

## **Written Answers.**

---

**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

---

### **Written Answers Nos. 1-229**

*Questions Nos. 1 to 9, inclusive, answered orally.*

#### **Disadvantaged Areas Scheme Application Numbers**

10. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the number of applicants for the disadvantaged payments last year who had penalties imposed on them; the number who had a 100% penalty or disallowance imposed; the total number of applicants; and if he will make a statement on the matter. [29349/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** All applications under the Disadvantaged Areas Scheme are subject to administrative check, in addition to which a percentage are also subject to field inspection. The basis of both these checks is laid down in the governing EU Regulations.

The administrative checks and systems validations confirm compliance with a variety of requirements, including confirming that the application was received on time, that the land declared by the applicant was not also claimed by another Scheme applicant, that the necessary minimum stocking density levels have been achieved, etc. Failure to respect one or more of these Scheme requirements must result in a penalty be applied.

The annual round of field inspections covers both the eligibility of the land declared to draw down payments and also cross compliance aspects, to ensure compliance with EU regulatory requirements in the areas of public, animal and plant health, environment and animal welfare. These inspections are mandatory and there are certain minimum numbers and types of inspections that must take place annually.

Land eligibility inspection (either on-farm or by remote sensing) must be carried out on at least 5% of applicants. These checks are carried out to verify that the actual area claimed in the application form corresponds to the area farmed by the farmer and to ensure that any ineligible land or features are not included for aid purposes. In order to be eligible to draw down EU funding, it is a requirement that all land eligibility inspections must take place before any payments can issue to any farmer in the country in a given year.

Furthermore, under the 2012 Scheme, applicants' holdings were required to have met a minimum stocking density of 0.3 livestock units per forage hectare in 2011, or have successfully applied for derogation; in addition, applicants' holdings were also required to have met a minimum stocking density of 0.15 livestock units for a minimum retention period of six

consecutive months in 2012 and also have achieved an annual average stocking density of 0.15 livestock units per forage hectare for the twelve months.

Payments in excess of €208 million have been delivered thus far to farmers under the 2012 Scheme have issued to 95,449 farmers. To date, 7,188 cases have been subject to partial penalty; these penalties represented, on average, 6% of the individual payments concerned. These penalties arose due to a variety of factors, including late submission of applications, over-declaration of land, cross compliance, etc. In addition, there were 310 cases subject of a full penalty, where no payment issued because the extent of breach of the Scheme requirements was above the threshold allowed.

In addition, 2,903 applicants did not meet the revised 2011 stocking density level required for the 2012 Scheme. Of these, to date, 1,506 unsuccessfully sought derogation, in some cases having gone through the available appeal processes. In addition to the 2,903 cases already referred to, a further 3,832 have not, to date, satisfied the general 2012 minimum stocking density requirements. This latter number is subject to change in the event that individual applicants demonstrate compliance with the minimum stocking requirements.

### **Afforestation Programme**

11. **Deputy John McGuinness** asked the Minister for Agriculture, Food and the Marine his views regarding the accuracy of the new digitisation process being used by his Department to measure afforestation schemes; if his attention has been drawn to the fact that applicants under forest schemes question the accuracy of these measurements, and if he will make a statement on the matter. [29372/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In 2006, the Forest Service introduced IFORIS which is its computerised geo-spatial and payments system. Like the Single Farm Payment and other schemes, this system uses ortho-photography, which is geometrically corrected aerial photography overlaid onto maps. The IFORIS system captures an image of an applicant's claim map and calculates an accurate measurement of the area being claimed. The process of electronically capturing the claim map is called digitisation. This is not a new process but has been widely used for many years. To ensure accuracy and consistency, digitising is performed using well established standards and procedures.

The Forest Service has not introduced any new technology since 2006. It has simply availed of the Department's constantly updated ortho-photography, which is used to detect potential over-claims and overpayments. A simple example would be where a forestry plantation is initially established, the trees planted are not visible when viewed in contemporaneous photographs. However, when viewed on later photography, maturing trees in the plantation will be visible but the more recent photographs may show gaps where trees have failed, were removed, or were never planted. The updated photography therefore provides an effective audit tool to ensure that claims made under my Department's schemes are accurate.

The technology used is not new and has been used internationally for many years. Tolerances are applied when capturing and measuring claims in order to avoid penalising applicants due to minor inaccuracies in their claims. My Department has no concerns over the accuracy of ortho-photography and geo-spatial systems for measuring areas. Digitising accuracy depends on the applicant's claim map – if the applicant submits a claim map which does not accurately define the area planted then the digitised image will obviously reflect that.

Forestry companies are also increasingly relying on their own geo-spatial technology. Fur-

thermore, they now submit 93% of all applications for approval to plant through the Department's *IFORIS Online System*. This enables them to submit maps digitally and to verify measurement of the area to be planted and claimed.

Where over-claims by applicants under the forestry schemes have resulted in overpayments, the cause has sometimes wrongly been attributed to digitisation by some parties. In fact, such overpayments are due to claim maps claiming an area greater than that actually planted, or to an applicant continuing to claim for a plantation that failed or was destroyed, or to trees being removed from the plantation, or to administrative error. My Department detects such overpayments through random or risk analysis driven inspections; through Single Farm Payment queries by applicants or their neighbours; through forestry queries by the applicant himself; by formal audit of files; or by the Department reviewing newer aerial photography. In the contentious circumstances of an over-claim and overpayment, while measurement of the area involved is often disputed by the applicant, the digitisation process is not relevant in this context – the crux is that the applicant must prove that the all of the area that he is claiming is eligible for payment under the scheme.

In all cases, my Department is obliged to recoup all public money that has been overpaid. But, each case is dealt with on an individual basis and, where my Department judges that there may be mitigating circumstances in a case, it will moderate the penalty or recoupment as appropriate.

### **Rural Development Programme Projects**

12. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the process involved in approving and implementing the rural development programme 2014-2020; the time frame within which it is expected that each element of the programme will be rolled out; and if he will make a statement on the matter. [29361/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The negotiations on the CAP reform package have been ongoing during the Irish Presidency of the Council of the EU. As part of this process, the Rural Development proposal (EAFRD) is being actively progressed together with the other three proposals which form the overall package. The aim of the negotiations is to reach political agreement by the end of the Irish Presidency.

Under the current proposal, Ireland must undertake an ex ante evaluation, a public consultation, and complete a SWOT analysis (Strengths, Weaknesses, Opportunities and Threats) and a needs assessment. My Department has contracted an independent evaluator, following a public procurement process, to prepare the ex-ante evaluation report and to advise on the SWOT and drafting of the RDP for the next round. In addition, the initial consultation process has been completed with a further consultation to take place in mid July on the SWOT and needs assessment. Based on the outcome of these processes, my Department will prepare a draft programme and again engage in further consultation.

At the present time it is intended to have a draft RDP submitted to the Commission as early as possible in 2014. This process will be interlinked with the submission by the Department of Public Expenditure and Reform [DPER] of the overall Partnership Agreement which will form the framework document for EAFRD funding and the other structural funds. It is expected that a period of negotiation of several months with the Commission will follow the submission of the RDP.

### **Agri-Environment Options Scheme Eligibility**

13. **Deputy Willie O'Dea** asked the Minister for Agriculture, Food and the Marine the maximum size of farm approved for the agri-environment option scheme 3; and if he will make a statement on the matter. [29358/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Despite the challenging budgetary constraints facing my Department, last year I allocated €20 million annually to fund the Agri-Environment Options Scheme (AEOS) and re-opened the scheme to new applicants (AEOS 111). AEOS III will build on the success of the Rural Environment Protection Scheme (REPS) and both AEOS 1 and 2 in delivering an annual payment to farmers in return for farming to high environmental standards.

I decided on a maximum payment of €4,000 per annum for individual applicants under the re-opened scheme which, on the basis of previous experience in implementing the scheme, would allow roughly 6,000 new participants to be accepted into the scheme.

A total of 9,703 applications were received by my Department under the re-opened scheme. Based on the annual budget available and following the ranking and selection process, a total of 6,000 applicants have been approved for participation in the scheme based on the prioritised ranking and selection criteria set out in the published scheme documentation as follows:

- Applicants within a targeted area of the Boora region of Co. Offaly who select Wild Bird Cover Option B (Grey Partridge);
- Applicants with eligible Natura land;
- Applicants with at least 0.5 hectares of Utilisable Agricultural Non-Natura Commonage land;
- Farm Partnerships;
- Previous Participation in REPS;
- Farm Size (Favouring smaller holding) based on the utilisable agricultural area;
- Location of farms in Less Favoured Areas.

4,483 applicants selecting Grey Partridge, Natura and Commonage actions and Partnership farmers were approved into the scheme. The remaining 1,517 applicants approved had all previously participated in REPS and had a reference area of 22.06 ha or less on their 2012 Single Payment Scheme application.

Because of the funding constraints and as a result of the selection process, farmers that previously participated in REPS and had a farm size bigger than 22.06 hectares were unsuccessful in their applications as were those who had not previously participated in REPS.

All approved applicants were awarded a commencement date of May 1 2013, and so their contracts will run for a period of five years and 8 months which will extend their duration beyond the expiry of the current programming period of 31st December 2013. Participants in the scheme will be offered the opportunity to adjust their commitments for the remainder of the period of their contract to the legal framework of the next period which is currently under negotiation. If such an adjustment is not acceptable to the participant he/she may withdraw from the schemes without any requirement for reimbursement of aid already received.

## Rural Development Programme Funding

14. **Deputy Niall Collins** asked the Minister for Agriculture, Food and the Marine the allocation under the 2007-2013 Common Agricultural Policy programme broken down by axis and measure; the spend to date, broken down between Exchequer and EU spend; and if he will make a statement on the matter. [29365/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The table sets out the measures funded under the Rural Development Programme 2007 – 2013 [RDP]. The expenditure performance is based on the quarterly returns to the European Commission and this table reflects the position up to March 2013. Under the current approved financial plan in the Programme close on €4.8Bn is allocated at programme level. This amount includes an allocation of EAFRD funding of €2.49Bn and €2.3Bn of Exchequer funding. Since the launch of the RDP expenditure under the programme up to the end of March 2013 amounted to €3.8Bn. This represents close on 79% of the total value of the Programme and 85% of the EAFRD amount. Axes 1 and 2 of the Rural Development Programme are administered by my Department while Axes 3 and 4 are delivered by the Department of the Environment, Community and Local Government. Details of the allocation and expenditure per measure per fund source under the RDP up to the end of March 2013 are set out in the table below. This table does not include funds already committed but not as yet claimed.

The programme, like all national spending, is subject to ongoing budgetary constraints but is configured to maximise all available EU funding. Spending under a number of measures may continue until the end of 2015 and this will provide considerable scope to allow all measures to spend up to their full allocation. Adjustments have already been made to the RDP financial plan and further adjustments are currently being made in order to achieve the fullest possible draw down of available funds. These adjustments must take expenditure to date and commitments to the end of the programme into account and have regard to the available national funding.

