animating Partner**

The LAG and Implementing Partner may work closely with an Animating Partner to assist with animation of the strategy and capacity building in their area. The tasks assigned to the Animating Partner should be documented in a Service Level Agreement between the parties.

#### **4.7 LAG Evaluation Committee**

Each LAG shall have at least one Evaluation Committee established for the purposes of assessing and evaluating applications submitted by project promoters. The Evaluation Committee makes

recommendations to the LAG as regards the suitability of projects for funding based on objective criteria.

#### **4.8 Project Promoter / Beneficiary**

A project promoter is an individual, group or other body (e.g. company) that submits a funding application to the LAG and, where successful, is given a contract to deliver the approved project. All projects that are approved by the LAG must be aligned with a local objective in the LDS. The project promoter, as a designated beneficiary of funding under LEADER, is responsible for the delivery of the project. A LAG and Implementing Partner can also apply for LEADER funding as a project promoter, LAG-led projects are called “in-house projects” and are dealt with in more detail in Section 5.

#### **4.9 Pobal**

Pobal provides technical and administrative support to the Department. It conducts Administrative Checks on LEADER expenditure relating to monthly administration returns, projects delivered by LDC LAGs and all In-house projects on behalf of the Department. At the Department’s discretion, these arrangements may evolve over the lifetime of the Programme.

## 5 Local Action Groups (LAGs)

LAGs are entities established with the sole purpose of delivering the LEADER programme. The LAGs are clearly and demonstrably independent in the discharge of their functions in relation to the LEADER programme. In accordance with Article 31 (2) (b) of the EU Common Provisions Regulation 2021/1060 community-led local development must be:

*led by local action groups composed of representatives of public and private local socioeconomic interests, in which no single interest group controls the decision-making*

The LAG decision making body should include a broad range of representatives from local sectors, including but not limited to, non-governmental organisations, local development companies, development agencies, local community-based groups, marginalised communities, youth organisations, cultural bodies, sporting bodies, social movements, networks and relevant public bodies. Each LAG should aim to secure a balanced gender representation.

LAG decision making members may also be members of other local decision making bodies such as a Local Community Development Committee, a Local Development Company, State Body or Local Authority. However, each member of the LAG decision making body will hold equal status on the LAG.

Central to the formation of the LAGs for the 2023-2027 LEADER programme will be the partnership approach, which consists of public and private interest groups coming together to deliver the programme.

### 5.1 Independence of the LAG

The LAG decision making members are responsible for the LAG and its operation which includes all decision making, setting meeting agendas, meeting dates and locations of meetings. Those assigned to assist the LAG in carrying out its business, must not interfere in or control the way that the LAG decision making members carry out their business.

### 5.2 Key LAG Implementation Tasks

Article 33 of the EU Common Provisions Regulation 2021/1060 outlines the role of the LAGs. The LAGs will be exclusively responsible for carrying out all of the tasks outlined in Article 33 (3) of that Regulation. At a minimum, LAGs are responsible for the following tasks:

*(a) building the capacity of local actors to develop and implement operations;*

*(b) drawing up a non-discriminatory and transparent selection procedure and criteria, which avoids conflicts of interest and ensures that no single interest group controls selection decisions;*

*(c) preparing and publishing calls for proposals;*

*(d) selecting operations and fixing the amount of support and presenting the proposals to the body responsible for final verification of eligibility before approval;*

*(e) monitoring progress towards the achievement of objectives of the strategy;*

*(f) evaluating the implementation of the strategy.*

The Department may assign additional tasks to the LAGs.

The LAG must, when performing its functions, have systems in place that ensure:

- Good governance;
- Transparency;
- Sound financial management;
- Informed decision-making; and
- Accountability to stakeholders.

These systems and processes must be detailed in the LAGs procedures manual.

### **5.3 LAG Responsibilities**

The roles and responsibilities of LAG partners are set out in the approved LDS of the LAG. The LDS will, where appropriate, identify the LAG Financial Partner and the LAG Implementing Partner(s).

The LAG may assign a more operational role in the delivery of LEADER or may delegate responsibility for certain tasks to a LAG member as an Implementing Partner (e.g. animation, administering calls for projects, processing applications, monitoring project implementation). Management oversight will continue to be provided by the LAG.

The tasks delegated to the Implementing Partner are at the discretion of the LAG, with the exception of the decision making function which cannot be delegated. The LAG must formally approve all decisions on projects. The LAGs procedures manual must detail the separation of duties between it and the various LAG members i.e. the duties of the LAG, the LAG Financial Partner and the LAG Implementing Partner(s).

LAG Implementing Partners must have the capacity, capability and systems in place to support the LDS implementation. In the first instance, the LAG is responsible for ensuring that each Implementing Partner has the required experience and capacity (systems, procedures, etc.) to undertake the tasks delegated to it. In addition, the Department must also be satisfied that all entities involved in implementation, including Implementing Partners, are capable of carrying out the roles and tasks assigned to them by the LAG.

LAGs may change their Implementing Partner(s) during the programming period subject to the prior written approval of the Department. Proposals to change Implementing Partners must include a

rationale outlining the reasons for the change and an assessment of the capacity and capability of the proposed new Implementing Partner. In reaching its decision, the Department will afford the Implementing Partner the opportunity to respond to the position outlined by the LAG.

Where a LAG Financial Partner is assigned, it has administrative and financial responsibility for the implementation of the LDS and the management of LAG operations generally. The administrative/financial tasks associated with this role, include:

- underwriting the LEADER related activities of the LAG and its members;
- providing advance administration and animation funding to support the activity of the LAG;
- making payments to project promoters on behalf of the LAG;
- submitting composite expenditure returns to the Department;
- undertaking, where designated, Administrative Checks; and
- submitting claims to, and requesting drawdown of monies from, the Department.

## **5.4 LAG Governance**

A corporate governance and accountability training plan should be developed and implemented for all LAG members to ensure the proper management and governance of the LAG. Training must also be provided to any new members joining the LAG. The cost of providing such training can be met from the LAG administration budget.

### **5.4.1 LAG Membership**

In line with Government policy, each LAG should aim to secure a balanced gender representation. The procedures of LAGs must ensure that no single interest group controls the decision making process of the LAGs.

Regardless of the composition of the LAG, whether it is LDC-led or LCDC-led, the LAG is considered a separate entity to the LDC board and the LCDC.

### **5.4.2 LAG Meetings**

A LAG meeting must be a standalone meeting with its own agenda and minutes and satisfy the requirements of the 2023 – 2027 LEADER Operating Rules and any subsequent Circulars that may have issued. A quorum of 50% of the total LAG membership (rounded up to the nearest whole number) must be present for a meeting of the LAG to take place. At all times the LAG must ensure that no single interest group controls the decision making process. Every effort should be made to ensure LAG members are physically present at meetings. However, a LAG may decide to allow members attend meetings and take decisions via telephone or other video conferencing facility and this attendance may be included to meet the quorum requirement of 50%. The member(s) attending by telephone / video conferencing facilities must be capable of speaking to and be heard by all attendees. The minutes of the meeting should record the names of those who attend via telephone or video conferencing facility and the interest group they represent In this regard, the LAG Decision Meeting

Attendees form (Appendix 8) must be used to record attendance and representation details. For projects where there is a conflict of interest, the LAG Decision Meeting Conflict of Interest Abstainers form (Appendix 9) must be completed for each project where a conflict of interest has been declared by a member.

A meeting should be postponed and rescheduled if a quorum cannot be raised.

#### **5.4.3 LAG Decisions**

For the purposes of securing an inclusive and representative decision-making process, any decisions taken by the LAG must:

- be voted on by at least 50% of LAG members – this applies to decisions validated by the LAG membership after all relevant conflict of interest issues have been addressed; and
- be carried by majority vote; and
- be non-discriminatory and transparent; and
- ensure that no single interest group controls the decision making process.

Where a decision is being made at a LAG meeting and a LAG member decides to abstain from voting after conflicts of interest have been declared, this LAG member will be counted for quorum purposes.

Where the above governance requirements are not in place, the decision should be postponed until such time as these governance requirements are in place.

The Chairperson does not have a casting vote. Where there is a tied vote, a motion is deemed not to be carried.

#### **5.4.4 Written Procedure**

The largely voluntary status of LAG members is recognised. Accordingly, the LAG decision-making arrangements may facilitate voting by written procedure, thus ensuring participation in the decision-making by LAG members who are unable to attend the relevant LAG meeting. LAG members must be provided with the relevant documentation and indicate their vote in advance of the meeting.

LAG Decision Making Members may decide on project applications for funding by Written Procedure. Decision Making Members who avail of voting using Written Procedure will be counted to meet the quorum requirement of 50% for LAG decisions on funding applications for LEADER projects. Where a LAG Decision Making Member has a conflict of Interest, they should declare this in the Written Procedure voting document supplied to them and they must not vote on the item for which they have a declared conflict of interest.

Procedures to be followed where Written Procedure for deciding on project applications for funding is being utilised by the LAG, all of the following must be observed:

- All LAG Decision Making Members must be provided with the relevant documentation for each project application to enable them to make their decision and they must be given adequate time to return their Voting ballot to the LAG Authorised Officer;
- The returned voting ballot must contain the name and interest group of the LAG decision making member casting the Vote and be dated by that member;
- The voting ballot must contain a section for the LAG decision making member to declare any conflict of interest if appropriate;
- The returned Voting ballots must be opened after the closing date and in the presence of the LAG Chair (or Vice-Chair where the Chair is not available or other LAG decision making member) and the LAG Authorised Officer (evidence of this must be provided);
- The decision for each project funding application must be recorded in a document showing:
  - The correspondence issued to the LAG decision making members; and
  - The date this correspondence issued to the LAG decision making members and the final date for receipt of Voting ballots by decision making members; and
  - Details of any conflicts of interest declared; and
  - The decision of each LAG decision making member broken down by the interest group they represent; and
  - The Collective Decision of the LAG decision making members; and
  - This document must be signed and dated by the LAG Chair (or Vice-Chair where the Chair is not available or other LAG decision making member) and uploaded onto the LEADER IT System; and
  - The result must be recorded in the LAG Meeting Minutes.
- The Voting must be in line with LAG decisions as set out in Section 5.4.3 of the 2023 – 2027 LEADER Operating Rules.

Decisions taken where the above governance requirements are not met will be deemed invalid. Where the above governance requirements are not in place, the decision should be postponed until such time as these governance requirements are in place.

#### **5.4.5 LAG Procedures**

LAGs must detail, in their respective procedures manuals, how the above requirements will be implemented. The Chairperson is responsible for ensuring that these requirements are met and that all decision-making is appropriately documented. All decisions and deliberations of the LAG and the Evaluation Committee must be recorded in the relevant meeting minutes.

The LAG minutes must confirm:

- in respect of each decision, that it was made by representatives of public and private local socioeconomic interests, in which no single interest group controlled the decision-making; and
- the sectors represented by the members attending the LAG meeting.



LAGs must ensure that they use the relevant templates: Appendix 7 - LAG Decision Making Minutes Template; Appendix 8 - LAG Decision Making Meeting Attendees Template; and Appendix 9 - LAG Decision Making Meeting Conflict of interest Abstentions Template.

It is sufficient for LAG minutes to be signed by the LAG Chairperson or person chairing the LAG meeting.

#### **5.4.6 Conflict of Interest**

LAGs, Local Authorities and Pobal are prescribed public bodies under the Ethics in Public Office Acts by virtue of S.I. 678 of 2006<sup>8</sup>. LAGs shall ensure that they meet their obligations under the Ethics in Public Office Acts 1995 and 2001.

The LAG procedures manual must include procedures for managing potential and actual conflicts of interest. Procedures must provide for LAG decision making members, LAG Evaluation Committee members and staff members to declare, and have recorded, conflicts of interest. Where a LAG decision is deemed invalid due to a conflict of interest, all funding will be deemed ineligible and must be repaid by the LAG to the Department – no liability will accrue to the project promoter(s) in such cases.

LAG decision making members, LAG Evaluation Committee members, and the staff of LAGs and their Implementing Partners/Animating Partners must complete an annual conflict of interest declaration and a register of interests declaration. The Authorised Officer is responsible for ensuring compliance with these requirements.

A LAG decision making member / LAG Evaluation Committee member / staff member shall be deemed to have an interest in a particular matter where a person connected with that LAG decision making member / LAG Evaluation Committee member / staff member has such an interest and the LAG decision member / LAG Evaluation Committee member / staff member could be expected to be reasonably aware of the existence of that interest. For this purpose, a person is connected with a LAG decision making member / LAG Evaluation Committee member / staff member, Administrative Checking Body staff member if that person is:

- a spouse, parent, brother, sister, child or step-child, other relative or co-habitee of that LAG decision making member / LAG Evaluation Committee member / staff member; and/or
- a body corporate controlled by a LAG decision making member / LAG Evaluation Committee member / staff member within the meaning of Section 220 (3), (4), (5), (6), (7) and (8) of the Companies Act 2014; and/or

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<sup>8</sup> <http://www.irishstatutebook.ie/eli/2006/si/678/made/en/print>

- a person acting as the trustee of any trust, the beneficiaries of which include the LAG decision making member / LAG Evaluation Committee member / staff member or the persons/organisations acting as a LAG partner.

Upon appointment, and where any change occurs, each LAG decision making member / LAG Evaluation Committee member / staff member shall furnish full particulars of their interests. These interests shall include their employment, all business interests and community involvement, including voluntary work for charities hereinafter referred to as 'Interests', which might involve a conflict of interest or might materially influence the LAG decision making member / LAG Evaluation Committee member / staff member in relation to the performance of their functions. This duty to disclose is without prejudice to the on-going obligation to make specific disclosure of interests relating to any project being considered by the LAG.

Conflict of interest matters must be included on the agenda of the LAG and Evaluation Committee meetings. LAGs must ensure, and record, that conflicts of interest have been managed correctly by LAG and Evaluation Committees.

LAGs and their Implementing Partners and Animating Partners must ensure, and record, that conflicts of interest have been managed correctly in regard to members of staff and should be updated as a conflict occurs and reviewed annually.

LAG decision making and Evaluation Committee members must declare at each meeting the nature of their interests in:

- any application to the LAG for financial or other support; and/or
- any initiative taken by the LAG; and/or
- any contract or proposed contract with the LAG in which a LAG decision making member, or a connected person is directly or indirectly involved; and/or
- any matter from which the LAG decision making member, or a connected person, may stand to benefit directly or indirectly from their position as a LAG decision making member or from the operation of the LAG.

Where a Conflict of Interest is declared, that person must absent themselves from any deliberations where such a declaration is made. This declaration must be formally recorded in the LAG / Evaluation Committee minutes.

The requirement to declare a conflict of interest applies to all persons involved in processing an application for LEADER support, as well as the evaluation of that application and the Administrative checking of the application and claim(s) for that project. In instances where there is a conflict of interest from a staff perspective in either the LAG or Implementing Partner or Animating Partner or Administrative

Checking Body, this should be noted and the staff member must not be involved in working on the project where the conflict occurs.

#### **5.4.7 Conflict of Interest - Administrative Checking Bodies**

The Administrative Checking Body must have processes and procedures in place to deal with conflict of interest situations that may arise for staff involved in any or all of the administrative checking processes involving LEADER projects and LAG Monthly Returns.

The requirement to declare a conflict of interest applies to all persons involved in carrying out Administrative Checks on all aspects of an application for LEADER support, as well as the evaluation of those processes required to complete the necessary delegated Administrative Checks. In instances where there is a conflict of interest from a staff perspective in the Administrative Checking Body, this should be noted and the staff member must not be involved in working on the administrative checking of a project where the conflict occurs. The relevant manager should be notified and the checking passed to a colleague for completion.

### **5.5 LAG Evaluation Committee**

The LAG must establish at least one Evaluation Committee to assess and evaluate all applications for LEADER funding. The Evaluation Committee will be solely responsible for making recommendations for funding, or otherwise, to the LAG.

The structure, membership and specific arrangements for the Evaluation Committee are a matter for the LAG, however, the LAG must ensure the integrity of the evaluation process and put in place arrangements that are:

- fair and non-discriminatory – all applicants must be treated equally;
- open and transparent – applicants must be informed of the methodology and approach to evaluating each application, and the results of the evaluation should be made available to the applicant together with the LAGs final decision;
- A copy of the scoring, methodology framework and a reasoned decision should be made available to the applicant, upon request.

The Evaluation Committee membership may vary according to theme, call for applications, etc. Evaluation Committee members cannot be LAG members. Similarly, where the LAG has assigned implementing responsibility to an Implementing Partner and/ or Animating Partner, no person associated with the Implementing Partner and/ or Animating Partner can be a member of an Evaluation Committee considering an Implementing Partner/ Animating Partner in-house project. i.e. no staff member, no Board member, etc. can be a member of the Evaluation Committee evaluating an in-house project of the Implementing Partner or Animating Partner, they must declare a conflict of Interest and leave the meeting when the “in-house” project is being evaluated – this must be recorded in the Evaluation Committee minutes.

In cases where an “in house” project is being evaluated, there must be a clear linkage/alignment to an LDS priority that would have been identified during the development stage of the LDS for the sub-regional area concerned.

Members can be rotated, however, between the Evaluation Committee and the LAG, as required. This will help retain expertise within the LAG and the Evaluation Committee in the medium term.

A LAG may decide to allow members of their Evaluation Committee(s) to attend Evaluation Committee meetings via telephone or other video conferencing facility and that this attendance may be included to meet the quorum requirement. This decision must be approved by the LAG and recorded in the LAG minutes of the meeting where the decision is made.

The member(s) attending by telephone / video conferencing facilities must be capable of speaking to and be heard by all attendees. The minutes of the meeting should record the names of those who attend via telephone or video conferencing facility.

#### **5.5.1 Evaluation of Projects**

The Evaluation Committee must complete a formal evaluation scoring record (Appendix 6), based on objective criteria. This scoring record must be signed and dated by the Chairperson of the Evaluation Committee, or person chairing the meeting where the Chairperson is not available, and then submitted to the relevant Administrative Checking Body to carry out the required Administrative Checks. The project must have passed all the necessary Administrative Checks before being presented to the LAG for final decision. The LAG may adapt the evaluation scoring template of the Evaluation Committee to suit its own local needs, provided that all of the project assessment criteria in the template are retained.

A project must score a minimum of 65% of the total marks to be recommended for approval to the LAG. Where there is a targeted call for applications, projects should be ranked in order of highest to lowest as per the scoring record and funding distributed according to this ranking.

The final evaluation score and recommendations agreed by the Evaluation Committee in respect of a project application must be signed and dated by the Chairperson, or person chairing the meeting where the Chairperson is not available, before submission to the LAG and must not be amended or rejected by any other person, group or body prior to their submission to the LAG.

A detailed record of the Evaluation Committee’s assessment and recommendations must be maintained on the LEADER IT System document repository. This record must include a clear rationale for each recommendation, as well as the recommended rate of aid, grant ceiling and any conditions the Evaluation Committee recommends should attach to the project. Signed minutes of all Evaluation Committee meetings must be retained on the LEADER IT System document repository.

The LAG may ask the Evaluation Committee to reconsider its recommendation or seek further information on the project before reaching a decision. The LAG is not obliged to accept a recommendation of the

Evaluation Committee. Where the LAG rejects a recommendation, it must clearly record the rationale for its decision. Where the LAG rejects a recommendation not to award funding to a project, it must complete a single evaluation scoring record template and ensure that the minimum aggregated threshold of 65% is reached.

## **5.6 Amendment to Local Development Strategy (LDS)**

The Local Action Group (LAG) may not modify the Financial Plan of the Local Development Strategy as approved by the Department, without the prior written approval of the Department and no such modifications will be considered in advance of 12 months from the date of signing the Funding Agreement between the LAG and the Department.

## **6 Project Application and Assessment Arrangements**

### **6.1 Expressions of Interest (EOI) and Application**

An Expression of Interest (EOI) must be recorded on the LEADER IT system in respect of all potential applicants prior to the applicant submitting an application for support. This process facilitates an initial engagement with the applicant on the details of the project, its consistency with the LDS objectives and the steps involved to bring it to fruition.

The LAG can decide whether to:

- (i) Require potential applicants to complete an Expression of Interest form (Appendix 1); or
- (ii) Directly record the details of the potential applicant on the LEADER IT system itself, without requiring the applicant to complete the EOI form. Where a LAG or its Implementing Partner has a query for the Department on the eligibility of the proposed project it will be required to get the applicant to complete the EOI and submit the completed EOI to the Department with its query.

In the case of (ii), the LAG must ensure that the mandatory information required on the LEADER IT system is obtained and inform potential applicants that their details will be recorded on the LEADER IT System. The LAG may decide to apply one system for particular applicants [e.g. all applicants or applicants under a specific call] or allow staff members in the LAG or Implementing Partner to decide the approach on a case by case basis. This decision must be recorded in the minutes of the LAG meeting where it is being discussed and decided on.

Many EOIs will not progress to full application stage e.g., the project involves ineligible activities, the project is not in line with the terms of the call for EOIs, or the project is not in line with the LDS objectives. To avoid unnecessary delays in the process, the decision to approve or reject an EOI can be made by staff members in the LAG or Implementing Partner. The decision must be recorded on the LEADER IT system.

To ensure equal treatment for all applicants, EOIs that are considered ineligible must be periodically notified to the LAG decision making members. Accordingly, a list of all EOIs received in the relevant period and considered ineligible by a member of staff must be submitted to the LAG meeting at least on a quarterly basis, together with a short description of each EOI and reasons why it is considered to be ineligible. The LAG decision making members can decide whether or not to review the list of ineligible EOIs prior to ineligible applicants being informed, however every effort should be made not to delay the process.

The list of ineligible EOIs submitted to the LAG must be recorded in the meeting minutes. LAG decision making members may request that additional information be provided in respect of any EOI. The LAG decision making members may reject the initial assessment of any individual EOI that was

deemed to be ineligible and direct that an applicant be given the opportunity to submit an application for full evaluation and consideration by the LAG.

Where the LAG decision making members decide to reject the initial assessment of any individual EOI, this must be considered and recorded in the same way as all other LAG decisions, including the declaration of any conflict of interest in respect of the individual EOI.

In the case of targeted calls, where the LAG decides to review the list of ineligible EOIs after the successful applicants have been informed, and overturns a decision to reject an EOI, the applicant/project promoter should be provided with additional time to prepare an application so that the project promoter is not disadvantaged in comparison to other applicants under the same targeted call. This application can proceed outside of the targeted call process if necessary. To avoid this situation, it is suggested that the closing date for targeted calls should coincide with a LAG meeting so that the list of ineligible EOIs can be considered by the LAG decision making members immediately and the ineligibility decision amended where necessary.

## **6.2 Targeted and Rolling Calls for EOIs**

The LAG must undertake animation activities targeted at the areas and communities that have been identified in their LDS as in greatest need of funding. Some EOI applicants may not have the necessary skills to deliver projects. These applicants should be provided to the extent possible, with training and capacity building to assist them to submit an application.

LAGs may accept EOIs on a 'rolling call' ('first-come, first served') basis or on a 'targeted call' (competitive) basis. LAGs must undertake at least one targeted call in each year from 2024 - 2027. The targeted call should, in particular, focus on innovative funding areas, cross-cutting objectives and strategic areas that can inform best practice under LEADER and wider community development.

Where the required minimum of one targeted call per year is not undertaken in any of the years 2024 - 2027, the Department will deduct 5% from the LAGs LDS allocation and redistribute to other LAG areas.

Targeted and rolling calls must be widely publicised, e.g. on the LAG's website, at information meetings and/or in the local media.

Where an EOI is eligible, the potential applicant must be informed of the qualifying criteria and marking scheme to be used in assessing their full application. All EOI applicants must be informed if their Expression of Interest is ineligible. Unsuccessful applicants at EOI stage or application stage, under both targeted and rolling calls, can appeal the decision to the LAG (Section 23).

### **6.2.1 Specific arrangements for Targeted Calls**

The purpose of targeted calls for EOIs, and the subsequent application, is to allow LAGs to target funding at areas where it can deliver the most value, and where a comparative assessment is considered appropriate.

LAGs should take the necessary steps to ensure that targeted calls are attractive to potential applicants. For example, the LAG could:

- Provide additional supports to applicants under targeted calls.
- Ring-fence amounts of funding under a targeted call.
- Deem that, for a defined period, certain types of projects are only eligible for funding through a targeted call.

The two stages of the targeted call include the following:

➤ *Stage 1 – Call for EOIs*

Stage 1 must detail:

- the theme or themes under which the call is issued;
- the proposed overall budget for the call;
- the maximum level of funding available to any individual project;
- the closing date for the receipt of such EOIs; and
- any additional qualifying criteria to be used to decide EOI eligibility, together with the timeframe for assessing and notifying EOI applicants of the results of the process.

➤ *Stage 2 – Application stage (submission of application form):*

Those successful at EOI stage will be eligible to submit an application as part of the second stage of the targeted call. EOIs that progress to stage 2 must be informed of the indicative timeframe for assessing and notifying applicants of the results of the process.

*Application Fees*

The charging of application fees or other fees to applicants is not permitted.

### **6.3 Simplified Cost Options**

The use of flat rates, unit costs and lump sums (referred to as 'simplified costs' or SCOs/ Simplified Cost Options) is considered by the European Commission (EC) and European Court of Auditors as a better way of calculating eligible project costs because, when compared to the traditional 'real costs' reimbursement method, it reduces the likelihood of error and corresponding administrative and audit burden on beneficiaries.

The use of simplified costs is an option for the Member State concerned, at beneficiary level, the Department may decide to make such use optional or compulsory for all or part of the beneficiaries, or for all or part of the operations. In cases where the simplified costs as an option is not compulsory for all, the scope of the Simplified Cost Options to be applied, i.e. the category of projects and activities of beneficiaries for which they will be available, should be clearly specified and published in accordance with the general principles of transparency and equal treatment.



There are three types of cost category where the Simplified Cost Option can be applied with regard to LEADER, these are:

- Preparatory Support
- Project costs
- Administration and animation costs

A number of SCOs are now being considered in respect of project and administration costs in line with Article 83 of the CAP SP Regulation 2021/2115.

Where a decision is made by the Department on the introduction of the Simplified Cost Option for any part of the LEADER programme, all LAGs and their Implementing Partners will be notified of such a decision by Circular.

#### **6.4 Added Value of LEADER**

There is a strong need to demonstrate the added value of LEADER compared to supports provided through other funding streams. The added value of LEADER is derived from the full application of the 7 LEADER principles. As part of the LDS development, each applicant LAG must clearly demonstrate the added value of the LEADER approach to rural development.

The added value of LEADER can be expressed as:

- improved social capital;
- improved governance;
- enhanced results and impacts of programme/strategy implementation.

The assessment of the added value of LEADER refers to the benefits that are obtained as a result of the proper application of the LEADER method, compared to those benefits which would not have been obtained without applying this method. [The Guidelines for the Evaluation of LEADER](#) provide recommendations for LAGs on how to conduct evaluation activities, including added value, at the local level.

In line with the Stage 2 LDS guidance, the added value of LEADER must be incorporated and reported on in all LAG evaluations undertaken at mid-term (2026) and ex-post stages (2029/2030). This is a legal requirement as per Article 140 of the CAP SP Regulation 2021/2115.

#### **6.5 Eligibility of the Beneficiary**

It is necessary for the LAG to decide on the eligibility of the beneficiary for LEADER funding. A beneficiary is a natural / legal person or a private / community based group responsible for initiating and implementing the LEADER project.

The LAG must check that at the time of application:

- 1) the beneficiary meets the De Minimis / State Aid requirements in relation to previous public funding awarded. If funding is provided to a project applicant by other public Funding Agencies, they should contact these Funding Agencies to ascertain if this funding is considered State Aid. These Funding Agencies should advise the project applicant if the funding they provided is De Minimis / State Aid as well as the amount(s) and relevant dates of award for this funding. Where the project applicant is a farmer and/or has a DAFM identifier number, and receives funding from DAFM, they should contact that Department for a statement /declaration detailing any funding awarded to the project promoter that is considered to be Agricultural De Minimis in the three-year fiscal period, the amount(s) of this funding and the date of award of this funding. If State Aid is not applicable, this must be clearly recorded on the LEADER IT System document repository;
- 2) the beneficiary is not excluded from receiving LEADER funding, unless otherwise agreed with the Department, e.g. if it is established under previous LEADER funding that that there was a serious non-compliance, false evidence was provided, or information was not provided due to negligence, the beneficiary shall be excluded from the LEADER programme for the calendar year of the finding and for the following calendar year;
- 3) the beneficiary is solvent;
- 4) there is no current outstanding debt associated with the support provided to the beneficiary under this or any previous LEADER programme. In cases where there is a debt, and the beneficiary is not actively repaying this debt in line with a repayment schedule agreed with the Department, the beneficiary is not eligible for support.

For the purposes of point 2 above, the LAG / Implementing Partner must check that the project promoter is not excluded from receiving funding on the basis of serious non-compliance or providing false evidence under this or the previous LEADER programme delivered in the LAG area. Where there is evidence that the project promoter may have been funded previously in another LAG area, the LAG / Implementing Partner must obtain assurances from the LAG / Implementing Partners in that area.

## **6.6 Project Application Assessment**

### **6.6.1 Assessing the Eligibility of Projects**

In determining the eligibility of a project the LAG must, in the first instance, assess if the project constitutes an eligible activity as per:

- the relevant EU Regulations; and
- the CAP Strategic Plan 2023-2027, programme objectives and the specific theme and sub theme for which funding is sought; and

- the Operating Rules, Circulars, Q&A Documents and the Guidelines for 2023-2027 LEADER Projects Affecting Heritage; and
- the objectives and actions identified in the LAG's Local Development Strategy.

All interventions funded under LEADER must be considered in the context of national policy frameworks and support programmes e.g., the National Broadband Plan (broadband support through LEADER will be for ancillary broadband services and not infrastructure (Section 6.6.12).

A project must comply with all the requirements above to be considered eligible for funding.

If the project satisfies these requirements, the LAG must then complete the Project Checklist and Project Assessment Report.

### **6.6.2 Ineligible Sectors and Activities**

This section applies to both project activity and LAG administration & animation costs. It is not an exhaustive list and may be revised at the discretion of the Department throughout the programming period.

Where the LAG is in doubt as to the eligibility of any sector or activity, it is recommended that guidance is sought from the Department prior to processing the application.

Aid shall not be awarded or paid in respect of the following areas:

- Primary Agriculture:

For LEADER purposes, Primary Agriculture includes the breeding, keeping and sale of livestock (cattle, goats, horses, pigs, poultry, sheep and any animal kept for the production of food, wool, skins or fur), the milking of livestock, the making and storage of fodder for livestock, the cultivation of land, the growing and harvesting of crops (including forestry and horticultural crops), fruit collecting, fishing and hunting and collecting forest fruit and herbs. It also includes the handling, transport and storage of primary products at their site of production.

LAGs should firstly ascertain if the activity is covered by any current DAFM scheme. Where a project can be funded by a DAFM Scheme, it may be eligible for LEADER funding. However, in this case the rate of aid paid should not exceed the rate that would be paid under the DAFM scheme. If the activity does not qualify for DAFM funding, that does not automatically mean that it will qualify for LEADER funding as the core activity may still be deemed to be primary agriculture.

For added value or secondary processing of primary agriculture activities to be eligible, the activity must not involve growing or harvesting primary agricultural products. i.e. it must be a post harvesting activity.

- Primary Horticulture (including bee-keeping):

For LEADER purposes, Primary Horticulture means a branch of agriculture that relates to the cultivation, production, harvesting, and preparation for the market of fruit, vegetables, herbs, edible fungi, mushrooms, sprouts and/or sprouted seeds, nuts, edible flowers, cut flowers, foliage plants, hops, sports turf, honey, pot plants, bedding plants and herbaceous plants, nursery stock and Christmas trees, fruit trees, fruit bushes and fruit plants, bulbs, corms and tubers, ornamentals and lawn grasses.

LAGs should firstly ascertain if the activity is covered by any current DAFM scheme. Where a project can be funded by a DAFM Scheme, it may be eligible for LEADER funding. However, in this case the rate of aid paid should not exceed the rate that would be paid under the DAFM scheme. If the activity does not qualify for DAFM funding that does not automatically mean that it will qualify for LEADER funding as the core activity may still be deemed to be primary horticulture.

For added value / secondary processing horticultural activities to be eligible, the activity must not involve growing or harvesting. The activity must be post-harvest and add value, an example being, jam making, fruit processing.

Community gardens, where there is no commercial activity involved are eligible to be considered for funding.

- Fisheries - Commercial activities involving fisheries, including but not limited to fish farming, fish processing and fishing in general.
- Purchase of animals or livestock.
- Conventional retail operations, excluding community based shops and farm shops, outlets selling locally produced produce.
- Courses of instruction or training which form the part of normal education programmes or systems at pre-school, primary, secondary or higher levels up to and including FETAC & QQI Level 10.
- Private schools and colleges, Sudbury type schools, Montessori schools, Creches. Boards of Management of such institutions, all schools funded in any way by the Department of Education, including private schools.
- Research bodies.
- Continuous professional development courses.
- Loans.

- Working capital (including stock) funding for a training course provider to run their own course/ training course provider getting funding to run a course and get paid for it out of project funding aid.
- Operational Costs of Project Promoters – salary/overheads etc.
- Insurance for project promoters.
- Payments for gifts, donations or personal entertainments, Small Benefit Tax Exemption, Inducements to take part in Training e.g. shopping voucher for attendance.
- Statutory fines and penalties, criminal fines and damages.
- Legal expenses in respect of litigation, except for those provided for under Section 14.5.
- Costs associated with meeting a legislative or statutory requirement.
- Planning application fees and other measures required for compliance.
- Reclaimable VAT.
- Improvements/refurbishment of private residential property.
- B&B's that are part of a private residence.
- Cars, industrial/farm/construction vehicles, vans, buses, tractors, diggers, mini-diggers, excavators, forklifts, including trailers to transport such vehicles.
- General maintenance works of public bodies.
- Works that normally come within the remit of Local Authorities and/or is included in the development plan of a Local Authority.
- Childcare.
- Health Care & Health Care equipment - unless in exceptional cases where approved by the Department.
- Nursing homes.
- Housing.
- Race and sport horse industries, with the exception of ancillary activities for the provision of services to those industries (section 6.6.14).

- Greyhound Industry and activities that involve greyhounds, such as but not limited to, greyhound tracks, training facilities, and ancillary activities for the provision of services to those industries.
- Projects where products being funded are made outside Ireland and are kept outside Ireland.
- In-house Projects involving capital works, such as construction and renovations.
- Mentoring is not eligible as a standalone project. It may be included as a module in a training project. Mentoring and other capacity building activity must be funded from the LAG Administration and Animation Budget.

### **6.6.3 Capital Investment Operations**

The following investments operations are eligible for funding:

- a. construction, acquisition or improvement of immovable property;
- b. purchase of new machinery and equipment, excluding the items specifically listed as ineligible, up to the market value of the asset;
- c. general costs linked to expenditure referred to in points (a) and (b), such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including feasibility studies. Feasibility studies shall remain eligible expenditure even where, based on their results, no expenditure under points (a) and (b) is made;
- d. intangible investments such as the acquisition or development of computer software and acquisitions of patents, licences, copyrights, trademarks.

### **6.6.4 Professional costs**

Professional costs such as the fees of architects, archaeologists, engineers and consultants, shall be eligible for funding up to a ceiling of 12% of the capital costs of such projects. This ceiling is the cumulative limit for all professional fees associated with a project and the percentage should vary depending on the work carried out. Professional fees associated with a capital project e.g. an architect preparing plans for planning permission, are not eligible as a standalone project. In light of the level of complexity involved in these types of projects, the 12% limit on professional costs does not apply to heritage and environment projects as defined in the Guidelines for 2023-2027 LEADER Projects Affecting Heritage and is available from the Department on request.

Professional costs are not permitted as a stand-alone project unless they come under the definition of analysis and development (section 6.6.13).

### **6.6.5 Deadweight**

LAGs must not grant-aid projects that are capable of proceeding without LEADER funding. The analysis of deadweight is an integral part of the evaluation process. It must be considered by the LAG in all applications. Moreover, applications must be accompanied by a declaration by the project promoter that the project is not capable of proceeding without LEADER funding. The declaration does not obviate the

need for the LAG to examine deadweight and determine whether the project could proceed without programme funding. The rationale underpinning the assessment of deadweight must be recorded in the LAG and Evaluation Committee minutes.

#### **6.6.6 Displacement**

Displacement occurs where an activity funded using public funds impacts negatively on a similar activity elsewhere. It may often lead to market distortion. Funding must not be awarded if it will result in an unacceptable level of displacement e.g. closure or loss of business for another enterprise elsewhere, whether it is within the LAG's area or a neighbouring LAG's area.

Funded activities do not need to be identical to activities already in existence to result in displacement. Displacement must be considered on a case-by-case basis. The LAG should consider:

- the market for the product or service in question; and
- the competitors in that market; and
- the potential impact of the new product/service in that market.

Displacement often affects bigger areas than the LAG region e.g. it may impact in other jurisdictions such as Northern Ireland and other Member States.

The issue of displacement must be assessed in every case. The rationale for the decision made on displacement must be recorded in the LAG and Evaluation Committee minutes.

#### **6.6.7 Engagement with other funding sources**

Generally, the LAG should direct its operations, in the first instance, towards aiding projects where the integrated nature and method of implementation or delivery of the projects represent new and locally innovative approaches and the LAG can demonstrate the added value to the project of LEADER funding the project. However, there may be overlap between types of activity that could be supported from a number of funds, including LEADER.

LEADER must not double fund an item of expenditure that is funded from another public source. The project promoter must indicate in their application for funding, if an application has been made by them, their organisation or a linked enterprise for funding of the same project to another public funding body. In their Site Visit report prior to signature of the Letter of Offer and Pre-Payment Site Visit Report, the project Development Officer will be required to get confirmation from the project promoter that that this project has not been awarded funding from any other public body. At payment stage, in the claim form, the project promoter will be required to certify that this project has not been awarded funding from any other public body, except as provided for in agreed joint-funding arrangements.

Furthermore, the project promoter is required to declare any other public funding sources applied for, or received, for the items for which grant aid is being sought, both at application stage and at each grant

payment stage. The LAG must bring these requirements to the attention of each project promoter and a declaration to this effect should be added to the LAG application and payment request forms.

The requirements related to double funding do not preclude other public matching funds being used to co-finance the project where this is identified and approved by the LAG at the outset of the project in accordance with Section 11 of the LEADER Operating Rules.

#### **6.6.8 Local Enterprise Office Supports**

The LEOs are the 'First Stop Shop' for anyone seeking information and support on starting and growing a business in Ireland. LEADER must complement rather than compete with LEO activity. Effective systems of collaboration and consultation between the LEO and the LAG should be put in place to secure co-ordination, to avoid duplication, to secure the effective use of public monies and to deliver a more streamlined service to applicants/promoters.

#### **6.6.9 European Maritime Fisheries and Aquaculture Fund (EMFAF)**

LEADER funding shall not be used to support the fisheries sector or aquaculture production facilities. LEADER may complement actions, however, under the EMFAF by providing support for individual projects in coastal communities that are not receiving funding from the EMFAF or involved in the fisheries sector, including but not limited to aquaculture production facilities.

Where the potential for overlap or double funding exists on projects that are not in the fisheries sector or aquaculture production facilities, the LAG must discuss funding arrangements with the Fisheries Local Action Group (FLAG), the responsible implementing body for the EMFAF, to ensure, at a minimum, that there is no double funding. Written confirmation that there is no double funding must be retained on file. Ideally, the LAG should develop a local protocol or memorandum of understanding with the FLAG to clarify roles and funding arrangements.

#### **6.6.10 Capability of Project Promoter**

The evaluation of projects must include an assessment of the applicant's capacity to implement the project (qualifications, training, skills, etc.). Grant aid must not be awarded if the project promoter does not have the capacity to bring the project to completion and to sustain it into the future. Where appropriate, the LAG should work with the project promoter to address any gaps identified.

#### **6.6.11 Sporting Facilities**

Where LAGs are considering funding a facility on the grounds of a sporting organisation e.g. GAA, soccer, golf, tennis or any sporting club, the award of funding must be conditional on the project promoter developing and implementing an *inclusion strategy* to ensure use of the facility by the entire community. The promotion of equality of gender and marginalised communities should be included as part of the required Inclusion strategy. It is not sufficient to state that the sporting facility is open to all. Active efforts should be made to market the sporting facility to all segments of the community. It should include details of their activities under the inclusion strategy, as well as outlining the use of the sporting facility.