Axis / Measure	Current RDP Allocation €	EAFRD Allocation €	Total Exchequer Allocation €	EAFRD and Exchequer Expenditure 2007 – March 2013 €	Of which EAFRDS spend€	Of which Exchequer Spend €
AXIS 1 – Competitiveness						
Vocational training (REPS)	5,675,440	3,458,613	2,216,827	7,227,927	4,120,729	3,107,198
Installation Aid	12,261,081	7,471,903	4,789,178	12,892,430	6,504,938	6,387,492
Early Retirement	219,188,239	133,592,630	85,595,609	216,450,154	115,915,664	100,534,490
Farm Modernisation	154,570,446	92,992,230	61,578,216	80,054,052	47,251,733	32,802,319
TOTAL AXIS 1	391,695,206	237,515,376	154,179,830	316,624,563	173,793,064	142,831,499
Axis 2 – Environment and land management	-	-	-	-	-	-
Less Favoured Areas	1,617,984,198	634,141,309	983,842,889	1,295,213,902	712,367,647	582,846,255
Natura 2000	528,582,998	308,720,649	219,862,349	89,717,139	50,226,637	39,490,502
Agri-environment	1,922,493,570	1,058,314,930	864,178,640	1,929,663,382	1,076,014,860	853,648,544
TOTAL AXIS 2	4,069,060,766	2,001,176,888	2,067,883,878	3,314,594,423	1,838,609,144	1,475,985,301
Axis 3	-	-	-	-	-	-
Broadband	17,884,000	13,413,000	4,471,000	0	0	0
TOTAL AXIS 3	17,884,000	13,413,000	4,471,000	0	0	0

Axis / Measure	Current RDP Allocation €	EAFRD Allocation €	Total Exchequer Allocation €	EAFRD and Exchequer Expenditure 2007 – March 2013 €	Of which EAFRDS pend€	Of which Exchequer Spend €
Axis 4	-	-	-	-	-	-
Competitiveness – Food Projects.	5,000,000	4,250,000	750,000	89,554	76,120	13,434
Implementing Local Development Strategies – Quality of Life	265,470,511	182,632,819	82,837,692	118,145,071	78,894,141	39,250,930
Co-operation Projects	7,878,000	5,885,653	1,992,347	2,124,193	1,505,080	619,113
Running of LAGS	62,464,000	46,666,854	15,797,146	52,727,893	33,935,170	18,792,723
<b>TOTAL AXIS 4</b>	<b>340,812,511</b>	<b>239,435,326</b>	<b>101,377,185</b>	<b>173,086,711</b>	<b>114,410,511</b>	<b>58,676,200</b>
Axis 5 – Technical Assistance	-	-	-	-	-	-
Technical Assistance	6,000,000	3,000,000	3,000,000	1,441,575	720,789	720,786
<b>OVERALL RDP</b>	<b>4,825,452,483</b>	<b>2,494,540,590</b>	<b>2,330,911,893</b>	<b>3,805,747,272</b>	<b>2,127,533,508</b>	<b>1,687,213,786</b>

### Coillte Teoranta Harvesting Rights Sale

15. **Deputy Richard Boyd Barrett** asked the Minister for Agriculture, Food and the Marine if he will provide an update on the planned sale of State assets, including the harvesting rights to Coillte; and if he will make a statement on the matter. [29379/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Further to the Government decision that a concession for the harvesting rights to Coillte's forests be considered for sale, NewERA, Coillte, the Department of Public Expenditure and Reform and my Department examined the financial and other implications of developing the potential of Coillte's forest assets. This examination included the identification of the forestry assets involved, the determination of their value and the consideration of a number of issues associated with the proposed sale of the harvesting rights. These included, *inter alia*, the possible impact on the timber industry, public access to recreational land and potential impacts, both environmental and social.

The overall analysis on the proposed sale of Coillte harvesting rights was finalised recently, the outcome of which was then considered by the Minister for Public Expenditure and Reform and myself. It is my intention to bring a Memorandum including recommendations to the Government this afternoon for consideration.

### Natura 2000 Issues

16. **Deputy Mick Wallace** asked the Minister for Agriculture, Food and the Marine his plans to address the delays in the carrying out of appropriate assessments of Natura 2000 sites in order to assess their suitability for Oyster farming; and if he will make a statement on the matter. [29383/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The European Court of Justice declared in case C418/04 that, by failing to take all the measures necessary to comply with Article 6(3) of Directive 92/43 (Habitats Directive) in respect of authorisation of aquaculture programmes, Ireland had failed to fulfil its obligations under that Directive.

In the negotiations to address the judgment a process was agreed with the European Commission which would lead to full compliance by Ireland with the relevant EU Directives. This process includes the following steps:

- a detailed data collection in 91 Bays/Estuaries;
- detailed analysis of raw data collected;
- setting of Conservation Objectives by the National Parks and Wildlife Service (NPWS) in respect of each site;
- carrying out Appropriate Assessments of each licence application/fishery plan against the detailed Conservation Objectives set; and
- determination of Licences/Fisheries on the basis of the Appropriate Assessment and other relevant factors.

The data collection programme is substantially complete. Analysis of the data, together with the setting of appropriate conservation objectives by the NPWS, will enable all new, renewal and review applications to be appropriately assessed for the purpose of ensuring compliance with the EU Birds and Habitats Directives. This work represents a significant financial, administrative and scientific investment by the State in resolving this issue.

While the Appropriate Assessments are carried out on a bay by bay basis, each licence application within the bay must be assessed individually. Factors to be considered include location within the bay, species, scale etc. In addition to the Natura requirements, under the Environmental Impact Assessment Directive all licence applications must undergo an Environmental Impact pre-screening assessment. This requires significant input from the Department's scientific and technical advisers. All applications, in compliance with the requirements of the Aarhus Directive, are advertised in order to facilitate public consultation, and submissions or observations received must be considered as part of the licence application determination process.

Conservation objectives had been set in relation to a significant number of bays and Appropriate Assessments have been carried in four bays (Castlemaine, Dundalk, Lough Swilly and Roaringwater). I am pleased to inform the Deputy that as a result of the above process I have made aquaculture licence Determinations in respect of applications in Castlemaine.

The prioritised list of bays is kept under continuous review by my Department so as to facilitate the use of scientific and other resources on a flexible basis across the full range of bays including those where oyster farming takes place.

It is important for all involved in the aquaculture industry to understand that the sustainable development of the industry and the creation of long term employment from aquaculture into the future can only take place if there is full compliance with all EU and national legislation on environmental protection. Ireland's reputation as a producer of top quality seafood is predicated on the implementation of a sound regulatory system which has the confidence of the public in general and also the EU Commission.

My Department continues to make every effort to expedite the determination of aquaculture licence applications having regard to the need to comply with all relevant national and EU legislation.

### **Common Fisheries Policy Reform**

17. **Deputy Clare Daly** asked the Minister for Agriculture, Food and the Marine with regard to the Common Fisheries Policy reform, the reason the fully documented ecosystem and precautionary approach was not included as previously promised. [29216/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** It is assumed that the Deputy is referring to the concept of ‘fully documented fisheries’ as this is what the CFP had always promised to deliver and not to ‘a fully documented ecosystem’ which is a concept which does not exist, as such. This would mean that it was possible to know and quantify what every living thing in the entire marine ecosystem is doing at any given time – which is clearly impossible. I am responding therefore on the basis that what the Deputy is actually referring to is ‘fully documented fisheries’ (where the activities of individual vessels are effectively monitored) and that what is being asked here is whether or not (i) fully documented fisheries; (ii) the ecosystem approach and (iii) the precautionary approach were included in the basic regulation. I thank the Deputy for raising these important but complex aspects which I will now deal with separately.

**(i) Fully Documented Fisheries**

The requirements for all Member States to ensure detailed and accurate documentation of fishing trips is contained in article 15.8 which stipulates that:

- Member States shall ensure detailed and accurate documentation of all fishing trips and adequate capacity and means for the purpose of monitoring compliance with the obligation to land all catches, inter alia such means as observers, CCTV and other. In doing so, Member States shall respect the principle of efficiency and proportionality.”

**(ii) The Ecosystem approach**

The requirement to consider the broader marine ecosystem is provided for in Article 2.3 of the basic regulation, which states that:

- The Common Fisheries Policy shall implement the ecosystem-based approach to fisheries management to ensure the negative impacts of fishing activities on the marine ecosystem are minimised, and shall endeavour to ensure that aquaculture and fisheries activities avoid the degradation of the marine environment.

**(iii) The Precautionary approach**

The precautionary approach is provided for in Article 2 of the basic regulation, which states that:

- “The Common Fisheries Policy shall apply the precautionary approach to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield. This exploitation rate shall be achieved by 2015, where possible and by 2020 for all stocks at the latest.” Recital (9) provides: “Sustainable exploitation of marine biological resources should be based on the precautionary approach, which is to be derived from the precautionary principle referred to in the first subparagraph of Article 191(2) of the Treaty on the Functioning of the European Union (TFEU), taking into account available scientific data.”

It is important to bear in mind that reform of the Common Fisheries Policy has been a significant achievement for the Irish Presidency and when taken as a whole, delivers on not just a resolution to the long term difficulty of discards but also provides the means for new ways of sustainable fishing, a more transparent and competitive market, as well as empowering fishermen by giving them a central role in decision making for their fisheries.

## **Food Safety Standards Regulation**

18. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine the reason the same standards do not apply to the import of horse meat for human consumption into the EU from the US as apply to the slaughter of horse meat for human consumption in the EU; and if he will make a statement on the matter. [29374/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** There is no direct importation of horsemeat into the EU from the USA. The slaughter of horses for human consumption within the US ceased in 2006. I understand however that significant numbers of live horses are exported from the US for slaughter in both Canada and Mexico. Some of this meat is then exported to the EU. I am not aware that any of this meat has ended up in Ireland, where the level of consumption of horsemeat is very low.

The Regulations relating to the import of meat from third countries are set at EU rather than at domestic level. The basic requirements for imports of meat are set out in Regulation (EC) No 853/2004. The third country of dispatch must be on an approved list for that product and the individual establishment from which the product is dispatched must also be on an approved list. These lists are published on the EU Commission's website. There is also a requirement that imports of meat are only allowed from countries with an approved residue monitoring plan.

The EU Food and Veterinary Office (FVO) conducted audits in Canada (in 2011) and Mexico (in 2012). These audits raised some concerns about the identification of US horses being slaughtered in both countries and the question of compliance with standards equivalent to those provided for by EU legislation in relation to non-treatment with certain medicinal substances.

The EU Commission is I understand in close contact with the countries involved to have the FVO audit recommendations followed up satisfactorily.

## **Aquaculture Licences Application Numbers**

19. **Deputy Billy Kelleher** asked the Minister for Agriculture, Food and the Marine the number of applications on hand for aquaculture licences; the year they were lodged; the number it is hoped to approve this year; the plans he has to expedite this process; and if he will make a statement on the matter. [29370/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** At present there are in the order of 600 aquaculture licence applications awaiting determination. This number comprises of both new licence applications and applications in respect of renewal applications for existing licences.