### 6.6.12 Broadband Infrastructure and Broadband Connection Points

The following two definitions relevant to broadband infrastructure cannot be funded by LEADER under the Optimising Digital Connectivity sub-theme as it is covered by the National Broadband Plan (NBP):

- **Broadband - Physical Infrastructure:** can be categorised as any element of a network without becoming itself an active element of the network, such as cables, pipes, masts, ducts, inspection chambers, manholes, cabinets, buildings or entries to buildings, antenna installations, towers and poles.
- **Broadband - Electronic Communications Network Infrastructure:** can be categorised as transmission systems such as switching, routing systems, external boosters used to strengthen/enhance Wi-Fi connections, which permit the conveyance of signals by wire, by radio, by optical or by other electromagnetic means.

LEADER funding can be provided for the following infrastructure items under the LEADER Optimising Digital Connectivity sub-theme up to a maximum of 75% of the eligible project costs for both community based and private promoters, subject to a maximum funding limit of €10,000 per successful proposal:

- Small scale equipment, such as in-building boosters which ensure a reliable connection for end users, to allow local businesses/citizens access to broadband at the premises.
- Mobile phone repeaters in certain instances, e.g. mobile phone repeaters used to improve mobile phone coverage in a community facility.
- Cabling infrastructure, e.g. indoor broadband cabling.

Funding under the Optimising Digital Connectivity sub-theme is not limited to physical infrastructure. Examples of the other funding opportunities under this LEADER sub-theme include:

- **IT Equipment:** The provision of IT equipment may be funded under the Broadband sub-theme. The type of IT equipment which can be funded includes desks, PCs, laptops, monitors, large screens, easy use tablets for the elderly. The provision of IT equipment may also be funded under many of the other LEADER sub-themes where support of this nature is in line with the objectives of the approved LDS. Funding for IT equipment is subject to the maximum rate of 75% for both community based and private promoter projects, subject to maximum funding limit of €200,000 per successful proposal.
- **Feasibility studies:** Feasibility studies can be funded to allow communities to explore the options available to them. No follow on funding can be allocated to broadband infrastructure which has been deemed ineligible (see above), following the completion of these studies. However, funding may be provided for a wide range of activities which could also be identified as a result of the study such as the need for training, IT equipment, hot desk facilities, youth café, etc. Funding for feasibility studies is provided up to a maximum rate of 90% for private

project promoters and 90% for community based projects subject to a maximum funding limit of €30,000 per successful proposal.

- **Training:** LEADER can also provide funding for training initiatives across a range of digital areas. This training could take place in the Broadband Connection Points (BCPs), a number of which will be ideally placed to act as digital training centres. A key pillar of Local Authority local digital strategies will be to develop and enhance the digital skillset of citizens. BCPs will provide an ideal location to facilitate this. Leveraging LEADER funding would enable BCPs to act as dedicated locations for digital upskilling and will provide a space for digital learning and development. Training initiatives can be funded up to 100% of eligible costs up to a maximum of €200,000 per successful training initiative.

### **6.6.13 Analysis and Development support**

The LAG may offer funding for analysis and development type projects in respect of the following:

- actions to promote analysis and development of rural (rurally-sourced) products;
- feasibility studies;
- development plans;
- resource audits;
- development of prototype products and services, and
- assessments, surveys and other reports required for the purposes of securing planning permission, and/or fulfilling other statutory obligations for projects under the Sustainable Development and Climate Change Mitigation and Adaptation Theme, and heritage projects.

The LAG must ensure, before offering funding to an applicant, that:

- the activity in respect of which the research, analysis, etc. is being undertaken is also an eligible activity under the programme;
- a clear need has been demonstrated by the project promoter; and
- the relevant analysis or development has not already been undertaken.

Where an analysis or development project has been undertaken by a project promoter (whether or not funded by the LAG), the LAG must not give a funding commitment in respect of any project that may arise on foot of the analysis or development work until an application for that subsequent project has been received and approved by the LAG. It must be a condition of the funding offer that a copy of the resulting report is provided to the LAG, so as to avoid duplication and overlap in the area.

The LAG may not offer funding under analysis and development for the preparation or publication of historical books or other media, including the development of websites.

#### **6.6.14 Ancillary activities for the provision of services to the race and sport horse industries**

In addition to the general requirements of the programme, where Ancillary activities include infrastructure, this infrastructure must be primarily for public use, regardless of whether a fee is charged or not, and the infrastructure must be in keeping with the Local Development Strategy. The LAG must satisfy itself, prior to approval, that the infrastructure is primarily intended for public use e.g. it is tourism related or it has secured commercial planning permission.

The LAG must require annual confirmation from the project promoter that the facility is being used for the intended purpose – this may include a register of public users, annual accounts showing income from external users or advertisement/publicity that demonstrates the public use of the facility.

Examples of Ancillary activities:

- Equestrian Centre/ Riding school/Livery yard capital projects;
- Measures that further promote rural tourism such as agricultural shows and other events;
- Measures that enhance access to bridle ways on public and private lands.

#### **6.6.15 Training Courses**

LAGs are encouraged to use facilities previously funded by LEADER where rental costs might not arise. In respect of training provision, a record must be retained of the following:

- Training provider details;
- Course participants (supported by signed attendance sheets by attendees and course co-ordinator/course facilitator where physically present, for online courses, electronic record of attendance by participants, details of attendance and number of attendees for each day that the course is run);
- Photographic evidence of class availing of the funded training;
- the training location;
- contact details of trainees;
- Training plan / course outline including copies of presentations/handouts, class notes, etc;
- a good summary of the training course outlining dates and times of all classes/activities, what was covered in each class, number of attendees at each class, trainer details for each class and outcomes at the conclusion of the training including the participants achievements;
- Evidence of course evaluation by participants, whether completed digitally or in hard copy.

Where it is clearly evident in a training project that a certain element of the training cannot be completed in a classroom setting, and can only be completed by undertaking a site visit/field trip, then, in this situation the cost of transporting the participants/students from the classroom to the site visit/field trip location can be permitted.

Where a LAG identifies a particular need within a community/area, it may provide a training course which is open to all relevant individuals/groups in the area to attend. Where an enterprise or group is exploring a particular project or investment, the LAG may provide support for a feasibility study or development plan.

#### **6.6.16 Contingencies**

It is not permitted to increase the eligible project costs through the addition of an amount for contingencies. However, a contingency figure may be a component of the tender submitted as part of the procurement process. Where contingency provision is included in the tender response, it must be itemised as part of the ex VAT tendered price.

#### **6.6.17 Procedures for building and land-use change**

To be eligible for LEADER funding, investment operations must be preceded by an assessment of the potential environmental impact (specific to that kind of investment) where the investment is likely to have negative effects on the environment.

Generally, planning permission is required for any development of land or property, unless the development is specifically exempted from this need. Many types of exempted development may lose their exempted status if it is determined that an *Appropriate Assessment* or an *Environmental Impact Assessment* is required – this applies both within and outside designated European sites. Certain works at archaeological monuments may require planning permission in addition to requirements under the National Monuments Acts 1930-2004. The usual exemptions from planning permission may not apply in the case of protected structures and buildings in architectural conservation areas.

Projects must comply with the Planning and Development Regulations 2001 (as amended) in relation to the mandatory thresholds above which Environmental Impact Assessment is required for various types and scale of development proposals.

Proposed LEADER projects that involve development within the meaning of section 3 of the Planning and Development Act, 2000 (as amended) must secure Planning Permission or a documented exemption from Planning Permission. If an exemption from Planning Permission is being claimed for the development, a *Section 5 Declaration (Notice of Exemption) of the Planning and Development Act 2000* must be obtained from the relevant planning authority. It is not sufficient to get a written opinion from a private engineer. However, as an alternative, a formal written opinion, signed by the relevant personnel in the planning section of the Local Authority, may be used to verify that the project does not require planning permission or any other consent. This includes any building, demolition, alteration on land or buildings, and the making of a material (i.e. significant) change in the use of lands or buildings.

The LAG should seek advice from the planning authorities on other consent requirements as part of the *Section 5 Declaration* process. It is a matter for the LAG and the project promoter, however, to

ensure that all the required consents are in place before a contract is offered to a project promoter. Where a project is found not to be compliant, it will be deemed ineligible for LEADER funding.

The project promoter must also have all the necessary consents for the development in place. These consents must be retained on the LEADER IT System document repository, together with a list of consents that were sought for the project. For example, certain activities (including some types of exempted development), in a Special Area of Conservation (SAC) or Special Protection Area (SPA) (i.e. Natura 2000/European site), require consent from the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage, if it is listed as an activity requiring consent for the SAC/SPA in question. Further details are set out in the Guidelines for 2023-2027 LEADER Projects Affecting Heritage.

## **6.7 Fragmentation of Projects / Creation of Artificial Conditions**

The deliberate artificial fragmentation of projects to avoid exceeding any prescribed thresholds is prohibited. A project must be stand-alone and operable in its own right to be deemed eligible as a 'phase' of another project. For example, the LAG must ensure that projects are not fragmented to avoid procurement or other thresholds that might apply.

Moreover, projects must comply with *Council Regulation (EC, Euratom) No. 2988/95 on the protection of the European Communities financial interests*. The LAG must pay particular attention to Article 4.3 which states:

Acts which are established to have as their purpose the obtaining of an advantage contrary to the objectives of the Community law applicable in the case by artificially creating the conditions required for obtaining that advantage shall result, as the case shall be, either in failure to obtain the advantage or in its withdrawal.

### **6.7.1 Artificial Conditions**

Artificial situations must not have been created in relation to the project being assessed to receive LEADER aid (Art. 62 of Regulation (EU) No 2021/2116), i.e. that the LEADER project must not be the result of a potential bigger project being artificially split to avoid procurement or other thresholds that might apply, or that the project promoter has not artificially created conditions to qualify for LEADER Grant Aid or for a higher rate of LEADER Grant Aid.

## **6.8 LAG as Project Promoter or 'In-house' Projects**

The LAG and/or an Implementing Partner/Animating Partner may be a beneficiary and implement projects under the LDS. These projects are known as 'in-house' projects and arise where the LAG or an Implementing Partner/Animating Partner delivers a LEADER project. The LAG must adhere to all the normal application processing procedures for in-house projects, i.e. completion of Expression of Interest process, grant application, assessment, evaluation by Evaluation Committee, LAG approval, commitment of funds, application for payment, inspection of completed project and payment against

vouched documented and certified claims. There must be no benefit, either direct or indirect, to the LAG /Implementing Partner from the delivery of an 'in-house project'. Such 'in-house projects' must not involve construction and renovations.

The LAG must apply the same evaluation process to in-house projects as it does to other projects. The LAG must also ensure that robust arrangements are in place to manage conflicts of interest, that the proper procedures are followed at all times and that no actual conflict of interest arises. Accordingly, the LAG must ensure an appropriate segregation of duties between:

- staff involved in the project application and delivery elements; and
- the staff involved in project evaluation and administration processes.

Similarly, an Implementing Partner may not have a role in the formal evaluation of projects prior to their submission to the LAG, i.e. Implementing Partner staff or board members who are members of the Evaluation Committee should absent themselves from the meeting when the Implementing Partner has an In-house project for evaluation. In the case of a LAG who has only Implementing Partner board members on their Evaluation Committee and the Implementing Partner has an In-house project for evaluation, the LAG must set up another Evaluation Committee that does that does not have a conflict of interest to evaluate the project, alternatively they can request an Evaluation Committee from another LAG to evaluate their project and make recommendations to their LAG.

#### **6.8.1 Value for Money and in-house projects**

The LAG must be mindful of the need to secure value-for-money at all times. To this end, the LAG must perform a check on all in-house project applications to confirm that a more cost effective delivery approach is not available e.g. are there other providers that can deliver the project more cost effectively.

### **6.9 Approval and Refusal of Project Applications**

Only LAG decision making members may approve or refuse an application for funding, the rationale for the decision should be clearly recorded in the LAG minutes. The LAG must notify in writing all project applicants of its decision, setting out clearly the rationale for the decision. This notification should also include the applicant's right to have the decision reviewed by the LAG. The LAG must record all applications on the LEADER IT System, together with the decision to refuse or approve.

### **6.10 Provisional Approval**

Provisional approval of projects by the LAG for procurement and full planning permission is permitted in certain circumstances. This approval is subject to the completion of the respective processes where Provisional Approval is granted by the LAG for procurement and/or full planning permission. Where Provisional Approval is granted by the LAG for procurement and/or full planning permission the respective processes must be completed within a 6 month period following the provisional approval being granted by the LAG. Actual final approval of the project by the LAG can take place outside of this 6 month period.

Provisional approval of projects by the LAG for procurement and/or planning permission is not permitted for the following project categories:

- Co-operation Preparatory Technical Support projects;
- Full Co-operation projects;

Project costs incurred prior to receiving full LAG approval are not eligible for LEADER funding. Project applications which are provisionally approved will be subject to a second Administrative check before a contract can issue.

#### **6.10.1 Provisional Approval pending procurement being completed**

LAG's may permit provisional approval of Works-related projects based on specification drawings and estimated costs from a Quantity Surveyor/qualified expert; this approval is subject to subsequent completion of the project procurement process.

A qualified expert would normally be a qualified engineer in the area being costed. The individual must be competent to provide the required estimate.

The reasonableness of the estimated cost must be assessed and documented by the LAG Evaluation Committee by appropriate means, e.g. comparison of similar projects funded previously in their area and/or online research. It is a matter for each LAG to decide if provisional approval will be permitted in its area and the projects/calls for proposals to which it will apply.

The following must be adhered to:

- a) Provisional approval is subject to a 6 month sunset clause where Provisional Approval is granted i.e. where the tendering process is not concluded within 6 months of the provisional approval; the project promoter must resubmit their application for funding. The new application must include the completed procurement process. The sunset clause of 6 months may not be extended.
- b) Where the tendering process results in a higher price than the original estimate, the project promoter will be responsible for meeting the additional costs above 110% of the original estimate.
- c) The LAG must obtain evidence of the project promoter's financial capability to meet additional costs identified in the procurement process.
- d) Where procurement results in a lower price than the original estimate, the grant aid approval will be calculated on the tendered price. The difference in value between the tendered amount and the original estimate cannot be reallocated to new project elements.
- e) Subsequent to completion of the procurement process, projects must be resubmitted to the LAG decision making members for final approval.

- f) A formal letter of grant offer and contract can only issue once the procurement process has been completed and the LAG has made its final decision on approval of the project and the second Administrative Check has been completed.

<b>Examples of variances in estimated costs</b>		
	<b>Above original estimate</b>	<b>Below original estimate</b>
Estimated Project Cost	€100,000	€100,000
Provisional Approval @ 75%	€75,000	€75,000
Tendered Cost	€120,000	€80,000
Adjusted cost	€110,000 (Estimate x 110%)	€60,000 (75% of €80,000)
Maximum Final Approval	€82,500 (75% of €110,000)	€60,000

### **6.10.2 Provisional Approval pending full planning permission being granted**

LAGs may permit provisional approval of a project prior to full planning permission being granted. Final project approval may be granted when full planning permission has been obtained. It is expected that most, if not all, projects approved without having completed planning permission will also be approved pending completion of the procurement process. The conditions in Section 6.10.1 would also apply in such instances.

It is a matter for each LAG to decide if provisional approval pending full planning permission being granted will be permitted in its area and the projects/calls for proposals to which it will apply.

The following conditions must be adhered to:

- a) Provisional approval pending full planning permission being granted will be subject to a 6 month sunset clause i.e. where full planning permission has not been granted within 6 months of the provisional approval; the project promoter must resubmit their application for funding. When resubmitting the application, it must include evidence that the required full planning permission was granted for the project. The sunset clause of 6 months may not be extended.
- b) After full planning permission has been granted, projects must be resubmitted to the LAG decision making members for final approval;
- c) A formal letter of grant offer and contract can only issue once the full planning permission has been granted and the LAG has made its final decision on approval of the project and the second Administrative Check has been completed.



## **7 LEADER Co-operation Projects**

The LAG and project promoters are required to follow the Guidelines for 2023-2027 LEADER Co-operation Projects.

### **7.1 Co-operation**

Funding can be used to fund co-operation projects involving partners in other LAG areas, EU Member States, EU candidate states and EEA states, where this has been included in the approved LAG Local development Strategy. Projects outside of these areas may also be eligible for funding subject to prior approval by the Department. LAGs and their Implementing Partners must be aware of the GDPR requirements including for where partners are outside EU Member States, EU candidate states and EEA states. See Section 15.9.1 for GDPR requirements regarding data transfer of personal data to a 'third country'. Co-operation projects between LEADER LAGs and non-LEADER Groups may also be eligible for funding where the proposed project is led and co-ordinated by the LAG.

Co-operation projects must demonstrate genuine added value for the territories concerned. The key drivers of co-operation projects will often be:

- the need to achieve the critical mass required for a joint project to be viable and encouraging complementary actions; and
- the transfer of knowledge and skills dispersed across the territories concerned.

Inter-territorial co-operation has the twin aims of achieving the critical mass necessary for a joint project to be viable and encouraging complementary actions in adjoining LAGs. The rates of grant aid and maximum funding levels for full co-operation projects are as per all LEADER projects (Section 10.2).

### **7.2 Selection of Inter-territorial and Transnational Co-operation Projects**

The LAG may detail the co-operation methodology in its LDS at the start of the programme, with an outline of proposals for co-operation projects. The LAG must apply the same process for the selection and approval, or rejection, as it does for other projects, i.e. consideration by the Evaluation Committee and ultimate decision by the LAG decision making members; however, consideration by the Evaluation Committee and the LAG decision making members must focus on value-added by the proposed co-operation project, i.e. can the project be funded by the LAG on its own, e.g. the value-added must be clearly demonstrated and documented.

## 8 Heritage Project Requirements

Heritage projects are defined as those that will impact, or have potential to impact, upon structures, places or sites of heritage interest, including those listed 1-5 below.

Project promoters should establish, including through the use of the online resources made available by the authorities listed below, if the proposed project may affect heritage. Project promoters should submit information on the project so that the relevant authorities may advise if their consent/licence is needed, in accordance with the procedures set out on the relevant websites. The level of information required will be specified by the authority in question.

*1. Monuments and places protected under the National Monuments Acts 1930-2004.*

Check the map viewer on [www.archaeology.ie](http://www.archaeology.ie) (Archaeological Survey Database). If the project relates to a heritage site, the project promoter must notify the National Monuments Service of the Department of Housing, Local Government and Heritage who will advise if the project has archaeological requirements and whether Ministerial Consent is required.

*2. Protected structures, and proposed protected structures, within the meaning of the Planning and Development Acts.*

Check the relevant local authority development plan, in particular the record of protected structures. If the project relates to a protected structure or proposed protected structure, the Architectural Conservation Officer, or other relevant officer, employed by the local authority can advise on the requirements for planning permission.

*3. Architectural conservation areas within the meaning of the Planning and Development Acts.*

Check the relevant local authority development plan. If the project relates to an architectural conservation area, the Architectural Conservation Officer, or other relevant officer, employed by the Local Authority can advise on the requirements for planning permission.

*4. Certain types of activities within protected nature conservation sites.*

Check the map viewer on [www.npws.ie/maps-and-data](http://www.npws.ie/maps-and-data) to see if the project is located within an SAC, SPA, or Natural Heritage Area (NHA) in the first instance. Information on the types of activities that require Ministerial Consent in these areas is available on [www.npws.ie](http://www.npws.ie). The local offices of the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage can be contacted to seek Ministerial Consent by Tel. 01 888 2000 or visiting [www.npws.ie/contact-us](http://www.npws.ie/contact-us).

*5. Disturbance of protected species of flora and fauna and their key habitats.*

The Licensing Section of the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage can advise if the project may require a licence, e.g. if disturbance to protected species of flora and fauna may be caused. Check [www.npws.ie/licences](http://www.npws.ie/licences) for further detail on the types of licences that may be required for such projects.

The LAG and project promoters are required to follow the Guidelines for 2023-2027 LEADER Projects Affecting Heritage in all of the above instances. In addition:

- It is mandatory to designate an expert(s) appropriate to the project being undertaken (e.g. archaeologist, architect, ecologist) who will certify, at application stage, that the project has secured all of the relevant statutory permissions and that they are familiar with the Guidelines for 2023-2027 LEADER Projects Affecting Heritage;
- It is mandatory to designate an expert(s) appropriate to the project being undertaken (e.g. archaeologist, architect, ecologist) who will certify, prior to every payment claim, that the project is being delivered in compliance with all of the relevant statutory requirements related to the heritage designation. Where a project is to be delivered in phases, the designated expert can also determine at the outset, in writing, the phases which he/she will be required to certify. In any event, the designated expert must certify the final claim;
- It is mandatory to employ a suitably qualified archaeologist for all projects involving works at, in relation to, or in proximity to, an archaeological monument protected under the terms of the National Monuments Acts; and
- The checklist included in the Guidelines for 2023-2027 LEADER Projects Affecting Heritage should also be completed and uploaded to the LEADER IT System document repository, together with copies of the required documentation.

Contact details for obtaining advice and consents in relation to projects affecting heritage are contained in the Guidelines for 2023-2027 LEADER Projects Affecting Heritage and is available from the Department on request.

The 12% limit on professional fees does not apply to projects concerning heritage given the increased level of appropriately qualified oversight essential for such projects. LAGs and project promoters are advised to avail of 'analysis and development' funding in order to progress such proposals.

Project promoters must have due regard for all environmental considerations upon receipt of LEADER funding. The project promoter must ensure that they have complied with all relevant statutory obligations and obtained all necessary approvals. The project promoter must comply with all standard and special conditions attaching to the formal letter of offer issued by the LAG.

## 9 Commitment of LEADER Funding

### 9.1 Grant offer

A valid commitment of LEADER funding to a project applicant only exists when:

- the LAG has made its decision; and
- a letter of offer or contract, clearly stating the funded activity and items approved for funding, has issued to the applicant; and
- the offer or contract has been accepted in writing and returned by the applicant within the period prescribed by the LAG in the letter of offer – 15 working days from the date of the offer is suggested.

Where an offer cannot be accepted by the prescribed date, the acceptance date may be revised in writing by the LAG. The LAG must only offer funding in respect of specified costed investments for which the beneficiary has sought grant aid. The letter of offer must explicitly state the specific items that must be completed in order for grant funding to be awarded. The LAG must also detail the rate of aid and the maximum grant amount in the letter of offer. The theme and sub-theme must be stated in the letter of offer.

The LAG may issue a funding offer subject to signing of a lease agreement; however, all details of the lease, including its cost and duration, must have been provided previously and approved by the LAG decision making members as part of the project application. The LAG must ensure that the signed lease agreement is in place prior to the submission of the first claim for payment and also advise the project promoter of this requirement which must also be in the letter of offer and contract.

The LAG must notify all applicants in the letter of offer that they will have to repay all or part of the funding<sup>9</sup> amount if the duration of the investment does not persist for a minimum of five years from the date of last LEADER grant aid payment e.g. if a funded facility or enterprise closes within the five-year period or if the funded asset is sold or not used for the purpose for which it was funded (Section 15.7).

### 9.2 Project commencement

Project activity undertaken or commenced, or the purchase of goods or services engaged by a project promoter or LAG / Implementing Partner / Animating Partner (as project promoter) prior to the date the contract signed by the project promoter is received by the LAG, shall not be eligible for LEADER funding. The LAG must notify the project promoter, when acknowledging receipt of the application, that retrospective approval of projects by the LAG is prohibited and that any activity commenced prior to the contract date shall be ineligible for funding.

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<sup>9</sup> Article 30 of EU Regulation 2022/128

The LAG must verify that the project promoter has not commenced work prior to date of acceptance of the grant offer. To this end, the LAG must obtain a declaration from the project promoter that activity has not commenced and must record the steps taken to verify this e.g. a site visit for construction works.

In respect of the site visit requirement prior to the issue of contracts/letters of offer, the Department authorises the acceptance of digitally dated photographs provided by the project promoter as evidence that the project has not commenced. Such photographic evidence must be supported by the project promoter's declaration that the activity has not commenced. Photographs must be uploaded separately to the LEADER IT system document repository.

Where the LAG approves an element or phase of activity as a distinct project, and the element or activity has not commenced prior to acceptance of the funding offer, expenditure relating to this activity may be eligible, notwithstanding that other elements or activity connected with project have commenced.

### **9.3 Project completion**

Where a project is not completed as approved by the LAG decision making members, any funding paid to the project promoter must be recouped by the LAG and reimbursed to the Department. The letter of offer and contract must include this condition.

### **9.4 Revising Funding Allocations**

The LAG may not award an increase in funding to a project promoter in any circumstances, notwithstanding that costs may prove higher than anticipated. The LAG must notify the project promoter in the letter of offer that no increase can be given. Any increase in funding awarded by the LAG shall be deemed ineligible under the programme. The proper evaluation of projects by the LAG and the Evaluation Committee should obviate the need for additional funding.

It is a matter for the LAG to decide if reallocation of funding to items already approved by the LAG or support for 'new' cost items should be allowed as a general rule for projects that have already been approved for funding.

The project may only avail of either the "*Reallocation of funding to items already approved by the LAG*" facility where warranted or the "*Reallocation of funding to 'new' cost items*" facility but not both facilities.

#### **9.4.1 Reallocation of funding to items already approved by the LAG**

Where a project is fully delivered and comes in under budget, the savings may be reallocated across the various cost elements of a project, up to a maximum of 10%, provided that the original project, as approved for funding, will still be delivered, i.e. all items approved by the LAG for funding are delivered in full and that the procurement process undertaken is not compromised. A reallocation of funds up to the permitted 10% where requested by a project promoter must be applied for in writing and where

deemed warranted be approved in writing by the LAG Authorised Officer and subsequently recorded in the LAG minutes. An Addendum to the Contract documenting the change(s) must be issued to the project promoter and accepted by them in writing. This signed addendum must be uploaded to the LEADER IT System document repository.

In the following example, a project was approved to purchase a specific number of items at approved costs, as per the table:

<b>Item</b>	<b>Cost</b>	<b>Quantity</b>	<b>Approved Cost</b>
A	€250	8	€2,000
B	€1,000	3	€3,000
C	€100	5	€500
<i>Total</i>			€5,500
<i>10% of total</i>			€550

While the project progressed, the cost of Item B reduced from €3,000 to €2,100, but the approved costs of Item A and Item C remained the same.

<b>Item</b>	<b>Cost</b>	<b>Quantity</b>	<b>Approved Cost</b>
A	€250	8	€2,000
B	€700	3	€2,100
C	€100	5	€500
<i>Total</i>			€4,600
<i>10% of initial approved cost to reallocate</i>			€550

The project promoter can apply to the LAG to reallocate €550 of saving (10% of approved cost), or a portion of same, to purchase additional Item A or Item C, or a combination of both.

<b>Item</b>	<b>Cost</b>	<b>Quantity</b>	<b>Approved Cost</b>
A	€250	9 (8 + 1 @ €250)	€2,250
B	€700	3	€2,100
C	€100	8 (5 + 3 @ €100)	€800
<i>Revised Total</i>			€5,150 (€4,600 + €550)

The project promoter cannot reallocate the savings to purchase any other items that were not initially approved for funding by the LAG.

Funding may only be reallocated to items approved by the LAG decision making members and as per the original funding offer, i.e. the LAG or Authorised Officer may not reallocate funding to new cost elements, except in the circumstances set out below.

#### **9.4.2 Reallocation of funding to 'new' cost items**

The LAG may approve the reallocation of no more than 10% of the approved project cost or €5,000, whichever is the lesser to 'new' cost items subject to:

- an application in writing by the project promoter to the LAG Authorised Officer seeking approval to reallocate funding which should demonstrate how the reallocation is consistent with the project and its objectives as approved by the LAG and a declaration that the reallocation will not compromise the project's delivery;
- the 'new' cost items and expenditure complying with the 2023 – 2027 LEADER Operating Rules (e.g. Procurement, etc.); and
- approval of the funding reallocation by the LAG, with an Addendum to the Contract documenting the change(s) issued to, and accepted by the project promoter.

The reallocation of funding must be recorded in the LAG minutes. An Addendum to the Contract documenting the change(s) must be issued to the project promoter and accepted by them in writing. This signed addendum must be uploaded to the LEADER IT System document repository.

### **9.5 Expiration of Contracts**

The LAG must impose a completion date for all funding commitments (i.e. in the contract or funding offer). The completion date clause will prevent funding being tied up needlessly in projects that are not proceeding. The completion date is a matter for LAG decision making members determination.

In considering the duration of a project contract, the LAG must take into account what is a reasonable period to expect the project to be delivered. This period should be discussed with the project promoter and should be realistic (it is not required to be within 12 months of the approval of funding by the LAG, it can be longer if deemed necessary by the LAG in consultation with the project promoter). Consequently, the LAG must be mindful of the proposed timeline for the final project claim, particularly for capital build projects involving retention of the final payment to contractors in case of defect. Such projects tend to result in final invoices being issued 12 months or more after completion of the main project build. The retention amount can vary between 3% and 10%, so if the project promoter wishes to claim grant aid on such sums, the LAG will need to discuss this matter with the project promoter and factor in an appropriate contract expiry date.

All approved works must be completed, invoiced and paid by the project promoter prior to the contract completion (expiry) date. The claim documentation may be submitted after the contract expiry date, and the grant may be paid at any time afterwards, depending on Administrative Checks and potential

selection for inspection by the Inspectorate. LAGs are advised to monitor all contract expiry dates and ensure that all necessary extensions are in place at the time of project expenditure.

Therefore, it is imperative that the LAGs monitor and review the progress of all projects on a regular basis and engage with project promoters, as appropriate. Expenditure incurred outside the contract timeframe, i.e. incurred between the conclusion of a contract and the date the LAG approves the extension, is ineligible. Where contracts are close to their expiry date, the project promoter should be asked to confirm if an extension will be required.

If there is a requirement for a contract extension, a written application for same should be made to the LAG by the project promoter outlining the length of extension required. This application should be submitted in adequate time so as to allow the contract extension request from the project promoter to be considered by the LAG. LAGs must ensure that contract extension requests from project promoters are approved in advance of the expiry date of the contract.

The LAG may extend a completion date. However, the following requirements must be adhered to:

- Written application has been received from the project promoter;
- The LAG must notify the project promoter in writing that the contract has been extended and a new completion date agreed as for other LAG decisions, this decision must be recorded in the LAG Minutes and that a clear rationale for the extension must be recorded in the LEADER IT System document repository. An Addendum to the contract documenting the change and new completion date must be issued to the project promoter and accepted by them in writing. The LAG must check the project promoter's solvency before any extension is given (unless it has been checked in the previous 12 months). Where a LAG decides to approve a contract extension, it must be approved by the LAG in advance of the expiry date of the contract. Any invoices relating to the project that are dated and/or paid by the project promoter during the period a contract is expired are not eligible for LEADER funding. Therefore the LAG must ensure that no gap exists between the previous contract expiry date and the start date of the new extension period; and
- The signed addendum to the contract detailing the change is uploaded to the LEADER IT System document repository; and
- The contract extension date must be entered on the LEADER IT System at the time that the required written LAG decision notification is sent to the project promoter informing them that the contract has been extended and that a new completion date has been agreed. This will ensure that the LEADER IT System contains the most up to date and accurate information regarding the agreed project completion date.

It should be noted that the LAG Authorised Officer can extend a completion date by up to six months on foot of a written request from the project promoter.



LAG decision making members may approve contract extension dates by Written Procedure (Section 5.4.4).

LAGs are required to review all existing contract expiry dates on the LEADER IT System and follow up with project promoter as necessary. This will ensure that the LEADER IT System contains the most up to date and accurate information.

Where projects are out of contract or are not being completed, these projects must be moved to Stage 16 on the LEADER IT System.

Where written procedure for contract extensions is being utilised by the LAG, all of the requirements set out in Section 5.4.4 must be observed.

## **9.6 Revocation of the Funding Offer**

The funding offer to a project promoter may only be revoked on foot of an appropriately documented LAG decision making members decision. The LAG may only revoke the LAG offer in accordance with the terms of the contract with the project promoter. A decision to revoke a funding offer may be appealed as per the appeals procedure (Section 23).

When revoking a funding offer, the LAG must:

- issue a registered letter to the project promoter detailing the specific issues to be addressed and giving a specific time and date by which a response must be received. This date should be two weeks (i.e. 10 working days) from the estimated date of receipt of the letter. The letter shall state clearly that failure to address the issues identified will lead to a revocation of the original funding offer;
- if no response is received, or the project promoter fails to satisfy all terms and conditions of the funding offer, a second registered letter should issue informing the project promoter that the funding has been revoked by LAG decision.

## 10 Funding (Grant) Amounts

### 10.1 Minimum Funding (Grant) Threshold

LAGs may not approve funding of less than €1,250 for a project. LAGs may apply a higher minimum funding threshold, which in any event may not be higher than €5,000.

### 10.2 Project Grant Aid

#### 10.2.1 Rates of Aid - General

The LAG may award funding under all themes and sub themes to a maximum of 75% of the total project cost. This percentage may be increased to 100% for training type projects. These are maximum rates of aid and the LAG may award lower rates of aid as it considers appropriate. The LAG should consider the rate of aid offered on a project-by-project basis.

#### 10.2.2 Rates of Aid - Community Applicants

Higher maximum rates of aid may be applied for community-based projects where the project promoter is a community applicant and there is no commercial basis for the project as follows:

- community body or applicant under the Accessible services sub-theme targeted at hard to reach communities – 90%.
- community body or applicant undertaking analysis and development – 90%.

Normal De Minimis rules will apply to funding of commercial projects. In addition, those receiving grant aid in excess of 50% of the total project costs are classified as Category 1 project promoters and must follow National Procurement Guidelines.

The LAG must ensure, before offering the higher rate of aid, that the community applicant is:

- a non-profit distributing group; and
- institutionally separate from the State; and
- coming together, or has come together, to pursue a common cause or interest for the good of their community; and
- autonomous and engaged in voluntary activity; and
- promoting the interests of the wider community rather than the commercial interests of its members; and
- a group, or project, whose membership does not consist of any secondary economic beneficiaries.

Business people acting in a private capacity on a community body are not considered secondary economic beneficiaries.

Example of groups not considered to be a community applicant:

- local business people coming together as a 'community body' to apply for funding to bring tourists into an area, other examples include but not limited to tourist groups, business groups, cattle societies, pony societies (where a group is not listed, the LAG should contact the Department for their guidance).
- A Social Enterprise is not deemed to satisfy the requirements for Community Rate of Aid, as it engages in commercial activities, even if it re-invests its profits back into the community.

### **10.2.3 Level of Aid**

The LAG may offer funding to an applicant of no more than €200,000, which is within the De Minimis threshold of €300,000 established for State aid (Section 12).

Funding of up to €500,000 is permitted for community projects that do not involve an economic activity as follows:

- (i) Projects seeking to develop cultural and leisure facilities, and to promote social and information networks in local communities, for example:
  - Amenity and leisure facilities;
  - Support for cultural activities;
  - Arts facilities;
  - General community and recreational infrastructure;
  - Innovate activities in local communities, such as social and information networks;
- (ii) Projects seeking to enhance the attractiveness of small towns, villages and the surrounding countryside, for example:
  - Environmental upgrading of parks, civic areas, river walks, etc.;
  - Public utilities such as street lighting where there is clear added value from LEADER involvement;
  - General surface upgrading and renovation of derelict buildings, excluding traditional farm buildings.

The LAG must ensure that any equipment, activities or infrastructure funded will be available and accessible to all age and social groups in the community concerned. The LAG must ensure that the funded facilities are publicly accessible. Any facilities funded must be open to the public without a requirement to be a member of a club.

All facilities must be open to the public free of charge. A nominal charge can be applied to cover costs associated with the provision of associated services e.g. for lighting and heating, but no net revenue shall be generated by the activity.

The LAG must demonstrate that the project meets all of these requirements.

The maximum rate of aid for projects receiving grant aid valued between €200,000 and €500,000 is 75%.

<b>Summary of Current Funding Ceilings and Support Rates</b>			
<b>Type of Project</b>	<b>Applicant</b>	<b>Maximum Rate of Aid</b>	<b>Maximum Funding</b>
<b>Community Projects not involving Economic Activity</b>	<b>Community</b>	Up to a maximum of 75%	€500,000
<b>Community Projects involving Economic Activity</b>	<b>Community</b>	Up to a maximum of 75%	€200,000
<b>Investment &amp; other supports (including promotion undertaken as part of the implementation of a project)</b>	<b>Private</b>	Up to a maximum of 75%	€200,000
	<b>Community</b>	Up to a maximum of 75%	
	<b>Community under accessible services sub-theme targeted at hard to reach communities</b>	Up to a maximum of 90%	
<b>Analysis and Development</b>	<b>Private</b>	Up to a maximum of 90%	€30,000
	<b>Community</b>	Up to a maximum of 90%	
<b>Training</b>	<b>Private or Community</b>	Up to a maximum of 100%	€200,000

The above ceilings must be adhered to in all instances unless expressly provided otherwise by the Department.

### **10.3 Rate of Aid and its application**

As with most public grant schemes, the standard rate of aid for LEADER projects is the amount of LEADER funding expressed as a percentage of the expected costs of the project. The LEADER IT System is designed in line with this approach and the calculation of the “Actual Rate of Aid” for LEADER projects on the IT system is as follows:

$$\frac{(\text{Maximum Amount of Grant Aid approved by LAG}) \times (100)}{(\text{The projected costs of the project at application})}$$

*Example to calculate rate of aid:*

The projected costs of the project at application: €100,000

Maximum Amount of Grant Aid approved by LAG: €60,000

$$\frac{\text{€60,000} \times 100}{\text{€100,000}}$$

= 60% Actual Rate of Aid.

Based on the above example, the letter of offer and contract should state:

“...funding at a rate of 60% up to a maximum of €60,000.”

The letter of offer and contract must not state funding at a rate higher than 60% up to a maximum of €60,000.

# 11 Project Matching Funding

## 11.1 Sources of Matching Funds

Generally, LEADER funding is a contribution to the cost of delivering a project and should be matched by non-programme funds to meet the full costs of a project. Matching funding can be sourced privately or from other public funds. In this regard:

- *Private matching funding* is all funding that is not obtained from public sources
- *Public matching funding* is funding from all public sources other than EU funds

The LAG must assess the matching funds and verify the eligibility and source of this funding at project approval and payment claim stage. The LAG may be liable for all expenditure subsequently deemed ineligible as a result of ineligible matching funds.

## 11.2 Private Matching Funds

Private matching funds include:

- Cash contribution to the project by the applicant – at least 5% of the total project cost must be met by a private matching cash contribution (wherever sourced by the applicant), other than for training projects that are funded at 100%; and
- Contribution-in-kind – eligible for community-led projects only, i.e. where the project promoter is a community applicant and there is no commercial basis for the project activity being funded and farm diversification projects where the farmer's own labour may be accepted as a contribution in kind (Section 11.5).

## 11.3 Public Matching Funds (*applicable only to applications submitted by Community Bodies*)

Where LEADER is working in tandem with other public funding streams, the aim, in the first instance, should be to identify separate projects, or parts of projects, to be supported through each public funding source so that collectively the separate projects can result in better outcomes for the communities concerned. An example might be a cycling trail where LEADER funds the trail itself, the local authority funds signage and access points for the trail, and the LEO works with specific businesses along the trail.

Public matching funds may be used as a contribution to the delivery of a LEADER project, however, such matching funds must be in the form of a cash contribution.

LAGs should primarily focus on supporting projects where LEADER is the main funding source.

Public matching funds includes:

- Cash contributions from non-EU funded sources (e.g. Local Authorities, State Agencies); and

- Contribution-in-kind, eligible for community-led projects only.

Public matching funds relates to a cash contribution and does not relate to scenarios where another fund such as Sports Capital Grant does not provide a cash contribution, but instead, funds specific items of a project and requires the same invoice(s) to make payment as are presented for LEADER funding payment.

*Example:*

- Funding for a Running Track costing €200,000.
- Sports Capital will fund a percentage of the cost of ground works and services costing €80,000 but not provide a cash contribution or contribution in kind.
- LEADER will fund a percentage of the cost of the running track costing €120,000.
- The above is not an example of match funding, as the overall project is made up of two distinct parts being funded by two distinct programmes.

Funding from other EU sources cannot be used to match-fund LEADER projects. Funding from other public funded sources (e.g. Fáilte Ireland, local authorities, Waterways Ireland, etc.) may be permitted as matching funds for a LEADER project providing it is not sourced from an EU fund.

The LAG must obtain confirmation that the proposed matching funds have not come from other EU funds and this confirmation must be uploaded to the LEADER IT System document repository. This additional public funding must be included when calculating the amount of State aid provided to the applicant, whether or not they are covered under the De Minimis rule.

Public matching funding is allowed subject to the following:

- only applications submitted by community applicants are eligible; and
- the overall level of public funding does not exceed 95% of the total eligible project cost; and
- there must be a minimum cash contribution (i.e. private matching funding element) of at least 5% of total eligible project costs; and
- the LAG must confirm, and upload to the LEADER IT System document repository, that the matching funding is not from another EU source; and
- The matching funds must be identified in the LEADER application form submitted; written confirmation must be obtained from the provider of the matching funding stating the amount of cash contribution it will provide towards the LEADER project and that the matching funding being provided is not from another EU source; and
- All supporting documentation in respect of public matching funding must be maintained in the same manner as for all other LEADER projects; and
- the public bodies providing the matching funds must not be the project promoter or beneficiary.

### **11.3.1 Funding of Public Bodies**

The LAG must not award funding to public bodies.

Local Action Groups, their Implementing Partners and Animating Partners and PPNs are not considered as Public Bodies for the 2023 - 2027 LEADER programme where LEADER grant aid is concerned.

LAGs should be guided by the definition of a Public Body as outlined in the Freedom of Information Act 2014 when deciding whether a project applicant is precluded from receiving 2023 - 2027 LEADER funding by virtue of them being a Public Body.

The exempted agencies outlined in the FOI Act 2014 are also ineligible for LEADER Funding by virtue of being Public Bodies.

### **11.4 Evidence of Matching Funds and Bridging Finance**

The LAG must obtain evidence, prior to issue of the funding offer, that the project promoter has the necessary matching funding (private or public).

The LAG must also ensure that the project promoter has adequate resources or bridging finance in place to deliver the project.

LAGs that do not verify the adequate resources or bridging finance and matching funds at approval stage, may be required to reimburse the Department if the project is not completed.

### **11.5 Contribution-in-Kind**

The LAG may accept contributions-in-kind as a source of matching funds on community-led and farm diversification (farmer's labour only) projects. Contributions-in-kind cannot constitute the full amount of matching funding. There must be a minimum cash contribution of 5% of the total eligible project costs. The value assigned to the contribution-in-kind must be included with the funding application.

Contributions-in-kind in the form of works, goods, services, including paid labour donated to the project; or land and real estate, i.e. for which no cash payment supported by invoices; or documents of equivalent probative value has been made, are eligible if:

- the LEADER funding does not exceed the final total eligible project cost, excluding contributions-in-kind and the 5% cash contribution; and
- the value assigned to the contribution-in-kind does not exceed the market cost of the works, goods, services or land and real estate in question; and
- the value and the provision of the contribution-in-kind has been independently assessed and verified. The LAG must obtain and upload documentary evidence to this effect to the LEADER IT System document repository.



### **11.5.1 Donation of Land or Real Estate**

Regarding lease agreements and the donation of land or real estate, the applicant may make a nominal cash payment of no more than €1 per annum to effect such leases. The value of the 'donated lease' must be certified by an independent qualified expert prior to the approval of the project by the LAG.

The value of the donations used in previous projects may not be used again. Where the value of the term of a donated lease has been used for a previous project, the term donated to the previous project must expire before the remaining term of the lease can be donated to any new project. The value of the donation or donated lease may not exceed the limit applying to the funding of land purchases. To be eligible, the land must have been donated no earlier than two years prior to the date of the funding application.

### **11.5.2 Voluntary Labour**

Contributions-in-kind can be provided in the form of voluntary labour (i.e. unpaid work) which must be based on the verified time spent and the rate of remuneration for equivalent work. The LAG must ensure that the rate applied is properly justified in the application. The maximum rate allowed is €15.52 per hour. Voluntary labour can be included in phased payments, in the same manner as donated lease/property, provided the work in question has been completed at the time the claim is submitted by the beneficiary.

Where Voluntary Labour forms part of a project, LAGs are advised that the requirements of all relevant Health and Safety legislation apply.

Project administration and management costs are not eligible as voluntary labour.

The services of an engineer qualifies for Voluntary Labour. However, the engineer must have the appropriate insurance in place to safeguard the project promoter [and the funding] in the event of issues arising. Their work contribution must be certified by another appropriately qualified third party e.g. engineer, quantity surveyor or accountant.

### **11.5.3 General requirements for Voluntary Labour**

The LAG must ensure that:

- the total to be claimed for voluntary labour and/or donations is included in the application and must be agreed before it approves the project;
- it examines all such applications and records its analysis and deliberations on the LEADER IT System document repository, particularly the reasonableness of the cost related to voluntary labour and number of hours involved – any excess over the amount approved by the LAG shall be deemed ineligible;

- the voluntary labour includes either inputs by way of actual work carried out or supervision in a professional capacity, etc. by appropriately qualified persons, such as by an engineer supervising a construction project. The application must detail:
  - the persons contributing the voluntary labour and their relationship to the applicant;
  - the nature, time, quantity and cost of the contribution;
  - the qualifications that enable them to make that contribution, i.e. their trade or profession (e.g. engineer, architect, electrician, plumber, etc.);
- incidental expenses are not to be included in the cost of the voluntary labour;
- timesheets for voluntary labour are completed by the applicant and retained on the LEADER IT System document repository. These should:
  - detail the relevant dates, hours worked, and the activities undertaken by each volunteer; and
  - be certified by an appropriately qualified third party e.g. engineer, quantity surveyor or accountant;
- only the voluntary labour and donations approved by the LAG are reckoned for payment purposes;
- the appropriate portion of the value of the donated lease or property is used to calculate claim amounts for phase payments e.g. where 50% of the invoiced costs have been incurred then 50% of the value of the donation may also be used in calculating the claim amount.

Please see Appendix 21 for examples of how to calculate the LEADER funding permitted where contribution-in-kind is being used to part fund a project.

The following are not eligible for Voluntary Labour:

- Project administration and management costs being submitted under Voluntary Labour. This includes the time spent by the project promoter in managing the finances of the project and co-ordinating activities in the delivery of the project, While supervision is permitted under Voluntary Labour, this refers to supervision in a professional capacity such as by an engineer supervising a construction project;
- Clearly excessive and unrealistic hours being claimed for work purported to have been undertaken using Voluntary Labour. The LAG, and the Evaluation Committee in particular, must consider if the hours included in the application for support are realistic and justifiable;
- The costs of the work being claimed as Voluntary Labour not satisfying the reasonableness of cost condition e.g. where the cost attributed to Voluntary Labour exceeds what an external contractor would normally charge for the same service. The LAG, and the Evaluation Committee in particular, must consider if the Voluntary Labour included in the application for support represents value for money (the rationale for their decision must be clearly documented).

- Work being claimed as Voluntary Labour which does not relate to the work approved and accepted in the Letter of Offer;
- Claiming Voluntary Labour for works that have been undertaken by the paid contractor.

LAGs are requested to pay particular attention to the points identified above. Where it is found that Voluntary Labour is not being implemented correctly and in line with the requirements of this Section by the LAGs, the Voluntary Labour provision will be removed from those LAG areas or from the programme overall if the incorrect implementation of Voluntary Labour is found to occur.

## 12 State Aid and De Minimis Requirements

### 12.1 State Aid and De Minimis

The LAG may offer funding to an applicant of no more than €300,000, which is within the De Minimis threshold established for State Aid . Public funding is deemed to be ‘State Aid’ where it provides the recipient, whether an enterprise, not-for-profit organisation, or an individual, an advantage over others and may thereby distort competition in some form. Such funding may be provided directly by the Exchequer or through other public bodies.

The De Minimis Regulation (EU) No 2023/2831 prescribes in Article 7(4): Transitional provisions, that a system of “self–declaration” by the beneficiary of the aid is in operation. Undertakings must declare any previous De Minimis received (irrespective of its source i.e. from any other State source). A false declaration by a project promoter, resulting in the De Minimis threshold being exceeded, could later give rise to the aid being recovered with interest.

Generally, State Aid rules only apply where the recipient of aid is deemed to be an ‘undertaking’<sup>10</sup>. An undertaking is any entity (including Local Development Companies, Social Enterprises) involved in an economic activity, irrespective of its legal form, how it is financed, or whether or not it has a for-profit orientation. Essentially, any activity that offers goods or services on a market is an economic activity<sup>11</sup>.

The rules governing De Minimis aid are set down in Commission Regulation (EC) 2023/2831. In accordance with Article 3(2), to comply with State Aid rules, the level of funding provided to a project promoter must not exceed the €300,000 ceiling for State aid, known as the De Minimis ceiling over any period of three years. The Regulation further specifies that:

*“The period of 3 years to be taken into account for the purposes of this Regulation should be assessed on a rolling basis. For each new grant of de minimis aid, the total amount of de minimis aid granted in the previous 3 years needs to be taken into account.”*

For the purposes of the De Minimis Regulation, all enterprises having at least one of the following relationships with each other is considered to be a ‘single undertaking’, also referred to as linked enterprises:

- (a) one enterprise has a majority of the shareholders’ or members’ voting rights in another enterprise;
- (b) one enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise;

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<sup>10</sup> Article 107(1) of the Treaty on the Functioning of the European Union

<sup>11</sup> As per the Court of Justice

(c) one enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract entered into with that enterprise or to a provision in its memorandum or articles of association;

(d) one enterprise, which is a shareholder in or member of another enterprise, controls alone, pursuant to an agreement with other shareholders in or members of that enterprise, a majority of shareholders' or members' voting rights in that enterprise.

The LAG must determine if the project promoter has received State Aid previously and must only make a funding offer when satisfied that the LEADER funding sought will not increase the total aid received by the applicant from all public sources during the previous three year fiscal period above the €300,000 De Minimis ceiling. The LAG must assume, when considering previous aid received by an applicant, that any public funding received (including public matching funding) was from a De Minimis source, until the contrary is confirmed by the funding provider(s). Where there are linked enterprises, the De Minimis threshold applies to the total amount of the State Aid received by the group of enterprises<sup>12</sup>.

The key date for calculating the three-year period is the date of the LAG decision to offer funding, and not the date of payment:

*"De Minimis aid shall be deemed granted at the moment the legal right to receive the aid is conferred on the undertaking under the applicable national legal regime, irrespective of the date of payment of the De Minimis aid to the undertaking".<sup>13</sup>*

Accordingly, if application for aid is due to be approved on 1 October 2024, the LAG must examine the aid received in 2024 and in the previous two years i.e. 2023 and 2022. The LAG must recalculate the amount of De Minimis aid with each new application approved for a project promoter.

## **12.2 Calculation of De Minimis**

### *Example 1*

The applicants fiscal year runs from 01 January to 31 December. If the applicant is approved for De Minimis funding on 26 October 2024, then the period pertinent to De Minimis is:

01 January 2024 to 26 October 2024.

01 January 2023 to 31 December 2023.

01 January 2022 to 31 December 2022.

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<sup>12</sup> Commission Regulation (EU) No 2023/2831

<sup>13</sup> Article 3(3) of Regulation 2023/2831; Article 3(4) of Regulation 1408/2013

## *Example 2*

The applicant's fiscal year runs from 01 April to 31 March. If the applicant is approved for De Minimis funding on 26 October 2023, then the period pertinent to De Minimis is:

01 April 2024 to 26 October 2024.

01 April 2023 to 31 March 2024.

01 April 2022 to 31 March 2023.

## **12.3 De Minimis and the application process**

All project promoters must declare to the LAG at application stage whether or not they have received other public funding. Where a project promoter has received other public funding, they must provide a statement / declaration from the funding provider detailing:

- confirmation of the State Aid / De Minimis status of any funding awarded in the three-year fiscal period
- name of the funding scheme / programme
- amount of funding awarded
- date this funding was awarded

A statement / declaration is not required for Agricultural De Minimis when grant aid being awarded under LEADER and the combined aid awarded to project promoters over the three-year fiscal period does not exceed €280,000.

### **12.3.1 Agricultural De Minimis**

Funding from certain agricultural schemes managed by the Department of Agriculture, Food and the Marine is considered Agricultural De Minimis (Commission Regulation (EU) No 1408/2013).

The maximum level of Agricultural De Minimis aid permitted over the three-year fiscal period is €20,000, which is included in the calculation of the maximum permitted De Minimis ceiling of €300,000 over three-year fiscal period.

Therefore, if the project promoter is awarded €20,000 Agricultural De Minimis aid over the three-year fiscal period, the maximum value of non Agricultural De Minimis funding a project promoter can be awarded is €280,000 over that period.

There is no requirement to ascertain the value of any Agricultural De Minimis aid the project promoter may have received where the LAG is satisfied from the information provided by the project promoter that the aid it is awarding under the LEADER programme and the combined value of State aid from

LEADER and other public funding sources awarded over the three-year fiscal period does not exceed €280,000.

*Example 1*

• LEADER grant amount requested	€200,000
• Previous LEADER funding (3 year fiscal period)	€40,000
• State Aid funding from public source (excl. DAFM) (3 year fiscal period)	<u>€30,000</u>
• Total	€270,000

Declaration of Agricultural De Minimis is not required

*Example 2*

• LEADER grant amount requested	€180,000
• Previous LEADER funding (3 year fiscal period)	€35,000
• State Aid funding from public source (excl. DAFM) (3 year fiscal period)	€50,000
• State Aid funding from public source (excl. DAFM) (3 year fiscal period)	<u>€20,000</u>
• Total	€285,000

Declaration of Agricultural De Minimis is required

## **12.4 Aid Outside of De Minimis for Community Bodies**

Funding provided to community bodies may not in some instances constitute State Aid and would not be subject to De Minimis requirements.

This is particularly the case where a project does not involve economic activity. Economic activity is defined as an activity that offers goods and services in a given market regardless of the legal status of the entity concerned. In addition, the LAG may offer funding up to €500,000 for projects by community bodies (Section 10.2).

Moreover, a project may involve economic activity but not meet the other State Aid checks. There several State aid checks which, when considered on a cumulative basis, determine if aid constitutes a State Aid. These are:

- a. Has there been an intervention by the State or through State resources? This test will be met – LEADER funding constitutes a state resource.
- b. Does the intervention give the recipient an advantage on a selective basis? This test will always be met – LEADER funding is deemed to be selective.

- c. Will the intervention distort or be likely to distort competition? If the aid strengthens the recipient of grant aid relative to competitors, regardless of the size of distortion, it is State Aid.
- d. Is the intervention likely to affect trade between Member States? This includes Northern Ireland and is interpreted by the Commission in the broadest sense. This applies if the product or service is tradable between Member States, even if the project promoter does not itself export to other EU Member States.

The LAG must assess all projects for compliance with De Minimis rules. Where the LAG satisfies itself that the proposed project does not (i) involve project promoters carrying out an economic activity, or (ii) does not meet all four State aid checks outlined above, the De Minimis requirements do not apply to funding up to €300,000. The LAG must ensure that a clear rationale is retained on the LEADER IT System document repository where it deems the De Minimis requirements do not apply.

#### **12.4.1 Community facilities**

In deciding on the State Aid status of Community facilities, such as community centres receiving less than €200,000 Grant Aid, the LAG must apply the same criteria as applies to large scale projects:

- The LAG must ensure that any equipment, activities or infrastructure funded will be available and accessible to all age and social groups in the community concerned.
- All facilities must be open to the public free of charge. A nominal charge can be applied to cover costs associated with the provision of associated services e.g. for lighting and heating, but no net revenue shall be generated by the activity.

If a Community Group including a Social Enterprise supplies goods and services, they are undertaking an economic activity, regardless of their legal form or profit orientation. They are subject to among other things De Minimis and a consideration of displacement.

Please refer to Appendix 19 for LEADER Programme State Aid Guidance.



## **13 The Project File and Claim Documentation**

### **13.1 Project File**

The LAG is responsible for the custody and distribution of public funds (EU and national). It must demonstrate accountability for all expenditure under the LEADER programme. As per the Agreement with the Department, the LAG must keep an adequate accounting system and comprehensively document all its LEADER operations.

#### **13.1.1 Unique Identifying Number**

The LEADER IT System assigns a unique number to each applicant and each project. The LAG must reference the project number in all correspondence and documentation, including letters, e-mails, etc., that issue to applicants and project promoters.

#### **13.1.2 Use of electronic forms, signatures and date stamps**

It is envisaged that a future update of the LEADER IT System will introduce functionality to facilitate online expressions of interest and application forms. In the interim, the use of electronic forms (e-forms) is not permitted.

The use of electronic signatures (e-signature) on forms can be accepted. A screenshot insertion of a signature may also be accepted.

Digital date stamps on forms can be accepted. Where documentation is received by e-mail, the submission date can be accepted.

#### **13.1.3 Maintenance of files**

The LEADER IT System is the primary source of information where all files relating to LEADER funding must be filed. All documents are required to be uploaded to the relevant parts of the LEADER IT System document repository.

Where a LAG administration claim or project payment claim has been selected for inspection, the LAG, and where applicable the Implementing Partner, shall download the relevant material from the LEADER IT System document repository and make a hard copy of the documents available for the inspection that is suitably indexed.

The LAG must ensure that all files relating to the 2023 – 2027 LEADER programme are uploaded to the LEADER IT System document repository and maintained in a way that makes it easy for checks as required by the EU Regulations and the Department, to be carried out. Files must be suitably indexed on the LEADER IT System document repository and all the required documentation filed and labelled in a manner that makes it easy to retrieve.

The project file on the LEADER IT System document repository must document all actions taken by the LAG in the assessment of the project. Where original documents are provided by the project

promoter, the LAG must certify them as true copies of the originals and scan them to the relevant place in the LEADER IT System document repository. The original invoices and receipts, whether retained by the LAG or returned to the project promoter, must be endorsed or stamped with the name of the LAG and must include a statement that EAFRD funding has been awarded or claimed for these. Only where the project promoter is not registered for VAT, the LAG must also stamp the invoices to show that the funding was provided in respect of VAT.

The LAG must inform the project promoter that the original documents, if returned, may be required at a later stage for audit or inspection purposes.

At a minimum, the project file on the LEADER IT System document repository, prior to issue of the funding offer, must include and/or document:

- A completed application form (Appendix 2), application form checklist (Appendix 3) and project assessment report (Appendix 4);
- all documentation required to process the application is date stamped upon receipt by the LAG;
- the letter acknowledging receipt of the application, which should issue within 10 working days. The date of application is the date on which a completed and signed application form is received by the LAG;
- any amendments made to the funding application form must be endorsed and dated by both the LAG and applicant;
- a Project Assessment Report, including a preliminary site visit report, carried out by the appropriate LAG or Implementing Partner staff;
- any amendments made to LAG documentation must be endorsed and dated by the person making the amendment;
- steps taken by the LAG to confirm the solvency and financial viability of the applicant; this can be done by using the CRO as well as checking the project promoter's financial accounts and bank accounts;
- steps taken by the LAG to satisfy itself that the project promoter:
  - has the required matching funding; and
  - has adequate resources or bridging finance in place to deliver the project;
- the project promoter's business plan or marketing plan, including the proposed performance indicators and expected impacts, for economic measures;
- the management accounts or three-year most recent Audited Accounts (for an existing business) or Income & Expenditure (community / voluntary groups), and bank statements (minimum of 3 months). Sole trader / partnership accounts (unaudited) are acceptable for project promoters who are not companies. Unaudited accounts signed off by the project promoter and/or his agent are acceptable for companies that are not obliged to carry out an audit.

- specific information where the project involves construction work, including:
  - evidence (i.e. land title, lease) of the project promoter’s right to carry out the work on the site or existing buildings. The lease must be in place for at least 5 years after the date of final payment of Grant Aid;
  - planning permission;
  - relevant consents, if applicable.
- check for De Minimis and State Aid;
- quotations and/or tenders including scoring criteria, and a completed schedule of these, where appropriate to satisfy the procurement requirements;
- a certificate of valuation of land or property donated to the project promoter (if relevant);
- planning permission, exemptions from planning from the Local Authority and consents as appropriate to satisfy requirements set out in the LEADER Operating Rules Requirements for Project affecting Heritage 2023 – 2027;
- details of the deliberations by the Evaluation Committee, which should record their project recommendation, the extract of the Evaluation Committee minutes, and the signed composite Evaluation Scoring Sheet;
- signed and dated extract of the LAG minutes, including the decision taken and confirmation that the quorum requirement was met;
- a copy of the site visit inspection report and photographs verifying that work had not commenced prior to the acceptance of the funding offer for investment type operations, where appropriate;
- a written declaration from the project promoter that the project has not commenced, prior to the signing of the grant acceptance letter; and
- confirmation that Administrative Checks have been completed on the application.

Where it is not possible to provide signed original documents, such as application forms, project claim forms, project assessment reports, etc. the e-mail from the appropriate party (i.e. project promoter, project development officer) accompanying required documents will suffice. These e-mails will also act as date of receipt and must be retained for audit trail purposes and uploaded to the LEADER IT System document repository.

#### **13.1.4 Information on the LEADER IT System**

The information inputted by the LAGs and their Implementing Partners on the LEADER IT System must be correct, accurate and up to date at all times.

This information is used by the Department for management, monitoring and promotion purposes.

In particular, all project details must be correct when the project is moved to Stage 15 on the LEADER IT System.

It should be noted that the movement of a project back from Stage 15 is only permitted in exceptional circumstances and must not occur without the permission of the LEADER Policy & Operations Unit.

## **13.2 Retention of Documents and Files**

All documents and files relating to the 2023 – 2027 LEADER programme must be retained by the LAG and/or the Implementing Partner and/or Animating Partner until at least 31st December 2036.

These documents must be made available to the EU Commission, the European Court of Auditors, the Certifying Body, the Department, its agents, the Comptroller & Auditor General and the Department of Agriculture, Food and the Marine at any period during this time.

### **13.2.1 Insertion of the date of receipt on a document instead of using a date stamp**

In instances where the date stamping of a document is not possible, the LAG / Implementing Partner staff member processing the document must write “Date of Receipt” and insert the receipt date and their accompanying signature on the front page of the document, before uploading it to the LEADER IT system document repository. Where a document is received electronically, the accompanying email will act as the proof of date of receipt and must be uploaded to the LEADER IT system document repository.

### **13.2.2 Amendments to project application forms and other documents**

In instances where amendments are required to be made to project application forms or other documents, such as project claim forms or project assessment reports, amendments are permitted by e-mail. The e-mail must identify the document and the relevant section to be amended, details of the original and amended text. The e-mail must be sent from the e-mail account of the person who is authorised to make the change.

The e-mails must be retained for audit trail purposes and uploaded to the LEADER IT system document repository.

## **13.3 Grant Payment Claim**

The LAG must process all grant payment claims through the LEADER IT System. All claim documentation must be retained on the LEADER IT System document repository and be approved by the LAG Authorised Officer prior to submission for the Administrative Check. At claim payment stage, the LAG must ensure that:

- the project, or the funded element / phase of the project, has been completed (through a site visit where appropriate);
- there are signed and dated funding offers and contracts in place;
- there is a documented, signed and dated claim form from the project promoter with the required supporting documentation, including original receipted invoices and the relevant bank statements, stamped as appropriate by the LAG;

- all payments have been made by the project promoter for all goods or services received, installed, etc. and are available on site for inspection;
- where project promoters are required to pay for an item using a credit card e.g. online purchases, but they do not have a credit card in their name, the following steps must be adhered to:
  1. Credit card holder purchases the item.
  2. Receipted invoice is received.
  3. Project promoter pays the credit card holder the relevant amount for the purchase.  
This should be traceable through bank statements etc.

The project promoter must have paid for the goods/service in advance of its claim for re-imbursement and subsequent claim for re-imbursement.

- any amended payment documentation has been duly endorsed (initialled and dated) by the LAG and the project promoter;
- submitted invoices are sufficiently clear to allow identification of all items and quantities of goods and services provided and do not include general or unspecific references such as 'goods provided' or 'services provided'. The items on these invoices must match the items approved for funding by the LAG and listed in the approved procurement quote and/or tender documentation and the contract between the project promoter and the LAG;
- a schedule of invoices has been provided by the project promoter;
- the 'LAG Summary of Grant payment Calculation Form' is completed and details the accepted quotation amount for each part or element of the project;
- the claim clearly documents any contribution-in-kind and is accompanied by independent assessment;
- a bank certified copy of cashed cheques have been provided by the project promoter, only where requested as part of an inspection or an audit;
- a site inspection has been carried out for capital investments and there is a completed written report of the inspection and photographic evidence showing the capital investments in a manner that they can be clearly identified including serial numbers, verifying that works have been completed satisfactorily and are consistent with those approved by the LAG;
- where appropriate, a report or assessment of the project costs included in the claim for payment submitted by the project promoter's engineer, architect, etc.;
- where appropriate, an architect's / engineer's certificate of compliance with relevant planning, building and fire regulations, and other statutory regulations has been received.
- for Heritage projects, confirmation from the designated expert(s) that the project is in compliance with the Heritage Project Requirements;

- certificates for voluntary labour independently certified by a suitably qualified person, e.g. engineer;
- the project promoter's solvency has been confirmed;
- in respect of training, there is the required documentary evidence on the LEADER IT System document repository demonstrating that the training course has been delivered;
- where appropriate, there is documentary evidence on the LEADER IT System document repository of employers and public liability insurance for contractors and sub-contractors used by the project promoter, and at final payment stage there is documentary evidence that the project is adequately insured by the project promoter;
- there is documentary evidence on the LEADER IT System document repository that the LAG has confirmed that the project promoter is tax compliant and that all contractors for construction projects paid by the project promoter were tax compliant at the time of payment;
- where funding is to be paid in respect of non-recoverable VAT, either:
  - written confirmation from Revenue must be provided which should be dated no more than 12 months prior to their claim coming in, i.e. VAT letters will be considered valid for 12 months from the date of issue; or
  - where the project promoter is a registered Revenue Online Service (ROS) customer, a printout of the taxpayer profile shows if they are VAT registered, or not. The absence of a VAT profile confirms the non-VAT registration of the customer by default.

It should be noted that where a VAT letter from Revenue is not being used, the printout from the Revenue Online Service (ROS) must be printed at each claim stage. The different options for providing confirmation of a promoter's VAT status are explained in more detail below.

### **13.3.1 Where the project promoter has access to the Revenue Online Service (ROS)**

The project promoter may confirm their VAT registration status by logging onto Revenue Online Service (ROS).

The absence of VAT registration details in the Tax Regn/Trader No. and Type/Duty column confirms that the project promoter is currently not registered for VAT. If the project promoter was previously registered and subsequently cancelled their VAT registration, the related dates will appear in the Registration Start Date and Registration Ceased Date columns.

The ROS registration page shows an 'Information Correct at' date, which confirms the project promoter's registration details at that point in time. A printout of the related ROS page must be date stamped upon receipt by the LAG, uploaded to the LEADER IT system repository for each claim.

Note, the ROS registration page also shows the project promoter's overall tax balance; the project promoter should be advised that they may redact this detail.

### **13.3.2 Where the project promoter is not registered on ROS**

A letter from Revenue confirming that they are not registered for VAT can be provided by the project promoter at Application Stage and again at Claim Stage(s) where it has expired. This letter will remain valid for a period of 12 months from the date of issue by Revenue.

### **13.3.3 Other letter from Revenue concerning VAT**

It should be noted that where Revenue issues a letter confirming that a project promoter is VAT registered solely in respect of certain activities, but is not entitled to VAT input credits on other activities, the project promoter is entitled to apply for LEADER funding of the project VAT cost element in respect of which they are not VAT registered. Such letters will be valid for a period of 12 months from date of issue by Revenue.

### **13.3.4 Administrative checks completed**

Where administrative checks have been completed, the LAG must ensure that documentary evidence of all of the above is retained on the LEADER IT System document repository.

Following each payment, the file should include a summary of the payment calculation together with a copy of the EFT showing payment of the grant to the project promoter as soon as possible and within a maximum of 10-15 working days of receipt of funds by the LAG. Where this deadline is not met, there must be an explanation on file and evidence that the promoter has been notified of the reason.

## 14 Payment of Funds

### 14.1 Transfer of funds to the LAG / Implementing Partner

The LAG must:

- maintain a separate bank account or job code (where the Local Authority is assigned the financial partner role) for receipt and expenditure of LEADER funding only;
- reimburse any interest accrued on a LEADER designated bank account to the programme;
- notify the bank, in writing, that the public monies lodged to the LEADER account are held on trust by the LAG, and may not be used by the bank to offset any LAG debts;
- not transfer LEADER funds to bank accounts or job codes of other programmes;
- ensure that all Electronic Fund Transfers, mandates, etc., from LEADER accounts or job codes are signed by at least two signatories, one of whom is the Authorised Officer or the designated officer in the financial partner;
- must approve all changes to these arrangements and ensure they are recorded appropriately; and
- ensure that all online banking transactions are printed and filed on a monthly basis, and signed by two signatories, including the Authorised Officer, and retain these records for audit purposes.

Any Implementing Partner and Animating Partner must have a designated LEADER Bank Account.

### 14.2 Transfer of funds to project promoter

The LAG must:

- ensure that all expenditure is denominated and recorded in Euro;
- make payments to project promoters by electronic funds transfer only<sup>14</sup> and to accounts designated by the project promoter only<sup>15</sup>, but not into the accounts of contractors, suppliers, etc.. As set out in EU Regulation 2022/127 Annex 1 2 (b), the paying agency shall adopt the necessary procedures to ensure that payments are made only to bank accounts belonging either to project promoters or to their assignees. On that basis, in cases where a project promoter submits written confirmation of receipt of LEADER grant payment, this will be sufficient.
- ensure adherence to the Public Spending Code (Section 15.3.2) and associated Circulars from the Department of Public Expenditure, NDP Delivery and Reform.

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<sup>14</sup> Commission Regulation (EC) No. 2022/127

<sup>15</sup> These bank accounts must be in compliance with the Criminal Justice Money Laundering and Terrorist Financing Acts 2010 and 2013. However, such bank accounts should not be the bank accounts of goods and service suppliers.



### 14.3 Cash Payments

A ceiling of €1,000 will apply:

- per project, for total payments made by project promoters in cash for vouched services; and
- per year, for vouched purchases made by the LAG.

Invoices settled for cash will be considered ineligible for grant aid unless accompanied by an appropriate receipt.

Once this ceiling is reached, all subsequent payments must be paid by EFT, Cheque, Bank Draft, Money Order, Credit Card, etc. Any amounts paid in cash above this threshold and submitted as part of a claim shall be deemed ineligible for funding.

### 14.4 Prompt Payment Requirements

LAGs should be aware of the *The Prompt Payment of Accounts Act 1997*<sup>16</sup> and the *Late Payment in Commercial Transaction Regulations (S.I. No. 580 of 2012)*<sup>17</sup> and must inform itself fully of the relevant legislation, but in any event and regardless of its status:

- make payments to suppliers of goods or services or contractors within 30 working days of receipt of a valid invoice, or receipt of the delivery of goods or services, whichever is the later, thus avoiding the payment of interest not withstanding other obligations of the Prompt Payments Act on the Financial Partner; and
- stamp all invoices upon receipt (including electronic invoices, which should be filed with the e-mail that accompanied it).

Where the LAG does not date stamp the invoice on receipt, the invoice date will be the relevant date for calculating interest payable by the LAG. Interest is not an eligible cost.

### 14.5 Financial and Other Charges and Legal Expenses

The following expenses are eligible:

- the cost of operating a LEADER specific bank account; and
- legal costs associated with the collection of debts under the programme.

The following expenses are not eligible:

- legal costs in actions taken by and against the LAG. All LAGs and their Implementing Partners, Animating Partners must at the earliest possible opportunity advise the Department about any legal action that they are involved in, or could potentially be involved in, with regard to the

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<sup>16</sup> <http://www.irishstatutebook.ie/pdf/1997/en.act.1997.0031.pdf>

<sup>17</sup> <http://www.irishstatutebook.ie/eli/2012/si/580/made/en/pdf>

LEADER programme. It should be borne in mind that there is no obligation on the Department to provide a financial contribution to legal costs that may be incurred by any LAG or its Implementing Partner or Animating Partner in respect of their delivery of the LEADER programme. Prior sanction from the Department would be required at the outset of the legal proceedings before any contribution towards such legal costs would be provided by the Department; and

- interest on debt incurred by the LAG.

#### **14.6 Phased Payments**

The LAG may make phased payments for the efficient and effective delivery of the Programme where:

- this has been requested by the project promoter; and
- the phased payments exceed €1,000; and
- at least 20% of total eligible costs have been incurred by the project promoter; and
- the number of phased payments on a project will be five or lower; and
- for projects involving construction where the LEADER grant aid is in excess of €100,000, a sign-off by a suitably qualified person (e.g. an architect / engineer) verifying that the works are satisfactorily completed prior to each phased payment;
- phased payments are not permitted for project items being manufactured outside of Ireland.

The LAG must notify the project promoter, and include as a condition of the funding offer, that the project promoter must repay all phased payments received in the event the project is not completed. In this context, the LAG should consider requiring a bond to be effected by a project promoter needing phased payments.

The LAG may approve a change of payment to a project promoter for an approved project from one-off to phased payments. This change must be noted in the relevant LAG meeting minutes.

The LAG will be required to recover all monies paid if the project promoter fails to complete the project.

## **15 Programme Management Requirements**

### **15.1 Procedures Manuals**

The LAG and the Implementing Partners must maintain a comprehensive procedures manual for the management of LEADER funding and activity including procedures for dealing with complaints that may arise.

### **15.2 LAG Financial Oversight**

The LAG is responsible for managing all expenditure on administration and animation costs of the LAG, and the funding provided to each project. The LAG, rather than the project promoter, will be liable where the LAG has not adhered to the relevant requirements.

The following must be provided at a minimum to the LAG members at each meeting:

- a copy of the most recent monthly bank statement, or Agresso or Integra printout where the Local Authority is the LAG financial partner, in respect of each account or job code relating to LEADER funds; and
- a monthly reconciliation statement, showing for example a list of payments to project promoters, named administrative costs, lodgements made to the bank but not yet credited, cheques issued but not yet cashed, etc.

The LAG must not commit funding in excess of the total LEADER budget available to it. Accordingly, the LAG must not operate in the expectation that grant commitments will not be drawn down, e.g. where funding may be decommitted as a result of projects not proceeding or the inability of the project promoter to draw down the full grant offered.

### **15.3 Management of and Accountability for Grants from Exchequer Funds**

The LAG must comply with Circular 13/2014 from the Department of Public Expenditure, NDP Delivery and Reform regarding the management of and accountability for grants from the Exchequer<sup>18</sup>. This Circular outlines the public financial management principles, procedures and standard additional reporting requirements to be followed in respect of the management of public funds and aims to ensure proper management and accounting of all Exchequer funds. The overall principle is that there should be transparency and accountability in the management of public money, in line with the requirements of economy, efficiency and effectiveness. Where appropriate, the LAG's financial statements must be consistent with the Circular.

#### **15.3.1 Solvency of the LAG and Implementing Partner and Animating Partner**

LAG based on a partnership approach with financial and implementing partners, LCDC led LAGs, should seek a quarterly solvency declaration from their respective implementing partners and

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<sup>18</sup> <http://circulars.gov.ie/pdf/circular/per/2014/13.pdf>

Animating Partners. Similarly, LAGs constituted as separate legal entities (LDC led LAGs) must submit a Quarterly Declaration of Solvency (Appendix 18) to the Department.

### **15.3.2 Public Spending Code**

LAGs must be aware of and comply with the requirements of the public spending code. The Code is available at <https://www.gov.ie/en/publication/public-spending-code/> under the management of the Department of Public Expenditure, NDP Delivery and Reform.

## **15.4 Tax Compliance VAT**

The default position is that all project promoters are registered for VAT. In such circumstances VAT is not an eligible cost; non-recoverable VAT borne by project promoters may be eligible. The LAG must obtain written confirmation from the Revenue Commissioners (provided by the project promoter) that the project promoter is not registered for VAT at the time of application and before each payment is made. This can be done by either: (1) Revenue letter or (2) Revenue Online Service (ROS) profile page printout.

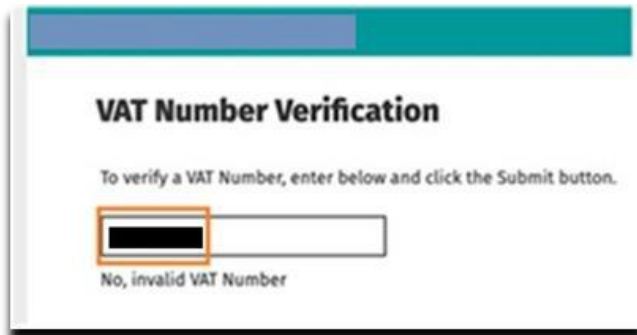
- 1) In cases where funding is to be paid in respect of non-recoverable VAT, written confirmation from Revenue must be provided which should be dated no more than 12 months prior to their claim coming in, i.e. VAT letters will be considered valid for 12 months from the date of issue.
- 2) In cases where the project promoter is a registered Revenue Online Service (ROS) customer, the taxpayer profile will either show a VAT registration, or not. The absence of a VAT profile confirms the non-VAT registration of the customer by default.

The ROS profile page may be printed off at each claim stage. A printout of the related ROS page must be date stamped upon receipt by the LAG and uploaded to the LEADER IT System document repository.

For project promoters who are not registered on ROS and who have previously received Revenue confirmation of VAT non-registration and this notification is currently out of date. The LAG / Implementing Partner may avail of either of the following procedures to determine the VAT status of the project promoter:

- 1) Revenue e-mail Verification - The project promoter may obtain confirmation of their VAT status from Revenue by e-mail, and if the confirmation provided by this e-mail confirms that the project promoter is not registered for VAT, this confirmation will be considered valid for 12 months from the date of issue of the Revenue e-mail. A copy of the email from Revenue must be uploaded to the LEADER IT system document repository.
- 2) ROS VAT Number Validation Application - Revenue's ROS system contains a VAT Number Validation Application, and this may be used to confirm the project promoter's current VAT status as follows:

- a. Previous Revenue confirmation correspondence certifying that the project promoter is not registered for VAT will show the project promoter's Tax Registration Number (TRN).



**VAT Number Verification**

To verify a VAT Number, enter below and click the Submit button.

No, invalid VAT Number

Entering the promoter's TRN will confirm the project promoter's current VAT status by indicating if it conforms to being a valid VAT number or not. For the purposes of a project promoter where confirmation has been received from Revenue that the project promoter is not registered for VAT, an invalid result will confirm the continued non-registration of the project promoter for VAT. This invalid result will not be acceptable as evidence that the project promoter is not registered for VAT, where confirmation has not previously been received from Revenue that the project promoter is not registered for VAT.

As the ROS output screen does not confirm the check verification date, the LAG / Implementing Partner must print a copy of the output screen while ensuring that their printer displays the current date in the page footer. The printed page must then be date stamped and signed by the Project Development Officer, and uploaded to the LEADER IT system document repository.

Project promoters who do not have a previous letter / communication from Revenue confirming that they are not registered for VAT will need to either await written confirmation or an e-mail from Revenue in relation to their VAT registration status. ROS registered project promoters may continue to avail of the VAT status verification process.

In the case of a project promoter who when approved grant aid was not registered for VAT so that the grant was calculated VAT inclusive, subsequently registers for VAT, the following process will apply:

- invoices dated pre the date of effective VAT registration should be claimed on the VAT inclusive basis, as originally intended.
- invoices dated on or after the date of effective VAT registration should be claimed on the VAT exclusive basis. The 'VAT element funded' stamp must not be put on the latter invoices.
- The Revenue letter confirming the date of effective VAT registration should be uploaded to the LEADER IT System document repository, for audit trail purposes.

- As a direct result of registration for VAT, the resulting unclaimed LEADER grant amount must be decommitted and cannot be reallocated within the project.

#### **15.4.1 Import duties/tariffs**

Any import duties/tariffs that contribute to the acquisition of an eligible item for LEADER funding are eligible.

Additionally, in principle VAT charged at the point of entry of the goods into the EU may also be eligible for LEADER funding, subject to confirmation of the project promoter's VAT status. Supporting information, e.g. Revenue paperwork relating to the imported item(s) and payment of the duties/tariffs will be required for claim purposes.

### **15.5 Tax Clearance Procedures**

The LAG must be aware of the requirements in relation to Tax Clearance procedures. These procedures are available at <https://www.revenue.ie/en/starting-a-business/tax-clearance/when-is-a-tax-clearance-certificate-required/index.aspx> These requirements apply in respect of the LAG, the Implementing Partner, the project promoters, and contractors for construction projects, subject to the requirements below:

- The LAG (or Financial Partner where appropriate) must be tax compliant. The Department will not issue any funding unless the LAG or Financial Partner produces evidence of tax clearance or a valid charity number to the Department;
- The LAG must notify project promoters of the tax clearance requirements relevant to them and their contractors for construction projects. The LAG must ensure that the tax affairs of project promoters and contractors for construction projects are in order. The LAG must also ensure that for projects being grant aided by LEADER that evidence of tax clearance is provided in respect of all suppliers of construction services for the project, where applicable. Payment must not be made if evidence of tax compliance cannot be provided on completion of work or at payment stage.