The backlog has developed over a period of approximately nine years and largely arises because the majority of areas for which aquaculture licences are sought are located in areas designated as Special Areas of Conservation under the EU Habitats Directive and/or Special Protection Areas under the EU Birds Directive (known as 'Natura areas'). In 2007, the European Court of Justice issued a judgement against Ireland for a breach of the Birds Directive which is indicative of the seriousness of this issue and the need for full compliance with the relevant Directives.

To ensure compliance with the Birds and Habitats Directives, all applications in 'Natura 2000 areas' are required to be appropriately assessed. This has required the putting in place of a significant work programme which has considerable time and resource implications. An

additional factor is that all aquaculture applications now undergo Environmental Impact pre-screening assessment which requires significant input from the Department's scientific and technical advisors.

My Department, in conjunction with the Marine Institute and the National Parks and Wildlife Service (NPWS) of the Department of Arts, Heritage and the Gaeltacht, is engaged in a comprehensive programme to gather the necessary baseline data appropriate to the conservation objectives of 'Natura 2000' areas. This data collection programme is substantially complete. Analysis of the data, together with the setting of appropriate conservation objectives by the NPWS, will enable all new, renewal and review applications to be appropriately assessed for the purpose of ensuring compliance with the EU Birds and Habitats Directives. This work represents a significant financial, administrative and scientific investment by the State in resolving this issue. The Appropriate Assessment of aquaculture applications is being dealt with on a bay-by-bay basis.

It is expected that successful completion of the Appropriate Assessment process in respect of the above over the summer/early autumn period will facilitate between 180-200 licence determinations this year.

In addition to the continued progress made in relation to Natura areas, 115 Ministerial determinations were made in 2012 in non-Natura areas.

My Department continues to make every effort to expedite the determination of all aquaculture applications having regard to the complexities of each case and the need to comply fully with all national and EU legislation .

### **Rural Environment Protection Scheme Applications**

20. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine the number of farmers due a rural environment protection 4 payment or an agri-environment option scheme payment for the year 2012; the number that had penalties imposed on them; the number who had a 100% penalty imposed; and if he will make a statement on the matter. [29351/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Under the EU Regulations governing both REPS and AEOS and other area-based payment schemes, a comprehensive administrative check of all applications, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. Successive EU audits have made it clear that compliance with the Regulations must be strictly adhered to and that all administrative checks must be passed and eligibility conditions met before payment issues. As a result, the Department is obliged to ensure that individual payments do not issue until all aspects of a farmer's application are in order, all outstanding documentation provided and all queries resolved. These administrative checks can result in the reduction of payments or the application of penalties, in cases where breaches are identified.

Furthermore under these Regulations, on-the-spot inspections must be carried on 5% of all applications to deliver assurance that farmers are complying with the actions they contracted to carry out under the terms and conditions of the Scheme. Any non-compliances or breaches of these conditions will result in sanctions being applied in accordance with the penalties laid down. Farmers have the right to appeal these penalties if they feel the sanction is not warranted.

A total of 29,500 REPS4 farmers have been paid in respect of 2012, leaving approximately 800 applicants still to receive payment. The applicants have been written to where officials in my Department require additional information to resolve these applications. The outstanding

cases are being resolved on an ongoing basis as queries are resolved.

A total of 11,650 AEOS 1 and 2 participants have received payment for the 2012 Scheme year. A total of 2,100 farmers are awaiting payment for 2012 under AEOS 1 and 2. Officials in my Department are processing these cases on an ongoing basis with a view to finalising them as quickly as possible and, again where additional information is required, the applicants concerned have been written to. The majority of the outstanding AEOS issues arising relate to inaccurate or incomplete capital investment claims. The Department continues to actively engage with farmers in these cases in order to expedite payment.

Under REPS, participants have undertaken to deliver a number of measures and a penalty schedule applies where there is non-compliance with these measures. The severity, extent and permanence are taken into account in determining the appropriate penalty.

Together with the discovery of irregularities at the on the spot inspections, all applications are subject to an administrative check which can also lead to reductions. The number of applicants who had a penalty imposed to date in respect of 2012 payments was 1,795. To date, it has been established that 28 of these have a 100% penalty.

Similarly AEOS applicants undertake to carry out certain actions that they have selected from a menu of options. Penalties are imposed where non compliances are discovered whether through on the spot inspections or through administrative checks. Under AEOS, the number of penalties applied for 2012 applications was 642, with 342 applied to AEOS 1 payments and 300 applied to AEOS 2 payments. Further penalties may be applied as outstanding cases are dealt with and resolved. While the exact number of 100% penalties has not been finalised it should be noted that 100% penalties are applied only in a small minority of cases. Such penalties would apply in respect of a most serious breach of the Scheme conditions such as in the case of non-compliance with underlying GAEC and SMR baseline standards.

### **Suckler Welfare Scheme Application Numbers**

21. **Deputy Willie O’Dea** asked the Minister for Agriculture, Food and the Marine the number of applicants for the suckler cow welfare scheme last year who had penalties imposed on them; the number who had a 100% penalty imposed; the total number of applicants; and if he will make a statement on the matter. [29350/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Suckler Cow Welfare Scheme was a five-year programme for beef breed animals which were born during the period 1 January 2008 and 31 December 2012. This Scheme was fully funded by the Exchequer. Over the five year duration of the Scheme, in excess of €155 million has already been delivered in support to suckler cow farmers. The Scheme has made an important contribution to improving the genetic quality of the national suckler herd and enhancing the welfare standards for animals produced from the suckler cow herd. A number of outstanding cases remain to be finalised.

Applicants undertook to carry out and notify to my Department, details of the required measures as outlined in the Terms and Conditions from their year of entry into the Scheme up to the end of 2012. Because of the nature of the Scheme, failure to comply with its requirements in a given year could give rise to exclusion from the Scheme in subsequent years.

Turning specifically to the 2012 tranche of the Scheme, 33,365 eligible applicants continued to participate in the Scheme. A total of 650 of these herds were found to have no beef breed animals in their herd in 2012 and therefore are not due any payment. Thus far, penalties ranging

from 1% to 5% have been imposed on 4,204 of these applicants where a low degree of non – compliance with the requirements of the Scheme has been identified. Some 4,909 cases remain to be finalised because a range of outstanding issues remain to be resolved. These relate in the main to failure to provide requisite information in relation to measures taken, or where it has proved necessary to contact applicants to resolve details relating to individual animals.

Thus far, almost €20m has been paid under the 2012 element of the Scheme and payments continue to be made as details of required measures are received and as individual issues are resolved.

In December last, I announced the introduction of a new Beef Data Recording Programme for beef animals born between 1 January and 31 December 2013. This Programme will build on the progress achieved under the Suckler Welfare Scheme, in particular, by continuing to provide farmers with a comprehensive database which will assist them in making their breeding decisions with the objectives of improving the quality of beef produced and the overall competitiveness of the Irish Beef industry.

### **Aquaculture Development**

22. **Deputy Joe McHugh** asked the Minister for Agriculture, Food and the Marine his plans to develop aquaculture sites in the deep sea off the country's Atlantic coast. [29224/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Bord Iascaigh Mhara (BIM) has submitted an application for an aquaculture licence for the cultivation of finfish near Inis Oirr in Galway Bay. The application and its accompanying Environmental Impact Statement are currently being considered in accordance with the provisions of the 1997 Fisheries (Amendment) Act.

My Department has also issued a Site Investigation Licence to BIM in respect of potential sites off the Mayo coast.

I also understand that BIM is currently engaged in preliminary work with a view to a possible application to my Department for a Site Investigation Licence for an area off the coast of Donegal.

### **Rural Development Programme Funding**

23. **Deputy Timmy Dooley** asked the Minister for Agriculture, Food and the Marine the level of EU funding that will be available under Pillar 2 in 2013 compared to 2012; and if he will make a statement on the matter. [29360/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The amount of EU co funding due in 2013 under 2007 – 2013 Rural Development Programme (Pillar I) for measures administered by my Department is estimated at €176 million. This compares to €294.4 million in EU co funding received in 2012.

The lower figure for 2013 reflects the likely amount of EU funding remaining to be drawn down under the programme based on the estimated eligible expenditure on programme measures this year.

LEADER and rural broadband, which are also part of the RDP, are the responsibility of the Department of the Environment, Community and Local Government and the Department of

Communications, Energy and Natural Resources respectively

### Fodder Crisis

24. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine the steps he is taking to prevent a re-emergence of a fodder shortage later this year; and if he will make a statement on the matter. [29221/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** It is important that we do as much as we can over the next few months to ensure that Irish farmers are not faced with the same issues and difficulties next Winter as experienced earlier this year in sourcing adequate fodder for their animals. Accordingly, Teagasc's Interagency Fodder Committee is currently monitoring the fodder situation while also examining and co-ordinating the next steps required to ensure that there is a strategic approach to fodder production and conservation to ensure continuity of supply.

I have also asked the Interagency Fodder Committee to report to the High Level Implementation Committee of Food Harvest 2020 which I chair, on the outlook for the rest of this year and also to detail the actions being taken to ensure adequate fodder is available for next Winter.

It is also important that farmers are maximising grass production and fodder conservation in the coming period and I have asked Teagasc to prioritise this policy in their advisory campaigns over the summer months. In this context, adjustments to the Nitrates regulations recently agreed with the Minister for Environment, Community and Local Government will provide support to farmers to maximise grass growth and conservation into next Autumn.

### Coillte Teoranta Harvesting Rights Sale

25. **Deputy Joan Collins** asked the Minister for Agriculture, Food and the Marine his views on whether the sale of the harvesting rights to Coillte will go ahead; and if he will make a statement on the matter. [26634/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Further to the Government decision that a concession for the harvesting rights to Coillte's forests be considered for sale, NewERA, Coillte, the Department of Public Expenditure and Reform and my Department examined the financial and other implications of developing the potential of Coillte's forest assets. This examination included the identification of the forestry assets involved, the determination of their value and the consideration of a number of issues associated with the proposed sale of the harvesting rights. These included, *inter alia*, the possible impact on the timber industry, public access to recreational land and potential impacts, both environmental and social.

The overall analysis on the proposed sale of Coillte harvesting rights was finalised recently, the outcome of which was then considered by the Minister for Public Expenditure and Reform and myself. I am bringing a Memorandum with recommendations to Government today for consideration.