Evidence of current Tax Clearance must be provided for payments of grant aid to project promoters that exceed €10,000 (including VAT) for the previous twelve-month period at the time of payment. This threshold is €650 for payments involving construction operations. Accordingly, the LAG must ensure that all project promoters obtain evidence of current Tax Clearance from all relevant contractors where the project involves construction. The LAG must not offer funding of less than €10,000 to avoid tax clearance procedures.

Tax compliance can be verified using the Revenue Online System (ROS) (Appendix 20). As there is no specific expiry date on the online e-Tax Clearance system, confirmation will be required each time a payment is made to a construction contractor, subject to the relevant threshold. A copy of each e-

Tax Clearance confirmation printout must be signed, stamped and dated by the verifier and uploaded to the LEADER IT System document repository.

### **15.5.1 Non-resident contractors for construction projects**

Non-resident contractors for construction projects must also provide evidence of Irish Tax Clearance Certificate. Further guidance on tax clearance for non-residents is available on the Revenue website at <http://www.revenue.ie/en/business/running/tax-clearance.html>.

The Revenue TCC letter will advise a valid-until date. The TCC letter will suffice in respect of all goods purchased from that supplier until the stated expiry date.

Payments to non-resident contractors for construction projects who have not provided evidence of a valid Tax Clearance Certificate will be deemed ineligible and the LAG must decommit such payments and reimburse the appropriate amount to the Department.

Appendix 2 of Department of Finance Circular 44/2006, Tax clearance procedures, Grants, Subsidies and similar type payments – Definition of ‘Construction Operations’ – provides guidance on what types of activity constitute construction operations for the purposes of tax clearance. The following Revenue webpage provides general information in this regard.

<https://www.revenue.ie/en/self-assessment-and-self-employment/construction-industry/what-are-construction-operations.aspx>

LAGs that require further assistance in relation to what is a construction operation, should seek such assistance from the Office of the Revenue Commissioners via the appropriate channel on the Revenue.ie website.

## **15.6 Equipment and Property**

### **15.6.1 Asset Register**

The project promoter must put safeguards in place to ensure that LEADER funded assets are not misappropriated. The project promoter must maintain an asset register of all LEADER funded assets and designate a location where assets will be available for inspection. The existence of this asset register must be verified by the LAG.

### **15.6.2 Purchase of Land<sup>19</sup>**

The purchase of land for an amount exceeding not greater than 10 % of the total eligible expenditure for the operation concerned.

The LAG must obtain the following before payment can be made:

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<sup>19</sup> Article 73 of Regulation 2021/2115

- confirmation of ownership by project promoter (i.e. Title Deeds); and
- a copy of contract of sale after the letter of offer has been signed.

As the value of the land certified by an independent qualified expert cannot exceed 10% of the total eligible costs of the approved project, the other project costs must be at least 90% of the eligible project costs. The other eligible costs are all of the costs of the project minus the cost of the land. If these costs are equal to 90%, then the 10% maximum applicable to land purchases is calculated by dividing this figure by 9.

*Example where land acquisition costs are greater than 10% of the eligible project costs*

A	Land acquisition costs	€10,000
B	Eligible LEADER project costs (excluding land acquisition costs)	€40,000
C	Total costs (A + B)	€50,000
D	Maximum eligible land acquisition costs. ( <i>Up to a maximum of 10% of the eligible LEADER project costs: (B =90% then D can only equal 10% i.e. B/9 – which in this case is (€40,000/9)</i> )	€4,444
E	Land acquisition costs that can be funded (the lesser of A or D)	€4,444
F	Total eligible Leader project costs (B + E)	€44,444
G	LEADER funding @ 50% (50% x F)	€22,222

*Example where land acquisition costs are equal or less than 10% of the eligible project costs*

A	Land acquisition costs	€5,000
B	Eligible LEADER project costs (excluding land acquisition costs)	€100,000
C	Total costs (A + B)	€105,000
D	Maximum eligible land acquisition costs. ( <i>Up to a maximum of 10% of the eligible LEADER project costs: (B =90% then D can only equal 10% i.e. B/9 – which in this case is (€100,000/9)</i> )	€11,111
E	Land acquisition costs that can be funded (the lesser of A or D)	€5,000
F	Total eligible Leader project costs (B + A)	€105,000
G	LEADER funding @ 50% ROA (50% x F)	€52,500

### 15.6.3 Second-hand Equipment

The LAG may award funding for the purchase of second-hand equipment where –



- the seller provides a written declaration confirming the equipment's origin and that the equipment was not purchased with national or EU funds in the previous seven-year period; and
- the price of the equipment does not exceed its market value and is less than the cost of similar new equipment (provide evidence of quotes for similar new equipment); and
- the equipment meets the technical specification required for the project and meets applicable norms and standards.

#### **15.6.4 Evidence of Title, Leasehold or Permission to use Property**

The LAG must obtain evidence from the project promoter of title or leasehold in respect of capital projects involving land, e.g. sites of building construction or renovation, fixtures, traffic ways, etc. Any lease provided must:

- be signed by the lessor and the project promoter;
- be appropriately witnessed;
- be accompanied with a legible map clearly identifying the land/property involved; and
- stipulate the term of the lease (must be for a period of at least five years from the date of the final payment to the project promoter or for a term not less than the term of the contract, whichever is the longer).

Where the project promoter cannot obtain a lease, legal documentation confirming the project promoter's authority to carry out the relevant activities for at least a five year period after the date of final payment for the project, will suffice. The LAG must ensure that this documentation, witnessed by a solicitor, and is signed by a person or body recognised as the person or body in charge of the property. The solicitor must verify that this person or body is entitled to lease out the property concerned and must witness the document. The asset covered by this document cannot be used as contribution-in-kind. Any agreement for a period of less than five years from the date of final payment for the project will not be eligible for funding.

#### **15.7 Durability of Investment and Repayment of Funding**

Project promoters in receipt of LEADER funding for capital investment (i.e. for infrastructure or productive investments) must operate as funded for five years from the date of final LEADER grant payment – durability requirement. In addition, the LAG may only make a funding offer on condition that funding will be repaid if within a five year period of the date of the final grant payment:

- I. the beneficiary ceases or relocates the activity outside of Ireland; and/or
- II. any LEADER funded assets are sold, leased or otherwise change ownership without the Department's prior written approval; and/or

- III. the investment is substantially changed or modified in a way which affects the nature, objectives or implementation conditions of the investment and undermines the original objectives of the LEADER funding provided.

Where the LAG becomes aware that a project promoter is not meeting the conditions of funding referred to in points I to III above, the LAG must immediately inform the Department and seek repayment of funds.

The LAG may reduce the amount of funding to be repaid by the project promoter in proportion to the period the project operated in compliance with the above conditions.

The LAG must provide expressly for these requirements in the funding agreement or contract with the project promoter.

### **15.8 Travel and Subsistence for project promoters**

In general, the LAG may not fund travel and subsistence costs of project promoters. Such costs may be eligible for support, however, if they are integral to the delivery of the project e.g. attendance at trade fairs, but only up to the level of the prevailing Civil Service rates.

It should be noted that LEADER does not fund the travel and subsistence costs of participants to attend the centre/location where a project activity is taking place. Similarly, for training type projects, trainee travel and subsistence costs to training centre are not eligible for LEADER grant aid.

However, where it is clearly evident in a training project that a certain element of the training cannot be completed in a classroom setting, and can only be completed by undertaking a site visit/field trip, then, in this situation the cost of transporting the participants/students from the classroom to the site visit/field trip location can be permitted e.g. bus or train.

### **15.9 Data Protection Act**

The Department is the Data Controller and the LAG and Implementing Partner(s) and Animating Partners are Data Processors and must be aware of and comply with national legislation and other statutory requirements in respect of data protection. Information provided to the LAG by an Implementing Partner or Animating Partner or a project promoter may include personal data and sensitive personal data as defined by the Data Protection Acts 1988 - 2018. As an authorised data Processor, the LAG and Implementing Partner and Animating Partner must maintain a robust system for ensuring the security of data received. All applicants must be informed that the data supplied will be processed in accordance with the Data Protection Acts 1988 - 2018 and the [General Data Protection Regulation \(GDPR\) \(EU\) 2016/679](#) ) which came into effect on 25 May 2018.

#### **15.9.1 Transfer of personal data to a Third Country**

The GDPR outlines the provisions in relation to third country data transfers in Articles 44-49 <https://gdpr-info.eu/chapter-5/>. Please also see guidance note from the Data Protection Commission.

All LAGs and their partners should make themselves aware of the GDPR requirements where they transfer personal data to any third country.

The LAG must outline the procedures and controls for ensuring the security of personal data and sensitive personal data received in its procedures manual. The LAG must also ensure that its Implementing Partner(s) and other partners are also compliant with data protection legislation.

For further information on Data Protection, please contact the Office of the Data Commissioner and/or consult the Data Commissioner's website <https://www.dataprotection.ie/>.

### **15.10 Freedom of Information (FOI) Act**

The LAG must comply with the requirements of the Freedom of Information Act 2014<sup>20</sup>. The Act provides that, with effect from 21 April 1998, every person is entitled to:

- access official records held by Government Departments or other public bodies listed in the Act;
- have personal information held on them corrected or updated, where such information is incomplete, incorrect or misleading; and
- obtain reasons for decisions that directly affect them.

LAGs based on a partnership approach with financial and Implementing Partners, LCDC led LAGs, are subject to FOI in their own right and are therefore responsible for dealing with FOI requests that relate to their LAG and Partners.

In addition, all LAGs must provide records to the Department under Section 11 (9) of the Freedom of Information Act 2014:

*A record in the possession of a service provider shall, if and in so far as it relates to the service, be deemed for the purposes of this Act to be held by the FOI body, and there shall be deemed to be included in the contract for the service a provision that the service provider shall, if so requested by the FOI body for the purposes of this Act, give the record to the FOI body for retention by it for such period as is reasonable in the particular circumstances.*

The Department, its Local Action Groups retain the right to disclose for the purposes of a request under the Freedom of Information Act 2014 or otherwise, in connection with the funded project(s):

- i. any information supplied by the Applicant to the LAG / Implementing Partner / Department,

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<sup>20</sup> <http://www.irishstatutebook.ie/eli/2014/act/30/enacted/en/html>

- ii. any relevant data gathered by the LAG / Implementing Partner / Department in administering grant aid to the project, except where the information is considered to be personal or commercially sensitive.

Information requested in connection with an FOI must be provided by the LAG within the timelines and in the format specified by the Department.

The full requirements and obligations of the Act, as well as guidance and template letters, can be accessed at [www.foi.gov.ie](http://www.foi.gov.ie).

### **15.11 Health and Safety / Insurance**

Neither the Minister nor any official of the Department will be in any way liable for any damage, loss or injury to persons, animals or property in the event of any occurrence relating to LEADER funded construction or other activities. The project promoter shall fully indemnify the Minister or any official of the Department in relation to any such damage, loss or injury howsoever occurring during the development works or other activities.

Where construction is undertaken by a contractor, the project promoter must ensure that the contractor or any other contractor or sub-contractor understands the risks involved in the development and is prepared to guard against them. The project promoter must also ensure that the contractor or sub-contractor has appropriate insurance cover in place e.g. employers and public liability insurance, in the event of any injury, loss, damage or other mishap occurring. The project promoter must obtain a suitable written indemnity from any contractor or sub-contractor in relation to any damage or injury or other loss that might occur during the development works and, if necessary, seek professional insurance advice from an insurance broker or insurance company.

The LAG must advise all applicants of the need to acquaint themselves with the provisions of the Safety, Health and Welfare at Work Act 2005 as amended, [Safety, Health and Welfare at Work \(Construction\) Regulations 2013 \(S.I. No. 291 of 2013\)](#) and other relevant regulations.

A general guide to the 2005 Act is available on the Health and Safety Authority website at [http://www.hsa.ie/eng/Topics/Managing\\_Health\\_and\\_Safety/](http://www.hsa.ie/eng/Topics/Managing_Health_and_Safety/).

The LAG must advise all project promoters of the requirement to confirm their responsibility and duty to effect and keep in force, for both the project implementation process and the 5-year durability period, self-insurance arrangements and/or public liability insurance. The LAG/project promoter contract must contain comprehensive conditions regarding insurance cover and related contingencies in the event of loss or damage to project assets.

#### **15.11.1 Insurance and Indemnity**

The project promoter (henceforth referred to as 'the Promoter') accepts and confirms that the Minister of the Department of Rural and Community Development, the (insert LAG or other indemnifiable party

name(s)) is at all times and instances indemnified from and against all actions, proceedings, costs, damages, expenses, claims, demands and liabilities (save to the extent that same is due to the gross neglect or default of the aforementioned parties) arising in any way directly or indirectly out of:

- a) any act, default, omission, or negligence of the Promoter, its servants or agents, or any person in and on the project area or premises with the promoter's authority or by the promoter's invitation;
- b) any act, default, omission or negligence of the Promoter, its servants or agents (or any persons with the Promoter's authority or invitation) in or on other areas adjacent to or in the vicinity of the project area or premises over which the promoter may have rights of access or use;
- c) the Permitted Use; and
- d) any breach by the Promoter of its obligations, its undertakings, the conditions or other provisions contained in the contract or subordinate to the 2023-2027 LEADER Programme Operating Rules.

The Promoter confirms its responsibility and duty to effect and keep in force, for the project for which LEADER grant aid is sought, public liability insurance or other insurance as required.

The Promoter shall also give notice to the Minister forthwith upon becoming aware of the happening of any event which might affect any insurance policy relating to the project, its assets, premises and any other item subject to insurance.

If at any time the Promoter shall be entitled to the benefits of any insurance on the project premises or property (which is not effected or maintained in pursuance of any obligation herein contained) to apply all monies received by virtue of such insurance in making good the loss or damage in respect of which the same shall have been received.

To notify the Minister, the LAG, as appropriate, in writing of any damage, howsoever occasioned, to the project premises or assets, immediately on becoming aware of same.

To pay to the Minister, the LAG, as appropriate, on demand the amount of any insurance monies in respect of the damage to the project premises or assets which cannot be recovered by reason of any act, default, omission or negligence of the Promoter, its servants, agents, promoters or invitees.

If and whenever during the 5-year durability period the project premises or any part thereof are damaged or destroyed by any of the Insured Risks and the insurance money under the policy of insurance is by reason of any act or default of the Promoter or anyone at the project premises expressly or by implication with the Promoter's authority other than the Minister, the LAG, as appropriate, its servants agents employees or workmen wholly or partially irrecoverable, forthwith in every such case to (at the option of the Minister, the LAG, as appropriate) either:

- a) Rebuild and reinstate at its own expense the property or buildings contained in the premises or structures subject to an application for grant aid are part destroyed or damaged to the reasonable satisfaction and under the supervision of the LAG, as appropriate, surveyor, the Promoter being allowed towards the expenses of so doing upon such rebuilding and reinstatement being completed the amount (if any) actually received in respect of such damage or destruction under any insurance as aforesaid; or
- b) Pay to the LAG, as appropriate, on demand, with interest at the Prescribed Rate (3 %), the amount of such insurance monies so irrecoverable from the date on which the Promoter shall be notified by its insurers that such monies are irrecoverable whichever is the least expensive for the Promoter.

### **15.12 Services through English and Irish**

The LAG is a public body for the purposes of the Official Languages Act. Guidance on the requirements is available at <http://www.coimisineir.ie/downloads/Guidebook4.pdf>.

The LAG must ensure that application forms are available in Irish and English. The LAG must also publicise that its services are available through Irish if they are in Gaeltacht or bordering regions. In other areas, where a service is requested through Irish, the LAG must make every effort to provide it.

## **16 Procurement**

The requirements outlined in this section relate to the procurement procedures and Reasonableness of Cost requirements to be followed in respect of LEADER project applications.

The LAG should have adequate expertise to ensure compliance with National Procurement Guidelines, EU Regulations, and Department Circulars, including adequate training of staff in public procurement procedures. The LAG must advise the project promoter of the consequences of failing to follow correct procurement procedures. The LAG must also advise each project promoter to verify that procurement expertise sourced by them has the necessary skills and experience e.g. experience of running other public procurement competitions.

Where the procurement process has been completed and approved by the LAG, the LAG should advise the project promoter and include in both their Letter of Offer and Contract that they should not make any changes to what is approved, e.g. the project promoter should not change supplier(s)/contractor(s) for any reason without first consulting the LAG, as this may result in the procurement rules being breached resulting in penalties and/or the project being deemed ineligible for LEADER funding.

### **16.1 Administration and Animation**

LAGs, including Implementing Partners and Animating Partners, should follow National Procurement Guidelines, EU regulations and any subsequent amendments as advised by Departmental Circular in respect of LAG Administration and Animation spend.

### **16.2 Procurement reasonableness of costs**

In addition to adhering to procurement requirements, the LAG must satisfy itself in relation to the reasonableness of costs submitted for each project by assessing and comparing tenders/quotations received. However, where the procurement process results in less than 3 responses/tenders being obtained, either through advertising on eTenders or seeking direct quotations, the Evaluation Committee and the LAG must demonstrate the additional steps taken to ensure that the project costs are reasonable. As an example, the LAG/Evaluation Committee could consider the costs based on its existing knowledge and a comparison of the costs of similar projects/activity in the same geographical region.

In circumstances where less than 3 quotations are obtained for direct invitation procedures, it is advisable to review the list of firms/suppliers from whom quotations were sought. This provides extra assurance that the project promoter had legitimate grounds for expecting a response e.g. for construction works, check that the project promoter has contacted contractors that operate in the geographic area concerned.

## 16.3 Promoter Categories

There are two procurement categories which are applicable to project promoters:

### 16.3.1 Category 1

Project promoters that may be awarded total funding of more than 50% of the project costs (from LEADER and/or other public sources), and LAGs / Implementing Partners / Animating Partners regardless of the levels of support from LEADER, must follow the National Public Procurement Guidelines.

### 16.3.2 Category 2

Project promoters that may be awarded total funding of 50% or less of the project costs (from LEADER and/or other public sources) may choose not to follow the National Procurement Guidelines. In that instance they must follow the LEADER Specific Procurement Guidelines.

## 16.4 EU Thresholds

In the main, LEADER does not provide funding for activities above the EU thresholds.

The current EU thresholds are €221,000 (exclusive of VAT) for Goods & Services and Works-related Services and €5,538,000 (exclusive of VAT) for Works. These thresholds are revised every two years and LAGs should consult <http://simap.ted.europa.eu/web/simap/european-public-procurement> for the most recent thresholds. The current thresholds remain valid until 31<sup>st</sup> December 2025. For project activity above the EU threshold LAGs should consult with the OGP with regard to the correct procedure to be followed.

## 16.5 National Procurement Guidelines - Category 1

The National Procurement Guidelines apply where the award of total public funding (from LEADER and public matching funds) is more than 50% of the project costs. These guidelines are also applicable to LAGs / Implementing Partners / Animating Partners, regardless of the levels of support from LEADER. An outline of the threshold requirements is set out in the table below:

National Procurement Thresholds		
Contract Type	Amount (excl. VAT)	Procedure
Supplies & Services	Less than €5,000	<b>Seek</b> verbal quotations from one or more interested and competent suppliers/service providers - these can be sought verbally but responses must be obtained in writing.  (Best Practice – Seek a minimum of 3 written quotes; a record of verbal requests must be uploaded to the LEADER IT System document repository).



	€5,000 - €50,000	<b>Seek</b> written quotations from a minimum of 3 suppliers on the basis of responses to written specifications.
	€50,000 - EU Threshold (currently €221,000)	Publish Contract Notice on eTenders <a href="http://www.etenders.gov.ie">www.etenders.gov.ie</a> – Open Procedure.
Works Related Services	Less than €50,000	<b>Seek</b> written quotations from at least 5 firms on the basis of responses to written specifications, or follow the eTenders process
	€50,000 – EU Threshold (currently €221,000)	Publish Contract Notice on eTenders <a href="http://www.etenders.gov.ie">www.etenders.gov.ie</a>
Works	Less than €200,000	<b>Seek</b> written quotations from at least 5 firms on the basis of responses to written specifications, or follow the eTenders process
	€200,000 - EU Threshold (currently €5,538,000)	Publish Contract Notice on eTenders <a href="http://www.etenders.gov.ie">www.etenders.gov.ie</a> – Open or Restricted Procedure*

**\*Open Procedure** - In an open procedure, anyone may submit a full tender. This procedure is used most frequently.

**Restricted Procedure** - Anyone may ask to participate in a restricted procedure, but only those who are pre-selected may submit tenders. It is a 2-stage process, firstly, seek EOI to shortlist candidates on a qualitative assessment and then invite the specified number (typically 5) to tender, e.g. for conservation works to buildings, need to be able to select competent contractors.

### 16.5.1 Key Issues - Category 1

Project promoters are advised, where necessary, to obtain legal or specialist advice and to pay particular attention to the following tendering requirements:

- a) Projects involving construction works must adhere to the requirements of the Capital Works Management Framework (CWMF), which is published under the Construction Procurement Reform website. The CWMF is a suite of template tender and contract documents for the procurement of public works and works-related service contracts.
- b) Project promoters should consider the nature, scale and complexity of the particular project and consult with the guidance material published under the CWMF before determining which procurement and contracting strategy to follow.
- c) Project promoters are advised to use the following suite of documents as being most suited to LEADER funded works projects:
  - Works Declaration LEADER (WDL) – (Appendix 23)
  - Tender & Schedule for Works FTS6
  - Instruction to Tenderers (ITT W4 or ITT W5)
  - Short Public Works Contract (PW-CF6)

It should also be noted that the Witness signatory to these documents must not be the project promoter or a person acting on the project promoter's behalf.

Where the procurement requirement is to seek quotations from written specifications for works projects, there is no requirement to use the ITT or WDL template documents referred to under *Key issues - Sections (c)*. These CMWF documents are only applicable to works projects, which are advertised on eTenders. PW-CF6 and FTS 6 should continue to be used since it is good practice to set out up front the payment terms, insurance requirements and measures to adjust the price and time for completion for any construction project.

- d) Project promoters may use alternative documents from the suite of contracts published under the CWMF, however the Short Public Works Contract (PW-CF6) should be suitable for the majority of LEADER works projects given the nature of these investments. Where using the PW-CF6, the winning tender must be selected solely on the basis of the lowest price tendered. For more technically complex works projects, and where the project promoter wishes to select on the basis of MEAT, the project promoters are advised to use PW-CF5 (Minor works form of contract).
- e) For Works above €200,000, it is recommended, but not mandatory, that project promoters use the prequalification document circulated by the Department (Works Declaration LEADER (WDL)).
- f) Project promoters should be aware of the National Health and Safety requirements that apply for Works – these are referred to in the pre-qualification document (WDL).
- g) For Works-Related Services, the winning tender must be identified on the basis of Most Economically Advantageous Tender (MEAT).
- h) For Supplies and Services Contracts, project promoters may award contracts on the basis of either lowest price tendered or MEAT.
- i) The correct Common Procurement Vocabulary (CPV) code must be assigned.
- j) A minimum of 21 calendar days must be allowed for responses following the publication date of the advertising notice.
- k) E-mail responses to requests for quotations are acceptable where accompanied by clearly identifiable date and source information.
- l) Where a tender amount is considered to be abnormally low in relation to the pre-tender estimate or with respect to the extent of works, services or supply required, written evidence should be sought from the tendering contractors to demonstrate that the price is sustainable.
- m) Post-tender negotiations are not permitted i.e. any dialogue that could be construed as "post tender negotiation" on price or that might result in significant changes to the published tender request.
- n) For tenders obtained through eTenders, Framework Agreements and Newspaper Advertisements, successful and unsuccessful tenderer(s) must be notified in writing of the

result of the tender process; these notification letters must be uploaded to the LEADER IT System document repository.

It is also recommended that, where feasible, all other unsuccessful suppliers/service providers & contractors who submit tenders/quotations are notified in writing of the outcome of the competition.

- o) Per Article 49(3) of EU Regulation 2021/1060, in the case of public procurement, the managing authority shall make the contractors name available on its website. All project promoters should inform their contractors of this requirement.

## 16.6 LEADER Procurement Requirements - Category 2

Specific LEADER procurement rules apply in respect of project promoters who are in receipt of 50% or less total public funding for a project and are not required to follow the National Procurement guidelines. These project promoters must comply with the procedures outlined in the table below:

LEADER Specific Tendering Thresholds		
Contract Type	Amount (ex VAT)	Procedure
Supplies & Services	Less than €10,000	<b>Seek</b> verbal quotations from one or more interested and competent suppliers/service providers - these can be sought verbally but responses must be obtained in writing.  (Best Practice – Seek a minimum of 3 written quotes; a record of verbal requests must be uploaded to the LEADER IT System document repository).
	€10,000 - €50,000	<b>Seek</b> written quotations from at least 3 suppliers on the basis of responses to written specifications.
	Above €50,000	<b>Seek</b> written quotations from at least 5 suppliers on the basis of responses to written specifications and place notice on local or National Newspaper.  Alternatively publish Contract Notice on eTenders.
Works & Works Related Services	Less than €10,000	<b>Seek</b> written quotations from at least 2 firms (these can be sought verbally but responses must be obtained in writing).
	€10,000 - €100,000	<b>Seek</b> written quotations from at least 3 firms on the basis of responses to written specifications.

	Above €100,000	<p><b>Seek</b> written quotations from at least 5 firms on the basis of responses to written specifications and place notice in local or National Newspaper. Alternatively, publish Contract Notice on eTenders.</p> <p><i>It is recommended that tenderers should complete pre-qualification document – Works Declaration LEADER (WDL) – as circulated by the Department.</i></p>
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### 16.6.1 Key Issues - Category 2

- a) For all contracts, the winning tender may be selected on the basis of the lowest price tendered or the Most Economically Advantageous Tender (MEAT); however the following is advised:
  - Works Contracts - project promoters should select the winning tender on the basis of the lowest price tendered.
  - Works-Related Services Contracts - project promoters should select the winning tender on the basis of MEAT.
- b) It is recommended that tender respondents should be afforded a reasonable period of time to submit their responses (e.g. 21 calendar days); the time period should reflect the nature and complexity of the proposed project.
- c) Where a notice is required to be placed in a local or national newspaper, it should refer to the essential details of the contract together with relevant contact details for further information regarding requirements.
- d) E-mail responses are acceptable where accompanied by clearly identifiable date and source information.
- e) Project promoters should be aware of the National Health and Safety requirements that apply for Works projects – these are referred to in the pre-qualification document (WDL).
- f) For tenders obtained through eTenders, Framework Agreements and Newspaper Advertisements, successful and unsuccessful tenderer(s) must be notified in writing of the result of the tender process; these notification letters must be uploaded to the LEADER IT System document repository. It is also recommended that, where feasible, all other unsuccessful suppliers/service providers & contractors who submit tenders/quotations are notified in writing of the outcome of the competition.
- g) Per Article 49(3) of EU Regulation 2021/1060, in the case of public procurement, the managing authority shall make the contractors name available on its website. All project promoters should inform their contractors of this requirement.

### 16.7 Tender/quoter withdrawal from the process

Where the preferred tender/quoter withdraws from the process, e.g. is not in a position to honour the tender/quote they provided, the project promoter is permitted to go to the next successful tender/quoter

and use them. If their costs are higher, the amount of grant aid approved by the LAG must not be increased. In such a scenarios, there is no need for an addendum to the contract between the LAG and the project promoter.

<b>Summary of selection process to be used for each contract type</b>	
<b>Contract Type</b>	<b>Selection process to be used</b>
Supplies & Services	MEAT or Lowest Price tendered can be used
Works Related Services	MEAT must be used not Lowest Price tendered. This is because the quality of the service is critical
Works	MEAT can be used, but where the project promoter uses the Short Public Works Contract (PW-CF6), the winning tender must be selected solely on the basis of the lowest price tendered.  For more technically complex works projects, and where the project promoter wishes to select on the basis of MEAT, the project promoters are advised to use PW-CF5 (Minor works form of contract).

## **16.8 Notifying tender applicants**

For the purpose Category 1 and Category 2 procurement requirements, successful and unsuccessful tender letters must issue notifying the participants of the outcome of the competition, and there should be no unnecessary delay in issuing them.

The letters should not be withheld until a LEADER contract has been awarded and signed. LEADER contracts may take weeks/months to reach final approval stage, therefore It would be unfair and unreasonable to withhold the result of a tender competition under these circumstances. For LEADER projects, the letter to the successful tenderer would normally advise that any commitment to a contract will only exist if the project promoter obtains approval for a LEADER grant. It should also be noted that under National Procurement Guidelines, both the successful and unsuccessful letters should issue at the same time.

## **16.9 Framework Agreements**

It is Government policy, as stated in the OGP ‘Public Procurement Guidelines for Goods and Services’, that public bodies, where possible, should make use of Framework Agreements put in place by the OGP or other Central Purchasing Bodies (CPBs).<sup>21</sup> The definition of public bodies in this regard is

<sup>21</sup> ‘Public Procurement Guidelines for Goods and Services’:  
<https://www.gov.ie/pdf/?file=https://assets.gov.ie/135773/d186ba93-dd70-45fe-83d3-8d9c3bb9d4a6.pdf#page=null>

defined in Article 2(4) of Public Procurement Directive 2014/24/E, i.e. 'body governed by public law' must satisfy:

- a) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;
- b) they have legal personality;
- c) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;

Providing each LAG and/or Implementing Partner and/or Animating Partner fulfils the above criteria, then OGP Framework Agreements may be availed of if the LAG and/or Implementing Partner and/or Animating Partner:

- I. fall within the definition of a 'public service body' under the Ministers and Secretaries (Amendment) Act 2011, and
- II. fall within the scope of the definition of a 'Framework Client' as set out in the majority of the OGP Framework Agreements, with some only open to certain sectors / clients only.

The OGP Schedule of Frameworks and Contracts sets out the OGP's service delivery plan and provides details of when key contracts and frameworks will be available for use by public service bodies.

It is for the LAGs and their Implementing Partner(s) and Animating Partner(s) to determine their eligibility to enter into Framework Agreements under the LEADER programme and to avail of opportunities to enter into Contracts and Frameworks facilitated by the OGP under categories such as: Professional Services; Facilities Management; ICT and Office Equipment; Utilities; Marketing, Print and Stationery; Fleet and Plant; Travel, Transport, HR Services; and Managed Services. Note that the Contracts and Frameworks under certain categories may not be eligible for LEADER funding.

If LAG's and their Implementing Partner(s) and Animating Partner(s) wish to enter into or avail of an existing Framework Agreement, a LEADER Reasonableness of Cost Assessment Template (Appendix 13) must still be submitted to [OR2327@drccd.gov.ie](mailto:OR2327@drccd.gov.ie) for review by the Department. Those LAG's and their Implementing Partner(s) and Animating Partner(s) must also be able to show the origin of any Framework Agreement(s) that they rely on.

## **16.10 Audit requirements and sanctions**

The LAG must ensure that the project file on the LEADER IT System document repository contains all of the relevant documentary evidence to clearly demonstrate compliance with the relevant tendering and public procurement requirements.

All quotations must be dated by the tenderer and accompanied by a verifiable audit trail (e.g. e-mail, postage details) to allow independent verification (hand delivered quotations should be endorsed stating the date of receipt by the beneficiary or his/her representative).

All project files must contain a Tender Report for all actions, including direct quotations. This report should include (as appropriate) the following:

- i. Request for tender,
- ii. Evidence of publication of tender notice and seeking tenders where required,
- iii. Responses to those tender requests,
- iv. Tender scoring sheets used,
- v. Notification of intention to award,
- vi. Copies of letters notifying unsuccessful tenders of the result of the tender process,
- vii. Copy of letter notifying the successful tender.

Where a proposed project is advertised on e-Tenders (or the OJEU), the project file on the LEADER IT System document repository must contain a printout from the e-Tenders website which incorporates the various actions and activities during the competition period. All of the tender documents submitted must be retained by the LAG to allow for subsequent audit or inspection.

## **16.11 Penalties for failing to follow Procurement Guidelines**

Failure to follow correct procurement procedures will result in some or all elements of the project being disallowed. In addition a penalty may be applied using the methodology outlined in the European Commission Guidelines on applying corrections for public procurement irregularities. Such disallowances may result in the repayment of previous phased grant payments. [http://ec.europa.eu/regional\\_policy/sources/docoffic/cocof/2013/cocof\\_13\\_9527\\_annexe\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docoffic/cocof/2013/cocof_13_9527_annexe_en.pdf)

Per Article 61 of Regulation (EU) 2021/2116 which relates to Non-compliance with public procurement rules

*Where the non-compliance concerns Union or national rules on public procurement, Member States shall ensure that the part of the aid not to be paid or to be withdrawn is determined on the basis of the gravity of the non-compliance and in accordance with the principle of proportionality.*

*Member States shall ensure that the legality and regularity of the transaction shall only be affected up to the level of the part of the aid not to be paid or to be withdrawn.*

[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2021.435.01.0187.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2021.435.01.0187.01.ENG)

[Register of Commission Documents - C\(2019\)3452 \(europa.eu\)](#)

## **16.12 Public Procurement Information and Contacts**

Public procurement guidelines for supplies and general services are available on the OGP website [www.ogp.gov.ie](http://www.ogp.gov.ie). Guidance on works and works-related services are available on the Capital Works Management Framework website <https://constructionprocurement.gov.ie/> LAGs should also consult *Circular 05/2023: Initiatives to assist SMEs in Public Procurement*.

<https://www.gov.ie/en/circular/9e7bf-circular-05-2023-initiatives-to-assist-smes-in-public-procurement/>

LAGs or project promoters that require assistance in relation to public procurement should contact the Office of Government Procurement at:

- Website - <https://www.gov.ie/en/organisation/office-of-government-procurement/>
- Tel - (01) 7738000
- OGP Support (Supplies and General Services) E-mail - [support@ogp.gov.ie](mailto:support@ogp.gov.ie)
- Construction (Works and Works-related Services) E-mail - [construction@per.gov.ie](mailto:construction@per.gov.ie)



## **17 LAG Administration Costs and Expenditure Returns**

### **17.1 Administration and Animation Costs**

The LAG may expend up to 25% of the LDS budget on administration and animation costs related to the implementation of the LDS. These costs may include:

- operating costs;
- personnel costs;
- training costs;
- costs linked to public relations;
- financial costs; and
- any costs linked to monitoring and evaluation of the LDS.

The expenditure incurred under Administration and Animation must be related to the delivery of 2023 – 2027 LEADER programme. Monthly Returns must be divided between Administration and Animation costs. Ineligible costs / expenditure includes expenditure charged to LEADER but not associated with the delivery of the LEADER programme. LAGs should be mindful of the list of ineligible sectors and activities when considering the eligibility of administration costs.

The LAG must not use project funding to cover administration or animation costs. Animation is an activity undertaken by the LAG (financed from the LAG Administration and Animation budget) and not by project promoters. Animation is not an eligible activity as part of a Training, or Analysis and Development project.

The LAG may only meet costs directly attributable to the programme from the LEADER administration and animation allocation.

Mortgage repayments are not classed as a running cost, and are therefore not eligible for LEADER administration funding.

### **17.2 Independent verification of the reasonableness of LAG Administration & Animation costs**

Under Article 33(1)a of Regulation (EU) 2018/1046 costs must be independently assessed to ensure they are reasonable at the inception of the programme or during the course of the programme where a change occurs e.g. new staff member recruited or change of service provider.

The process will apply in the following instances:

- Salary costs – where an existing staff member is being replaced by a newly recruited staff member.

- Salary costs – the introduction of a new post/role for the delivery of the LEADER programme, the assessment has to be carried out for the first instance of the new post/role only. If a staff member is assigned to a role in LEADER on a temporary basis the assessment needs to be carried out the first time but any subsequent periods that the staff member is assigned to the LEADER role does not need to be assessed.
- Non-salary costs – Administration costs associated with goods and services<sup>22</sup> procured such as but not limited to office consumables, electricity, telecommunications, water, rent, cleaning services, printer/photocopier services.

It should be noted that a contract for service that has a combined value of over €5,000 over a two-year period will require assessment for reasonableness of cost. For example, a one-off service for cleaning an office for €4,500 would not be required to undergo a Reasonableness of Cost assessment. However, a contract for two years with an annual cost of €3,000 would require an assessment.

It is necessary for the Department to independently review new cost items at their inception and make a determination as to the reasonableness of these costs. The undertaking of this independent verification by the Department is included as part of the Administrative Checking process carried out by Pobal.

### **17.2.1 Verification of the reasonableness of beneficiary salary administration costs**

Process for verification of the reasonableness of beneficiary<sup>23</sup> salary costs.

Included in this process are staff costs associated with the replacement of an existing staff member and staff costs associated with the introduction of a new post for the delivery of the LEADER programme where the salary or a portion of the salary will be charged to the LEADER programme.

Steps to be followed where the beneficiary identifies the need to recruit a new staff member or to introduce a new staff role.

1. The beneficiary undertakes the necessary recruitment process;
2. In advance of issuing an employment contract the beneficiary must complete a Reasonableness of Cost Assessment Template and forward the required details to DRCD at e-mail address [OR2327@drcd.gov.ie](mailto:OR2327@drcd.gov.ie) so that an independent assessment of the reasonableness of the costs can be assessed. The details required include:
  - a. Job description;
  - b. Proposed salary scale;
  - c. Starting point on the salary scale.

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<sup>22</sup> Goods and services with an individual and one-off value of less than €5,000 are excluded from this new process.

<sup>23</sup> The term beneficiary refers to the LAG, Implementing Partner, Lead Financial Partner or Animating Partner as appropriate to the situation.

3. DRCD will review the documentation provided and carry out an independent evaluation to establish if the costs are reasonable. This independent evaluation may include, but is not limited to, comparison of the role based on the job description with similar Public Sector Grades, comparison of proposed salary scales with Public Sector Grade Pay Scales, similar costs incurred by other LAGs and their partners for comparable roles.
4. DRCD will provide written confirmation to the beneficiary as to the reasonableness of the costs which must be retained by the LAG / Implementing Partner on the LEADER IT system document repository.
5. When the cost is included in a Monthly Expenditure claim for the first time, the LAG and/or Implementing Partner/and or Animating Partner through the LEADER LAG / Implementing Partner User role:
  - a. Adds the details of the item to the LEADER IT system;
  - b. Includes a comment in the 'Notes' section to the effect that a new cost item has been included;
  - c. Uploads the relevant supporting salary documentation; and
  - d. Uploads the written confirmation regarding the reasonableness of the costs from DRCD to the LEADER IT System document repository.
6. The Administrative Checker must confirm that evidence of the independent assessment by the Department has been provided.

#### **17.2.2 Verification of the reasonableness of beneficiary non-salary administration costs**

Included in this process are costs associated with services procured by the beneficiary such as, but not limited to, electricity, telecommunications, water, rent, cleaning services, printer/photocopier services.

It is the responsibility of the beneficiary to ensure that the appropriate procurement rules are followed when securing the services.

Where the LAG, Implementing Partner, Animating Partner are part of a Framework Agreement, they will still be required to undergo an Assessment of Reasonableness of Costs by the Department.

Steps to be followed where the necessity to secure a new service contract is identified by the beneficiary:

1. The beneficiary undertakes the necessary procurement process based on the value of the proposed contract ensuring that the process undertaken is in line with National Procurement Guidelines - Category 1 (Section 16.5) and any subsequent Circulars that may be issued in this regard.
2. In advance of entering into the new contract, the beneficiary must forward the details of the proposed cost along with the supporting procurement documentation to DRCD so that an independent assessment of the reasonableness of these costs can be undertaken.

3. DRCD will review the documentation provided and carry out an independent evaluation to establish if the costs are reasonable. The independent evaluation may include, but is not limited to, research of the market for similar services, a comparison of similar costs incurred by other beneficiaries or costs incurred for similar services funded through other funding programmes.
4. DRCD will provide written confirmation as to the reasonableness of the costs to the beneficiary which must be retained by the LAG / IP on the LEADER IT system document repository.
5. When the cost is included in a Monthly Expenditure claim for the first time, the beneficiary through the LEADER LAG / IP User role:
  - a. Adds the details of the item to the LEADER IT system;
  - b. Includes comment in the 'Notes' section to the effect that a new cost item has been included;
  - c. Uploads the relevant invoice; and
  - d. Uploads the written confirmation regarding the reasonableness of the costs from DRCD.
6. The Administrative Checker must confirm that the evidence of the independent assessment by the Department has been provided.

### **17.2.3 Distinction between animation and specific support for individual projects**

Distinction between (i) support for animation activities undertaken by a LAG to deliver the local development strategy and (ii) support for specific tasks which are similar to animation but occur as part of the delivery of an individual project.