### Agri-Environment Options Scheme Payments

26. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine

the estimated expenditure on agri-environment schemes, rural environment protection, agri-environment options scheme this year and the projected expenditure on the same schemes next year based on the current number of participants in AEOS 1, 2 and 3 as well as REP scheme 4; and if he will make a statement on the matter. [29344/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I want to take the opportunity to again emphasise both my own and the Government's commitment to the agri-environment schemes as operated by my Department. These schemes put environmentally friendly farming at the forefront and recognise the vital role farmers play in delivering public goods in protecting the environment and the natural heritage for the benefit of society as a whole. This commitment is evident in the fact that more than €750 million was spent by my Department on agri-environment schemes in 2010, 2011 and 2012 alone

There are currently 29,300 active participants due a REPS 4 payment for the scheme year 2013 and the numbers participating in the scheme in 2014 is estimated at 17,000. The projected expenditure in 2013 under REPS is €148.5 million.

There are currently 14,000 active participants in AEOS 1 and 2 combined, while a further 6,000 were recently approved under AEOS 3. Estimated expenditure in 2013 for AEOS is €51.8 million.

Funding for both REPS and AEOS in 2014 will be determined in the context of the 2014 Estimates process. In accordance with the terms and conditions of the scheme, participants in AEOS will be offered the opportunity to adjust their commitments for the remainder of the period of their contract to the legal framework of the next EU programming period which is currently under negotiation. If such an adjustment is not acceptable to the participant he/she may withdraw from the schemes without any requirement for reimbursement of aid already received. My aim will be to provide sufficient funding to meet all liabilities arising under both scheme in 2014.

### **Ash Dieback Threat**

27. **Deputy John Browne** asked the Minister for Agriculture, Food and the Marine if he will provide an update on the disease *chalara fraxinea* fungus and its implications on ash plantations here; the long-term effects it will have on the hurley making industry; and if he will make a statement on the matter. [29213/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** To date, 36 forestry plantations have tested positive for the disease, all planted with imported stock. The disease has also been confirmed at 15 horticultural nurseries, 13 roadside landscaping projects, 13 farms (REPS/AEOS), 3 garden centres and 2 private gardens.

As a precautionary measure in order to reduce the potential spread of the disease, my Department has written to approximately 175 forest owners instructing them to remove and destroy all ash trees from sites where the disease has been confirmed, as well as from sites where the disease has not been confirmed but was planted with trees from known infected consignments. Approximately 535 hectares of ash woodlands have been identified for removal so far. Eradication is also being carried out under Departmental supervision at the non-forest locations (i.e. roadsides, horticultural nurseries, garden centres, AEOS/REPS farms and private gardens).

A support scheme has been introduced for forest owners who have been instructed to remove ash trees from forests planted under the forestry grant schemes. The Reconstitution (Chalara Ash Dieback) Scheme is providing funding to forest owners towards the cost of re-

moving and destroying infected or potentially infected trees and replanting affected sites with alternative tree species.

I am conscious that ash dieback disease could potentially have serious long term effects for the hurley making industry if the disease becomes established in Ireland. For this reason, in order to try and minimise the risk of the disease becoming established, last November I introduced legislation restricting the importation of ash plants and ash wood. This has, in some cases, resulted in ash wood supply arrangements being changed to meet the new requirements but we understand that it has not had a significant impact on the current supply of ash to the hurley making industry. In anticipation of any supply issues, Coillte brought forward the sale of some 40,000 hurley planks and are working with sources in the UK to import additional supplies.

Part of our long term strategy is to breed ash trees for resistance to the disease and my Department is involved in research efforts with our colleagues in the UK to test Irish material planted in several areas in the south east of England in heavily Chalara invested sites. I understand that there are some positive signs around Europe of ash trees showing resistance to the disease.

I would like to re-emphasise that my Department is currently eradicating this disease wherever it is found. Department officials with their Teagasc counterparts recently carried out a series of 22 meetings around the country to raise awareness of the disease and what to watch out for in order that as many people as possible are on the lookout for the disease and will report anything suspicious. My officials are working very closely with our colleagues in Northern Ireland and I am glad to report that to date there is no confirmation of the disease spreading to the wider environment here or in Northern Ireland.

### **Agri-Environment Options Scheme Eligibility**

28. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the number of eligible farmers that were not approved for the agri-environment option scheme 3 due to the prioritisation of certain types of farmer for the scheme; and if he will make a statement on the matter. [29359/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** A total of 9,703 applications were received by my Department under the re-opened Agri-environment Options Scheme and, based on the annual budget of €20 million available and following the ranking and selection process, a total of 6,000 applicants have now been approved for participation in the scheme.

4,483 applicants selecting Grey Partridge, Natura and Commonage actions were approved into the scheme and the remaining 1,517 applicants selected had all previously participated in REPS and had a reference area of 22.06 ha or less on their 2012 Single Payment Scheme application.

The approval of applicants was determined by the following priority selection criteria:

- Applicants within a targeted area of the Boora region of Co. Offaly who select Wild Bird Cover Option B (Grey Partridge);
- Applicants with eligible Natura land;
- Applicants with at least 0.5 hectares of Utilisable Agricultural Non-Natura Commonage land;

- Farm Partnerships;
- Previous Participation in REPS;
- Farm Size (Favouring smaller holding) based on the utilisable agricultural area;
- Location of farms in Less Favoured Areas.

### **EU Presidency Issues**

29. **Deputy Andrew Doyle** asked the Minister for Agriculture, Food and the Marine the number of agreements he and his officials have achieved over the past six months as part of the Irish Presidency of the Council of the EU; what he expects to achieve at the June meeting of the EU Agriculture and Fisheries Council, of which he is the current chairman; the outcomes he expects for the Common Agricultural Policy, the Common Fisheries Policy and other important matters; if he expects all of these issues to be signed off on and the trilogues completed by the end of the Irish EU Presidency; and if he will make a statement on the matter. [29207/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** As Chairman of the AgriFish Council of Ministers during the six months Irish Presidency of the Council, I can report that significant progress has been made on the Presidency's policy objectives.

Recent months have seen very positive developments in the negotiations on reform of the CAP and I am confident that we will achieve political agreement on this package before the end of June. The agreement by the European Council on the Multiannual Financial Framework on 8 February provided the necessary clarity to enable the CAP discussions to move forward. This was followed by the adoption by the European Parliament of its overall position on the reform proposals at its plenary session on 12 March. This was in turn followed by the agreement by the Council of Agriculture Ministers on 19 March on its so-called 'General Approach' to the reform package, following the tabling of compromise proposals by the Irish Presidency.

We have therefore moved from a narrower focus on the finalisation of a Council position to the point where the Council position is itself just one of three different perspectives being brought to the table in the so-called "trilogue" process. Typically, this represents the final phase of negotiations in areas where the European Parliament has a co-decision role. Indeed, this is the first time that the Parliament has had such a role in relation to a CAP reform package. As President of the Council, Ireland is representing Member States in these negotiations.

I am happy to report that progress has been very good so far. The trilogues have been held in a very positive, constructive atmosphere. All of the institutions have responded to the Presidency's call for a collaborative endeavour, and for a spirit of compromise to inform the process. Progress has been achieved on a number of technical issues, facilitated by technical discussions which are running in parallel to the trilogue meetings. In addition, more politically sensitive points that have been encountered so far have been discussed in a preliminary or exploratory way in the trilogues and parked for further consideration later. In this regard I have agreed with the Chairman of the European Parliament's Agriculture Committee, Paolo de Castro, on a further parallel process aimed at making progress on the big political issues that are likely to form the basis of the final political agreement.

The final target for that political agreement is the end of June. It is clear that the European Parliament and the Commission are committed to achieving this objective. The Member States have also demonstrated their commitment, and as President of the Council of Ministers, I intend to do all I can to ensure that the deadline is met. I need to be clear however that the timeline

for political agreement by end June is extremely tight and ambitious. It can only be achieved with a fair wind and an exceptional effort by all three institutions.

At the beginning of the Irish EU Presidency an ambitious and demanding work programme was set out in order to pursue a successful agreed reform of the Common Fisheries Policy (CFP). After months of intensive negotiations, agreement on a new reformed CFP was finally reached between the Irish Presidency, European Commission and the European Parliament on 30 May. Coreper (Committee of Permanent Representatives) endorsed the texts of the CFP Reform basic regulation and the Common Market Organisation (CMO) on Friday 14 June last. The formal political agreement of the European Parliament is expected in the coming weeks.

This radical reform will support the rebuilding of fish stocks in our waters as Total Allowable Catches (TACs) and quotas are set to deliver maximum sustainable yield by 2015, where possible, and by 2020 for all stocks, and the wasteful practice of discarding fish is phased out. The changes once implemented will mean real meaningful reform to the Common Fisheries Policy and will determine European fisheries policy for the next decade and beyond.

Significant progress in a number of other legislative areas was also made during Ireland's Presidency. Political agreement was reached on the important *Non-Commercial Movement of Pet Animals* proposals which will enable EU citizens to travel more easily within the EU with their pets. Agreement between the institutions was also reached on the so-called *Breakfast Omnibus* package of proposals concerning several directives relating to certain foods including coffee and chicory extracts, cocoa and chocolate products and certain dehydrated milk products; these are all part of wider measures to allow EU consumers make more informed choices concerning the food they buy. The new Farm Accountancy Data Network Regulation was also finalised.

Following adoption by the Commission in May/early June, discussions have also commenced on what is commonly called the "5-Part Package", a package consisting of 5 separate proposals on *Animal Health Law, Protective Measures against Pests of Plants, Plant Reproductive Material Law, Official Controls Regulation and the Regulation on Food and Feed Expenditure*. My officials will continue to advance these dossiers over the coming weeks.

### Harbours and Piers Development

30. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine if he will outline the stages that the small craft harbour at Killybegs fishery harbour centre, County Donegal is to be developed, including the design and strategy; and if he will give an indication of when the development is to be completed. [29384/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Killybegs Fishery Harbour Centre is one of the six designated Fishery Harbour Centres, which are owned, managed and maintained by my Department.

I am aware of the many potential benefits of a small craft facility at this location, including the spin-off for the local economy, and I have allocated funding of €20,000 under the 2013 Fishery Harbour and Coastal Infrastructure Development Programme to advance this project.

I have asked my Department officials to set out a design and strategy to build the Small Craft Harbour in stages to meet demand while remaining cognisant of the current funding constraints and to deliver the first phase at the earliest opportunity.

## Single Payment Scheme Eligibility

31. **Deputy Niall Collins** asked the Minister for Agriculture, Food and the Marine if compliance with the stocking prescriptions in the Twelve Bens-Maam Turk area of Connemara is a condition of cross compliance; and if he will make a statement on the matter. [29356/13]

54. **Deputy Seán Ó Fearghail** asked the Minister for Agriculture, Food and the Marine if compliance with the stocking prescriptions in commonage framework plans is a condition of cross compliance; and if he will make a statement on the matter. [29355/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 31 and 54 together.