The cost of hiring an individual or organisation to animate part of the Local Development Strategy or to animate a collection of projects under a particular sub-theme must be financed from the LAG's own administration and animation budget. Project funding cannot be used to substitute for the role of the LAG in animating projects.

However, project funding can be used to fund an individual or organisation to deliver elements of an individual project which might involve actions that are similar to the general animation work undertaken by the LAG. The individual or organisation undertaking these actions must be procured in the same way as for all other services i.e. this must not constitute a direct staff cost.

Examples of such project funding (i.e. to deliver elements of an individual project) include:

- a community based initiative to develop a community hub which might, as part of the overall project, procure an individual or organisation to establish a community database, establish a web presence, set up communication networks, build awareness, develop a plan for the future, develop the membership base etc.

- a private based initiative to better organise distribution networks and collective marketing associated with a local food sector which might, as part of the overall project, procure an individual or organisation to develop a specific strategy to achieve their aims, to work with the various stakeholders to secure their agreement and commitment to the actions that emerge from the strategy, and to oversee the launch and implementation of the strategy.
- a small business seeking a range of supports to grow their operation which might, as part of the overall project, procure an individual or organisation to provide guidance on certain strategic actions for that specific business. Please note that, general mentoring programmes must continue to be funded out of the LAG Administration and Animation budget. In addition, where a LAG identifies a general mentoring need within a community/area, it may fund a training course from its project budget which is open to all relevant individuals/groups in the area to attend.

The maximum applicable rate of aid for such projects is 75% for private applicants and 75% for community-based projects.

A higher rate of 90% may apply under the accessible services sub-theme where the project is targeted at hard to reach communities. Such projects must not be categorised as “training” or “analysis and development” and must not be funded at higher rates of aid than stated above.

### **17.3 LAG Staffing Costs**

The staffing costs attributable to the delivery of the LDS are outlined in the LAG’s Financial Plan (as part of the strategy). The LAG decision making members must approve and the LAG must record in its minutes:

- the LEADER contribution to the salary costs;
- any changes to these costs; and,
- any material changes to the number of persons working on the programme.

The LEADER contribution towards the salary costs of managerial, financial and other office administrative staff may be paid on the basis of the apportionment policy agreed by the. The rationale for these salary costs charged to the LEADER programme must be clearly set out in the approved apportionment policy which must be uploaded to the LEADER IT System document repository along with the extract of the LAG meeting minutes where the apportionment policy was approved. The time worked should be consistent with the approved apportionment policy.

All other staff working part-time on LEADER must complete work timesheets on a daily basis in respect of their time spent on LEADER programme activities. These work timesheets must be approved by the relevant person. The maximum LEADER contribution to these salary costs will be on the basis of the time actually worked as outlined in the timesheets and not on the basis of any apportionment policy.

### **17.3.1 Timesheet approvals**

Where it is not possible to provide hard copy signed work attendance timesheets, e-mail submission of these by LAG / Implementing Partner staff to their managers will suffice for signature purposes. These emails and associated timesheets must be retained for audit trail purposes and uploaded to the LEADER IT System document repository.

## **17.4 Financial Partner Monthly Administration costs**

The following process applies in respect of the requirements for Financial Partner/Local Authority personnel engaged in delivering the LEADER programme and the documentation to be submitted with each monthly payment request where LEADER Administration expenditure is being claimed by the Financial Partner/Local Authority.

### **17.4.1 Timesheets**

All Local Authority staff, including the Chief Officer, working on the delivery of the LEADER programme, where reimbursement is being claimed from LEADER Administration expenditure for their time, must complete the Timesheet Template (Appendix 15) in respect of their time working on the LEADER programme. The contents of this Timesheet must be signed by the staff member and approved/verified by the staff member's manager. Local Authorities cannot claim on the basis of an apportionment policy – by its nature, the use of an apportionment policy is only applicable to Local Development Companies based on the distribution of all of their costs (not just salaries) between the different programmes they deliver.

Furthermore, and with a view to simplifying the claiming of Administration and Animation costs by the Financial Partner from the LEADER programme, only staff salary costs should be claimed. Any Travel and Subsistence (T&S) or other costs incurred in delivering the LEADER programme should not be claimed from the programme by the Local Authority personnel, i.e. staff of the Financial Partner.

### **17.4.2 Timesheet approvals**

Where it is not possible to provide hard copy signed work attendance timesheets, e-mail submission of these by Local Authority staff to their managers will suffice for signature purposes. These e-mails and associated timesheets must be retained for audit trail purposes and uploaded to the LEADER IT system document repository.

## **17.5 Administrative Check documentation**

Below is the list of the documentation that must be uploaded onto the LEADER IT System document repository where LCDC led LAGs are claiming Local Authority/Financial Partner Staff costs from the LEADER programme:

### **17.5.1 Salary printout**

For Local Authorities where the Agresso System is being used, in respect of each monthly claim, an Agresso salary printout document to include details of each employee involved in LEADER and being charged to the LEADER programme must be provided. This printout must show the following

information: Employee Name (may be redacted), Employee No, Transaction Date, Period, Acc element, Acc element (T), Job, Job (T) and Value in Euro. Additionally, this printout must be certified by the Financial Head of the Local Authority or their nominee as being true and correct.

For LAGs where the Agresso System is not being used, in respect of each monthly claim, a salary printout from the Local Authority Accounting System with details of each employee involved in LEADER and being charged to the LEADER programme must be provided. This printout must show the following information: Employee Name (may be redacted), Employee No, Transaction Date, Period, Basic Pay, Allowances, Gross Pay, Employer PRSI, Job Code. This printout must be certified by the Financial Head of the Local Authority or their nominee as being true and correct. If this information cannot be provided in one document from the Local Authority Accounting System then it is acceptable for this information to be supplied in a number of printout documents from the Local Authority Accounting System. These printout(s) must be certified by the Financial Head of the Local Authority or their nominee as being true and correct.

#### **17.5.2 Timesheets**

Timesheets for each employee involved in LEADER, and whose salary is being charged to the LEADER programme, must be uploaded on the LEADER IT System document repository. Please use Timesheet Template for Financial Partner LAGs (Appendix 15).

#### **17.5.3 Salary cost**

The salary cost that may be claimed by the Financial Partner/Local Authority is the sum of the Gross Pay for each employee involved in LEADER, plus Employer PRSI paid in respect of that employee based on the proportion of time spent on LEADER programme activities as outlined in the timesheet for the period. LEADER Staff Costs Monthly Return Template for Financial Partner LAGs (Appendix 14) must be completed and approved by the Chief Officer or their Nominee.

Relevant documentation must be uploaded onto the LEADER IT System document repository for each month where LEADER Administration is being claimed by the LCDL LAG for Local Authority employees engaged in LEADER. It should also be noted that costs incurred in respect of each month should be claimed immediately in the following month and not rolled over into subsequent months.

#### **17.5.4 Independent Verification of the Reasonableness of LAG Administration and Animation Costs**

For the process regarding Independent Verification of the Reasonableness of LAG Administration and Animation Costs, please refer to Section 17.2.

#### **17.5.5 On-the spot Inspections**

Please find below a list of the checks that will be undertaken by the Department Inspectorate at the Local Authority during an on-the-spot check of the staff salary costs:

1. Verification of the employee number with the employee name and the employee timesheet, and with the Agresso/other Accounting System Printout of LAG salary costs claimed from LEADER and included in the claim.
2. A check that there is a employee contract in place signed by relevant parties and in date.
3. A check of the payments to intermediaries such as Mypay to verify evidence that the Local Authority employees involved in LEADER were issued their pay. Paypath listing may suffice if it contains the following information: Pay Group Employee Reference, Surname, Amount paid, Period, BIC, Bank Name, IBAN, Cancel Ind., Processing Date. In LAGs where intermediaries such as Mypay are not used, there will be a check of the payment system in place to verify evidence that the Local Authority employees involved in LEADER were issued their pay.

There may also be a check to verify that the Local Authority payment to Revenue and other payees includes payments in respect of the Local Authority employees involved in LEADER, this may require assistance from the Local Authority Finance Division.

If all of the above do not reconcile, the Local Authority may be subject to a more detailed audit by the Department's inspection Service.

The Department has no function in employment matters. The LAG or Implementing Partners or Animating Partners must seek their own legal advice on such matters.

A contribution to the redundancy costs of persons employed by LAGs to deliver LEADER are an eligible cost under the Programme. Redundancy costs can be paid up to the statutory maximum based on the proportion of time the person normally worked on the Programme. The redundancy payment must be based on the number of years worked on the 2023 – 2027 LEADER programme, commencing on 1<sup>st</sup> January 2023.

## **17.6 Expenses**

The travel and subsistence costs of LAG decision making members and Evaluation Committee members and the staff of the LAG, Implementing Partner and Animating Partner up to the level of the prevailing Civil Service rates (see [www.circulars.gov.ie](http://www.circulars.gov.ie)) are eligible provided these costs relate to the LEADER programme. The LAG must keep itself informed of these rates at all times. Every effort should be made to avail of public transport and to share car transportation where feasible. Fees must not be paid for services rendered by LAG or Evaluation Committee members. These claims must be submitted within 3 months of being incurred.

Travel and subsistence expenses of Public Representatives and Public Servants who are LAG decision making members or Evaluation Committee members may not be claimed from the LAGs Administration budget. These individuals should submit their travel and subsistence claims to their respective representative bodies.



The Department of Public Expenditure, NDP Delivery and Reform (DPER) has issued Circulars with regard to Travel and Subsistence Rates. These Circulars are referred to below and can also be accessed at [www.circulars.gov.ie](http://www.circulars.gov.ie).

- DPER Circular 05/2017: Motor Travel Rates
- DPER Circular 19/2023: Domestic Subsistence Allowances
- DPER Circular 07/2017: Subsistence Allowances Abroad

These Circulars are subject to change. The LAG must keep itself informed of the most up to date rates at all times.

### **17.6.1 Implementing Partner Board Member Expenses**

Refreshments (tea/coffee/sandwiches) and travel and subsistence expenses, up to the level of the prevailing Civil Service rates (see [www.circulars.gov.ie](http://www.circulars.gov.ie)), related to Implementing Partner board meetings are accepted as an eligible expense and should be apportioned in the same way as all other items.

Travel and subsistence (T&S) expenses of Public Representatives and Public Servants who are Implementing Partner board members may not be claimed from the LAGs Administration budget. These individuals should submit their travel and subsistence claims to their respective representative bodies.

### **17.6.2 Private Car usage**

The cost of public transport is expected to be claimed wherever public transport is possible and practicable. Staff should only use their cars to travel to and from meetings in the following circumstances:

- where no suitable public transport (e.g. train or bus) is available;
- where public transport is available only at equal or greater expense; or
- where the use of public transport would result in the loss of official time which it is necessary to avoid.

It should be noted that where travel arises for reasons connected with official business but not the actual discharge of official business e.g. attendance at conference, interview or educational courses (training), attendance should be conditional on applying public transport rates or reduced rates of mileage (Department of Finance Circular E105/3/87).

LAGs, Implementing Partners and Animating Partners must ensure that the information listed below where relevant is included in any T&S claims made by their employees, LAG and Evaluation Committee members and Implementing Partner board members where such T&S claims relate to the LEADER programme:

- Name of Claimant
- Period covered by this T & S Claim
- Vehicle Registration No.
- Engine capacity in cc
- Cumulative Travel to date
- Date of travel
- Travel From (home address/Eircode or HQ address)
- Travel To
- Departure time - where subsistence is being claimed
- Return time - where subsistence is being claimed
- Purpose of journey, what programme it relates to
- Public Transport cost - where this cost is being claimed
- Km's claimed
- Rate/km €
- Total €
- Subsistence €
- Total T&S €
- Amount of claim that relates to the LEADER programme for each trip

Therefore, any claims for T&S must provide the above information as relevant to the claim. Please note that these requirements can be incorporated into the LAG / Implementing Partner / Animating Partner T&S claim form. A sample T&S claim form (Appendix 16) which LAG / Implementing Partners / Animating Partner may wish to use for this purpose.

Travel costs for electric cars are reimbursed at the up to 1200 CC category.

Travel costs for Hybrid vehicles are reimbursed according to the actual CC size of the vehicle.

In the case of employees, travelling expenses will not be paid in respect of any portion of a journey which covers all or part of an employee's usual route between home and headquarters. Where an employee proceeds on an official journey directly from home or returns home directly, the amount payable will be calculated by reference to the distance from home or headquarters, whichever is the lesser.

It should be noted, that Reduced Travel Rates must be applied for attendance at conferences and training courses, where mileage is being claimed.

## **17.7 Cost Allocation and Apportionment**

The LAG / Implementing Partner / Animating Partner must not charge the administration or operating costs of other schemes to its LEADER administration and animation budget. Similarly, the LAG / Implementing Partner / Animating Partner is not permitted to charge such costs to its LEADER administration and animation budget with a view to reimbursing it at a later stage. Accordingly, the LAG, or its financial and Implementing Partners, Animating Partners as appropriate, must operate separate administration accounts or job codes where more than one scheme is being administered. The total administration costs must be apportioned and charged appropriately to the various accounts i.e. to its LEADER and other accounts.

The LAG, its financial and Implementing Partners and Animating Partners, must detail the apportionment across the schemes in their procedures manuals, as appropriate, with a clear rationale for the apportionment used. The apportionment basis and changes to it during the programme period must be approved by the LAG decision making members and noted in the relevant LAG meeting minutes. Amendments should be infrequent and should only occur when new schemes are introduced or existing schemes discontinued.

The apportionment policy approved by the LAG must be uploaded to the LEADER IT System document repository along with the extract of the LAG meeting minutes where the apportionment policy was approved.

## **17.8 Monthly Expenditure Returns**

The LAG must report monthly on all expenditure through the LEADER ICT System and, in this regard, the LAG must adhere strictly to the deadlines mandated by the system.

## **18 Administrative Checks**

### **18.1 Administrative Check Requirements**

Administrative Checks will be carried out on all applications for support, payment claims or other declarations submitted by a LAG, project promoter, or other beneficiary or third party.

Administrative Checks on applications will include a verification of:

- compliance with applicable legal requirements including, but not limited to, State Aid, and procurement;
- eligibility of the project promoter, including checks as regards the Community or Enterprise status of the project promoter;
- eligibility criteria examined, commitments and other obligations including the eligibility of the relevant activity;
- compliance with the selection criteria; and
- verification of the reasonableness of the costs submitted, where costs have been incurred. The costs shall be evaluated using a suitable evaluation system, such as reference costs, a comparison of different offers or an evaluation committee.

Administrative Checks on payment claims will include a verification of:

- the completed activity compared with the activity in respect of which an application was submitted and approved by the LAG; and
- costs incurred and the payment made.

Administrative Checks will include a verification that:

- there has been no irregular double financing with other EU or national schemes, including previous LEADER programmes; and
- the support received does not breach the maximum permissible amounts or rates of aid permissible, where financing available from other sources exists.

Administrative checks relating to capital investment will include at least one visit to the project to verify the realisation of the investment.

The full list of Administration checks are available on the LEADER IT System and directly from the Department.

### **18.2 Performance of Administrative Checks**

The Administrative Checking Body will carry out the Administrative Checks on all LEADER activity.

Administrative Checks on (i) administration and animation expenditure, (ii) in-house projects, and (iii) where the financial partner provides matching funds, will not be delegated to the LAG Lead Financial Partner. These will be carried out on behalf of the Department by Pobal, or another third party, for the duration of the programme.

### **18.2.1 Site Visits**

A detailed signed and dated Site Visit Report (Appendix 10) is required prior to signing the contract/letter of offer. This report must be uploaded to the LEADER IT System document repository on completion in response to Administrative Claim Stage Checklist - Letter of Offer

Verification of the requirement is set out below:

- a. In most cases it is envisaged that it will not be necessary for the Administrative Checking Body to carry out a site visit on the project itself after having reviewed the Site Visit Report and backup photographs. These documents will be uploaded to the LEADER IT System document repository by the project development officer in support of the project claim and should normally suffice. Nonetheless the Administrative Checking Body still must confirm this to be the case and provide their rationale for not carrying out a project site visit.
- b. Process for confirming if a site visit is required to be carried out by the Administrative Checking Body

The rationale for not undertaking a site visit must be recorded for every claim in the notes section on the LEADER IT System. These details must be included in the “Administrative Check Capital Site Visit” Textbox on the LEADER IT System as follows:

1. that the requirements for a project site visit has been considered by the Administrative Check User and the Administrative Check Manager; and
2. Must include their rationale for them not completing the On-site Inspection where they deem it not necessary.

### **18.2.2 Rationale for not completing the On-site Inspection**

The Administrative Check User will determine if an on-site inspection is required for the purposes verifying that Article 86(4) of Council Regulation 2021/2115 has been complied with. The Administrative Check User may decide not to conduct an on-site inspection where:

- Less than 75% of the LEADER amount has been claimed.
- The LEADER grant amount is less than €5,000 as the operation in question is a small investment.
- The Administrative Check Body is satisfied that the report and photographs submitted, together with the other Administrative Checks undertaken, indicate that the “risk that the

conditions for receiving support are not met is low, or that the risk that the investment has not been realised is low”.

- The project does not involve construction, acquisition or improvement of immovable property or the purchase of new machinery and equipment.

The rationale for not undertaking a site visit must be recorded for every claim in the “Administrative Check Capital Sites Visit” Textbox on the LEADER IT System, based on the above criteria. If the Administrative Check User decides to undertake a site visit this must also be recorded in the “Administrative Check Capital Sites Visit” Textbox.

It should be noted that in moving the project claim from Stage 6 to Stage 7, the Administrative Check Manager is approving the text in the “Administrative Check Capital Site Visits” Textbox and the rationale provided.

### **18.3 Department Approval of project claim for payment**

Claims must not be progressed to Stage 7 by the Administrative Check Manager until the “Administrative Check Capital Site Visits” Textbox has been completed.

Administrative Check Users should never use text such as “Not applicable, N/a, not required”, only the prescribed text. The Administrative Check Manager, at Stage 6 of the project claim, must open the Capital Site Visit record that has been created and click the checkbox confirming that the text entered is correct.

#### **18.3.1 Investments that require a site visit**

Investment Operations are as follows:

- a. construction, acquisition or improvement of immovable property;
- b. purchase of machinery and equipment up to the market value of the asset;
- c. general costs linked to expenditure referred to in points (a) and (b), such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including feasibility studies. Feasibility studies shall remain eligible expenditure even where, based on their results, no expenditure under points (a) and (b) is made;
- d. intangible investments such as the acquisition or development of computer software and acquisitions of patents, licenses, copyrights, trademarks.

On-site verification checks on realisation of investments are limited to projects under categories (a) and (b).

Those in categories (c), should they ever arise independently of projects under (a) or (b) should be subject to a desk based review by the LAG / Implementing Partner based on documentation submitted.

For those falling under (d), including mobile computer applications, a link to (or copy of) the applications, software, patents, licenses, copyrights or trademarks should be submitted to the Administrative Check reviewer to prove that they have been delivered.

On-site verifications are not considered practical for other investments such as festivals or training courses. It is noted that festivals may include expenditure on tangible items such as furniture, storage space (containers), etc. but these are considered to be small in nature. Where the capital expenditure on such projects is small (less than €5,000) and not covered by a site visit, the LAG / Implementing Partner must retain documentary evidence to show that the event took place e.g. attendance sheets at training, press reports/photographs of festivals etc. These will be reviewed as part of the claim stage Administrative Check.

### **18.3.2 Requirement of Implementing Partner / LAG in respect of site visits**

The Administrative Checking Body must at first determine if a site visit is required to be carried out by itself for the purposes of verifying that Article 86(4) of Council Regulation 2021/2115 has been complied with; Implementing Partners or LAGs will carry out site visits to assist the Administrative Checking Body in determining whether the site visit, for the purposes of verifying that Article 86(4) of Council Regulation 2021/2115 has been complied with is required.

The following two scenarios outline the minimum required to allow the Administrative Checking Body to determine if a site visit is not required:

*i. Single claim, project completed:*

For single claim projects, the Implementing Partner / LAG must conduct a site visit and provide a comprehensive report, signed and dated, together with digital photographs clearly identifying all of the grant aided items on receipt of signed claim. Both the report and photographs must be uploaded to the LEADER IT System document repository, thus allowing the Administrative Checking Body to determine if a site visit is required. Pre-Payment Site Visit Report (Appendix 11) must be used to document such visits.

Uploading photographs that do not clearly identify all project elements may result in repeat site visits and delays in claim processing. JPEG, PNG and similar photo format files can be directly uploaded to the LEADER IT System document repository and therefore do not need to be printed and scanned.

*ii. Partial claim(s) submitted on an ongoing basis:*

For claims which result in 75% or more of the total LEADER investment being claimed/paid, the Implementing Partner / LAG must conduct a site visit and provide a comprehensive report, signed and dated, together with digital photographs identifying all of the grant aided items on receipt of a signed claim. Both the report and photographs must be uploaded to LEADER IT System document repository,

thus allowing the Administrative Checking Body to determine if a site visit is required. Pre-Payment Site Visit Report (Appendix 11) must be used to document such visits.

In addition, a final site visit, to meet requirements of verifying that Article 86(4) of Council Regulation 2021/2115 has been complied with, must be carried out by the Implementing Partner / LAG on receipt of the final claim and must be reported on with the comprehensive signed and dated Report, together with digital photographs clearly identifying the additional grant aided items detailed in the final claim. Pre-Payment Site Visit Report (Appendix 11) must be used to document such visits.

All documents and photographs must be uploaded to the LEADER IT System document repository, in response to Administrative Claim Stage Checklist - Site Visit.

### **18.3.3 Partial claim(s) submitted or the claim(s) never reach 75% of LEADER grant aid**

The Department will monitor projects that have not been subject to on-site inspections by the LAGs during project delivery such as:

- where no final payment claim is submitted within the contracted project delivery timeframe, or
- where less than 75% of grant aid is claimed within the contracted project delivery timeframe.

To avoid the potential for these cases not being subjected to the required site visit as part of the Administrative Check or to avoid the exclusion of these projects from the population subjected to Risk/Random Selection as part of the On-The-Spot-Check process, the Department will examine the LEADER IT System Database on an annual basis as heretofore with a view to identifying such cases. Any such cases will be included as a specific risk category for inclusion in the IC&BDU risk model.

### **18.3.4 Rationale for not completing the On-site Inspection**

Based on the above, the Administrative Checking Body will determine if an on-site inspection is required for the purposes of verifying that Article 86(4) of Council Regulation 2021/2115 has been complied with. The Administrative Checking Body may decide not to conduct an on-site inspection where:

- Less than 75% of the LEADER amount has been claimed;
- The LEADER grant amount is less than €5,000 as the operation in question is a small investment;
- The Administrative Checking Body is satisfied that the report and photographs submitted, together with the other Administrative checks undertaken, indicate that the “risk that the conditions for receiving support are not met is low, or that the risk that the investment has not been realised is low”. It is envisaged that the report and photographs should be sufficient in most cases.

The rationale for not undertaking a site visit must be recorded for every claim in the notes section on the LEADER IT System, based on the above criteria.



## **18.4 Administrative Checking Body**

The Administrative Checking Body includes Pobal and the Lead Financial Partner as appropriate.

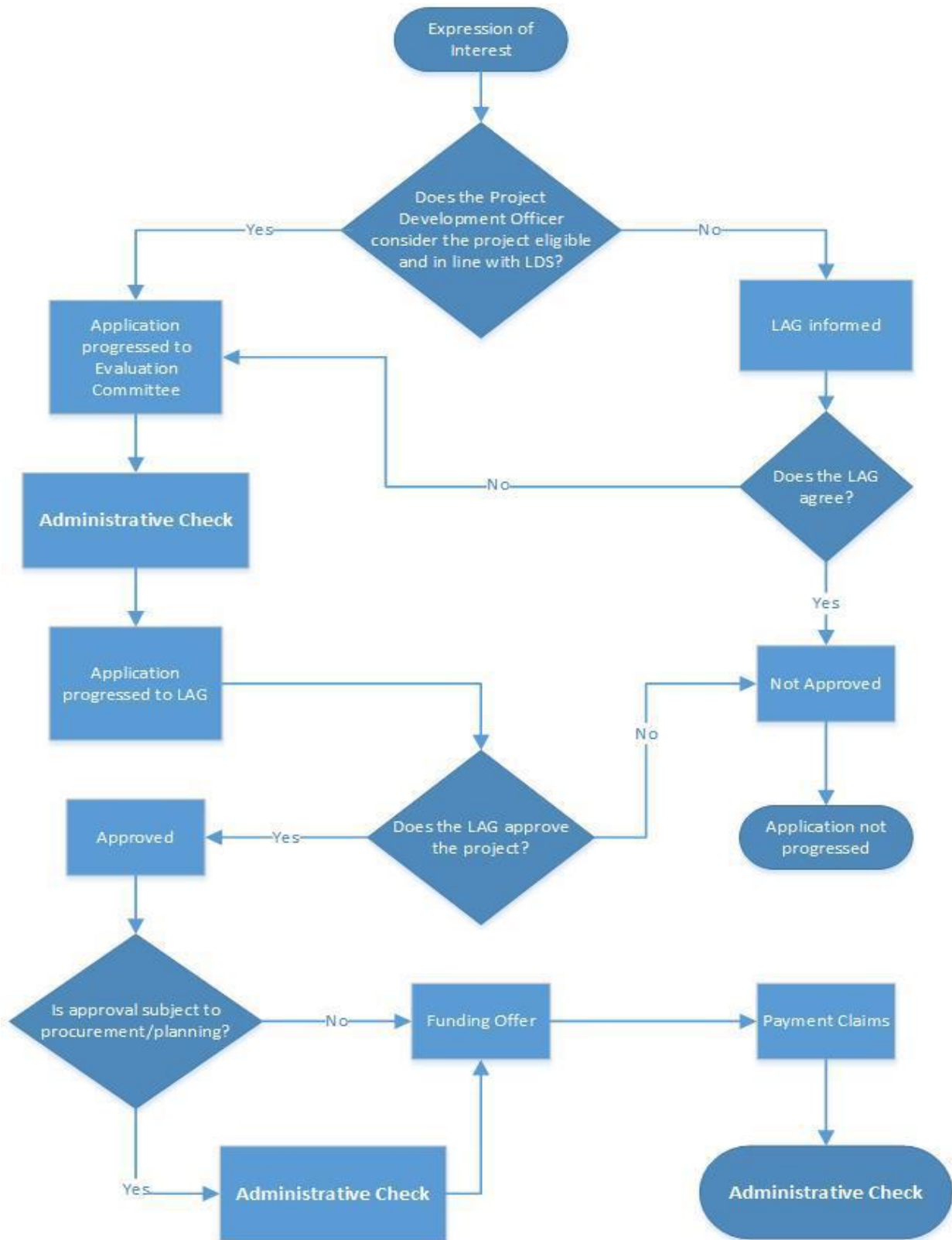
### **18.4.1 Pre-Commencement Site Visits**

In respect of the site visit requirement prior to the issue of contracts / letters of offer (Section 9.2), the Department authorises the acceptance of digitally dated photographs provided by the project promoter as evidence that the project has not commenced. Such photographic evidence must be supported by the project promoter's declaration that the activity has not commenced. Photographs must be uploaded separately to the LEADER IT system document repository.

### **18.4.2 Claim Related Site Visits**

Where there is a site visit requirement at claim stage, the Department authorises, the acceptance of digitally dated photographs provided by the project promoter as demonstrating the required evidence that the project stage has been completed or that the entire project has been completed. Such photographic evidence must be supported by the project promoter's declaration that the items in the project claim are in place. These two pieces of evidence must be submitted to the Administrative Check User for examination. LAGs may also choose to include geotagged photographs taken by project promoters in support of confirmation of non-commencement of activity. Photographs must be uploaded to the LEADER IT system document repository.

### 18.4.3 Administrative check flowchart



## 19 Irregularities, Ineligible Expenditure and Deductions

### 19.1 Calculation of Payment and Penalties

Article 59 of Commission Regulation (EU) No. 2021/2116 applies in respect of irregularities, ineligible expenditure and deductions. This provides that payments will be calculated on the basis of amounts found to be eligible by the administrative and/or on-the-spot-checks carried out. This article allows for Member States to set up efficient management and control systems in order to ensure compliance with EU legislation governing such expenditure. The Body carrying out the Administrative Checks will examine payment claims received from the project promoter or beneficiary, and establish the eligible amounts. Where the Administrative Checks have been delegated to the LAG, and it is established that ineligible expenditure is incurred through the fault of the LAG, the LAG may be required to repay the ineligible amount (plus penalties) to the Department.

The Body performing the Administrative Check must establish:

- i. the amount payable to the project promoter or beneficiary as per the payment claim and the funding approval; and
- ii. the amount payable to the project promoter or beneficiary upon examination of the eligibility of the expenditure in the payment claim.

The difference between the amount established at (i) and that established at (ii) is ineligible. If that amount established at (i) exceeds that established at (ii) by more than 10%, a penalty will also be applied<sup>24</sup>. The penalty will be the difference between the two amounts, but it will total no more than the amount of funding approved.

No penalty will be imposed on a project promoter where they can demonstrate to the satisfaction of the Body carrying out the review that they are not at fault for including the ineligible amount in the payment claim.

Penalties will be applied to ineligible expenditure identified during On-The-Spot Checks carried out by the Department. In these checks, the expenditure examined is the cumulative expenditure incurred by the relevant project or activity.

Therefore, it is without prejudice to the results of the previous On-The-Spot Checks of the project(s) concerned and may involve a re-examination of material previously examined in the context of previous payments.

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<sup>24</sup> Article 59(1)(d) of EU Regulation 2116/2021

Penalties will also be applied where the *Ex-post Checks* carried out identify non-compliance with the Durability of investment requirement (Section 15.7) or non compliance with public procurement rules.<sup>25</sup>

If in the course of conducting the Administrative Checks, On-the-spot Checks, and Ex-post Checks it is found that:

- 1) there is a non-compliance with eligibility criteria, e.g. the project promoter / beneficiary is not eligible for LEADER funding, then the claim shall be refused or withdrawn,
- 2) certain commitments or other contractual obligations are not complied with, then the claim may be refused or withdrawn in part or in full. These could be commitments or other obligations included in the Operating Rules,
- 3) other obligations were not respected, then the claim may be refused or withdrawn in part or in full.

In cases 2 and 3 above, the severity, extent, duration and re-occurrence of the non-compliance will be taken into account when making the decision. The overall assessment of the non-compliance under 1, 2 and 3 is taken into account in making a decision to exclude the project promoter / beneficiary for aid under the same measure or type of operation for the calendar year in question and the following calendar year. The Department may suspend such payment(s) relating to certain expenditure where a non-compliance resulting in an administrative penalty is detected.

## **19.2 Ineligible Payments by the LAG**

Where a LAG makes an ineligible payment, the amount paid will be immediately repayable to the Department. Where the project promoter is at fault, the LAG must recover the payment from the project promoter. The LAG must document all actions taken to recover ineligible amounts and must repay all funding recovered to the Department.

### **19.2.1 Ineligible Administration and Animation funding**

Ineligible administration and animation expenditure claimed by the LAG as part of its monthly returns, and any penalty resulting from this ineligible expenditure, will decrease (i) the Monthly Return payment to the LAG and (ii) the LAG's administration/animation budget as set out in the LDS.

### **19.2.2 Recording and reimbursement of ineligible administration expenditure**

All ineligible expenditure that is identified as part of an On-the-spot Check carried out by the Department's Inspectorate will be recorded on the LEADER IT system. Following the conclusion of the Inspectorate appeal and/or DAP, the LAG may:

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<sup>25</sup> Article 61 of EU Regulation 2116/2021 (Non-compliance with public procurement rules)

- reimburse the Department for the amount owing, or;
- have it deducted from the Monthly Return under review

### 19.3 False Declaration

The LAG must:

- inform all project promoters (at application stage) of the consequences of a false declaration (i.e. providing false evidence for the purpose of receiving the support or failing to provide the necessary information due to negligence), and what constitutes a false declaration; and
- obtain a written undertaking from the project promoter that they have been so informed and that they are aware of the consequences of making a false declaration.

Where a project promoter provides false evidence for the purposes of receiving support or fails to provide the necessary information due to negligence, the relevant project will be excluded from receiving support for the same measure or type of operation and any amounts paid in respect of the relevant project(s) must be recovered. The project promoter will be excluded from receiving any further LEADER support in the relevant calendar year and for the following year.

### 19.4 Recovery of undue payments

The LAG must return to the Department any monies incorrectly paid and/or any penalties applied to the LAG.

Article 31 of Regulation (EU) No 2022/128 provides that monies owed can be recovered by offsetting those monies owed against any future payments to the LAG or project promoter:

*“Without prejudice to any other enforcement action provided for by national law, Member States shall offset any undue amount arising from a pending irregularity of a beneficiary established in accordance with national law against any future payments in favour of that beneficiary, to be made by the paying agency responsible for the recovery of the debt.”*

All repayments should be returned through EFT as follows:

<i>Name of Account Holder</i>	Department of Justice (Finance Division Current Account)
<i>Account No</i>	14370256
<i>Bank Sort Code</i>	90-57-58
<i>IBAN</i>	IE54 BOFI 9057 5814 3702 56
<i>SWIFT Code (BIC)</i>	BOFIIIE2D
<i>Bank Name</i>	Bank of Ireland
<i>Bank Address</i>	New Street, Killarney, Co Kerry

The remittance must contain the following details at a minimum:

- DRCD 2023-2027 LEADER Programme
- Monthly Return ID Project ID

When an EFT payment is made, the department should be notified of all reimbursements and a mail sent to [LEADER2327@drcd.gov.ie](mailto:LEADER2327@drcd.gov.ie).

### **19.5 Notification of Irregularities**

Refund of undue payments following the occurrence of irregularities must be notified to the department at the e-mail address [LEADER2327@drcd.gov.ie](mailto:LEADER2327@drcd.gov.ie). Refund of undue payments must be made to the Department Bank Account as advised to the LAGs.

### **19.6 Debtor's Ledger**

The LAG must establish a system for identifying and recording debts and recoverable amounts associated with project promoters i.e. a debtor's ledger accounting for all debts. The LAG must inspect the debtor's ledger regularly and ensure that action is taken to collect overdue debts.

The LAG must record debts as soon as they are identified. The Department will also capture this data on the LEADER IT system.

### **19.7 Application of Interest to Debts**

Article 59(1) (e) of Commission Regulation (EUC) No. 2021/2116 and Article 30(2) of EU Commission Regulation (EU) 2022/128 provides that the LAG must apply interest on overdue debts at the set rate of 3% simple interest per annum.

## **20 Amendment of Project Promoter Name Record**

Requests for amendment of the LEADER IT System project promoter detail record may have legal implications for amending or adding to existing LAG contracts to enable transfer of approved project assets and liabilities to a separate legal entity.

This section refers to amendment(s) of a promotor's legal status on the LEADER IT System, including other record changes. It also highlights potential legal implications of amending or adding to existing LAG contracts to enable transfer of project assets and liabilities to a separate legal entity. Ideally, given the administrative burden for projects associated with the transfer of assets, such transfers should not occur until the project is complete and final payment has issued to the project promoter. However, conditions outlined below apply where such transfers are required.

### **20.1 Correction of Project Promoter Name Record**

Reasons for incorrect project promoter details on the LEADER IT System include incomplete project promoter names, a trade name rather than a personal name, or partnership names other than the promoter's correct legal name format.

LAGs are advised to check the accuracy of the project promoter name record to avoid unnecessary future delays in completing Administrative Checks or claim processing (Appendix 22). There are two main scenarios where a request or need for amendment may arise.

#### **20.1.1 Typographical**

This occurs where typographical errors or incomplete details are input on the LEADER IT System, e.g. Anthony Smith should read as Anthony Smith Ltd. This error type usually comes to light when bank statements, Companies Registration Office (CRO) certificates or Revenue documents are later compared to the LEADER IT System record.

Amendments in such cases, and/or for other details such as TCAN/VAT/CRO, may be done by first uploading supporting documentation to the LEADER IT System document repository and then sending a completed Change of Promoter Name/Details on LEADER System (Appendix 22 A) to the Pobal LEADER Administrator directly at [leadersystem@pobal.ie](mailto:leadersystem@pobal.ie)

For both file consistency and contractual reasons, it is important that the LEADER IT System record at all times reflects the correct name and legal form of the particular project promoter. It is recommended that LAGs make project promoters aware, prior to completing an application for funding, of the consequences of a later change of legal status.

In circumstances where the project promoter status changes, consideration must also be given to the implications for deadweight, displacement, financial resources and viability of the new company as compared to the original project promoter applicant. In such instances, one of the following procedures must be followed.

### **20.1.2 Change in Legal Status of the Project Promoter**

These cases arise where a LEADER application and supporting documents are submitted in either a sole trader/individual or partnership name but the project promoter subsequently decides to transfer the project or business to a limited liability company.

#### *Example*

A project promoter who is an individual applies for and is awarded LEADER funding, is issued with a LEADER contract. The project promoter later notifies the LAG, or the LAG becomes aware that the project promoter has formed a limited liability company post-contract sign-off, and this limited liability company has taken over control of the LEADER funded project. As the company is a separate and distinct legal entity from the promoter, it will have different bank accounts, Tax Registration Number and legal standing from those of the individual. The two entities are not legally the same and the pre-existing contract in the original project promoter's name pertains solely to that project promoter, and not the new company. Depending on when the change of status occurs, this may only come to light at claim stage, when the Administrative Check question requesting confirmation of current bank details with those originally provided is asked. The initially supplied bank details of the individual will not match those of the company, consequently causing undue delays for claims at a crucial stage for the promoter. The Administrative Check and claim processing will not be able to be completed until the issue is resolved. A similar scenario will apply in the case of an initially unincorporated community group or a partnership that subsequently becomes incorporated.

### **20.2 Change of legal status prior to project approval and contract issue**

If a project promoter changes their legal status during the application process up to the time where the contract is issued to the project promoter, the project promoter must repeat the application process, i.e. they must reapply for LEADER funding as the tax number, bank details, finance sources etc. will have changed and will therefore require re-evaluation by the Independent Evaluation Committee and approval by the LAG of the project. Deadweight, Displacement and the ability of the project promoter to deliver the project must also be reassessed by the Independent Evaluation Committee and the LAG. This will allow for input of a new project record on the LEADER IT System.

The LEADER IT System document repository records for both parties must be updated with all related information for audit trail purposes. There will be no change of the project promoter name on the original project record as a new project number will be assigned to the new party/project. LEADER IT System notes for both projects must reflect the case history and the original project then closed on the system.



### **20.3 Change of legal status post contract issue and prior to final payment to promoter**

If a project promoter decides to change their legal status at any point, e.g. taken over by or incorporated as a limited company, after signing of the LAG contract and prior to final payment to the project promoter, the LAG must obtain advance Departmental approval as follows:

- The LAG must first upload all particulars relating to the case to the LEADER IT System repository. This will include confirmation that the LAG has assessed the new entity for eligibility to receive LEADER funding, financial viability, deadweight, displacement and all and any other relevant criteria affecting qualification for LEADER funding, and has approved the transfer ownership request in principle, subject to Departmental approval.
- A completed Change of Legal Status (Appendix 22 B), plus other LEADER IT System record changes, must be emailed by the LAG to: [OR2327@drcd.gov.ie](mailto:OR2327@drcd.gov.ie).
- Upon receipt of approval and completion of Appendix 22 B by DRCD, the LAG must ensure that an addendum, containing a Transfer of Undertakings, is attached to the original contract. The addendum must identify both the original and new parties and contain signed confirmation from the incoming directors or owner(s) that they will take absolute responsibility for all obligations under the original letter of offer and contract to the project promoter, in respect of the 2023-2027 LEADER programme. This will also include an undertaking by the project promoter to satisfy the five year durability of investment and repayment of funding requirement (Section 15.7).
- The signed addendum documents must be uploaded to the LEADER IT System document repository and recorded in the project notes. Please see Letter of Offer of Grant Aid – Addendum & Transfer of Undertakings (Appendix 22 C) for a sample document in this regard. The document may be modified to suit individual cases but must maintain all key elements such as the correct legal names of the parties.
- Upon completion of the above, the LAG must email a PDF copy of the complete Appendix 22 B to the Pobal LEADER Administrator directly at [leadersystem@pobal.ie](mailto:leadersystem@pobal.ie). The Pobal LEADER Administrator will amend the appropriate project records and upload the document to the LEADER IT System repository.

### **20.4 Change of Legal Status Post Final Payment**

Where a change of a project promoter's legal status occurs post final payment of grant aid, the LAG must consider all relevant facts that may affect any requirement to repay previous grant aid under the five-year durability condition (Section 15.7). The Department will perform ex-post checks to verify adherence with these requirements.