In order to be eligible under the Single Payment Scheme and other area based schemes, an applicant must ensure that all agricultural land is maintained in good agricultural and environmental condition (GAEC). Cross-compliance involves two key elements:

- A requirement for farmers to comply with 19 Statutory Management Requirements (SMRs) set down in EU legislation on the public health, animal and plant health, animal welfare, and the environment;

- A requirement to maintain the land in good agricultural and environmental condition

EU regulations governing the area based schemes set minimum standards for GAEC, which must be complied with, by means of the undertaking of appropriate agricultural practices. These standards set requirements relating to the protection of soil from erosion; maintenance of soil organic matter levels; maintenance of soil structure; minimum level of maintenance and avoidance of deterioration of habitats and the protection and management of water. Farmers can keep agricultural land in GAEC by conducting an agricultural activity on it, such as grazing, harvesting forage crops, or by topping. Where a farmer chooses to keep his land in GAEC by grazing, a sufficient stocking rate must be met to ensure compliance with the required standards.

Commonage lands form an important part of the farming enterprises of many farmers, particularly along the West Coast. They also form an important part of the local environment from the point of view of bio-diversity, wildlife, amenities and economic returns e.g. tourism. However, there is a substantial risk of land abandonment as under-grazing becomes more of a problem.

Under-grazing and, indeed, over-grazing, leads to an increase in ineligible land under Direct Aid and Agri-Environment Schemes and leads to risk of financial corrections being imposed by EU Commission. It is vital, therefore, to maintain the commonages in GAEC, or where there is under-grazing, or over-grazing, to return the habitat to GAEC. It is my stated aim that this will be achieved by working with the farmers directly managing the lands, relevant State Agencies, the farming organisations and all other interested stakeholders. I readily acknowledge that it will not be an easy task, but it is achievable if all stakeholders work in a co-operative basis. My Department will set out proposals as to how these matters might be progressed in the near future.

## Allotments Provision

32. **Deputy Derek Keating** asked the Minister for Agriculture, Food and the Marine his plans to support urban agriculture such as the promotion and funding to allotments; if he considers it necessary to introduce registration of those who make available property to be devel-

oped into allotments in urban areas; and if he will make a statement on the matter. [29208/13]

66. **Deputy Derek Keating** asked the Minister for Agriculture, Food and the Marine his plans to develop an urban programme in conjunction with the Department of the Environment, Community and Local Government and the Department of Education and Skills to develop allotments, the registration of allotments, the standards that allotments should adhere to when a contract is provided; his views on same; and if he will make a statement on the matter. [29209/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 32 and 66 together.

As Minister for Agriculture, Food and the Marine, I have no function with regard to allotments.

The Acquisition of Land (Allotments) Act 1926, which falls under the remit of the Minister for Environment, Community and Local Government, enables local authorities to let allotments in urban areas to an individual for the specific purpose of cultivating vegetables mainly for consumption by that individual “or his family”, if the authority is satisfied that such a demand exists.

Bord Bia, the state body under my aegis charged with the promotion of horticulture, promotes gardening and amenity horticulture through the Bloom festival in the Phoenix Park which took place over the June Bank Holiday weekend.

This highly popular consumer event educates on the many aspects of gardening. Bloom 2013 attracted a record 110,000 visitors including a significant number from urban areas. One of its main attractions was the showcasing of 28 show gardens from the very best of Irish landscape gardeners and designers, ranging from large, medium, small gardens and concept gardens in an assortment of design styles and budget points. For the first time this year, Bloom hosted a number of specific small gardens (“post card gardens”) which were designed, prepared and constructed by community gardeners and gardening clubs to demonstrate their abilities and to inspire other non-professional gardeners to experience the joys and benefits of gardening.

In addition, a comprehensive range of information and advice on a range of gardening topics was dispensed from the numerous talks by leading experts on the Garden Expert Stage over the five days of the show. Also present at Bloom were a number of organisations who provided instruction and advice on preparing a garden and “growing your own” vegetables and fruit.

The “Best in Season” fresh fruit and vegetables produce market displayed and retailed top quality locally grown fruit, vegetables and potatoes. Bloom allows visitors to engage with local Irish producers and pick up some tips on how to cook and use the best tasting fresh produce available throughout the Irish fruit, vegetable and potato season.

Bloom is now an important date in the calendar of many gardeners and horticulture enthusiasts.

### **Agri-Environment Options Scheme Payments**

33. **Deputy Sean Fleming** asked the Minister for Agriculture, Food and the Marine the number of agri-environment option scheme 1 and 2 payments that are still outstanding broken down on a county basis; and if he will make a statement on the matter. [29363/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Under the EU Regulations governing the scheme and other area-based payment schemes, a comprehensive administrative check of all applications, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue.

Successive EU audits have made it absolutely clear that compliance with the Regulations must be strictly adhered to and that all administrative checks must be passed and eligibility conditions met before payment issues. As a result, my Department is obliged to ensure that individual payments will not issue until all aspects of a farmer's application are in order, all outstanding documentation provided and all queries resolved. Outstanding payments under AEOS I and II arise because of outstanding queries on applications forms, digitising issues, the submission of inaccurate capital investment claim forms, non return of soil sample declarations and the failure of the farmer to return documentation in relation to the Conservation of Genetic Resources.

I am conscious of the importance of these payments to farmer's incomes and my Department is making every effort to assist farmers in regularising their applications and claims for payment. Additional resources have been assigned to dealing with queries and payments will continue to issue as quickly as possible as outstanding issues are resolved.

The tables set out the details requested by the Deputy.

#### **AEOS I Outstanding Payments**

County	2011	Total
Carlow		3
Cavan		7
Clare		5
Cork		23
Donegal		10
Dublin		1
Galway		18
Kerry		10
Kildare		5
Kilkenny		6
Laois		1
Leitrim		2
Limerick		12
Longford		2
Louth		1
Mayo		3
Meath		6
Monaghan		5
Offaly		5
Roscommon		6
Sligo		4
Tipperary		11
Waterford		3
Westmeath		7

*Questions - Written Answers*

County	2011	Total
Wexford		5
Wicklow		7
-	Grand Total	168

County	2012	Total
Carlow		6
Cavan		21
Clare		11
Cork		52
Donegal		29
Dublin		2
Galway		74
Kerry		22
Kildare		7
Kilkenny		21
Laois		12
Leitrim		17
Limerick		25
Longford		7
Louth		3
Mayo		37
Meath		10
Monaghan		14
Offaly		11
Roscommon		22
Sligo		11
Tipperary		28
Waterford		10
Westmeath		15
Wexford		17
Wicklow		12
-	Grand Total	496

**AEOS II Outstanding Payments**

County	2011	Total
Carlow		3
Cavan		10
Clare		12
Cork		42
Donegal		33
Dublin		2
Galway		64
Kerry		20

County	2011	Total
Kildare		3
Kilkenny		13
Laois		7
Leitrim		7
Limerick		15
Longford		8
Louth		3
Mayo		54
Meath		10
Monaghan		6
Offaly		4
Roscommon		25
Sligo		13
Tipperary		19
Waterford		7
Westmeath		2
Wexford		9
Wicklow		8
-	Grand Total	399

County	2012	Total
Carlow		9
Cavan		50
Clare		68
Cork		125
Donegal		179
Dublin		4
Galway		235
Kerry		90
Kildare		13
Kilkenny		36
Laois		21
Leitrim		53
Limerick		70
Longford		33
Louth		10
Mayo		191
Meath		31
Monaghan		34
Offaly		29
Roscommon		104
Sligo		60
Tipperary		105
Waterford		26

County	2012	Total
Westmeath		36
Wexford		40
Wicklow		19
-	Grand Total	1671

### Targeted Agricultural Modernisation Scheme Expenditure

34. **Deputy Barry Cowen** asked the Minister for Agriculture, Food and the Marine the amount of EU funding under the TAMS scheme that remains unspent to date; and if he will make a statement on the matter. [29366/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** EU Commission approval for the introduction of a number of targeted agricultural modernisation schemes (“TAMS”) which were designed to support productive investment in the agricultural sector was received in March 2010, with total funding of €110 million as provided for in Ireland’s Rural Development Programme for 2007-2013. This funding has enabled investment to take place in a number of specific sectors such as animal welfare, bioenergy, dairy equipment, rainwater harvesting and sheep fencing/handling.

Total cumulative expenditure to end-May 2013 was €19.57 million. As TAMS applicants generally have two years from the date of issue of Department approval to complete the investment works concerned, actual expenditure lags very significantly behind the financial commitments made in the form of approved projects by my Department under each Scheme at any particular time. The EU recoupment rate is either 85% or 50%, depending on the year of expenditure.

I am aware that some farmers have found it difficult to complete the investment works concerned within the two year period referred to above, and I have therefore recently confirmed that farmers with outstanding approvals under the Dairy Equipment, Rainwater Harvesting and Sheep Fencing/Handling Schemes may apply in writing to my Department for an extension of the time-limit concerned.

### Credit Availability

35. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine the steps being taken to address the issue of credit for farmers and agricultural merchants; and if he will make a statement on the matter. [29220/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** During the recent fodder crisis, concerns regarding access to credit and flexibility around loan repayments have been significant issues for many farmers. My Department has been in regular contact with the banks, co-ops and feed merchants to urge flexibility and co-operation during this time. Both banks and co-ops have asked farmers to contact them to discuss the terms that are available and have indicated that they will show flexibility on the basis that the longer term outlook for farming is positive and prices are strong across most areas.

### Coillte Teoranta Harvesting Rights Sale

36. **Deputy Barry Cowen** asked the Minister for Agriculture, Food and the Marine when a decision will be made in relation to the proposal to sell the forest crop of Coillte; the reason for the delay in making the decision despite his previous undertaking to the Dáil Éireann on this matter; and if he will make a statement on the matter. [29345/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Further to the Government decision that a concession for the harvesting rights to Coillte's forests be considered for sale, NewERA, Coillte, the Department of Public Expenditure and Reform and my Department examined the financial and other implications of developing the potential of Coillte's forest assets. This examination included the identification of the forestry assets involved, the determination of their value and the consideration of a number of issues associated with the proposed sale of the harvesting rights. These included, *inter alia*, the possible impact on the timber industry, public access to recreational land and potential impacts, both environmental and social.

The overall analysis on the proposed sale of Coillte harvesting rights was finalised recently, the outcome of which was then considered by the Minister for Public Expenditure and Reform and myself. I am bringing a Memorandum with recommendations to Government today for consideration.

### **Farmers Indebtedness**

37. **Deputy John McGuinness** asked the Minister for Agriculture, Food and the Marine if he has commissioned a study into the indebtedness of farmers; if he has the results of this study; and if he will make a statement on the matter. [29347/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I, along with my officials, am in regular contact with farm bodies, various national banks and the Banking Federation concerning credit and indebtedness matter relating to farmers. I am acutely aware due to recent weather events that some farmers may be having short-term difficulties in managing their borrowings and in my recent engagements with the banks I requested that they take a flexible approach towards extending credit to their farmer customers arising from the weather related difficulties. The banks have responded to my call for understanding and flexibility and indeed have issued advertisements in national media telling farmers that they are willing to provide short-term facilities to deal with the feed issues.