## 21 Performance Monitoring and Evaluation Framework (PMEF)

### 21.1 Overview of Monitoring Framework

Local Action Groups are required to monitor progress on the delivery of their approved LDS and to provide an evaluation on the impact of the support provided throughout the programming period.

This will be accomplished through the submission of an Annual Progress Report (APR) and Implementation Plan from 2024 onwards. The APR will cover the LAG's key activities, achievements and challenges during the previous calendar year or part thereof. It will also provide the LAG with the opportunity to outline in an Implementation Plan their planned actions and activities for the coming calendar year.

The monitoring framework for the LEADER programme is underpinned by the high level diagram as outlined below. The LDS, as it is developed, will be centered on the LEADER themes (each of which has a number of sub-themes). It is not mandatory to include actions under all themes or sub-themes but the exclusion of themes/sub-themes should be on the basis of evidence from the LDS consultation process and this evidence should be outlined in the LDS. The Annual Implementation Plan, in turn, will set out the practical actions/activities that will be undertaken, again relating back to the overarching themes/sub-themes.

<b>LEADER High Level Relationship Diagram</b>		
<p><b>Economic Development and Job Creation</b></p> <ul style="list-style-type: none"> <li>• <i>The Green Economy</i></li> <li>• <i>Agricultural Diversification</i></li> <li>• <i>Rural Tourism &amp; Recreation</i></li> </ul>	<p><b>Rural Infrastructure and Social Inclusion</b></p> <ul style="list-style-type: none"> <li>• <i>Rural Infrastructure</i></li> <li>• <i>Accessible Services</i></li> <li>• <i>Optimising Digital Connectivity</i></li> </ul>	<p><b>Sustainable Development and Climate Change Mitigation and Adaptation</b></p> <ul style="list-style-type: none"> <li>• <i>Sustainable Development of Rural Environment</i></li> <li>• <i>Climate Change Capacity Building</i></li> <li>• <i>Climate Change Mitigation and Adaptation</i></li> </ul>

<ul style="list-style-type: none"> <li>• <i>Enterprise Development</i></li> <li>• <i>Rural Food Production</i></li> <li>• <i>Social, Community &amp; Cooperative Enterprises</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Rural Youth</i></li> </ul>	
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The LAG's LDS includes objectives linked to the most relevant LEADER sub-theme, with projects selected to contribute to the relevant local objective(s).

LEADER Project Framework									
LEADER Sub-Theme				LEADER Sub-Theme					
↓				↓			↓		
Local Objective				Local Objective			Local Objective		
↓	↓	↓		↓	↓	↓	↓	↓	↓
Project	Project	Project		Project	Project	Project	Project	Project	Project

LEADER projects will have common performance indicators associated with a particular sub-theme. These indicators will facilitate monitoring and measuring of programme effectiveness. A full guidance document on the PMEF is being developed and will be made available upon completion.

## 21.2 Project Level Monitoring

Programme monitoring will be carried out at:

- project level; and
- LAG level.

The LDS monitoring data (e.g. sub-themes, local objectives and performance indicators) will be entered on the LEADER IT System upon approval of the LDS. The LAG will report on outputs and outcomes of projects in the context of these objectives and performance indicators. At project level the information will be captured at the following stages:

### 21.2.1 Project level

#### *Application Stage*

The LAG must inform applicants of the requirements in relation to the collection of performance indicators. Most of the basic project information will be captured on the LEADER IT System at the point of application.

### *LAG Assessment of Application*

The LAG will input information when assessing applications, linking the proposed project to one of its LDS objectives and, in turn, associating it with one of the overarching LEADER sub-themes. The appropriate set of indicators will be associated automatically with the relevant project.

#### **21.2.2 LAG level**

##### *Reporting on outputs and outcomes*

Projects will provide information on the results delivered as per the appropriate indicators. There will also be a qualitative element to the report, whereby progress, achievements and the learning associated will be described briefly. The LAG must ensure that LEADER projects comply with the prescribed reporting requirements. The LAG must also quality check the data i.e. that the data is accurate, consistent and realistic.

The Department will collate the performance data reported by funded projects and provide analysis on the progress, outputs and outcomes achieved.

The reporting timeframes (on outputs) will depend on the project type. In most cases, reporting will take place following the first payment stage. The LAG must only issue the final payment when all of the required data has been entered on the LEADER IT System.

### **21.3 Annual Planning and Reporting**

The LAG must submit a short annual report to the Department by the end of February each year. The LAG will be advised of the exact requirements of the report each year and this may include:

- an outline of the previous year's achievements relative to the priority actions identified to include:
  - information on the organisational structure, operations and decision-making within the LAG;
  - issues or challenges encountered in implementation during the year;
  - particular successes to be highlighted;
  - progress made in contributing to LEADER's cross cutting objectives;
- The priority actions for the year in which the report is produced; and
- Three Project Case Studies covering three different sub-themes, to include information regarding the:
  - promoter background and description;
  - project or business description;
  - products or facilities or services delivered;
  - financial Information (previous funding or other sources of funding);

- employment (current and potential);
- performance indicator data;
- compatibility with the LAG's LDS, the LEADER themes and cross-cutting objectives;  
and
- benefit to the community.

An Annual Report template is available for completion through the LEADER IT System. The Department will:

- review the Annual Report and engage with individual LAGs as appropriate;
- summarise any patterns, trends or key issues emerging from the Annual Reports; and
- make data from the Annual Reports available to contribute to an overall framework for evaluating LEADER performance generally and the performance of the LAG specifically.

The LAG must contribute to any other reviews or evaluations as required by the Department, including the provision of expenditure estimates in advance of each financial year.

## 22 Audit and Control Framework

### 22.1 Audits and Controls

There is a rigorous control framework in place for EAFRD funding.<sup>26</sup> In accordance with this framework, the Department will implement:

- *on-the-spot-checks* on project and administrative expenditure;
- ex-post-checks; and,
- a system for the supervision of Local Action Groups.

In addition, the Managing Authority (DAFM), the European Commission, the European Court of Auditors, and the Programme's Certifying Body, and the Department may carry out on-the-spot inspections to verify that effective structures and controls are in place and that all activities are adequately documented. The Comptroller and Auditor General may also carry out visits to examine implementation generally.

The LAG and project promoters must co-operate fully with the bodies carrying out these checks.

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<sup>26</sup> Article 72 of Commission Regulation (EC) No's 2021/2116,

## 23 Appeals

### 23.1 Right of Appeal

The LAG must publicise in all its programme publication materials that there is a right of appeal by the project promoter to all funding decisions by the LAG. The LAG must also advise the project promoters of their right to appeal the LAG decision and how they can exercise this right. Where a project promoter appeals a LAG decision, the LAG must explain the appeal process to the project promoter. Similarly, the project promoter, or the LAG for administration and animation costs, may appeal a decision by the Department. The LAG cannot appeal on the project promoter's behalf; the appeal must be lodged by the project promoter with the assistance, as required, of the LAG.

The LAG must facilitate the appeal using the LEADER appeal template (Appendix 17). In making the appeal, the LAG / project promoter must:

- state the grounds of appeal, referencing the relevant Operating Rule, Department Circular or EU Regulatory provisions or Circulars pertinent to their appeal;
- identify the parts of the project file relevant to the appeal, listing the relevant sections and page numbers; and
- Provide original copies of additional documentation not included on the LEADER IT System document repository, which supports the appeal (in some instances hard copies of these documents may be sought).

Incomplete Appeal Templates will not be accepted.

This appeal facility does not apply to guidance provided by the Department in response to queries, e.g., guidance on the eligibility of a project for funding.

### 23.2 Appeal of Decisions taken by the LAG

The appeal of a LAG decision can take place in two stages, Stage 1 and Stage 2.

#### 23.2.1 Stage 1 - Review of LAG Decision

A project promoter may seek a review of a LAG decision. This review will be conducted by the LAG in the first instance. Requests for reviews should be submitted within 30 calendar days of being informed of the LAG decision, either at EOI or application stage.

The LAG should advise the project promoter of the outcome of the review, in writing, within 60 calendar days of the request for the review and advise them of their right to appeal as set out in Stage 2 below.

### **23.2.2 Stage 2 - Appeal of LAG Review**

Where the project promoter is dissatisfied with the outcome of the LAG review, the project promoter can appeal the decision of the LAG to the relevant Regional Inspector of the Department. The project promoter must set out their case in writing and submit any relevant or supporting information, including any new information. The project promoter must lodge any such appeal within 30 calendar days of being notified of the outcome of the review by the LAG.

The Regional Inspector will notify the appellant of the outcome of the appeal within 60 calendar days of the receipt of the appeal. This notification will outline the reasons for the decision of the Regional Inspector. This decision will be the final decision of the Department.

The Regional Inspector will only review the decision of the LAG in respect of:

- the process and procedures followed by the LAG in coming to the original decision and in performing the review.
- the LAGs interpretation of the relevant national/EU regulatory requirements.

### **23.2.3 Appeal under a Targeted Call**

In the case of a successful appeal at EOI stage under a targeted call, the project promoter should be provided with sufficient time to prepare an application so that the project promoter is not disadvantaged in comparison to other project promoters under the same targeted call. This can occur outside of the targeted call process if necessary.

If the appeal is successful under a targeted call at application stage, the LAG must fund the project from available funds within the LAGs allocation. Those who were successful in the original decision under the targeted call will not be de-selected.

## **23.3 Appeal of Decisions**

Administrative Checks, On-The-Spot Controls and ex-post checks will be carried out by Pobal, the LAG Lead Financial Partner and the Department's Inspection, Compliance and Business Development Unit.

### **23.3.1 Administrative Checks**

The LAG/project promoter may seek a review by Pobal or the LAG Lead Financial Partner (whichever carried out the Administrative Check), in writing, of any decision arising from its administrative checks. The request must be submitted, together with all relevant documentation within 20 working days of the original decision. Pobal / the LAG Lead Financial Partner must notify the LAG and project promoter of its decision within 30 calendar days of the request. The project promoter, or the LAG for administration and animation costs, may appeal this decision to the Department Appeal Panel within 21 calendar days of the review decision.



### **23.3.2 On-The-Spot-Controls and ex-post checks and LAG Admin Checks**

The LAG and project promoter may seek a review, in writing, of any decision arising from On-The-Spot-Checks and ex-post checks (Preliminary Findings Letter) to the responsible District Inspector in the first instance. The request must be submitted, together with all relevant documentation, within 15 working days of the original decision.

The District Inspector must notify the LAG and project promoter of their decision in a Control Report Letter within 20 working days of the request.

The project promoter, or the LAG for administration and animation costs, may appeal any decision contained in the Control Report Letter to the Regional Inspector. The appeal must be submitted to the Regional Inspector, together with all relevant documentation, within 30 calendar days of the date of the Control Report Letter.

The Regional Inspector must notify the LAG and project promoter of their decision within 60 calendar days from the date of receipt of the 1st Appeal by the LAG / project promoter.

### **23.3.3 Appeal regarding Reasonableness of Cost decision**

The LAG may appeal a Department decision regarding a Reasonableness of Cost request to the Department Appeal Panel within 21 calendar days of the decision.

### **23.3.4 The Department Appeal Panel**

The LAG or project promoter may appeal a decision to the Department Appeal Panel (DAP) using the appropriate appeal template (Appendix 17) within 30 calendar days from the date of receipt of the Regional Inspectors decision.

The LAG or project promoter may seek an oral hearing in support of their appeal to the DAP.

In their appeal submission, they must state why they wish to have an oral hearing. It is a matter for the DAP to review their request to an oral hearing and to decide if such a hearing would be beneficial to the process.

The Department Appeal Panel will hear the appeal within 60 calendar days of receipt of the 2<sup>nd</sup> appeal and will notify the LAG and project promoter of their decision within that period.

This decision will be final and will not be re-considered by the Department. However, a LAG or project promoter may, if dissatisfied with a decision or response of the Department, refer their case to the Office of the Ombudsman.

The Ombudsman may be contacted by:

- Clicking on the 'Make a Complaint' link at [www.ombudsman.ie](http://www.ombudsman.ie)
- Phone: (01) 6395600
- Writing: Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773

## 24 Information and Publicity

### 24.1 Information on the role of the LAG

The LAG must ensure that all information, publicity and visibility requirements for the programme, including installation of an explanatory plaque in the premises of the LAG, is installed in a prominent position in its premises which are financed by the LEADER programme. The requirement for information, publicity and visibility requirements relating to Union support and the CAP Strategic Plan is set out in Annex III of EU Regulation 2022/129.

The LAG must also ensure that all information leaflets, explanatory plaques and advertisements are bilingual, i.e. in Irish and English, and cover at least 25% of the poster, plaque, electronic signage or webpage. The following national and EU logos must also be displayed. The costs associated with these may be included as eligible project costs.

#### 24.1.1 Project 2040 Logo

It is a requirement for all measures or projects being implemented under Project Ireland 2040 to display the Project Ireland 2040 logo on all signage for both completed projects and those under construction.

The brand identity should also be present on all written reports, consultation documents, websites, social media, advertisements and publicity material. The identity should also be positioned at all public engagements including launches, fund announcements, press briefings and photo-calls.

The following text must be used in explaining the role of the Department in the LEADER activity:

Arna chomhchistiú ag an Roinn Forbartha Tuaithe agus Pobail  
Co-funded by the Department of Rural & Community Development

This text can be placed underneath the Project Ireland 2040 logo, or in proximity to it as design allows.



Arna chomhchistiú ag an Roinn Forbatha Tuaithe agus Pobail  
Co-funded by the Department of Rural and Community Development

#### 24.1.2 Our Rural Future Logo

The LEADER programme is a key intervention of *Our Rural Future*, the Rural Development Policy 2021-2025. All projects being funded by the LEADER programme must display the *Our Rural Future* logo on all signage for both completed projects and those under construction. It should also be noted that if there

is an official opening or Ministerial visit before construction is completed, this signage must be in place at the time.

The brand identity should also be present on all written reports, consultation documents, websites, social media, advertisements and publicity material. The identity should also be positioned at all public engagements including launches, fund announcements, press briefings and photo-calls.



### 24.1.3 European Union emblem

The European Union emblem must be used to acknowledge the support of the EU in all information leaflets, explanatory plaques, public announcements and advertising, as per EU and national regulatory requirements. The following text must be used with the emblem:

Arna chomhchistiú ag an Aontas Eorpach  
Co-funded by the European Union



**Arna chomhchistiú ag  
an Aontas Eorpach  
Co-funded by  
the European Union**

The LAG must also ensure that all information leaflets, explanatory plaques and advertisements are bilingual, i.e. in Irish and English.

### 24.1.4 Combined logos

The Project Ireland 2040 logo with the required strapline is to be placed leftmost on signage followed by the *Our Rural Future* logo and then the EU emblem. Any other logos, such as LAG Implementing Partner and Financial Partner logos, are to be placed to the right of these as set out below:



**Arna chomhchistiú ag  
an Aontas Eorpach  
Co-funded by  
the European Union**

All logos can be obtained in PNG, AI and EPS format by sending a request to [OR2327@drccd.gov.ie](mailto:OR2327@drccd.gov.ie).

## 24.2 Information and publicity requirements for LEADER funded projects

The LAG must ensure all project promoters comply with the programme's information and publicity requirements. The LAG must retain evidence (e.g. photographs) on the LEADER IT System document repository relevant project file of compliance with the information and publicity requirements.

Plaques and webpages must carry a description of the funded project or operation, as well as the information set out in Annex III of EU Regulation 2022/129. The logos in section 24.1 must be included on all information displayed, e.g. website, publication, poster / plaque, etc.

The following table outlines the visibility requirements dependant on the amount of total public expenditure, including LEADER funding, a project receives:

<b>Total Public Expenditure</b>	<b>Requirement</b>
€500,000 or above	Display durable plaques or billboards clearly visible to the public, including logos, as soon as the physical implementation of the operations starts or purchased equipment is installed.
€50,001 – €500,000	Display an explanatory plaque, or equivalent electronic display, with information about the project, including logos.
€10,001 – €50,000	Display at a location clearly visible to the public at least one poster of a minimum size A3, or equivalent electronic display, with information about the project, including logos.
€0 – €10,000	No requirement

## 24.3 Publications

Publications (such as booklets, leaflets and newsletters, press releases) and posters about measures and actions funded by LEADER must clearly indicate the Programme and EU's contribution. Publications must include references to the body responsible for the content and to the Department. The logos in section 24.1 must be included on all information displayed, e.g. website, publication, poster / plaque, etc.

## 24.4 Electronic information

The requirements in section 24.3 also apply to information provided through electronic means (websites, databases) and audio-visual material.

Websites concerning LEADER must include the following:

- a hyperlink to the Department (Project Ireland 2040 logo) – [www.gov.ie/drcd](http://www.gov.ie/drcd)
- the *Our Rural Future* logo
- the contribution of the European Union on the homepage
- include a hyperlink to the European Commission website concerning EAFRD [https://agriculture.ec.europa.eu/common-agricultural-policy/rural-development\\_en](https://agriculture.ec.europa.eu/common-agricultural-policy/rural-development_en)

## **24.5 Production of a report as a final outcome for the Project**

Reports funded through LEADER must also comply with the information and publicity requirements set out above.

## **24.6 Publication of Beneficiaries**

Details of CAP beneficiaries will be published on the Department of Agriculture, Food and Marine's website.<sup>27</sup> LAGs must ensure that all applicants are informed that all applications for funding include a reference to Article 99 of EU Regulation 2021/2116, informing beneficiaries of the publication of data concerning them, as it states that:

*“Member States shall inform beneficiaries that data concerning them will be made public in accordance with Article 98 and that such data may be processed by auditing and investigating bodies of the Union and the Member States for the purposes of protecting the Union’s financial interests....”*

The list of details to be published on the website of the managing authority relating to the project include the beneficiary name, and in the case of public procurement, the contractors name, is contained in Article 49(3) of the Common Provisions Regulation 2021/1060. In accordance with Article 44 of EU Regulation 2022/128, the VAT or tax reference number will also be published where the applicant is a group, as defined in Article 2(11) of Directive 2013/34/EU.

In addition, the details of the project, including funding approved for the project, and project promoter may also be published on the Department and the LAGs website. The LAG must inform all applicants and project promoters of these provisions and retain evidence of this on the LEADER IT System document repository.

The LAG must inform project promoters that their data will be made public and that it may be processed for performance, monitoring and evaluation purposes as well as by auditing and investigating bodies of the EU and Ireland for the purpose of safeguarding the EU's financial interests. The LAG must also inform applicants and project promoters of their rights under data protection legislation and the procedures applicable for exercising those rules.

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<sup>27</sup> Article 98 of Commission Regulation (EC) No. 2021/2116

## **25 Interpretation and amendment of the Operating Rules**

These Operating Rules shall be construed in accordance with the relevant EU and national regulatory requirements. Where there is a conflict between the Operating Rules and national and EU regulatory requirements, the national and EU regulatory requirements shall take precedence.

The Department reserves the right to make additions and amendments to these rules by Circular. The Department also reserves the right to make any derogations it deems appropriate, from time to time.

All changes to the Operating Rules will be notified to LAGs electronically.

## 26 Appendices

### 26.1 Appendix 1 - Expression of Interest Form

## IRELAND'S CAP Strategic Plan – 2023-2027

### LEADER Expression of Interest (EOI) Form

#### LAG HEADER – (LOGO, Address, Contact Details, Website, Address, etc.)

This Expression of Interest (EOI) form may be completed by a potential project promoter as a precursor to an application proper for funding under the CAP Strategic Plan 2023 – 2027 LEADER Programme. Failure to complete this form completely will result in a delay in dealing with your Expression of Interest and any further processing of any subsequent application arising.

#### Completion Guidance Notes:

- Please complete this form in full. All fields are mandatory.
- This form can be downloaded or printed from the following website (**Enter LAG/IP/Animating Partner name website address**) and forwarded to your Local Action Group with any additional information you feel may be of relevance to your Expression of Interest.
- It can also be completed electronically and e-mailed to your Local Action Group.
- A hardcopy of this form can be obtained from your Local Action Group.
- A Rural Development Officer from the Local Action Group will contact you when your Expression of Interest Form has been reviewed.

If you would like to receive this form in Irish or require assistance in completing this form, please contact your Local Action Group at:

#### LAG Contact details



Rialtas  
na hÉireann  
Government  
of Ireland

Tionscadal Éireann  
Project Ireland  
2040

Arna chomhchistiú ag an Roinn Forbatha Tuaithe agus Pobail  
Co-funded by the Department of Rural and Community Development

Ár dTodhchaí  
Tuaithe  
Our Rural  
Future



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an Aontas Eorpach  
Co-funded by  
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<b>GENERAL INFORMATION</b> <i>(All fields are mandatory and must be completed)</i>	
<b>LAG name:</b>	
<b>Project Name / Title:</b>	
<b>Project Promoter's Name:</b>	

<b>Project Promoter's Lead / Main Contact Name:</b>		
<b>Project Promoter's contact no.</b>		
<b>Project Promoter's e-mail:</b>		
<b>Project Promoter's Address &amp; Eircode:</b>		
<b>Project Promoter Type:</b>	<b>Classification of Promoter:</b>	<b>Tick box</b>
	Sole Trader	
	Farmer ( <i>If Yes, herd no / flock no is required below</i> )	
	Formalised Community/Voluntary group	
	Companies Limited by Guarantee	
	Company Limited by shares	
	Designated Activity Company limited by shares	
	Community Council	
	Public Body	
	Private Individual	
	Registered Charity	
	Trust	
	Partnership	
	Cooperative society ( <i>registered under the Industrial &amp; Provident Societies Act</i> )	
	Other:	
<b>Note: Public Bodies are not eligible for LEADER</b>		
<b>Has the Project Promoter / Community Group received LEADER funding previously? (Please tick one)</b>	<b>YES</b>	<b>NO</b>



<b>PROJECT INFORMATION</b>		
<b>Project Address:</b>		
<b>Eircode / XY co-ordinates</b> (mandatory details, please use XY coordinates if the project does not have an Eircode)	Eircode	
	XY co-ordinates	
<b>Project located in Gaeltacht area:</b>	YES	NO
<b>Project located on Islands area:</b>	YES	NO
<b>Estimated Project Costs:</b> (Total estimated costs)		
<b>LEADER Funding required for project:</b>		
<b>Project's Other Funding sources:</b> (If Any - Bank Loans etc.)		
<b>If indicated as farmer, provide Herd no or other DAFM identifier no:</b>		

<b>Please give a brief description of the proposed project</b> <i>(If required, please use additional sheet and attach to this form)</i>

**Signed for and on behalf of the Project Promoter / Group:**

I / We confirm that the details supplied are true and correct to the best of my / our knowledge

<b>Print Name:</b>	
<b>Signature:</b>	
<b>Date:</b>	

Part or all of the information you provide will be held on computer and hard copy format. This information will be used for the administration of Expression of Interests and producing monitoring returns. LAG's may share information with each other and government departments/agencies to enable them to prevent fraudulent applications or for detecting crime and to co-ordinate processing of complementary applications.

This policy does not affect your rights and your information will be held as prescribed under the Data Protection Acts.

The project promoter/group, the DRCD, **Implementing Partner/Animating Partner/LAG Name** are subject to the data protection and privacy laws of Ireland and the EU, in particular the Data Protection Act 2018 and Regulation (EU) 2016/679, known as the EU General Data Protection Regulation ("GDPR"). Any personal information that you provide as part of the application process will be obtained and processed in compliance with Data Protection legislation.

When you submit an EOI for LEADER funding your personal data will be made available to DRCD, **Implementing Partner/Animating Partner/LAG Name** and may be made available to those organisations listed below. By signing this EOI form, the project applicant acknowledges that the information contained in this form, the accompanying documentation and all subsequent documentation submitted regarding this EOI, may be made available to the DRCD, **Implementing Partner/Animating Partner/LAG Name** and those organisations listed below:

- **Insert county** Local & Community Development Committee;
- **Insert city name** City & County Council;
- Evaluation Committee of **LAG Name**;
- The Department of Agriculture, Food & the Marine;
- Pobal;
- E.U. Commission and E.U. Court of Auditors;
- Comptroller and Auditor General and any other Government Department or Agency;
- Accreditation Body.

but only where there is a valid legal basis to do so. The purpose of this sharing of data is for processing purposes, audit, evaluation purposes, controls relating to the legislation underpinning all Rural Development measures, as required by CAP EU Regulations, including Regulations (EU) 2021/2115 as well as relevant secondary legislation. Article 151 (1) of Regulation (EU) 2021/2115 and Article 101 of Regulation (EU) 2021/2116 . DRCD, **Implementing Partner/Animating Partner/LAG Name** will not otherwise release any information received as part of this application except as may be required by law, including under the Freedom of Information Act 2014.

Personal data may be used for statistical, research and analysis purposes in some circumstances, but will only be done so in compliance with the Data Protection legislation in force. Data used for such

purposes will be pseudonymised (masked) or anonymised, as appropriate, to protect the security and confidentiality of the data. The use of the data in this way may facilitate DRCD in informing policy decisions into the future.

As part of the LEADER programme, if you are approved into the LEADER programme, you may be requested by DRCD, **Implementing Partner/Animating Partner/LAG Name**, to supply data in relation to your participation in the LEADER programme and facilitate on-site inspections/assessments, where required for the purpose of assessment, verification, evaluation or research purposes as provided for under the Regulations (EU Regulation 2021/2116). Not to supply such information may invalidate/cancel your application.

Retention Period: Personal data, data submitted in support of the EOI by the data subject under the LEADER programme will only be retained by DRCD, **Implementing Partner/Animating Partner/LAG Name** for the period necessary for the purposes for which the data was collected and processed, or where subject to statutory requirements. Personal data no longer required will be destroyed or deleted in a secure manner in line with internal guidelines or guidelines for destruction received from the National Archives Office or associated permissions received from them.

This EOI may also be subject to meeting obligations under the Freedom of Information Act 2014. The DRCD, **Implementing Partner/Animating Partner/LAG Name** retain the right to disclose for the purposes of a request under the Freedom of Information Act 2014 or otherwise, in connection with this EOI:

- i. any information supplied by the project promoter/group to the DRCD, **Implementing Partner/Animating Partner/LAG Name**;
- ii. any relevant data gathered by the DRCD, **Implementing Partner/Animating Partner/LAG Name** in processing this EOI, except where the information is considered to be personal or commercially sensitive.

<b>EOI Ref ID:</b> <i>(Generated from LEADER IT System)</i>	
<b>Call Type:</b> <i>(Rolling / Time Limited)</i>	
<b>Main Programme Theme:</b>	
<b>LAG Officer Signature:</b>	
<b>Printed name of LAG Officer:</b>	
<b>Date LAG Received form:</b>	
<b>LAG Date Stamp:</b>	

## 26.2 Appendix 2 - Application Form

**LAG HEADER – (LOGO, Address, Contact Details, Website, Address, etc.)**

# IRELAND'S CAP STRATEGIC PLAN 2023 – 2027

## LEADER GRANT APPLICATION

Please review the checklist (Appendix A) at the end of the application to ensure that you have submitted all the required information. Failure to submit the relevant documents with the application will result in the application being returned to you. If you have any query about this application process, please discuss with **LAG/IP/Animating Partner name** before you complete this form.

This form does not mean that we are offering your project financial assistance. Neither our staff nor our representatives can make any commitment to award funding. If we grant funding for your project, you will receive a formal Letter of Offer outlining the conditions. If you accept the grant offer, we will then put a formal contract in place.

The furnishing of inaccurate information will lead to automatic elimination from the evaluation process and will invalidate any application for funding.

Please note that if you start work before we send you a formal Letter of Offer, you will not qualify for financial assistance. Before we send contracts, we will visit the site to confirm that no work has already taken place.

You need to keep a copy of documentation you send to **LAG/IP/Animating Partner name**.

All amounts should include VAT if you are claiming VAT as part of this funding application. VAT can only be claimed by project promoters that do not have to register for VAT with the Revenue Commissioners.

*To get this form in Irish please request from:*

***Insert Contact for Irish language version***

Applications must be completed in full. It is at the discretion of the Project Development Officer to determine if sufficient information has been provided to proceed to Evaluation.



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Ár dTodhchaí  
Tuaithe  
Our Rural  
Future



Arna chomhchistiú ag  
an Aontas Eorpach  
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the European Union

For Official Use Only	To Be Date Stamped by IP/LAG on Receipt
Acknowledged by: _____	
Date: _____	
Ref. No: _____	

## SECTION A: PROJECT PROMOTER AND PROJECT DETAILS

<b>1</b>	<b>Project Name</b>			
	<b>Project Promoter / Community Group Name</b> <i>(where a Project Promoter is a Company or Community Group please use legally constituted name)</i>			
	<b>Project address</b>			
	<b>Eircode / XY co-ordinates</b> <i>(mandatory details, please use XY coordinates if the project does not have an Eircode)</i>	Eircode		
		XY co-ordinates		
	<b>Main contact name</b>			
	<b>Telephone number</b>			
	<b>Project Promoter e-mail</b>			
	<b>Project Promoter address</b> <i>(if different to project address)</i>			
	<b>Eircode</b>			
	<b>Website</b>			
	<b>Tax registration number</b>			
	<b>CRA no. for registered charities / Co Op no.</b>			
	<b>CRO no. for companies</b>			
<b>Herd no. / Flock no. / DAFM business ID</b>				
<b>Tax Clearance Access Number (TCAN)</b>				

<b>2</b>	<b>Classification of Project Promoter:</b> <i>Tick appropriate box and include copies of supporting governing documents with this application.</i>			
	Sole Trader		Community Council	
	Farmer		Trust	

	Formalised Community / Voluntary Group		Partnership	
	Companies Limited by Guarantee		Company Limited by Shares	
	Designated Activity Company limited by shares		Private Individual	
	Registered Charity		Cooperative society registered under the Industrial & Provident Societies Act	
	Other (please specify)			
<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>- Public Bodies are not eligible for LEADER funding</li> <li>- If applying as a Community Organisation, please supply supporting documentation, e.g. certificate of incorporation and memorandum and articles.</li> <li>- Where the applicant is a formalised community group, a founding constitution will be required.</li> <li>- If applying for the higher community rate of aid, you must be a non-profit distributing group, institutionally separate from the State and pursuing the common interests of the wider community and the project for which you are applying for LEADER funding must not have a commercial basis.</li> <li>- Social Enterprises are not eligible for the higher community rate of aid.</li> </ul>				
<b>3</b>	<p><b>VAT Registration:</b></p> <ul style="list-style-type: none"> <li>- Where funding is to be paid for non-recoverable VAT, the project promoter must provide up-to-date written confirmation from the Revenue Commissioners that the project promoter is not registered for VAT.</li> <li>- Where the project promoter is a registered ROS (Revenue Online Service) customer, a printout of the taxpayer profile showing their VAT registration status will suffice. The absence of a VAT profile confirms the non-VAT registration of the customer by default.</li> </ul>			
	<b>Are you, your group or your company VAT registered?</b>		YES	NO
	If yes, please provide the VAT registration number:			
<b>4</b>	<p><b>a. Project Promoter's qualifications, training, skills etc. to deliver the project:</b> Include details of experience/skills/qualifications you/your organisation have that will ensure the sustainable management of the project, in particular, general management and financial experience.</p>			
	<b>b. Do you require training or new skills to help you deliver your project?</b>		YES	NO
	If Yes, please specify, in your opinion what training or new skills you need:			
<b>5</b>	<p><b>What type of assistance do you need? (Please tick as appropriate)</b> <i>Please consult with your Development Officer regarding your selection</i></p>			
	Capital Expenditure		Marketing / Promotion	
	Training		Analysis & Development	
	Co-operation Project		Co-operation Preparatory Technical Support	
	Large Scale Infrastructure <i>(applies only to Community Groups)</i>		Other <i>(please specify)</i>	

6	<b>Project Description</b> <i>(Describe the proposed project, the main activities involved to develop it and any other parties involved)</i>		
7	<b>Basic Services Infrastructure</b> Will this project improve basic services infrastructure in the community?	YES	NO
If yes, indicate the population that will benefit from this service			
8	<b>Areas of Innovation</b> <i>Outline the key areas of innovation of the project, e.g., what is unique about this project? How will it stimulate the local area?</i>		
9	<b>What specific need/requirement will the project meet?</b> <i>Describe the need for the proposed project, how this need was identified and how far the project would go to address this need. Outline the local impacts of the project and how it will contribute to the improvement of the local environment, culture, heritage, economy or community.</i>		
10	<b>If your project does not get a grant, would the project...</b> <i>(choose one option only)</i>		
Go ahead, unchanged?			
Not go ahead?			
Proceed on a reduced basis?			
<b>Please provide a rationale/reasons for your choice:</b>			
11	<b>Is the proposed project likely to compete with a similar local facility/enterprise/activity?</b> <i>List the three nearest similar facilities/enterprises/activities and state how you intend to avoid displacing these other facilities/enterprises/activities.</i>		
12	<b>Marketing and Promotion Strategy:</b> <i>Outline how you intend to promote and market your project</i>		
13	<b>Environmental and Climate Change Impacts</b> <i>Describe any environmental aspects of your project or any impacts that may affect Climate Change.</i>		
14	<b>Project Timeline:</b> <i>If the project is approved, when do you think the project will start and finish?</i>		

	Proposed start date:		
	Proposed finish date:		
<b>15</b>	<b>Phased Payments</b> <i>If your application is successful, to assist with project cash flow, you may request phase payments of grant aid. This will normally apply to capital projects and is subject to LAG approval.</i>		
	Please tick the box if you wish to be considered for phase payments for your project.		
<b>16</b>	<b>Heritage requirements</b> Will the proposed project impact, or have the potential to impact, upon structures, places or sites of heritage interest including those listed below? <i>If 'Yes', please indicate what is impacted:</i>	YES	NO
	Monuments and places protected under the National Monuments Acts 1930 – 2004		
	Protected structures, and proposed protected structures, within the meaning of the Planning and Development Acts		
	Architectural conservation areas within the meaning of the Planning and Development Acts		
	Certain types of activities within protected nature conservation sites		
	Disturbance of protected species of flora and fauna and their key habitats		

## SECTION B: CONSTRUCTION PROJECTS and CAPITAL PROJECTS

Q17 & Q18 must be completed for all projects involving Construction Works.

Q19 must be completed where the project involves the purchase of equipment.

<b>17</b>	<b>Do you need planning permission for the proposed works?</b>  <i>If 'Yes', please provide a copy of the Planning Permission obtained.</i>  <i>If 'No', please provide supporting documentation from the Local Authority.</i>	YES	NO
<b>18</b>	<b>Do you have legal entitlement to the land/buildings in question?</b> <i>(documentary evidence required)</i>	YES	NO
<b>19</b>	<b>For the purchase of equipment, will second-hand equipment be considered?</b> <i>(additional conditions apply)</i>	YES	NO

## SECTION C: JOB CREATION

<b>20</b>	<b>Will this project be creating or sustaining jobs?</b>	YES	NO
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	<i>If you answered 'Yes' please answer questions 21 to 24</i>			
	<i>If answered 'No' please go to question 25</i>			
<b>21</b>	<b>Please specify number of people currently employed (if facility/service already exists):</b>			
		<i>Full-time</i>	<i>Part-time</i>	<i>Seasonal</i>
	<i>Total</i>			<i>Number FTE</i>
	<i>Male</i>			
	<i>Female</i>			
<b>22</b>	<b>Describe the impact the project will have on sustaining this existing employment?</b>			
<b>23</b>	<b>To what extent will the proposed project help to create jobs (Anticipated Jobs created)?</b>			
		<i>Full-time</i>	<i>Part-time</i>	<i>Seasonal</i>
	<i>Total</i>			<i>Number FTE</i>
	<i>Male</i>			
	<i>Female</i>			
<b>24</b>	<b>What type of job roles do you plan to create?</b> <i>Please use job titles and type of employment. Please also note how long these jobs will be needed for.</i>			

## SECTION D: ENTERPRISE PROJECTS ONLY

Projects completing this section may be referred to the Local Enterprise Office in advance of assessment

<b>25</b>	<b>Is this project an Enterprise?</b>			Yes	No
	<b>If yes, is it new or existing?</b>			New	Existing
	<b>Enterprise Type?</b>	MICRO (1-9)	SMALL (10-49)	MEDIUM (20-250)	SOCIAL ENTERPRISE
<b>26</b>	<b>Please provide details of how revenue will be generated and how it will be used to ensure the financial sustainability of your project, e.g. Business Plan, Projected Income and Expenditure:</b>				
<b>27</b>	<b>a) If applying as an existing business, please confirm the Annual Turnover and Balance Sheet Total: reference accounts and provide copies for previous three years.</b>				
	Annual turnover: €			Balance Sheet Total: €	
	<b>b) If the project promoter is part of a group of companies please provide details:</b> <i>If your company is linked or partnered with another company, please provide details</i>				
<b>28</b>	<b>Financial Projections</b>				

<i>Please complete the following table for the next five-year period. For economic projects, these details should match the Income/Expenditure Profile in the Business Plan</i>				
	<i>Year</i>	<i>Projected Income</i>	<i>Projected Expenditure</i>	<i>Net Income</i>

### SECTION E: TRAINING PROJECTS ONLY

<b>29</b>	<b>Course Title</b>	
<b>30</b>	<b>How was the need for this training identified?</b>	
<b>31</b>	<b>Location</b>	
<b>32</b>	<b>Course provider</b>	
<b>33</b>	<b>Accrediting body</b> <i>(if relevant)</i>	
<b>34</b>	<b>No. of people to be trained</b>	
<b>35</b>	<b>How will these numbers be achieved?</b>	
<b>36</b>	<b>Course details</b> <i>(no. of modules, assignments, workshops, seminars, examinations, etc.)</i>	
<b>37</b>	<b>Skills gained</b> <i>(Outline how the skills gained through this training will be of benefit)</i>	

### SECTION F: ANALYSIS & DEVELOPMENT PROJECTS ONLY

<b>38</b>	<b>Focus of Study / Research / Plan / Development</b> <i>(Outline the main focus of the Study / Research / Plan / Development to be carried out)</i>
<b>39</b>	<b>How will the findings of the Study / Research / Plan / Development be used?</b> <i>(How will the findings be presented and what benefits will the results have on completion?)</i>

<b>40</b>	<b>Has any analysis been done for a similar purpose by you/your group or another group in the area?</b> <i>(Provide details of similar analysis that have been completed and provide details of whether they are available in the public domain)</i>
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**SECTION G: MARKETING / PROMOTION PROJECTS ONLY**

*(or Projects with a Marketing / Promotion component)*

<b>41</b>	<b>Who is the Marketing / Promotion targeting and why is it required?</b> <i>(Provide details of the target group(s))</i>
<b>42</b>	<b>Details of Marketing / Promotion to be undertaken</b> <i>(Provide details of the activities to be undertaken)</i>
<b>43</b>	<b>How will Marketing / Promotion be recorded / documented?</b> <i>(Provide details of how these activities will be recorded/documentated)</i>

**SECTION H: FINANCIAL**

<b>44</b>	<p>Please provide a detailed financial breakdown of all elements of the project from the figures provided in your tender report / most competitive quotes / schedules for voluntary labour / contribution in kind etc. and valuations for donations.</p> <p><i>All applicants must complete the individual project item cost in the table below.</i></p>			
	<b>Nature of Contract / Goods / Item / Donations / Voluntary Labour</b>	<b>Supplier</b>	<b>Cost excluding VAT (€)</b>	<b>Cost including VAT (€)</b>
	<i>Total cost of project:</i>		€	€
<b>45</b>	<b>Sources of Funding</b> <i>(Please provide details, including supporting documentation, of all sources of funding for the project. If necessary, use a separate sheet)</i>			
	<b>Sources of funding</b>	<b>Value €</b>	<b>% of overall cost</b>	

	LEADER Programme		
	Donation of property <i>(where applicable)</i>		
	Voluntary labour <i>(where applicable)</i>		
	Own resources:	Cash / money in account	
		Loan / bridging finance	
	Other Public funding from non-EU Sources, e.g. Local Authority, Fáilte Ireland, etc. <i>(List the sources and the value of funding provided by each source)</i>		
	<i>Total cost of project:</i>		€
	Please confirm the total percentage of public funding this project will receive from all sources. <i>(The percentage received will determine the procurement process to be followed)</i>		%
<b>46</b>	<b>Previous Public Funding</b>		
	Have you, your organisation, or any linked enterprises previously received public funding for this project?	YES	NO
	Have you, your organisation, or any linked enterprises received funding for any other project from public sources in the past three years?	YES	NO
	<i>If 'Yes' to either of the above questions, please fill in the following table:</i>		
	Project name		
	Project Reference number		
	Programme applied to		
	Funding Organisation*		
	Amount approved/received		
	Date of Approval		
	Date(s) of receipt funding		
	* e.g. European Programmes, County Council, County Enterprise Board, Fáilte Ireland, Regional Tourism Organisation, National Lottery, Bord Bia, DSP/Solas/SEAI, Teagasc, Heritage Council, other Semi-State Agencies, Government Departments, Local Development Company.		
	The applicant must attach a statement/declaration from the funding organisation(s) including:		
	<ul style="list-style-type: none"> <li>• confirmation of the State Aid / De Minimis status of any funding awarded in the three-year fiscal period</li> <li>• name of the funding scheme / programme</li> <li>• amount of funding awarded</li> <li>• date this funding was awarded</li> </ul>		
<b>47</b>	<b>Has another organisation, other than the applicant, previously received public funding for this project?</b>	YES	NO
	<i>If 'Yes' to the above question, please fill in the following table:</i>		
	Name of Organisation		
	Project name		
	Project Reference number		