In terms of the medium term trends of indebtedness in agriculture, Central Bank data indicates that the total stock of farm borrowing has been largely stable since the end of 2011, having fallen by €1 billion from its peak of €5.2 billion in early 2009 to its current level of approximately €4.2 billion. While this recent reduction and subsequent stabilisation of indebtedness is positive, I feel it is also important to highlight that financial indebtedness can also be alleviated by improved productivity, enhanced skills and higher prices. In that context, the implementation of Food Harvest 2020 has a major role to play in improving overall competitiveness at farm and industry level as well in maximising the potential contribution of this indigenous sector to economic recovery.

I will continue to meet with relevant parties, including the Irish Banking Federation, on a regular basis to impress upon the lenders the importance of being proactive and flexible with the farming sector in addressing credit-related matters, including levels of indebtedness.

38. **Deputy Micheál Martin** asked the Minister for Agriculture, Food and the Marine if he has any concerns in relation to corporate governance and other issues in relation to the Irish Greyhound Board; and if he will make a statement on the matter. [29341/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Bord na gCon is a commercial state body, established in 1958, under the Greyhound Industry Act, 1958, chiefly to control greyhound racing and to improve and develop the greyhound industry. The Board has wide powers to regulate all aspects of greyhound racing.

The Board of Bord na gCon, comprising of seven members - a Chairman and six ordinary members, is responsible for leading and directing the activities of the organisation. Bord na gCon is required to act in accordance with its statutory obligations, the Code of Practice for the Governance of State Bodies and any other directives issued by Government or by my Department. Each year the Chairman of Bord na gCon provides me with a comprehensive report covering a range of governance issues in accordance with the requirements set out in the Code of Practice for the Governance of State Bodies. Bord na gCon is audited by the Comptroller and Auditor General, it also has an Internal Auditor and an Internal Audit Committee. Officials from my Department meet with Bord na gCon bi-annually to consider issues of mutual interest, including corporate governance.

### **Live Exports**

39. **Deputy Sean Fleming** asked the Minister for Agriculture, Food and the Marine the action he is taking to ensure that there are an adequate number of designated boats cleared to his Departments specifications to service the growing and expanding live trade to Libya; when he expects to be able to announce some positive results from this work; and if he will make a statement on the matter. [29354/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The requirements for approval of dedicated vessels for the carriage of cattle by sea are contained in the Diseases of Animals (Carriage of Cattle by Sea) Orders, 1996 and 1998.

At present two ships have been approved for the carriage of cattle while a third ship will be inspected shortly. Further enquiries have been made in relation to a further five ships. These are at different stages of the approval process.

I attach considerable importance to the live export trade and my Department will continue to process applications for approval of ships in a timely manner.

### **Common Agricultural Policy Negotiations**

40. **Deputy Pat Deering** asked the Minister for Agriculture, Food and the Marine if he will provide a progress report on the Common Agricultural Policy negotiations since the Council of Ministers meeting of 18 March 2013. [29212/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Since the Council of Agriculture Ministers agreed the general approach of the Council on 19 March last, negotiations have moved to the final phase with so-called trilogue discussions between the three EU institutions. We have therefore moved from a narrower focus on the finalisation of a Council position to the point where the Council position is itself just one of three different perspectives being brought to the table.

Typically, this represents the final phase of negotiations in areas where the European Parliament has a co-decision role. Indeed, this is the first time that the Parliament has had such a role in relation to a CAP reform package. As President of the Council, Ireland is representing Member States in these negotiations with the Parliament and the Commission.

I am happy to report that progress has been very good so far. The trilogues have been held in a very positive, constructive atmosphere. All of the institutions have responded to the Presidency's call for a collaborative endeavour, and for a spirit of compromise to inform the process. Good progress has been made on a substantial number of technical issues and we are now in the "end-game" where we are considering the important and politically sensitive points.

I said from the start of the Irish Presidency that the final target for political agreement was the end of June. It is clear that the European Parliament and the Commission are committed to achieving this objective. The Member States have also demonstrated their commitment, and as President of the Council of Ministers, I intend to do all I can to ensure that the deadline is met.

I need to be clear however that the timeline for political agreement by end June is extremely tight and ambitious. It can only be achieved with a fair wind and an exceptional effort by all three institutions.

### **Coillte Teoranta Harvesting Rights Sale**

41. **Deputy Joan Collins** asked the Minister for Agriculture, Food and the Marine if he will provide an update on the planned sale of State assets, including the harvesting rights to Coillte; and if he will make a statement on the matter. [26633/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Further to the Government decision that a concession for the harvesting rights to Coillte's forests be considered for sale, NewERA, Coillte, the Department of Public Expenditure and Reform and my Department examined the financial and other implications of developing the potential of Coillte's forest assets. This examination included the identification of the forestry assets involved, the determination of their value and the consideration of a number of issues associated with the proposed sale of the harvesting rights. These included, *inter alia*, the possible impact on the timber industry, public access to recreational land and potential impacts, both environmental and social.

The overall analysis on the proposed sale of Coillte harvesting rights was finalised recently, the outcome of which was then considered by the Minister for Public Expenditure and Reform and myself. I am bringing a Memorandum with recommendations to Government today for consideration.

### **Bovine Disease Controls**

42. **Deputy Mick Wallace** asked the Minister for Agriculture, Food and the Marine if his policy on TB allows for culled badgers to be stored or disposed of; the information that is gathered from these badgers regarding the disease before killing them; and if he will make a statement on the matter. [29382/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Bovine Tuberculosis eradication programme implemented by my Department contains a comprehensive wildlife strategy in order to limit the spread of TB from badgers to cattle. Under this strat-

egy, capturing is undertaken only in areas where an epidemiological investigation carried out by the Department's Veterinary Inspectorate has found that badgers are the likely source of infection and capturing takes place under licence issued by the Department of Arts, Heritage and the Gaeltacht. Despite considerable research in both Ireland and the U.K., no test on live badgers has proven efficacious in reliably detecting TB infected badgers and thus it is not possible to determine whether a badger is infected with TB prior to culling.

The culling programme is undertaken by trained Farm Relief Service contractors as humanely as possible and is monitored and supervised by staff from my Department. The Farm Relief Service staff label and identify the badger carcasses but no further information is gathered at this point. Samples for culture are harvested from a selection (50%) of badgers annually with a view to establishing the general level of infection in culled badgers. The badger carcasses are disposed of by rendering.

There has been a very significant improvement in the Bovine TB situation in Ireland since the introduction of an enhanced badger removal programme in the early part of the last decade. Cattle herd incidence has fallen from 7.5% in 2000 to 4.1% in 2012. The number of TB reactors has declined from 40,000 to 18,500 during the same period. This is the lowest recorded since the commencement of the TB eradication programme in the 1950s. While it is difficult to quantify the precise impact of badger culling on the incidence of TB in Ireland, my Department believes that much of the improvement in the TB situation in cattle is in fact due to the badger removal programme. It is noteworthy that a recent peer-reviewed study, Bovine tuberculosis trends in the UK and the Republic of Ireland, 1995–2010 (Abernethy et al., 2013), published in the *Veterinary Record*, found that, during the period studied, the animal incidence of TB increased by 380% in England, by 190% in Wales and by 74% in Northern Ireland. On the other hand, the animal incidence in Ireland fell by 32% in the same period.

The low incidence of TB over the past 4 years in particular is encouraging and indicates that the incidence has moved permanently to a new low level. The incidence of TB in 2013 is running at about 10% below the levels recorded in 2012. The badger culling programme has brought about a situation where, for the first time since the programme was introduced in the 1950's, eradication is now a practicable proposition.

### **Agri-Environment Options Scheme Eligibility**

43. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the criteria used in determining eligibility for agri-environment options scheme 3; the number of farmers in each category that were allowed into the scheme; and if he will make a statement on the matter. [29357/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** A total of 9,703 applications were received by my Department under the re-opened Agri-environment Options Scheme (AEOS) and 6,000 applicants have now been approved for participation in the scheme.

The approval of applicants was determined by the following priority selection criteria: applicants within a targeted area of the Boora region of Co. Offaly who select Wild Bird Cover Option B (Grey Partridge) will get first access; applicants with eligible Natura land will get access next; applicants with at least 0.5 hectares of Utilisable Agricultural Non-Natura Commonage land rank next; farm partnerships; previous Participation in REPS; farm size (favouring smaller holding) based on the utilisable agricultural area; and finally location of farms in less favoured areas.

A total of 4,483 applicants selecting Grey Partridge, Natura and Commonage actions were approved into the scheme and the remaining 1,517 applicants selected had all previously participated in REPS and had a reference area of 22.06 ha or less on their 2012 Single Payment Scheme application.

All approved applicants were awarded a commencement date of May 1 2013, and their contracts will run for a period of five years and eight months which will extend their duration beyond the expiry of the current programming period of 31 December 2013. Participants in the scheme will be offered the opportunity to adjust their commitments for the remainder of the period of their contract to the legal framework of the next programme period which is currently under negotiation. If such an adjustment is not acceptable to the participant he/she may withdraw from the schemes without any requirement for reimbursement of aid already received.

### **Coillte Teoranta Lands**

44. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which he and his Department have had discussions with Coillte regarding the future use of Coillte land and forests here with particular reference to the need to ensure good forestry management and development and the retention of community and amenity based usage; and if he will make a statement on the matter. [29340/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Coillte Teoranta was established as a private commercial company under the Forestry Act 1988 and day-to-day operational matters, such as the management of the State's forestry estate, are the responsibility of the company.

I am aware that Coillte, as part of its management of some 442,000 hectares of the national forest estate, plays a significant role in the provision of forest recreational opportunities for the general public, thereby continuing a long tradition of open access to state owned forests. This role includes the management of ten Forest Parks and over 150 recreation sites throughout Ireland. In this context, I have previously noted the importance of Donadea Forest Park as a recreational amenity in North Kildare. I am conscious that such recreational facilities are also very valuable resources as tourism attractions in the various regions.

I understand that, as the company's statement of strategy ran until the end of 2012, the company and Board will be preparing a new draft statement of strategy, which, under the Code of Practice for the Governance of State Bodies, will then be submitted to me. My Department and I will then have an opportunity to engage with the company in relation to their proposals for the future management of the State's forestry estate.

### **Aquaculture Licences Applications**

45. **Deputy Brendan Smith** asked the Minister for Agriculture, Food and the Marine when he will issue the 100 aquaculture licence applications outside of the areas designated under the Habitats Directive which he indicated to Dáil Éireann on the 25 of September had been cleared for payment; and if he will make a statement on the matter. [29367/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Determinations in respect of the licences referred to by the Deputy were made in 2012 and numbered 115.

The breakdown is as follows: 53 in Killary, 44 in Inner Bantry, three in Kinsale, ten in Dun-

gloe, one in Trawenagh, one in Dunmanus Bay, two in Oysterhaven and one in Ventry

To date 59 of the above licences have issued to applicants. The remaining are either under appeal to the Aquaculture Licences Appeals Board or in final preparation for issue to applicants.

### **Aquaculture Licences Applications**

46. **Deputy Timmy Dooley** asked the Minister for Agriculture, Food and the Marine when aquaculture licences will be issued in areas designated under the Habitats Directive, where appropriate assessments have been carried out; and if he will make a statement on the matter. [29369/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The European Court of Justice declared in case C418/04 that, by failing to take all the measures necessary to comply with Article 6(3) of Directive 92/43 (Habitats Directive) in respect of authorisation of aquaculture programmes, Ireland had failed to fulfil its obligations under that Directive.

In the negotiations to address the judgment a process was agreed with the European Commission which would lead to full compliance by Ireland with the relevant EU Directives. This process includes the following steps: a detailed data collection in 91 Bays/Estuaries; detailed analysis of raw data collected; setting of Conservation Objectives by the National Parks and Wildlife Service (NPWS) in respect of each site; carrying out Appropriate Assessments of each licence application/fishery plan against the detailed Conservation Objectives set; and determination of Licences/Fisheries on the basis of the Appropriate Assessment and other relevant factors.

The data collection programme is substantially complete. Analysis of the data, together with the setting of appropriate conservation objectives by the NPWS, will enable all new, renewal and review applications to be appropriately assessed for the purpose of ensuring compliance with the EU Birds and Habitats Directives. This work represents a significant financial, administrative and scientific investment by the State in resolving this issue.

While the Appropriate Assessments are carried out on a bay by bay basis, each licence application within the bay must be assessed individually. Factors to be considered include location within the bay, species, scale etc. In addition to the Natura requirements, under the Environmental Impact Assessment Directive all licence applications must undergo an Environmental Impact pre-screening assessment. This requires significant input from the Department's scientific and technical advisors. All applications, in compliance with the requirements of the Aarhus Directive, are advertised in order to facilitate public consultation, and submissions or observations received must be considered as part of the licence application determination process.

Conservation objectives had been set in relation to a significant number of bays and Appropriate Assessments have been carried in four bays (Castlemaine, Dundalk, Lough Swilly and Roaringwater). I am pleased to inform the Deputy that as a result of the above process I have made aquaculture Determinations in respect of applications in Castlemaine.

My Department continues to make every effort to expedite the determination of aquaculture licence applications having regard to the need to comply with all relevant national and EU legislation.

### **Disadvantaged Areas Scheme Payments**

47. **Deputy Michael McGrath** asked the Minister for Agriculture, Food and the Marine the earliest date legally the disadvantaged areas payment can be paid on; and if he will make a statement on the matter. [29342/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** There is no specific regulatory payment date for the Disadvantaged Areas Scheme (DAS), unlike, for example, the Single Payment Scheme where the governing regulation provides for payments to issue in the period 1 December of the year of application to 30 June of the year following. However, in the case of DAS, it is a requirement of the governing EU legislation that all eligibility checks must have been completed before payments can be completed. Bearing this in mind and also that farmers' applications are submitted up to mid-May, it has been generally recognised (and reflected in the Farmers' Charter), that a payment target of late September of the given year is the most realistically attainable. My Department is making every effort to ensure that payments will commence as early as possible in September of the current year.

Payments under the 2012 Scheme commenced on 26 September and, to date, payments worth in excess of €208 million have issued to 95,449 farmers. Payments continue to issue twice weekly, as individual cases are confirmed eligible.

### **Coillte Teoranta Harvesting Rights Sale**

48. **Deputy Catherine Murphy** asked the Minister for Agriculture, Food and the Marine if any strategic assessment has been undertaken within his Department to establish the likely effect that the sale of harvesting rights at Coillte forests will have on his Department's ability to achieve the aims of the sectoral plans envisaged by the forthcoming climate action and low carbon development Bill and if he will share the findings; if not, if he will commit to such an undertaking; and if he will make a statement on the matter. [29215/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Further to the Government decision that a concession for the harvesting rights to Coillte's forests be considered for sale, NewERA, Coillte, the Department of Public Expenditure and Reform and my Department examined the financial and other implications of developing the potential of Coillte's forest assets. This examination included the identification of the forestry assets involved, the determination of their value and the consideration of a number of issues associated with the proposed sale of the harvesting rights.

With reference to the specific aspect which the Deputy mentions, harvesting and replanting are integral parts of the management of planted forests. The use of harvested wood for the manufacture of a range of wood products and as substitute for fossil fuel has substantial climate change mitigation benefits. In order to preserve the forest estate, my Department's long-standing policy is that replanting should take place following harvesting apart from exceptional circumstances; this helps to ensure that there is no long term change on carbon stocks. The replanting obligation was one of the issues identified in relation to the possible harvesting rights concession. For these reasons, the proposed sale of Coillte harvesting rights would be in accordance with any sectoral plan the Department may develop in the context of the climate action legislation.

The overall analysis on the proposed sale of Coillte harvesting rights has been finalised, the outcome of which is currently being considered by the Minister for Public Expenditure and Reform and myself. A Memorandum with recommendations will be brought to Government today for consideration.

## **Court Judgments**

49. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the implications of the judgment made in the High Court by Mr. Justice Hanna 2009 (details supplied); the actions he proposes taking on foot of this judgment; and if he will make a statement on the matter. [29371/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The State's legal team is examining the judgement referred to in the question including in relation to any implications and any actions. It is anticipated that the draft Order will be perfected on the 21 June 2013, there are 21 days to appeal to the Supreme Court. It would not be appropriate for me to comment further on this judgement at this time.

## **Fodder Crisis**

50. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine his plans to tackle the ongoing fall-out from the fodder crisis; and if he will consider creating a task force to deal with fodder related issues, including cashflow problems on farms, securing enough feed for next winter and managing the damage done to land, as well as dealing with mental health issues in the farming community. [29385/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** It is important that we do as much as we can over the next few months to ensure that Irish farmers are not faced with the same issues and difficulties next Winter as experienced earlier this year in sourcing adequate fodder for their animals. Accordingly, Teagasc's Interagency Fodder Committee is currently monitoring the fodder situation while also examining and co-ordinating the next steps required to ensure that there is a strategic approach to fodder production and conservation to ensure continuity of supply.

I have also asked the Interagency Fodder Committee to report to the High Level Implementation Committee of Food Harvest 2020 which I chair, on the outlook for the rest of this year and also to detail the actions being taken to ensure adequate fodder is available for next Winter.

It is also important that farmers are maximising grass production and fodder conservation in the coming period and I have asked Teagasc to prioritise this policy in their advisory campaigns over the summer months. In this context, adjustments to the Nitrates regulations recently agreed with the Minister for Environment, Community and Local Government will provide support to farmers to maximise grass growth and conservation into next Autumn.

## **EU Regulations**

51. **Deputy John Halligan** asked the Minister for Agriculture, Food and the Marine when the Irish Competent Authority, required under EU timber regulation, be established; the resources that will be made available to the competent authority to ensure that it is appropriately staffed and is given the appropriate tools in order to allow it to carry out its functions as required under the terms of the EU timber regulation; and if he will make a statement on the matter. [29380/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The new EU Timber Regulation (EUTR – Regulation (EU) No. 995/2010) is now in effect. It is part of a package of important measures aimed at ensuring that all products containing wood placed on

the market in the EU are from legally harvested timber. It applies to wood and wood products being placed for the first time on the EU market.

I have charged my officials in the International Forest Policy Section, in cooperation with the Forestry Division, with carrying out a number of functions, as Irish Competent Authority, under this new regulation. The skill-sets available will be a mixture of administrative and technical knowledge. Over the coming period, to ensure compliance with these new rules, they will undertake a number of tasks:

- firstly, to provide information and guidance to the industry through use of the web and seminars or talks;

- to gather technical data to provide a knowledge database to take informed decisions and to advise on compliance;

- to plan for enforcement through various actions such as site visits and information sampling; and

- to effectively cooperate with both the European Commission and Other Member States to combat cross border infringements.

My officials have been in close contact with key players across Europe already with a view to establishing best practice in a number of areas. Ireland has been proactively involved in Brussels during our Presidency in liaising with the Commission in establishing effective structures across the European Union. Ireland has already established strong links regarding information sharing with two key trading Member States and is committed to add to this list shortly.

### **Agriculture Schemes Eligibility**

52. **Deputy Michael McGrath** asked the Minister for Agriculture, Food and the Marine the total area of land declared for the purposes of the single payment in 2012; the area declared under the disadvantage payment scheme as mountain grazing; the area declared as more severely handicapped and the area declared as less severely handicapped; the number of farmers that have their farm hub in land under each category; and if he will make a statement on the matter. [29375/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Under the 2012 Single Payment Scheme, applicants declared a total area of 4,709,788 hectares, while the declared area under the 2012 Disadvantaged Areas Scheme was 3,255,321 hectares. The further breakdown of DAS areas is as follows:

Category	Hectares
Mountain Type Grazing	1,121,377
More Severely Handicapped Lowland	1,479,169
Less Severely Handicapped Lowland & Coastal Areas with Specific Handicaps	654,775
Total area	3,255,321

The additional data requested regarding the location of farm hubs, by DAS category, is currently being assembled, in so far as possible, and will be forwarded directly to the Deputy immediately it becomes available.

### Aquaculture Licences Applications

53. **Deputy Robert Troy** asked the Minister for Agriculture, Food and the Marine when a decision will be made on the application for an aquaculture licence in Galway Bay for a large finfish farm by Bord Iascaigh Mhara; and if he will make a statement on the matter. [29368/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application by Bord Iascaigh Mhara (BIM) for an aquaculture licence for the cultivation of finfish near Inis Oirr in Galway Bay was received by my Department last year. The application and its accompanying Environmental Impact Statement are being considered under the provisions of the 1997 Fisheries (Amendment) Act and the 1933 Foreshore Act.

A determination in respect of the application will be made as soon as possible following completion of the necessary assessment process.

As the application is under active consideration as part of the statutory process it would not be appropriate for me to comment further at this time.