	Programme applied to		
	Funding Organisation*		
	Amount approved/received		
	Date of Approval		
	Date(s) of receipt funding		
	* e.g. European Programmes, County Council, County Enterprise Board, Fáilte Ireland, Regional Tourism Organisation, National Lottery, Bord Bia, DSP/Solas/SEAI, Teagasc, Heritage Council, other Semi-State Agencies, Government Departments, Local Development Company.		
<b>48</b>	<b>Have you, your organisation, or any linked enterprises applied elsewhere for public funding for this project?</b>	YES	NO
	<i>If 'Yes' to the above question, please fill in the following table: (If application(s) listed below is approved for funding, you must provide details to the Local Action Group within 10 working days of approval)</i>		
	Funding Organisation*		
	Programme applied to		
	Application date		
	Project reference no. (if applicable)		
	Amount applied for		
	Description of item/activity for which funding is being sought		
	Date of approval (if pending, enter estimated decision date)		
	* e.g. European Programmes, County Council, County Enterprise Board, Fáilte Ireland, Regional Tourism Organisation, National Lottery, Bord Bia, DSP/Solas/SEAI, Teagasc, Heritage Council, other Semi-State Agencies, Government Departments, Local Development Company.		
<b>49</b>	<b>Has a false declaration finding ever been incurred by you, your organisation, or any linked enterprises for a 2014-2022 LEADER Programme project?</b>	YES	NO
	<i>If 'Yes', please provide details and project reference:</i>		
<b>50</b>	<b>Have you or your organisation any outstanding debt for previous LEADER funding?</b>	YES	NO
	<i>If 'Yes, is there a repayment agreement in place and are you/your organisation actively engaged in repaying this debt?</i>	YES	NO

## SECTION I: DECLARATIONS AND ASSURANCES

<b>A</b>	<b>SELF-INSURANCE AND/OR PUBLIC LIABILITY INSURANCE DECLARATION</b>
	The applicant must declare acceptance of, and effect and keep in force, for both the project implementation process and the 5-year durability period, self-insurance arrangements and/or public

	liability insurance. In this regard, the applicant must confirm that they have read and understood Appendix B of the application form.										
<b>B</b>	<p><b>DATA PROTECTION AND FREEDOM OF INFORMATION ACT 2014 DECLARATION</b></p> <p>The applicant must declare acceptance of Data Protection and Freedom of Information Acts provisions in relation to an application for funding under the 2023 – 2027 LEADER programme.</p> <p>Please also refer to Appendix C attached to this Application Form. In this regard, the applicant must confirm that they have read and understood Appendix C of the application form.</p>										
<b>C</b>	<p><b>CONFIRMATION OF ACCURACY OF INFORMATION PROVIDED</b></p> <ul style="list-style-type: none"> <li>• The applicant confirms that they agree to be bound by the 2023 – 2027 LEADER Operating Rules as appropriate for the Ireland’s CAP Strategic Plan.</li> <li>• The applicant declares that the particulars supplied in this application are true and correct, and accepts that any false or misleading statements or withholding of information will result in the relevant project being excluded from receiving LEADER support and any amounts paid will be recovered. The applicant will be excluded from receiving any further LEADER support in the relevant EAFRD year and for the following year.</li> <li>• The applicant confirms their understanding that if grant aid is awarded and/or paid in respect of their project, data relating to the beneficiary, project and in the case of public procurement, the name of contractor may be publicised.</li> <li>• The applicant hereby requests that grant assistance be given in support of the project as outlined and certifies that, if paid, the grant will be solely for the purpose for which it is approved.</li> </ul>										
<b>D</b>	<p><b>COMBINED DECLARATION OF ACCEPTANCE AND APPLICATION SIGNATURE(S)</b></p> <p>I/We*, _____ confirm that I/we have read, understood and declare acceptance of the content of the three declarations outlined above in relation to:</p> <ul style="list-style-type: none"> <li>• SELF-INSURANCE AND/OR PUBLIC LIABILITY INSURANCE</li> <li>• DATA PROTECTION AND FREEDOM OF INFORMATION ACTS</li> <li>• CONFIRMATION OF ACCURACY OF INFORMATION PROVIDED</li> </ul> <p>It is also understood that a false declaration resulting in the State Aid / De Minimis threshold of €300,000 being exceeded could later give rise to the aid being recovered with interest.</p> <p>The signature(s) below confirm my / our formal application and the accuracy of the information provided in this application form for grant aid under the 2023 – 2027 LEADER Programme.</p> <table border="1"> <tr> <td>Signed <i>(applicant / company Chairperson*)</i></td> <td></td> </tr> <tr> <td>Name <i>(Block capitals)</i></td> <td></td> </tr> <tr> <td>Position / capacity</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> <tr> <td>Signed <i>(2<sup>nd</sup> Director if a company)</i></td> <td></td> </tr> </table>	Signed <i>(applicant / company Chairperson*)</i>		Name <i>(Block capitals)</i>		Position / capacity		Date		Signed <i>(2<sup>nd</sup> Director if a company)</i>	
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Position / capacity											
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Name <i>(Block capitals)</i>	
Position / capacity	
Date	
<p><i>*For Companies, the Chairperson and one other director should sign the application.</i></p> <p><i>Part or all of the information provided will be held on computer. This information will be used for the administration of applications and producing monitoring returns.</i></p> <p><i>LAGs may share information with each other and government departments / agencies to enable them to prevent fraudulent applications or for detecting crime and to co-ordinate processing of complementary applications.</i></p>	

## APPENDIX A - Checklist of Information required

Grant Approval will not be made without consideration of all appropriate documentation relevant to your project

### Required Information *(Applications will not be considered unless all the following are included)*

Appropriate No. of Quotations / Tenders based on Project Costs and Promoter Status	
Copy of Full Audited Accounts / Financial Statements / Management Accounts / Income and Expenditure Accounts for 3 years.	
Copy of Current Bank Statements (3 months minimum) for all accounts held.	

### Enclose the following items as appropriate *(discuss requirements with Development Officer)*

Planning Permission & Conditions	
Notice of Exemption from Planning Certification	
Heritage Consents and Approvals <i>(see Guidelines for 2023-2027 LEADER Projects Affecting Heritage)</i>	
Statutory Approvals e.g. Fire Safety	
Business / Development Plan (5 yr)	
Marketing Plan	
Evidence of Title *	
Evidence of Leasehold *	
Certified Valuation of land/property donated	
Relevant Governing Documents	
Written confirmation of VAT status from Revenue	
Evidence of bridging / matching funding <i>(when available)</i>	
Fair Usage Policy / Inclusion Strategy <i>(Community Groups)</i>	
Terms of Reference <i>(for A&amp;D, Animation or Training Projects)</i>	
Voluntary labour costs / valuation & schedule	
Statement(s) / declaration(s) by public funding bodies regarding State Aid / De Minimis	
Performance Indicators	
Schedule of Members	

\* Evidence of title or leasehold must be obtained in respect of capital projects involving land, e.g. sites of building construction or renovation, fixtures, traffic ways, etc. Any lease provided must:

- be signed by lessor and the project promoter
- be appropriately witnessed (solicitor)
- be accompanied with a map identifying the land
- stipulate the term of the lease (must be for a period of at least five years from the date of the final payment to the project promoter or for a term not less than the term of the contract, whichever is the longer).

Where the project promoter cannot obtain a lease or evidence of title, written documentation confirming the project promoter's authority to carry out the relevant activities (for at least a five-year period post payment of grant aid), will suffice. This documentation must be witnessed by a solicitor and signed by a person or body recognised as being in charge of the property. This document cannot be used as contribution-in-kind. Any agreement for a period of less than five years will deem the project ineligible for funding.

**Please enclose any other relevant documentation that supports your application for grant assistance**



## APPENDIX B – Insurance and Indemnity

The project promoter (henceforth referred to as 'the Promoter') accepts and confirms that the Minister of the Department of Rural and Community Development, (*insert LAG or other indemnifiable party name(s)*) is at all times and instances indemnified from and against all actions, proceedings, costs, damages, expenses, claims, demands and liabilities (save to the extent that same is due to the gross neglect or default of the aforementioned parties) arising in any way directly or indirectly out of:

- (a) Any act, default, omission, or negligence of the Promoter, its servants or agents, or any person in and on the project area or premises with the promoter's authority or by the promoter's invitation;
- (b) Any act, default, omission or negligence of the Promoter, its servants or agents (or any persons with the Promoter's authority or invitation) in or on other areas adjacent to or in the vicinity of the project area or premises over which the promoter may have rights of access or use;
- (c) The Permitted Use; and
- (d) Any breach by the Promoter of its obligations, its undertakings, the conditions or other provisions contained in the contract or subordinate to the 2023 – 2027 LEADER Operating Rules for Ireland's CAP Strategic Plan.

The Promoter confirms its responsibility and duty to effect and keep in force, for the project for which LEADER grant aid is sought, public liability insurance or other insurance as required.

The Promoter confirms its responsibility and duty to effect and keep in force, for the project for which LEADER grant aid is sought, public liability insurance or other insurance as required.

The Promoter shall also give notice to the Minister forthwith upon becoming aware of the happening of any event which might affect any insurance policy relating to the project, its assets, premises and any other item subject to insurance.

If at any time the Promoter shall be entitled to the benefits of any insurance on the project premises or property (which is not effected or maintained in pursuance of any obligation herein contained) to apply all monies received by virtue of such insurance in making good the loss or damage in respect of which the same shall have been received.

To notify the Minister, the LAG, as appropriate, in writing of any damage, howsoever occasioned, to the project premises or assets, immediately on becoming aware of same.

To pay to the Minister, the LAG, as appropriate, on demand the amount of any insurance monies in respect of the damage to the project premises or assets which cannot be recovered by reason of any act, default, omission or negligence of the Promoter, its servants, agents, promoters or invitees.

If and whenever during the 5-year durability period the project premises or any part thereof are damaged or destroyed by any of the Insured Risks and the insurance money under the policy of insurance is by reason of any act or default of the Promoter or anyone at the project premises or by implication with the Promoter's authority other than the Minister, the LAG, as appropriate, its servants agents employees or workmen wholly or partially irrecoverable, forthwith in every such case to (at the option of the Minister, the LAG, as appropriate) either:

- (a) Rebuild and reinstate at its own expense the property or buildings contained in the premises or structures subject to an application for grant aid are part destroyed or damaged to the reasonable satisfaction and under the supervision of the LAG, as appropriate, surveyor, the Promoter being allowed towards the expenses of so doing upon such rebuilding and reinstatement being completed the amount (if any) actually received in respect of such damage or destruction under any insurance as aforesaid; or
- (b) Pay to the LAG, as appropriate, on demand, with interest at the Prescribed Rate (3%), the amount of such insurance monies so irrecoverable from the date on which the Promoter shall be notified by its insurers that such monies are irrecoverable whichever is the least expensive for the Promoter.

## Appendix C - Data Protection Notice

### Part A: Information applicable to applications for LEADER programme

#### Information and Data Protection

The following information relates to the processing of personal data under the LEADER programme. This sets out the ways in which the DRCD, **Implementing Partner/Animating Partner/LAG Name** collects, stores and uses personal data. Such data may be received directly from data subjects, authorised agents acting on their behalf or indirectly from third parties where there is a legal basis to do so.

The rights of data subjects may be exercised pursuant to the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation. Further information in respect of data protection may be accessed on the Department's website:

<https://www.gov.ie/en/organisation-information/0d4338-data-protection/>

1. The Department of Rural and Community Development (DRCD) and **Implementing Partner/Animating Partner/LAG Name** are fully committed to protecting and respecting your privacy in accordance with the General Data Protection Regulation and the Data Protection Acts 1988 to 2018 and employs appropriate technical and organisational measures to protect your information from unauthorised access.
2. Personal data will only be exchanged with other departments, agencies or public bodies in certain circumstances where this is provided for by law. Transparency and openness in the use of personal data held is important to DRCD and **Implementing Partner/Animating Partner/LAG Name**, therefore we aim to fully inform all our customers about the purpose(s) for which their data will be used and why, where it may be shared elsewhere and why and how long their data may be held by DRCD, **Implementing Partner/Animating Partner/LAG Name**.
3. The current legislation for Data Protection in Ireland is the Data Protection Act 2018 and the General Data Protection Regulations (EU 2016/679).
4. The Data Controller for the collection and processing of all personal data for the 2023 – 2027 LEADER programme, is DRCD itself, as a legal entity. The Data Processor of all personal data in respect of this application is **Implementing Partner/Animating Partner/LAG Name**.
5. The Data Protection Officer can be contacted at: [Dataprotectionunit@drcd.gov.ie](mailto:Dataprotectionunit@drcd.gov.ie), or by post at Department of Rural and Community Development, Trinity Point, 10-11 Leinster St South, D02 EF85.
6. Personal data processed by DRCD, **Implementing Partner/Animating Partner/LAG Name** 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 Data Protection legislation in force. Further information may be sought by DRCD, **Implementing Partner/Animating Partner/LAG Name** to clarify aspects of your proposal.
7. Rights of the individual in relation to personal data held by DRCD, **Implementing Partner/Animating Partner/LAG Name**: When you, as a customer, provide personal data to the DRCD, **Implementing Partner/Animating Partner/LAG Name** you have certain rights available to you in relation to that data. These rights are outlined below and can be exercised by contacting the Data Protection Officer, as detailed above, indicating which right(s) you wish to exercise: Customers of DRCD, **Implementing Partner/Animating Partner/LAG Name** have the following rights:
  - to information about how data is processed;
  - access to their own data;
  - rectification of their data;
  - erasure of their data;
  - ensure the notification of third parties of the rectification or erasure of personal data;
  - right to lodge a complaint with the Supervisory Authority;
  - restriction of processing;

- data portability;
- objection to the processing of personal data;
- withdraw consent if they previously gave it in relation to processing their personal data;
- object specifically to the processing of personal data for the purpose of direct marketing;
- not to be subject to automated decision making;
- not to be subject to profiling.

## Part B – Information specific to the personal data being collected

*The following data is specific information in relation to the personal data processed for the submission of an application under the LEADER.*

8. **Specified purpose:** The personal data sought from, or previously furnished by applicants is required for the purpose of making an application to join this programme. Failure to provide all the personal data required to facilitate the processing of the application, under this programme will result in DRCD, **Implementing Partner/Animating Partner/LAG Name** being unable to process the application further. Failure to provide certain information required under the terms and conditions of this programme may result in the necessity to repay monies already paid under this programme.

The purpose for the processing of personal data is to, among other things, receive, analyse and process data from applicants. To communicate with applicants and/or their authorised agents and where applicable other authorised third parties. To subsequently receive and process the data of the approved participants for the fulfilment of their applications and make payments to them.

9. **Legal basis:** Article 6(1)(c) of the General Data Protection regulation (GDPR) provides for processing of personal data where it is necessary for compliance with a legal obligation to which the controller is subject; while Article 6(1)(e) provides for processing of personal data where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

The LEADER programme is implemented pursuant to the CAP EU Regulations, including Regulations (EU) 2021/2115 and 2021/2116 of the European Parliament and of the Council as well as relevant secondary legislation, Ireland's CAP Strategic Plan, its Strategic Environmental Assessment and Appropriate Assessment and is operated by the DRCD **Implementing Partner/Animating Partner/LAG Name** involved in the delivery of LEADER. Article 151 (1) of Regulation (EU) 2021/2115 and Article 101 of Regulation (EU) 2021/2116 (Processing and Protection of Personal Data), places a legal obligation on Member States to collect personal data to facilitate the implementation of the CAP Strategic Plan.

10. **Recipients:** When you submit an application for LEADER funding your personal data will be made available to DRCD, **Implementing Partner/Animating Partner/LAG Name** and may also be sought from and made available to other Government Departments/Agencies/Local Authorities/contracted parties, including but not limited to those listed below but only where there is a valid legal basis to do so. Anonymised data may also be shared between public bodies to support the achievement of government objectives.

Where appropriate, a Data Sharing Agreement will be put in place. The purpose of this sharing of data is to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP). Also, personal data may be released as required by relevant Data Protection legislation and the Freedom of Information Act 2014.

By signing this application form, the project applicant acknowledges that the information contained in this application form, the accompanying documentation and all subsequent documentation submitted regarding this grant application, may be made available to the DRCD, **Implementing Partner/Animating Partner/LAG Name** and those organisations listed below:

- **Insert county** Local & Community Development Committee;
- **Insert city name** City & County Council;
- Evaluation Committee of **LAG Name**;

- The Department of Agriculture, Food & the Marine (including publication of details of grant received on DAFM website);
- Pobal;
- E.U. Commission and E.U. Court of Auditors;
- Comptroller and Auditor General and any other Government Department or Agency;
- Accreditation Body.

but only where there is a valid legal basis to do so. The purpose of this sharing of data is for processing purposes, audit, evaluation purposes, controls relating to the legislation underpinning all Rural Development measures, as required by CAP EU Regulations, including Regulations (EU) 2021/2115 as well as relevant secondary legislation. Article 151 (1) of Regulation (EU) 2021/2115 and Article 101 of Regulation (EU) 2021/2116. DRCD, **Implementing Partner/Animating Partner/LAG Name** will not otherwise release any information received as part of this application except as may be required by law, including under the Freedom of Information Act 2014.

By signing this application form, the project applicant also acknowledges that the information contained in this application form may be validated with regard to financial or compliance requirements (e.g. State Aid regulations - Commission Regulation (EU) No 2023/2831, Agricultural De Minimis Regulation - Commission Regulation (EU) No 1408/2013) and by the **Implementing Partner/Animating Partner/LAG Name** with relevant third parties. The following grounds are identified as the legal basis: Article 6(1) (c) and (e) of the General Data Protection regulation (GDPR) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Personal data may be used for, among other things, statistical, research and analysis purposes in some circumstances, but will only be done so in compliance with the Data Protection legislation and the legislative measures under the CSP. Data used for such purposes will be pseudonymised (masked) or anonymised, as appropriate, to protect to the security and confidentiality of the data. The use of the data in this way may facilitate the DRCD in informing policy decisions into the future.

The onus is on the applicant to notify **Implementing Partner/Animating Partner/LAG Name** of any confidential material that it supplies in support of its application for funding, as all material and information provided including this application form will be subject to the Freedom of Information Act 2014. This includes information provided in its application form for funding and information that it provides subsequent to the application.

As part of this programme, if approved into the programme, you may be requested by the DRCD, **Implementing Partner/Animating Partner/LAG Name** or relevant agents acting on its behalf, to supply data in relation to your participation to this programme, and facilitate on-site inspections/assessments, where required for the purpose of assessment, verification, evaluation or research purposes as provided for under the CSP Regulations (e.g., EU Regulation 2021/2115 and EU Regulation 2021/2116). Not to supply such information may invalidate/cancel your application.

11. **Retention Period:** Personal data in respect of an application under this programme will be retained by the DRCD, **Implementing Partner/Animating Partner/LAG Name** only as long as is necessary in line with the purposes for which it was collected. After this time, it will be marked for destruction and will be destroyed or deleted in line with internal guidelines or guidelines for destruction received from the National Archives Office or associated permissions received from them.
12. **Data provision being statutory or contractual obligation:** The data provided for this purpose is being requested under the requirements of the CAP (EU) Regulations 2021/2115, 2021/2116 including relevant secondary legislation, as well as the CAP Strategic Plan, its Strategic Environmental Assessment, and Appropriate Assessment. If the applicant chooses not to provide necessary relevant information, their application for this programme cannot be processed further.
13. In accordance with Article 151(1) of Regulation (EU) 2021/2115 and Article 98 of Regulation (EU) 2021/2116, the details of all of the beneficiaries of CAP funding, both natural persons and legal entities, are published. The list of details to be published is contained in Article 49(3) of the Common Provisions Regulation 2021/1060. In accordance with Article 44 of EU Regulation 2022/128, the VAT or tax reference number will be published where the applicant is a group, as defined in Article 2(11) of Directive 2013/34/EU.

14. Information from third parties: Data may be provided to the DRCD, **Implementing Partner/Animating Partner/LAG Name** by a third party on behalf of an applicant, where it can be shown that authorisation has been given by the applicant for this to take place.

In addition, the DRCD, **Implementing Partner/Animating Partner/LAG Name** may request and be in receipt of data from third parties, to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP) and other legislative provisions. This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

**Technical information on cookie data:**

Technical information on the cookies used on the Gov.ie website is available at the following link:

<https://www.gov.ie/en/help/privacy-policy/?section=cookies>

**For Official Use Only – Optional, LAG may choose not to include this section**

<b>Expression of Interest Number:</b>	
<b>EOI Info Event Attended:</b>	
<b>Project Code:</b>	
<b>IP/LAG Training Workshop Attended:</b>	
<b>Project Promoter Code:</b>	
<b>Date of Receipt of Application:</b>	
<b>Project Development Officer:</b>	
<b>Office Address:</b>	
<b>Tel No:</b>	
<b>Mobile No:</b>	
<b>Email:</b>	

**Alignment with the Local Development Strategy:**

*Indicate which Theme, Sub-Theme and Objective the application refers to.*

<b>Theme:</b>	
<b>Sub-Theme:</b>	
<b>Objective:</b>	
<i>Please outline a rationale for the chosen Theme, Sub-theme and Objective and outline the Strategic Action that best fits the project:</i>	



## 26.3 Appendix 3 - Application Form Checklist

### Application Form Checklist

<b>Project Name:</b>	
<b>Project ID:</b>	
<b>Project Address:</b>	
<b>Promoter Name:</b>	
<b>Promoter Address:</b>	

*In order to answer 'Yes' to the Administrative checklist question, 'Is there a fully completed Application Form Checklist signed and dated by the LAG/IP?', the following items must be addressed.*

	QUESTION	YES	NO	N/A
<b>1</b>	Are all questions fully answered and is the form signed and dated by the promoter?			
<b>2</b>	Are any amendments endorsed and dated by both IP/LAG and the project promoter?			
<b>3</b>	Does the application form clearly define the project, the eligible expenditure items for which grant aid is sought and the level of aid sought?			
<b>4</b>	Has the application form and supporting documentation been date stamped and initialled by the IP/LAG on receipt?			
<b>5</b>	Does project promoter name reflect their legal title e.g. individual, company, Partnership and is it consistent with documents such as bank statements, Revenue records?			
<b>6</b>	Where required, has VAT status letter from Revenue been provided?			
<b>7</b>	Have financial statements for the previous 3 years (existing business) or Income and Expenditure Accounts (community / voluntary groups) and bank statements (minimum of most recent 3 months) been provided?			
<b>8</b>	Capital Works - 1. Has the project promoter provided evidence of title / leasehold / legal agreement and associated map?			
	2. In the case of an agreement or lease, has permission in principle been granted to carry out project activities for a minimum of 5 years from date of final payment?			
	3. If an agreement is being used rather than a lease, is it endorsed by a solicitor as being of equal probative value and in place for a period of at least five years from date of final payment?			
<b>9</b>	Where required, are Heritage Consents / Reviews included?			
<b>10</b>	Is there documentary evidence of donation of property or voluntary contribution, where applicable, included with application?			

*Where 'No' or 'N/A' was selected to any of the above, please provide details / rationale:*

<b>Completed by:</b>		Date:	
Role/Position:		Organisation:	

<b>Reviewed by:</b>		Date:	
Role/Position:		Organisation:	

## 26.4 Appendix 4 - Project Assessment Report

### Project Assessment Report

IRELAND'S CAP STRATEGIC PLAN 2023 – 2027 LEADER PROGRAMME GRANT APPLICATION

<b>Project Name</b>	
<b>Project ID</b>	
<b>Project Location</b>	
<b>Project Promoter</b>	
<b>Promoter Address</b>	

In order to answer 'Yes' to the Administrative checklist question '**Is there a fully completed Development Officer's Assessment Report on file?**', questions 1 to 19 below **must** be completed in full. The relevant Administrative Checking Body personnel must read this document and be satisfied that the contents of this document are in compliance with the 2023 – 2027 LEADER Operating Rules. Where a specific question is not applicable to the project being reviewed a comment to that effect must be entered in the space provided outlining the justification for such assessment.

The additional questions from 20 onwards are optional and are provided here to facilitate the completion of an assessment of the project for submission to the Evaluation Committee. These questions may be replaced by alternative questions at the discretion of the LAG. **These additional questions will not form part of the Administrative checking process.**

<b>1</b>	Statement of eligibility – Is the project promoter eligible for LEADER funding? <i>In making this determination, particular reference should be made to the requirements set out in Section 6 of the LEADER Operating Rules.</i>	YES	NO
	Outline the checks that were carried out to verify that the project promoter is not excluded from funding due to serious non-compliance, that there is no current outstanding debt associated with support provided under this or any previous LEADER programme and if there is a debt confirm that a repayment plan is in place:		
<b>2</b>	Is the project eligible per the LEADER Operating Rules? <i>In making this determination, particular reference should be made to the requirements set out in Section 6 of the LEADER Operating Rules.</i>	YES	NO
	Provide description of project:		
<b>3</b>	Has project promoter provided all the required information and documentation to process this application for funding?	YES	NO
	If No, what: <ul style="list-style-type: none"> <li>documentation / information has not been provided.</li> <li>efforts were made to obtain this documentation/information</li> </ul>		



	<ul style="list-style-type: none"> <li>reason(s) were given by the project promoter for not providing the requested information/documentation?</li> </ul> <p>Where after 3 months the requested information/documentation has not been provided by the project promoter, the project should be presented to the Evaluation Committee for evaluation and then presented to the Administrative Checking Body for adjudication.</p>																																																																	
4	Is the project eligible under the Theme, Sub-theme and Objectives of the Local Development Strategy?	YES	NO																																																															
	Identify the relevant Theme and sub-theme from the Local Development Strategy:																																																																	
5	Clearly describe in detail the nature of the proposed project including innovative aspects:																																																																	
6	<p>Define the eligible expenditure, maximum limit of grant and the rate of aid</p> <p><b>Costs of each element of the Project:</b></p> <table border="1"> <thead> <tr> <th>Nature of Contract / Goods / Item / Donations / Voluntary Labour</th> <th>Supplier</th> <th>Cost excluding VAT (€)</th> <th>Cost including VAT (€)</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr> <td colspan="2" style="text-align: right;"><i>Total cost of project:</i></td> <td>€</td> <td>€</td> </tr> </tbody> </table> <p><b>Financed by:</b></p> <table border="1"> <thead> <tr> <th>Sources of funding</th> <th>Value €</th> <th>% of overall cost</th> </tr> </thead> <tbody> <tr><td>LEADER Programme</td><td> </td><td> </td></tr> <tr><td>Donation of property (<i>where applicable</i>)</td><td> </td><td> </td></tr> <tr><td>Voluntary labour (<i>where applicable</i>)</td><td> </td><td> </td></tr> <tr> <td rowspan="2">Own resources:</td> <td>Cash / money in account</td> <td> </td> </tr> <tr> <td>Loan / bridging finance</td> <td> </td> </tr> <tr> <td colspan="2">Other Public funding from non-EU Sources, e.g. Local Authority, Fáilte Ireland, etc. (<i>List the sources and the value of funding provided by each source</i>)</td> <td> </td> </tr> <tr> <td colspan="2" style="text-align: right;"><i>Total cost of project:</i></td> <td>€</td> </tr> </tbody> </table>			Nature of Contract / Goods / Item / Donations / Voluntary Labour	Supplier	Cost excluding VAT (€)	Cost including VAT (€)																																	<i>Total cost of project:</i>		€	€	Sources of funding	Value €	% of overall cost	LEADER Programme			Donation of property ( <i>where applicable</i> )			Voluntary labour ( <i>where applicable</i> )			Own resources:	Cash / money in account		Loan / bridging finance		Other Public funding from non-EU Sources, e.g. Local Authority, Fáilte Ireland, etc. ( <i>List the sources and the value of funding provided by each source</i> )			<i>Total cost of project:</i>		€
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Other Public funding from non-EU Sources, e.g. Local Authority, Fáilte Ireland, etc. ( <i>List the sources and the value of funding provided by each source</i> )																																																																		
<i>Total cost of project:</i>		€																																																																
7	Is there a Commercial basis for the project? <i>Where the Community rate of aid* is being sought by the project promoter, document the evidence submitted by the project promoter in support of their status.</i> <i>*Social Enterprises are not eligible for Community Rate of Aid.</i>	YES	NO																																																															

	Identify the relevant Theme and sub-theme from the Local Development Strategy:		
<b>8</b>	<b>Public Procurement</b> – Indicate below the required procurement process which must be followed with regard to this application.		
	Category 1 – National Procurement Guidelines		
	Category 2 – LEADER Specific Procurement Guidelines		
	<i>Please provide the rationale for the selected option above:</i>		
<b>9</b>	<b>Matching Funds</b>		
	a. Are proposed matching funds eligible?  <i>Evidence that the proposed matching funds have not come from other EU funds must be provided and retained. Confirmation letter from other State agency source will identify the nature of the funding.</i>	YES	NO
	b. Does Contribution-in-kind Voluntary Labour form part of this application?	YES	NO
	If 'Yes', has an agreed schedule been included on the file?	YES	NO
	c. Does Contribution-in-kind Donation of land form part of this application?	YES	NO
	<i>Please confirm that the valuation of the proposed donation of land has been certified by an independent, qualified person:</i>		
	d. Contribution-in-kind – Outline the checks undertaken to confirm that any previously used contribution has been excluded from this application.		
<b>10</b>	<b>Double Funding</b> – Has the project been awarded funding from any other public body?	YES	NO
<b>11</b>	<b>State Aid / De Minimis</b> – Has the project been assessed to establish if it involves economic activity?	YES	NO
	Have statement(s) / declaration(s) from funding bodies been provided of any State Aid / De Minimis funding awarded within the three-year fiscal period to the project promoter / any linked enterprises of the project promoter?	YES	NO
	Does the funding awarded, in addition proposed LEADER funding, comply with State Aid / De Minimis thresholds?	YES	NO
<b>12</b>	<b>Deadweight</b> – Consider if the project would not go ahead without grant aid – include reference to project promoter's response to question Q10 on application form and Project Development Officer's own assessment.		
<b>13</b>	<b>Displacement</b> – Outline the steps taken to determine the potential impact this project may have on similar ventures or businesses.		

14	Is the proposed project subject to Heritage Project Requirements as set out in Section 8 the LEADER Operating Rules, and the Guidelines for 2023-2027 LEADER Projects Affecting Heritage?	YES	NO
	If 'yes', have all the required consents and approvals been obtained and has a designated expert(s) appropriate to the project been appointed?	YES	NO
	<i>Outline any conditions that are attached as a result of these required consents and approvals being obtained:</i>		
15	<b>Analysis &amp; Development / Training</b> – Provide an assessment of the Terms of Reference for Analysis & Development or Training projects, as appropriate. Confirm that it has been established that a clear need has been demonstrated and that the relevant Analysis & Development / Training has not previously been undertaken or does not form part of a normal education programme:		
16	<b>Required Skills/Training</b> – Does the project promoter have the required abilities/skills to complete the proposed project?	YES	NO
	<i>Please provide details of the project promoter's business or other experience to support your response above:</i>		
17	Has a business plan/marketing plan been provided to show viability?	YES	NO
	<i>Outline the proposed performance indicators and expected impacts, for economic measures:</i>		
18	<b>Added Value</b> – How will the added value of LEADER funding be demonstrated in the delivery of this project?		
19	<b>Artificial Conditions</b> – From their assessment of this project application, is the Development Officer satisfied that artificial situations have not been created in relation to this project to receive the aid (Art. 62 of Regulation (EU) No 2021/2116)?  <i>i.e. that this project is not the result of a potential bigger project being artificially split to avoid procurement thresholds that might apply, or that the project promoter has not artificially created conditions to qualify for LEADER Grant Aid or for a higher rate of LEADER Grant Aid.</i>	YES	NO
	<i>If the answer to this question is 'No', the reason for this assessment must be set out and advised to the Evaluation Committee and ultimately to the LAG for decision:</i>		
20	Recommendations from Development Officer: (tick one)		
	Approve: <input type="checkbox"/>	Reject: <input type="checkbox"/>	Defer: <input type="checkbox"/>
	Recommended Grant Amount		€

	Rate of Aid (%)		
	Rationale for the recommendation:		
<b>21</b>	Declaration by Development Officer that he/she does not have a conflict of interest in this project.	NO CONFLICT	CONFLICT

Below are optional questions which can be completed to assist with the submission of the report to the Evaluation Committee, alternative questions may be used. The following questions **do not** form part of the Administrative checking process.

<b>22</b>	Outline how this project demonstrates Value for money / Reasonableness of Costs: <i>(Reference quotations, tendering process and any additional steps taken to ensure reasonableness of costs.)</i>		
<b>23</b>	Outline the need or requirement the project will meet:		
<b>24</b>	In the case of capital projects, is there evidence of title / leasehold?	YES	NO
	<i>If 'yes', provide details:</i>		
<b>25</b>	Is there planning permission, exemptions from planning and consents as appropriate?	YES	NO
	<i>If 'yes', provide details:</i>		
<b>26</b>	Provide details of the Marketing and Promotional Strategy: <i>(if applicable)</i>		
<b>27</b>	Outline the benefits to local employment: <i>(if applicable)</i>		

*For assessor to complete:*

<b>Completed by:</b>	
<b>Signature:</b>	
<b>Role / Position:</b>	
<b>Organisation:</b>	

<b>Date:</b>	
--------------	--

*For reviewer to complete:*

<b>Reviewed by:</b>	
<b>Signature:</b>	
<b>Role / Position:</b>	
<b>Organisation:</b>	
<b>Date:</b>	

## 26.5 Appendix 5 - Evaluation Committee Minutes Template

Date:

Time:

In Attendance:

Abstentions:

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### Minutes of the Previous Meeting

Matters Arising

### Projects:

Project Code:	
Project Promoters Name:	
Description:	
Theme:	
Sub-theme:	
Funding sought by promoter:	
Details of private funding:	
Synopsis of project:	
In-house projects: are there other providers that can deliver the project more cost effectively?	
Was an assessment completed?	
Added Value – How will the added value of LEADER funding be demonstrated in the delivery of this project?	
Are detailed costings provided for the project, were the costs for the project considered reasonable and how was this measured?	
Innovative Element of project:	
Consideration of Deadweight:	
Consideration of Displacement:	
Economic justification for project	
Average Score for Project:	
% level of aid & ceiling:	
Proposed by:	
Seconded by:	
Agreed by:	

### Recommendations to the LAG:

Signature \_\_\_\_\_

Date: \_\_\_\_\_

## 26.6 Appendix 6 - Overall Evaluation Committee Scoring Record

<b>Project Title:</b>	<b>Project Reference no:</b>	<b>Date:</b>	<b>Time:</b>
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Q	Assessment Criteria	Objective	Evaluation Committee comments	Weighting	Score	
					Pass	Fail
1	Has project development officer report indicated that any documentation / information requested has not been provided by the project promoter(s)	Ensure that the project promoter has provided all the required information / documentation requested by project development officer to progress this project.		N/A		
2	Displacement	Does the project comply with displacement requirements?		N/A		
3	Compatibility with Local Development Strategy (LDS)	Do the project proposals meet the criteria set out in the LAG's LDS for the relevant measure?				
4	Innovation	Is the project innovative in its nature?				
5	Project Promoter experience	Does the promoter have the training/skills, track record or experience to deliver the project?				
6	Financial Viability	Do the proposed actions and associated costs appear reasonable and represent value for money, and is adequate funding available to co-fund the project?				
7	Sustainability	Is the project viable and will the service continue to be delivered?				
8	Requirement	Does the proposal target a specific need or address a specific gap in the market?				
9	Deadweight	Would the project proceed without LEADER funding?	YES	NO	N/A	N/A
				<b>Total:</b>		
<p><i>N.B. Prior to being recommended for approval, projects must: - pass question 1 and 2 - answer no to question 9 - receive a minimum score of 65%.</i></p>						
<b>Recommendation of the Evaluation Committee:</b>						

Signature of Committee Chair: \_\_\_\_\_

Date: \_\_\_\_\_

## 26.7 Appendix 7 - LAG Decision Making Minutes Template

Date:

Time:

Present:

In Attendance (please state Organisation):

Apologies:

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 • **Minutes of the Previous Meeting**

Matters Arising

**1. List of EOIs:**

**2. Projects:**

Project Code:	
Project Promoter Code:	
Project Promoters Name:	
Description:	
Theme:	
Sub-theme:	
Outline the LAG's consideration on each of the following:	
▪ Deadweight	
▪ Displacement:	
▪ Innovation:	
▪ Reasonableness of costs:	
In house projects: are there other providers that can deliver the project more cost effectively?	
Recommendation of Evaluation Committee:	
Rationale if Evaluation Committee recommendation Is rejected:	
Where rejecting an Evaluation Committee recommendation To reject a proposal, insert the revised score:	
Rationale for grant aid, having regard to the LDS:	
Added Value – How will the added value of LEADER funding be demonstrated in the delivery of this project?	
% level of aid & ceiling:	
Proposed By:	
Seconded by:	
Absenters:	
Agreed by Board:	
Has Quorum Requirements been met?	

**3. Other**

**4. A.O.B.**

Chairperson: \_\_\_\_\_

Date: \_\_\_\_\_



## 26.8 Appendix 8 - LAG Decision Making Meeting Attendees Template

LAG Decision Meeting Attendees Form				
LAG Name:		LAG Name:		
Please complete details below for all LAG members attending the Decision Making Meeting				
Member Name ( <i>Print</i> )	Single Interest Group	Physically Present ( <i>Tick</i> )	Phone/Video Conference Attendee ( <i>Tick</i> )	Vote by Written Procedure ( <i>Tick</i> )
<b>Totals:</b>				
1. Total Current LAG Membership:				
2. Quorum Required ( <i>50% of 1 above</i> ):				
3. Total Attendees:				
Chairperson Signature:			Date:	

**26.9 Appendix 9 - LAG Decision Making Meeting Conflict of Interest Abstentions Template**

<b>LAG Decision Meeting Abstainers form</b>	
<b>LAG Name:</b>	
<b>Meeting held at:</b>	<b>Date:</b>
<b>Project Name:</b>	<b>Project Number:</b>
<b>Details of Attendees declaring a conflict of Interest on above project</b>	
Member Name (Print)	Single Interest Group
<ol style="list-style-type: none"> <li>1. Number of Attendees declaring a conflict of Interest? ____</li> <li>2. Revised Number of Attendees eligible to vote? ____</li> <li>3. Is the Quorum maintained for the vote on the above project? Y / N _____ (If number remaining is less that the quorum, vote may not proceed)</li> <li>4. Regarding the Revised Number of Attendees eligible to vote, does any single interest group control the decision making process? Y / N ____</li> </ol>	
<b>Chairperson Signature</b> _____	
<b>Date</b> _____	

## 26.10 Appendix 10 - Site Visit prior to signature of Letter of Offer

### Site Visit prior to signature of Letter of Offer

<b>LAG name:</b>			
<b>Project Ref. No:</b>			
<b>Date of Visit:</b>			
<b>Project Title:</b>			
<b>Project Promoter:</b>			
<b>Location visited:</b>			
<b>Contact Name(s):</b>	<b>1.</b>	<b>Landline:</b>	
	<b>2.</b>	<b>Mobile:</b>	
<b>Present at Meeting/Visit:</b>	<b>1.</b>	<b>2.</b>	
	<b>3.</b>	<b>4.</b>	
<b>Has any of the works approved for LEADER funding commenced or have any of the items been purchased?</b>			
<b>Has the project promoter confirmed that this project has not been awarded funding from any other public body?</b>			
<b>Other Comments:</b>			
<b>Print name of person conducting visit:</b>			
<b>Organisation:</b>			
<b>Signature:</b>			
<b>Date:</b>			

## 26.11 Appendix 11 - Pre-Payment Site Visit Report

<b>LAG name:</b>	
<b>Project Ref. No:</b>	
<b>Date of visit:</b>	
<b>Project title:</b>	
<b>Project promoter:</b>	
<b>Location visited:</b>	
<b>Contact name(s):</b>	
<b>Contact number(s):</b>	
<b>Present at Meeting/Visit:</b>	
<b>Summary of Work completed:</b>	
<b>Have the works been completed satisfactorily and consistent with those approved by the LAG?</b>	
<b>Have all special conditions in Letter of Offer been addressed? <i>(Give details)</i></b>	
<b>Is the Certificate of Compliance in order? <i>(for final project claim only):</i></b>	
<b>Is the LEADER poster / plaque in place? <i>(for final project claim only)</i></b>	
<b>Has an asset register been provided and are all items present and accounted for?</b>	
<b>Has the project promoter confirmed that this project has not been awarded funding from any other public body?</b>	
<b>Other comments:</b>	
<b>Print name of person conducting visit:</b>	
<b>Organisation:</b>	
<b>Signature:</b>	
<b>Date:</b>	

## 26.12 Appendix 12 - Sample Claim Form

<b>Project Promoter Name:</b>					<b>Project ID No.:</b>			
Project Expenditure Details								
Invoice No.	Supplier Name	Invoice Date	Total €	VAT €	Eligible Amount €	VAT Registered	VAT No.	
					<b>Total eligible:</b>			
Payment Calculation								
<b>Theme:</b>					<b>Grant Rate:</b>			
<b>Sub-Theme:</b>					<b>Total Eligible:</b>			
<b>Tax reference No.:</b>					<b>Total Due:</b> <i>(Total Eligible * Grant Rate)</i>			
<b>Tax Clearance Access No.</b>					<b>Date of Check:</b>			

I/we certify that:

- I/we accept that any false or misleading statements or withholding of information for the purpose of obtaining aid under the 2023–2027 LEADER Programme will result in the revocation of Grant Aid offer.
- the invoices used to support this claim relate to activities and services appropriate to the grant scheme objectives.
- the amounts invoiced have been paid by project promoter.
- the invoices have not and will not be used in support of another claim for reimbursement from any other funder(s) *(except as provided for in agreed joint-funding arrangements)*.
- this project has not been awarded funding from any other public body *(except as provided for in agreed joint-funding arrangements)*.

**Project Promoter Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**26.13 Appendix 13 - Reasonableness of Cost Assessment for Administration and Animation costs**

LEADER Reasonableness of Cost Assessment for Administration and Animation costs	
<i>Verification of the reasonableness of beneficiary<sup>28</sup> salary and non-salary administration costs</i>	
<i>'PART A - Salary/Recruitment' or 'PART B - General Costs' should be completed in respect of all Reasonableness of Cost assessments as required per Section 17.2 of the Operating Rules</i>	
<b>LAG / IP Name:</b>	
<b>Officials Name:</b>	
<b>Job Title:</b>	
<b>Phone Number(s):</b>	
<b>Email address:</b>	

PART A - Salary/Recruitment	
<b>Job Description:</b>	
<b>Proposed Salary:</b>	
<b>Contract length:</b>	
<b>Additional information</b>	

<sup>28</sup> For the purposes of this Appendix the term beneficiary refers to the LAG, Implementing Partner, Lead Financial Partner or Animating Partner as appropriate to the situation.

## PART B - General Costs

*In the case of costs for Services/Goods procured valued less than €5,000, including VAT, over the contracted period, a Reasonableness of Cost assessment is not required.*

<b>Service/Goods Description:</b>  <i>(include details such as: rationale for requiring the service/goods; contract terms and duration; if a framework agreement was entered into; etc.)</i>			
<b>Details of procurement process used:</b>  <i>(verbal/written / eTenders, etc.)</i>			
<b>Summary of quotes/tenders</b>	<i>Company Name</i>	<i>Amount Quoted (inclusive of VAT)</i>	<i>Attachment (Yes/No)</i>
<i>Quote 1</i>		€	
<i>Quote 2</i>		€	
<i>Quote 3</i>		€	
<i>Quote 4</i>		€	
<i>Quote 5</i>		€	
<b>Rationale for chosen quote/tender:</b>			
<b>Additional information</b>			

<b>DRCD Reply</b>	
<b>DRCD Official's Details</b>	
<b>Name:</b>	
<b>Phone Number:</b>	
<b>Reply Date:</b>	



## 26.14 Appendix 14 - LEADER Staff Costs Monthly Return Template for Financial Partner LAGs

(to be completed where LEADER administration is being claimed)

Financial Partner LAG Name:						
LEADER Staffing Calculation for Month of:						
Staff Name(s) / Number(s)	Role	Total hours worked for month	Total hours worked on LEADER for month	% time worked on LEADER for month	Total Salary Cost including Employer PRSI for month (€)	Total individual LEADER Staff cost for month
					€	€
					€	€
					€	€
					€	€
					€	€
					€	€
<b>Total LEADER Staff Cost for month</b>					€	€

I certify that the above calculations and claim for LEADER staff costs are true and correct (Must be certified by the Chief Officer or their nominee)

<b>Signed:</b>	
<b>Position:</b>	
<b>Date:</b>	

**26.15 Appendix 15 - Staff Time Sheet Template for Financial Partner LAGs**

**Staff Time Sheet Template for Financial Partner LAGs**

*(To be completed where LEADER administration is being claimed)*

<b>Name of LAG:</b>	
<b>Staff Member Name:</b>	
<b>Staff Member Number:</b>	
<b>Staff Timesheet for month of:</b>	

<b>Date</b>	<b>Total Hours worked per day</b>	<b>Total Hours worked on LEADER</b>
<i>Total Hours worked for month:</i>		
<i>Percentage of time worked on LEADER:</i>		<b>%</b>

<b>Signed:</b>	
<b>Verified by:</b>	
<b>Date:</b>	

### 26.16 Appendix 16 - Travel and Subsistence Claim Form

Name of Claimant:												
Claimant Work Address:						Claimant Home Address & Eircode:						
Vehicle Registration Number:			Engine Size in CC:			Is this an Electric Vehicle (EV):			Cumulative KM claimed this year (Excluding Claim Hereunder):			
Date of Travel	Travel From	Travel To	Depart Time	Return Time	Purpose of Journey	KM's Claimed	Rate / Km €	Total Amount Claimed for Km incurred €	Subsistence Claimed (if applicable) €	Is reduced rate applied (Training, Conference, Interview)	Total T&S Claimed €	LEADER Amount
<i>Totals:</i>												
I, _____ (Claimant) confirm that no claim has been made in respect of any portion of a journey which covers all or part of my usual route between home and headquarters.												
Signed by Claimant:											Date:	
Counter-Signed by Approver:											Date:	

## 26.17 Appendix 17 - Appeals Template

	<b>Section 1</b>	<b>Project Information</b>
1.1	LAG name:	
1.2	Implementing Partner name:	
1.3	Project name:	
1.4	Project number:	
1.5	Project Promoter number:	
1.6	Project Theme:	
1.7	Project Sub-theme:	
1.8	Project Promoter name:	
1.9	Project Promoter address:	
1.10	Date of receipt of application for funding:	
1.11	Date of Evaluation Committee:	
1.12	Evaluation Committee Recommendation:	
1.13	Date of LAG meeting:	
1.14	LAG Recommendation:	
1.15	Date contract signed and returned by Project Promoter:	
1.16	Rate of Grant Aid approved %:	
1.17	Project cost:	€
1.18	LEADER Grant Aid for Project:	€
1.19	Date(s) of Inspection(s) / Audit(s):	

1.20	Date(s) LAG notified of Regional Inspectors Appeal decision:	
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	<b>Section 2</b>	<b>Synopsis of Project</b>
2.1	Summarise and provide details of the project:	

	<b>Section 3</b>	<b>Appeal Details</b>
3.1	Is this a Pre-payment or Post-payment Appeal:	
3.2	State issue(s) being appealed:	

	<b>Section 4</b>	<b>Grounds of Appeal</b>
4.1	Refer to the relevant section(s) of the Operating Rules and/or circular(s) that are pertinent to the Appeal.	
4.2	Refer to the relevant section(s) of the EU Regulations that are pertinent to the Appeal.	
4.3	List the relevant sections and page numbers of the Project File that are pertinent to the Appeal.	
4.4	Additional information pertinent to the Appeal.	

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*Name of Project Promoter Beneficiary*

**26.18 Appendix 18 - Declaration of Solvency for Local Development Companies receiving advance funding from the Department**

**Declaration of Solvency for Local Development Companies receiving advance funding from the Department**

I, \_\_\_\_\_, in my capacity as Chairperson of \_\_\_\_\_, wish to assure the Department of Rural and Community Development as Managing Authority/Paying Agency for the LEADER element of Ireland’s CAP Strategic Plan 2023 -2027 that I am unaware at this time of any issue that could present a threat to the solvency of \_\_\_\_\_.

I declare, based on my own judgement and on the information at my disposal that \_\_\_\_\_ can meet its obligations under Ireland’s CAP Strategic Plan and does not envisage any challenge to this situation in the immediate future. Furthermore, I am not, at this time, aware of any undisclosed matter, which could be damaging to the financial interests of the European Community or present a risk to the European Agricultural Fund for Rural Development (EAFRD).

I commit to informing the Department immediately and to co-operating fully with the Department to mitigate any negative effects of such a situation should it arise.

**Signature:** \_\_\_\_\_

**Chair: (Print)** \_\_\_\_\_

**LAG:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**QTR PERIOD:** \_\_\_\_\_

## **26.19 Appendix 19 - LEADER Programme State Aid Guidance**

### **A. Assessing Applications**

1. The starting presumption for all LEADER funding in Ireland is that it involves State Aid and the De Minimis rules apply.
2. State aid and the De Minimis provisions apply in all cases where LEADER funding is provided to private promoters, i.e. promoters that don't meet the definition of community applicants.
3. LEADER funding provided to community applicants is deemed to be state aid and subject to De Minimis unless the LAG determines that it is not state aid. This must be decided on a case by case basis, and should be documented in the Project Assessment Report.
4. In general, State Aid (& De Minimis) does not apply for many LEADER projects undertaken by community applicants as:
  - a. the applicant is not involved in economic activity (offering goods and services in a given market), and/or
  - b. the project does not pass all of the state aid checks.

However, this consideration must always be undertaken on a case by case basis.

Other issues such as deadweight and displacement must also be considered but these are separate to the state aid decision.

5. It should be noted that funding for one project undertaken by a community group (e.g. a community park) may not be considered to be state aid whereas another project undertaken by the same group may be State Aid and subject to De Minimis (e.g. enterprise activity), i.e. it is important to look at the activity being funded.
6. It is irrelevant, for the purposes of determining if State Aid rules apply, whether a community group has a charitable status, how it is financed or whether it has a not for profit orientation. The focus should be on the activity/project being supported rather than the status of the community group.

### **B. Applying the €300,000 De Minimis requirement i.e. the approach to take where LEADER funding constitutes State Aid**

7. When it is established (as per 1-5 above) that the LEADER Funding is not State Aid then no further action is required and points 8-15 below do not apply.
8. When it is established (as per 1-5 above) that the LEADER Funding is State Aid and subject to De Minimis, the €300,000 threshold for all funding received must be applied as per points 9-15 below.

9. Applicants cannot receive more than €300,000 in state aid (De Minimis funding) from all sources combined over a three-year fiscal period.
10. Section 12 of the Operating Rules explains the 3 year requirement and provides examples as to how this is calculated.
11. This €300,000 calculation and associated checks are only applicable where the LEADER funding is considered to be State Aid as per points 1-5 above. No check is required where the LEADER funding is not considered to be State Aid.
12. LAGs / Implementing Partners must check all of the other funding received by the applicant. This is identified by the applicant under Question 46 of the Application Form. This check requires the LAG / Implementing Partner, where applicable, to examine the State Aid / De Minimis statement(s) / declaration(s) provided to the applicant by the relevant public funding organisation(s) to ascertain if it should be included in the €300,000 State Aid / De Minimis calculation. Other funders are obliged to identify and record if the funding they provided is State Aid and calculable for De Minimis, and to supply this information upon request.
13. The correspondence from the other funders should explicitly state that State Aid (and De Minimis) applies or does not apply to the other/previous funding received. The applicant or the Implementing Partner / LAG may already have directly received correspondence from the other funder indicating whether De Minimis applies or not to particular categories of funding, and this is also acceptable.
14. The correspondence and the calculation must be referenced in the Project Assessment Report.
15. It cannot be assumed that funding from a Local Authority is not State Aid on the basis that it is derived from the own resources of the Local Authority. The Local Authority must explicitly state whether or not the funding constituted State Aid and whether it should be included in the De Minimis calculation

***C. Income associated with LEADER funded projects (e.g. community facilities) which are not considered to be State Aid and not included under De Minimis***

16. Points 17-19 only apply in respect of projects from community applicants
17. A nominal charge can be applied for the use of the infrastructure (e.g. community centre) funded by LEADER, which is not considered to be State Aid, to cover costs associated with the provision of associated services (e.g. for heat, light, consumables). However, no net revenue should be generated from such charges i.e. the principle is that these facilities must be made freely available to the public but a small charge can apply to cover the cost of providing the facilities, ongoing maintenance etc.
18. Income can also be earned from fundraising events such as cake sales, bingo, concerts etc. used to support the ongoing development of the facility / organisation.



19. LEADER funded infrastructure projects may also be used for small scale local activities or services without the project coming under the State Aid rules. This is on the basis that these activities have a purely local impact.

However, the issue of displacement may be particularly relevant in such cases and must be given careful consideration during the LAG evaluation.

#### ***D. State Aid and Maximum LEADER funding levels***

20. The decision as to whether a project can receive more than €200,000 in LEADER funding is completely separate to the State Aid check noted in points 1-15 above. State Aid is only one element of the decision to award more than €200,000

21. A €200,00 funding limit applies to all applicants, unless it is a:

- i. Community applicant and project that does not involve economic activity – no state aid implications
- ii. Projects fit typology outlined in Section 10.2, e.g. culture and leisure facilities or projects that enhance the attractiveness of a village.
- iii. Must be open to all
- iv. Nominal charge can apply but no net revenue can be generated from such charges, i.e. the principle is that these facilities must be made freely available to the public but a small charge can apply to cover the cost of providing the facilities (not for generating profit).

Please refer to Section 10.2 Project Grant Aid of the Operating Rules for exact details.

## 26.20 Appendix 20 - Electronic Tax Clearance (eTC)

Electronic Tax Clearance is the online application and verification process for tax clearance and for the majority of Revenue customers it will replace the existing annual paper based verification system. Applicants who are tax compliant will be issued with a Tax Clearance Access Number (TCAN) which they must give to third parties who require verification of their suppliers' Tax Clearance status.

Details regarding the verification of tax clearance can be accessed on the Revenue website:

- Verification of tax clearance status - <https://www.revenue.ie/en/starting-a-business/tax-clearance/verification-of-tax-clearance-status/index.aspx>
- How to verify tax clearance status - <https://www.revenue.ie/en/online-services/services/manage-your-record/how-to-verify-tax-clearance-status.aspx>

### How does eTC work?

Both the supplier and project promoter must register for the Revenue Online System (ROS) to utilise the electronic verification system.

In order to apply for online tax clearance verification, applicants for and verifying bodies must have an active tax registration, e.g. be an active PAYE customer, or have an Income Tax, Partnership or Corporation Tax registration.

There are 3 exceptions to applying for eTax Clearance in electronic format:

- i. non-resident applicants who have no tax registration number in this State,
- ii. non e-enabled applicants,
- iii. non-registered voluntary bodies e.g. tidy towns committees.

Payment shall not be made in the absence of a current Tax Clearance Cert. If tax clearance is not confirmed, the contractor(s) for construction projects must update their tax affairs, and provide updated validation information (PPSN and SAN) to the project promoter.

As there is no specific expiry date on the e-Tax Clearance Certificate, confirmation will be required each time a payment is being made to a contractor for construction projects. A copy of each e-Tax Clearance Certificate confirmation printout must be signed, stamped and dated by the verifier and uploaded to the LEADER IT System document repository.

## 26.21 Appendix 21 - How to calculate LEADER funding permitted where contribution-in-kind is being used to part fund a project

The maximum level of funding that can be provided must be the lower amount of the following two conditions:

- A. Cannot exceed the maximum rate of aid for the project e.g. 75%
- AND
- B. Cannot exceed the cost of the invoices less the 5% cash contribution and any other public funding being provided to the project.

### **Example 1A: Project cost consisting of Invoices and contribution-in-kind (other than land/real estate)**

<b>1</b>	Total of all invoices	€100,000
<b>2</b>	Contribution-in-kind (e.g Voluntary Labour)	€10,000
<b>3</b>	Total eligible Project Cost ( <b>sum of 1 + 2</b> )	€110,000
<b>4</b>	Minimum 5% cash contribution ( <b>3 X 5%</b> )	€5,500 (€110,000 X 5%)
<b>5</b>	Other public funding	0
<b>Condition A</b>	The maximum amount of funding @ 75% of total eligible project cost ( <b>3 X 75%</b> )	€82,500
<b>Condition B</b>	Invoice amount (€100,000) minus both the 5% cash contribution (€5,500) and other public funds (€0) ( <b>1 – (4+5)</b> )	€94,500
<b>Maximum funding</b>	The maximum funding that can be provided is the lower of <b>A</b> and <b>B</b>	€82,500
<b>Funding %</b>	If the LAG decides to approve the maximum rate of funding €82,500, then this represents an actual rate of aid of 75% (€82,500/€110,000)	

### **Example 1 B: Project cost consisting of Invoices and contribution-in-kind (other than land/real estate), for Farm Diversification Projects**

<b>1</b>	Total of all invoices	€100,000
<b>2</b>	Contribution-in-kind (e.g. Labour)	€10,000
<b>3</b>	Total eligible Project Cost ( <b>sum of 1 + 2</b> )	€110,000
<b>4</b>	Minimum 5% cash contribution ( <b>3 X 5%</b> )	€5,500 (€110,000 X 5%)
<b>Condition A</b>	The maximum amount of funding @ 50% of total eligible project cost ( <b>3 X 50%</b> )	€55,000

<b>Condition B</b>	Invoice amount (€100,000) minus both the 5% cash contribution (€5,500) <b>(1-4)</b>	€94,500
<b>Maximum funding</b>	The maximum funding that can be provided is the lower of <b>A</b> and <b>B</b>	€55,500
<b>Funding %</b>	If the LAG decides to approve the maximum rate of funding €55,000, then this represents an actual rate of aid of 50% (€55,000/€110,000)	

**Example 2: Project cost consisting of Invoices, contribution-in-kind and other public funding (other than land/real estate)**

<b>1</b>	Total of all invoices	€80,000
<b>2</b>	Contribution-in-kind (e.g. Labour)	€10,000
<b>3</b>	Total eligible Project Cost <b>(sum of 1 + 2)</b>	€90,000
<b>4</b>	Minimum 5% cash contribution <b>(3 X 5%)</b>	€4,500 (€90,000 X 5%)
<b>5</b>	Other public funding	€5,000
<b>Condition A</b>	The maximum amount of LEADER funding @ 75% of total eligible project cost <b>(3 x75%)</b>	€67,500
<b>Condition B</b>	Invoice amount (€80,000) minus both the 5% cash contribution (€4,500), and other public funds (€5,000) <b>(1 – (4 +5))</b>	€70,500
<b>Maximum funding</b>	The maximum funding that can be provided is the lower of <b>A</b> and <b>B</b>	€67,500
<b>Funding %</b>	If the LAG decides to approve the maximum rate of LEADER funding (€67,500), then in this instance this represents an actual rate of LEADER aid of 75% (€67,500/€90,000).	

**Example 3: Project cost consisting of Invoices and contribution-in-kind in the form of labour & donation of property**

<b>1</b>	Total of all invoices	€100,000
<b>2</b>	Contribution-in-kind (e.g. Labour)	€10,000
<b>3</b>	Contribution-in-kind (e.g. land by lease or donation)	€55,000
<b>4</b>	Total project costs	€165,000
<b><u>Part One – Calculating the total eligible project costs where property (max value allowable is 10% of eligible project costs) is included as part of the LEADER project costs</u></b>		
<b>A</b>	Project costs minus value of land donation ( <i>This must be a minimum of 90% of total eligible project costs</i> ) <b>(sum of 1 +2)</b>	€110,000

B	Value assigned to land donation <b>(3)</b>	€55,000
C	Maximum eligible land donation costs. <i>(This can be a maximum of 10% of the overall eligible project costs: if A =90% then C can only be a maximum of A divided by 9)</i>	€12,222
D	Value assigned to land that can be funded (the lesser of B or C)	€12,222
E	Total eligible LEADER project costs <b>(A plus D)</b>	€122,222
<b>Part Two – Calculating maximum LEADER funding</b>		
<b>5</b>	Total eligible Project Cost <b>(E above)</b>	€122,222
<b>6</b>	Minimum 5% cash contribution <b>(5 X 5%)</b>	€6,111(€122,222 X 5%)
<b>7</b>	Other public funding	€0
<b>Condition A</b>	The maximum amount of funding @ 75% of total eligible project cost <b>(5 X 75%)</b>	€91,666
<b>Condition B</b>	Invoice amount (€100,000) minus both the 5% cash contribution (€6,111) and other public funds (€0) <b>(1 –(6+7))</b>	€93,889
<b>Maximum funding</b>	The maximum funding that can be provided is the lower of A and B	€91,666
<b>Funding %</b>	If the LAG decides to approve the maximum rate of funding (€91,666), then this represents an actual rate of LEADER aid of 75% (€91,666/€122,222)	

## 26.22 Appendix 22 - Changes to LEADER IT System

### 26.22.1 Appendix 22 A - Change of Project Promoter Name/Details on LEADER IT System

<b>Application for Amendment of Project Promoter Name/Details</b>	
(For typographical errors, omission, and/or other items <u>not</u> involving change of legal status) Completed form must be emailed to <a href="mailto:leadersystem@pobal.ie">leadersystem@pobal.ie</a>	
<b>LAG Name</b>	
<b>Project LEADER IT System Reference</b>	
<b>LAG / IP Contact Details</b>	<b>Name</b>
	<b>E-mail address</b>
	<b>Phone number</b>
<b>Current LEADER IT System Project Promoter Name</b>	
<b>Amended Project Promoter Name Requested</b>	
<b>Reason for change of Project Promoter Name</b> e.g. omission, typographical	
<b>Supporting documentation for the amendment</b> e.g. CRO information, project promoter email/letter	
<b>Other Project Promoter Details Requiring addition or Amendment</b>	
<b>Tax Registration Number (TRN) Change</b>	<b>New TRN:</b>
<b>Tax Clearance Access Number (TCAN)</b>	<b>New TCAN:</b>
<b>VAT Registration Number</b>	
<b>CRO Number</b>	
<b>Other (please specify)</b>	

Supporting material has been uploaded to folder named **Project Promoter Details Change** in the LEADER IT System repository.

Signed by: \_\_\_\_\_ Project Development Officer/LEADER Manager

Print Name: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

**26.22.2 Appendix 22 B - Change of Legal Status, plus other LEADER IT System record changes**

<b>Application for Amendment of Project Promoter Name Record</b>		
<b>(Change of Legal Status, plus other LEADER IT System record changes)</b>		
When complete, please e-mail to <a href="mailto:OR2327@drcd.gov.ie">OR2327@drcd.gov.ie</a>		
<b>LAG Name</b>		
<b>LAG / IP Contact Details</b>	<b>Name</b>	
	<b>Email address</b>	
	<b>Phone number</b>	
<b>Project LEADER IT System Reference</b>		
<b>Existing Project Promoter Name on LEADER IT System</b>		
<b>Revised Project Promoter Name</b>		
<b>Reason for change of Project Promoter Name</b>		
<b>Supporting documentation for the amendment e.g. CRO information, project promoter's email/letter*</b>		
<b>Other Project Promoter Details Requiring addition or Amendment</b>		
<b>Tax Registration Number (TRN Change)</b>	<b>New TRN:</b>	
<b>Tax Clearance Access Number (TCAN)</b>	<b>New TCAN:</b>	
<b>VAT Registration Number</b>		
<b>CRO Number</b>		
<b>Other (please specify)</b>		

Supporting material\* has been uploaded to folder named **Project Promoter Legal Status Change** in the LEADER IT System repository.

**Signed on behalf of the LAG:** \_\_\_\_\_ **Chief Officer/Authorised Officer/CEO**

**Print Name:** \_\_\_\_\_ **Date:** \_\_/\_\_/\_\_

**Part 2          DRCD LEADER Review of Request for change of Project Promoter Name**  
**(For completion by the Department)**

**To the LAG:** \_\_\_\_\_

I wish to confirm that the request for change of project promoter name for the above project has been approved/not approved by the Department. If approved, please complete the Process Completion Declaration section below, which must be emailed along with this approval, to the Pobal LEADER Administrator at [leadersystem@pobal.ie](mailto:leadersystem@pobal.ie)

**Signed by:** \_\_\_\_\_

**Print Name and Position:** \_\_\_\_\_

**LEADER Policy and Operations Unit**

**Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**For Official Use by LAG – Process Completion Declaration**

**To Pobal LEADER Administrator ([leadersystem@pobal.ie](mailto:leadersystem@pobal.ie))**

The change of project promoter name request has been approved by the Department and the LAG, and recorded in the LAG minutes dated \_\_\_\_/\_\_\_\_/\_\_\_\_

The following items have been uploaded to the LEADER IT System Repository.

- Copy of extract from relevant LAG minutes (must show date of meeting and case particulars. Full copy of minutes is not required)
- Copy of addendum to the original LEADER contract, signed and dated by all relevant parties
- Email correspondence and supporting documents.

**Signed on behalf of the LAG:** \_\_\_\_\_ **Chief Officer/Authorised Officer/CEO**

**Print Name:** \_\_\_\_\_ **Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_



**26.22.3 Appendix 22 C - Letter of Offer of Grant Aid – Addendum & Transfer of Undertakings**

To:

**DATE: DD/MM/YYYY**

**Reference: Project Reference, Project Promoter Name**  
**(Please quote the above on all correspondence)**

Dear **XXXXX**,

Further to your registration of **XXXX** Limited with Companies Registration Office as a Private Company Limited by Shares/Company Limited by Guarantee (delete as applicable) on **DD/MM/YYYY**, it has become necessary to issue an addendum to the letter of offer for grant aid under the 2023 – 2027 LEADER programme as the agreement was made with **original promoter entity name**.

Through this transfer of undertakings is understood that **XXXX** Limited will take absolute responsibility for all obligations under the letter of offer/contract dated **DD/MM/YYYY** to original project promoter entity name in respect of the 2023 – 2027 LEADER programme. This will include an undertaking by the company to satisfy the five year durability of investment and repayment of funding requirement as set out in Section 15.7 of the Operating Rules for the 2023 – 2027 LEADER programme and.

Please sign and return the Transfer of Undertakings statement enclosed to: **LAG name and address**, to confirm your acceptance of the transfer of undertakings.

Yours sincerely,

---

**Chief Officer/Authorised Officer/CEO - LAG name**

**Transfer of Undertakings**

**Reference: Project Reference, Project Promoter Name**

I, **1<sup>st</sup> director name**, hereby accept that **XXXX Limited** will take absolute responsibility for all obligations under the letter of offer/contract dated **DD/MM/YYYY** to **original promoter entity name**, in respect of the 2023 – 2027 LEADER programme. This will include an undertaking by the company to satisfy the five year durability of investment and repayment of funding requirement as set out in Section 15.7 of the Operating Rules for the 2023 – 2027 LEADER programme and.

\_\_\_\_\_  
Signature

Date: \_\_/\_\_/\_\_

Print Name: \_\_\_\_\_

I, **2<sup>nd</sup> director name**, hereby accept that **XXXX Limited** will take absolute responsibility for all obligations under the letter of offer/contract dated **DD/MM/YYYY** to **original promoter entity name**, in respect of the 2023 – 2027 LEADER programme. This will include an undertaking by the company to satisfy the five year durability of investment and repayment of funding requirement as set out in Section 15.7 of the Operating Rules for the 2023 – 2027 LEADER programme.

\_\_\_\_\_  
Signature

Date: \_\_/\_\_/\_\_

Print Name: \_\_\_\_\_

## **26.22.4 Appendix 22 D - Guidance on LEADER IT System Project Promoter Name Records**

### **Project Promoter Names**

Only the legally constituted name of a project promoter must be used in project promoter detail fields on the LEADER IT System.

### **Individuals and Partnerships**

For legal contract purposes, only the correct legal name of an individual, partnership, company or any other body or association, must be used.

Individuals are known as natural persons, as opposed to entities generated or formed under a legal process e.g. limited liability companies, companies limited by guarantee, associations. Where the project promoter is an individual, their legal name will typically be the same as their personal name, comprising a given/first name and a family name. This will be the name used on passports, bank statements, tax clearance records, driver's licence and other official documents.

In the case of partnerships, bank accounts and tax clearance records should be used to confirm exact details of the individuals involved.

### **Community Project Promoters**

In the case of most if not all associations or community type project promoters, these will either be companies limited by guarantee or established under a constitution without having a legal personality of their own See <http://www.wheel.ie/content/unincorporated-bodies> for further details.

Where such a body is incorporated, its certificate of incorporation will provide the legally constituted name. Please note that trade names e.g. West Wind Hostel, or The Oak Café, are not acceptable as project promoter names.

### **Trade Names**

A trade name, trading name, or business name is a pseudonym used by trading entities to perform their business under a name that differs from the registered, legal name of the business.

Businesses with trading names give no obvious indication of the true identity of the entity that is legally responsible for their operation. Business names may be registered via the Business Names Unit of the Companies Registration Office, but they should not be confused with legally constituted names of individuals or other entities.

Correct recording of project promoter names is therefore essential for both contract and claim payment purposes. Please ensure that all EOIs on the LEADER IT System show the correct legal name of the project promoter, and also reflected on all contracts for award of aid.

Project promoter names may be amended up to and including Stage 15 on the LEADER IT System.

## 26.23 Appendix 23 - Works Declaration LEADER (WDL)

### Works Declaration LEADER (WDL)

#### Ireland's CAP Strategic Plan 2023 – 2027

##### Declaration of Suitability for Contractors for Works (Open Procedure only)

Project:	
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Name of Tenderer:	
Address:	
Contact Name:	
Contract email:	
Contract phone:	

#### Introduction

This questionnaire is issued in relation to Ireland's CAP Strategic Plan 2023 – 2027 (LEADER Programme) tender competitions for Works using the Open Procedure. Its purpose is to simplify the tender process for Works and reduce the cost of tendering.

Tenderers should note that before appointment, the apparently successful tenderer will be required to produce (within 7 calendar days) evidence of compliance with all sections of this declaration. If the apparently successful tenderer cannot produce satisfactory evidence for all of the above within the required time period, his tender will be excluded and the tender of the next lowest tenderer will be considered.

#### Health and Safety

The successful contractor will be required to comply with the Safety, Health and Welfare at Work Act 2005, the Safety, Health and Welfare at Work (Construction) Regulations 2013 and any subsequent Safety, Health and Welfare legislation or regulations.

The successful applicant will be appointed Works Contractor and Project Supervisor for the Construction Stage (PSCS) on the project in accordance with the Safety, Health and Welfare at Work (Construction) Regulations.

#### Evidence of applicant's personal situation

On behalf of the above named Contractor I hereby declare that none<sup>1</sup> of the circumstances specified in Directive 2014/24/EU article 57 and Regulation 57 of SI No.284 of 2016 apply to the above named Contractor.

In particular no individual (i.e. principal or principals of a Sole Trader) is bankrupt or is being wound up

in this or any other jurisdiction; or is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up, or under administration by the court, or for an arrangement with creditors, or of any other similar proceedings under national laws or regulations in this or any other jurisdiction.

## **Evidence of Economic and Financial Standing criteria**

### Turnover

**I declare that** the above named Contractor's annual turnover for each of the three previous financial years (for which certified turnover is available) was not less than 1.5 times the sum tendered for this project and if requested in writing or email by the Contracting Entity\* will provide within 7 calendar days an original letter (or colour photocopy of an original letter) from the firm's accountant (signed by that accountant) stating the certified turnover for those 3 years. If for any valid reason this evidence cannot be provided then alternative evidence considered appropriate by the Contracting Entity will be provided.

### Public Liability Insurance and Employer's Liability Insurance

**I declare that** the above named Contractor has, or (if successful in this tender competition) will take out (prior to appointment), Public Liability Insurance (with a minimum level of cover of €6,500,000) and Employer's Liability Insurance (with a minimum level of cover of €13,000,000) in accordance with the conditions stated in the Instructions to Tenderers, and will if requested in writing or email by the Contracting Entity provide validated copies of the above policies within 7 calendar days.

\* Contracting Entity – the person or agency awarding the tender.

## **Evidence of Technical Capability criteria**

*For the purpose of this declaration Works of a "similar nature" means "having a similar or compatible scope of works" (e.g. Building project, or project including the scope of works envisaged in this tender, Mechanical Installation, Electrical Installation).*

### Educational Professional qualifications of Personnel for the project

**I declare that** the above named Contractor (if successful in this tender competition) will assign competent personnel to fulfil the roles of (1) Contracts Manager, (2) Health & Safety Manager, (3) Foreman and (4) Project Supervisor Construction Stage. (One person may fulfil more than one or all of these roles.) I further declare that the above named Contractor will (if so requested in writing or email by the Contracting Entity) provide evidence in the form of brief Curriculum Vitae showing that each of the above named personnel have previous experience on projects of a similar nature, size and complexity in the assigned role satisfactorily completed.

### List works of similar nature provided over the past 7 years

**I declare that** the above named Contractor has carried out and satisfactorily completed 3 works of a similar nature, size and complexity within the last 7 years and will (if so requested in writing or email by the Contracting Entity) provide details of those 3 projects including the start and finish dates for the projects, the name of the Foremen, the scope of work completed by the above named Contractor and contact details (including phone numbers) for the Contracting Entities and the consultants in charge. I understand that the above information may be checked by the Contracting Entity or their consultants.

## HEALTH AND SAFETY COMPETENCE

It is a statutory requirement that the competence and satisfactory allocation of resources of the Contractor are established in compliance with the Safety Health and Welfare at Work (Construction) Regulations 2013.

It is also a statutory requirement that the competence of the person or persons to be appointed as Project Supervisor for the Construction Stage (PSCS) is established pursuant to section 6(1)(a) of the Safety, Health and Welfare at Work Construction Regulations 2006.

The standard required is stated under the relevant criterion, based on the category of project identified in the advertisement/Contract Notice or tender documents (Type 1/Type 2<sup>29</sup>). If none stated the default is Type 1. (This information is not required at Tender stage. No evidence of compliance is to be attached to or submitted with this declaration of suitability at this time).

## HEALTH AND SAFETY COMPETENCE OF CONTRACTOR

### Additional H&S Educational and professional qualifications of Personnel for the project

**I declare that** above named Contractor (if successful in this tender competition) will (if so requested in writing or email by the Contracting Entity) provide an organisation chart indicating the duty holders responsible for Health and Safety and demonstrating how responsibility for Health and Safety is allocated within the firm.

### **Additional Declaration for Type 2 projects**

**I further declare that** the Health and Safety Manager and the Site Safety Officer (who may be the same people as the Contracts Manager and/or foreman) has (have) either a Degree/diploma or other equivalent H&S training (minimum 4 hours externally accredited CPD) in addition to experience as Health and Safety Manager/Site Safety Officer on at least 3 satisfactorily completed building construction projects.

### List services of similar nature provided over the past 7 years

**I declare that** the above named Contractor has completed 3 works of a similar nature, size and complexity within the last 7 years in a satisfactory manner in compliance with the Safety, Health and Welfare at Work Construction Regulations 2013, and will (if so requested in writing or email by the Contracting Entity) provide details of those 3 projects (as 3.4.c above) and the record of enforcement actions, legal proceedings accidents, fatalities or incidents for those projects and (where applicable) measures that have been put in place by the above named Contractor to address any deficiencies in

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<sup>29</sup> Select the appropriate response from the options provided. Where 'one' or 'some' is selected please provide details.

Type 1 project has a value < €500,000;

Type 2 project has a value €500,000 to €5,000,000

However considerations in relation to the H&S risk must also be taken into account in deciding on the project type. If there is a high H&S risk the category may need to be higher than that indicated by the project value above.

H&S procedures.

Technicians or technical bodies involved especially those responsible for quality control

We confirm that in our opinion our organisation is competent and adequately resourced to fulfil its obligations under the Safety, Health and Welfare at Work Act 2005 and that our organisation has adequate resources to fulfil the role of Contractor for this project. If successful in this tender competition, we will provide, within 7 days of a request in writing or email by the Contracting Entity a signed Health and Safety Declaration in the form at Appendix C1 to QW2 available at [www.constructionprocurement.gov.ie](http://www.constructionprocurement.gov.ie).

Average annual numbers of persons employed by the contractor

We confirm that in our opinion our organisation has adequate numbers of persons employed to fulfil its obligations under the Safety, Health and Welfare at Work Act 2005 and that our organisation has adequate resources to fulfil the role of Contractor for this project.

## **HEALTH AND SAFETY COMPETENCE OF PSCS**

Educational and professional qualifications of Personnel for the project

**I declare that** we will (if successful in this tender competition), and so requested in writing or email by the Contracting Entity, provide an organisation chart indicating the duty holders responsible for Health and Safety and demonstrating how responsibility for Health and Safety is allocated within the firm. If the role of PSCS is to be sub- contracted to an external company we will provide an Organisation chart showing that company's structure and indicating their duty holders responsible for Health and Safety.

**I further declare that** the person to be assigned the role of PSCS has at least 3 years experience in the Building Trade and has and formal externally accredited training in Health and Safety (relevant to the role of PSCS) within the last 5 years. If successful in this tender competition, and so requested in writing or email by the Contracting Entity, we will provide supporting documentation in the form of a Curriculum Vitae for the PSCS.

List services of similar nature provided over the past 7 years

**I declare that** we have fulfilled the role of PSCS on at least 3 works of a similar nature, size and complexity within the last 7 years in a satisfactory manner in compliance with the Safety, Health and Welfare at Work Construction Regulations 2013, and will (if so requested in writing or email by the Contracting Entity) provide details of those 3 projects (as 3.4.c above) and the record of enforcement actions, legal proceedings accidents, fatalities or incidents for those projects, and (where applicable) measures that have been put in place by the above named Contractor to address any deficiencies in H&S procedures. If the role of PSCS is to be sub-contracted to an external company we will provide the above evidence in respect of that company.

Technicians or technical bodies involved especially those responsible for quality control

We confirm that in our opinion our organisation is competent and adequately resourced to fulfil our obligations under the Safety, Health and Welfare at Work Act 2005 and that our organisation has adequate resources to fulfil the role of PSCS for this project. If successful in this tender competition, we will provide, within 7 days of a request in writing or email by the Contracting Entity, a signed Health and Safety Declaration in the form at Appendix C1 to QW2 available at [www.constructionprocurement.gov.ie](http://www.constructionprocurement.gov.ie). If the role of PSCS is to be sub-contracted to an external company the above evidence is required in respect of that company.

Average annual numbers of persons employed by the contractor

We confirm that in our opinion our organisation has adequate numbers of persons employed to fulfil its obligations under the Safety, Health and Welfare at Work Act 2005 and that our organization has adequate resources available to us to fulfil the role of PSCS for this project. If the role of PSCS is to be sub-contracted to an external company the above evidence is required in respect of that company.

I/We (the Applicant) have read the above declaration and in particular the minimum standards required. I/We note that this information is not required now but will be provided within 7 calendar days on foot of a written request (during tender evaluation) by the Contracting Entity.

We further acknowledge and accept that in the event that our firm cannot or does not provide all of the above evidence and information in the required format, within the time period required, to demonstrate to the satisfaction of the Contracting Entity compliance with the declaration the firm's Tender will be deemed to be invalid and will be excluded from further consideration.

<b>Signed:</b>	
<b>Date:</b>	
<i>For and on behalf of Tenderer (signature must be that of a Director / Principal)</i>	
<b>Name:</b> (BLOCK LETTERS)	
<b>Title:</b> (BLOCK LETTERS)	



26.24 Appendix 24 - LEADER Operating Rules Query Template

LEADER Operating Rules Query	
LAG / IP / Admin Checker Body:	
Project Name or Monthly Administration Return Detail:	
LEADER IT System Project Number:	
Project Application Stage / Claim Stage:	
Query Category: <i>(e.g. procurement, eligibility, etc.)</i>	
Was this issue identified as part of an Administrative Check? <i>(provide details)</i>	
Please reference the relevant section of the Operating Rules / Circular / Q&A:	
Officials Name:	
Job Title:	
Phone Number(s):	
Email address:	
Query Details	
DRCD Reply	
<p><i>Guidance provided by the Department is based on information provided at this time. This guidance shall not take precedence over relevant EU and national regulatory requirements.</i></p>	
DRCD Official's Details	
Name:	
Phone Number:	
Reply Date:	