*Question No. 54 answered with Question No. 31.*

### Disadvantaged Areas Scheme Payments

55. **Deputy Seán Ó Fearghaíl** asked the Minister for Agriculture, Food and the Marine the number of disadvantaged area scheme applications that were received in 2012; the number paid to date, broken down on a county basis; and if he will make a statement on the matter. [29364/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Payments under the 2012 Disadvantaged Areas Scheme commenced on 26 September and, to date, payments worth in excess of €208 million have issued to 95,449 farmers. Payments continue to issue twice weekly, as individual cases are confirmed eligible. Details are as follows:

County Name	Applied	Paid	Gross Amount
Carlow	755	714	€1,466,087.57
Cavan	4,851	4,614	€9,976,266.07
Clare	6,130	5,803	€13,967,420.03
Cork	7,130	6,755	€15,455,533.84
Donegal	8,484	7,790	€18,085,842.99
Dublin	134	118	€252,813.43
Galway	12,163	11,248	€24,401,460.41
Kerry	7,719	7,216	€17,794,743.56
Kildare	523	472	€833,206.18
Kilkenny	1,767	1,671	€3,497,897.81
Laois	1,725	1,622	€3,203,485.50
Leitrim	3,482	3,257	€7,320,796.01
Limerick	2,934	2,734	€5,400,595.71
Longford	2,392	2,282	€5,007,916.82
Louth	755	690	€1,146,857.18

County Name	Applied	Paid	Gross Amount
Mayo	11,630	10,836	€23,238,097.90
Meath	1,357	1,270	€2,302,446.80
Monaghan	4,106	3,881	€7,692,713.58
Offaly	2,396	2,258	€4,501,523.04
Roscommon	5,746	5,429	€11,953,810.79
Sligo	4,065	3,758	€8,158,720.05
Tipperary	4,532	4,266	€9,075,111.17
Waterford	1,449	1,334	€2,717,229.94
Westmeath	2,651	2,507	€5,078,262.64
Wexford	1,432	1,294	€2,372,421.66
Wicklow	1,749	1,630	€3,967,476.54
TOTALS	102,057	95,449	€208,868,737.22

### Fodder Crisis

56. **Deputy Brendan Smith** asked the Minister for Agriculture, Food and the Marine the steps he has taken to ensure there will be adequate fodder for the coming winter; and if he will make a statement on the matter. [29352/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** It is important that we do as much as we can over the next few months to ensure that Irish farmers are not faced with the same issues and difficulties next Winter as experienced earlier this year in sourcing adequate fodder for their animals. Accordingly, Teagasc's Interagency Fodder Committee is currently monitoring the fodder situation while also examining and co-ordinating the next steps required to ensure that there is a strategic approach to fodder production and conservation to ensure continuity of supply. I have also asked the Interagency Fodder Committee to report to the High Level Implementation Committee of Food Harvest 2020 which I chair, on the outlook for the rest of this year and also to detail the actions being taken to ensure adequate fodder is available for next Winter.

It is also important that farmers are maximising grass production and fodder conservation in the coming period and I have asked Teagasc to prioritise this policy in their advisory campaigns over the summer months. In this context, adjustments to the Nitrates regulations recently agreed with the Minister for Environment, Community and Local Government will provide support to farmers to maximise grass growth and conservation into next Autumn.

### Parking Charges

57. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Food and the Marine his plans to undertake a cost-benefit analysis of the amount of money that would be lost to local businesses in the Howth area, County Dublin, if parking charges were introduced at Howth Harbour; and if he will make a statement on the matter. [29211/13]

62. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Food and the Marine if he has given further consideration to his the plans to introduce parking charges in Howth Harbour, County Dublin in view of the weight of opposition from local business people, residents and community and sporting organisations to this measure; if he plans to meet local stakeholders to discuss the matter further; and if he intends to withdraw the proposed plan. [29210/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 57 and 62 together.

The House is aware that I have been considering introducing a charge for parking facilities within Howth Fishery Harbour Centre for some time,

- to assist in operating Howth Fishery Harbour Centre on a financially-sound basis,
- to provide a source of revenue for further investment in Fishery Harbour Centre facilities,
- as part of an overall traffic management plan, and
- in order to maximise the return on this significant State asset.

Howth Fishery Harbour Centre is first and foremost a working fishery harbour, one of 6 operated by the State, each of whose primary purpose is to provide facilities and services for the fishing industry and fisheries-related activities. Funding for operating, management and development costs in the fishery harbours is ring-fenced in the Fishery Harbour Centres Fund, which is the only source of revenue available for that purpose.

Capital investment in the Fishery Harbour Centres in recent years has underpinned both fisheries activities and their expanding use for leisure and marine tourism and other maritime enterprises. The House will appreciate that, in the current economic climate, the State must be fully committed to maximising the return on that investment. Moreover, my Department is required to ensure that the Fishery Harbour Centres are run on a financially-sound basis. The 500+ parking spaces within the boundaries of the Harbour would assist in balancing the books, and in providing funding for re-investment that would not otherwise be available.

A wide range of groups use the parking facilities of Howth Fishery Harbour – harbour business customers, yacht club members, sport fishermen, Dart users, tourists, walkers and many others. This combination of uses and the range of users of the Harbour brings its own inherent dangers and safety must be a paramount consideration. A consequence of the large volume of cars using the Fishery Harbour Centre has been huge pressure on parking, and that pressure has on a number of occasions led to a situation where emergency access to the Harbour area has been seriously compromised. The Harbour authorities have in the past received specific complaints from elements of the emergency services in that regard - fortunately no serious incident has arisen yet.

There was widespread public consultation when pay parking at Howth Fishery Harbour Centre was originally examined in detail in 2007 in conjunction with Fingal County Council. All of the various views that were expressed and submissions that were made then are still available and I am well aware of and acknowledge their concerns. I have been getting new correspondence on this matter from a wide range of harbour users. My officials have consulted with officials of Fingal Council, and with An Garda Síochána about this and related matters, and my Department's engineers have met some of the Harbour's business tenants individually about new traffic management and road markings etc. My officials also attended the Harbour Users Forum in February where pay parking was on the agenda and heard the views of the harbour users at first hand.

I am examining all aspects of the matter at present. I can assure the House that the views of the various harbour users, the potential earnings, the possible impact on the harbour businesses that the Deputy has mentioned and on recreational users, the impact on the local economy and local jobs, and the impact on overall traffic management within the Fishery Harbour, are all matters that I will take into account in coming to a decision. I can also assure the House and all of the Harbour users in Howth that I am committed to continuing investment in and develop-

ment of Howth for the future.

### Single Payment Scheme Applications

58. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine the number of applicants for the single payment scheme last year who had penalties imposed on them; the number who had 100% penalties imposed and the total number of applicants; and if he will make a statement on the matter. [29348/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** All applications under the Single Payment Scheme are subject to administrative check, in addition to which a percentage are also subject to field inspection. The basis of both these checks is laid down in the governing EU Regulations. The administrative checks and systems validations confirm compliance with a variety of requirements, including confirming that the application was received on time, that the land declared by the applicant was not also claimed by another Scheme applicant, that the necessary minimum stocking density levels have been achieved, etc. Failure to respect one or more of these Scheme requirements must result in a penalty be applied.

The annual round of field inspections covers both the eligibility of the land declared to draw down payments and also cross compliance aspects, to ensure compliance with EU regulatory requirements in the areas of public, animal and plant health, environment and animal welfare. These inspections are mandatory and there are certain minimum numbers and types of inspections that must take place annually. Land eligibility inspection (either on-farm or by remote sensing) must be carried out on at least 5% of applicants. These checks are carried out to verify that the actual area claimed in the application form corresponds to the area farmed by the farmer and to ensure that any ineligible land or features are not included for aid purposes. In order to be eligible to draw down EU funding, it is a requirement that all land eligibility inspections must take place before any payments can issue to any farmer in the country in a given year.

Some 123,363 cases paid have been paid to date delivering over €1.2bn to farmers in respect of the 2012 Single payment Scheme. Of these, 4,004 applicants incurred penalties on their payments, as follows:

Nature of penalty	Number of cases
Over-claim penalty	1,365
Late penalty	468
Cross compliance penalty	2,053
Late penalty & Cross compliance penalty	15
Over-claim penalty & Cross compliance penalty	93
Over-claim penalty & Late penalty	10
Total	4,004

In addition, a total of 334 applicants incurred penalties resulting in no payment being made, as follows:

Nature of penalty	Number of cases
Over-claim penalty	266
Late penalty	54

Nature of penalty	Number of cases
Cross compliance penalty	12
Over-claim penalty and Late penalty	1
Over-claim penalty & Cross Compliance penalty	1
Total	334

### Food Harvest 2020 Strategy

59. **Deputy Catherine Murphy** asked the Minister for Agriculture, Food and the Marine if he is satisfied that the growth in agricultural, fisheries and forestry output allowed for in Food Harvest 2020 is wholly compatible with the sectoral adjustment plans envisaged by the Climate Action and Low Carbon Development Bill; if he intends to permit a full strategic environmental assessment of Food Harvest 2020 in view of the likely greenhouse gas mitigation efforts which will be needed within this sector over the coming decade; and if he will make a statement on the matter. [29218/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Heads of the Climate Action and Low Carbon Development Bill provide for the preparation of a national low carbon roadmap which will develop the vision for a low carbon economy and outline the policy measures to be adopted for emissions reductions and for enabling the State to adapt to the effects of climate change. As part of this process, roadmaps are to be developed for a number of sectors, including agriculture. My Department has commenced work on the development of a sectoral roadmap for agriculture, and has had discussions with Teagasc with regard to the provision of research and advice to inform this work.

The roadmap for agriculture will take into account the targets in the industry's Food Harvest 2020 strategy as well as the existing mitigation commitments. However, it is important that the roadmap will also outline a longer term view and will seek to balance the objectives of allowing the food industry to grow so as to meet the food security challenges that face the world; as well as the need to meet future climate change ambition. Irish agriculture has already achieved significant progress in production efficiency including the use of fertiliser and manure, grassland management, improved breeding and better fertility. The level of emissions from agriculture has been steadily decreasing in recent years and my Department will continue to work with state and industry stakeholders so as seek even greater future efficiencies in a sustainable Irish agriculture sector.

The Food Harvest High Level Implementation Committee decided that an independent environmental analysis of Food Harvest 2020 should be carried out on various scenarios by which the industry targets in the strategy might be achieved. This work commenced in April 2012, and the draft report is currently being prepared for an eight week public consultation which will commence in the coming weeks. In consultation with the Environment Directorate General of the European Commission, the process has closely followed what would be required for a Strategic Environmental Assessment (SEA) and for an Appropriate Assessment (AA) in so far as the impacts of the possible scenarios are measurable at such a high level or on a national basis.

The analysis has examined the following critical environmental factors : biodiversity, flora and fauna, water quality including drinking water, soil, air quality, landscape and buildings, and climatic factors including greenhouse gas emissions. On its completion, following the period of public consultation, the report will be very valuable in informing development of the agriculture sectoral roadmap. It will also provide important guidance to the HLIC and to all actors

in the agriculture sector in relation to future plans for implementation of the high-level targets in Food Harvest 2020.

### Fodder Crisis

60. **Deputy Michael P. Kitt** asked the Minister for Agriculture, Food and the Marine the total expenditure incurred by his Department on the fodder transport scheme and the emergency assistance issued by the District Veterinary Office; and if he will make a statement on the matter. [29343/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** No payments have been made as yet under the Transport Fodder Scheme as participating Co-ops, Marts, etc. are in the process of assembling their documentation for submission to my Department. With regard to the levels of Emergency Assistance that has been provided to farmers, some €170,000 has been paid to approx. 475 farmers.

### Common Agricultural Policy Negotiations

61. **Deputy Micheál Martin** asked the Minister for Agriculture, Food and the Marine the proposals he has made, if any, to reduce the level of penalties and inspections on farms and to increase the level of tolerance for practical farming issues under cross compliance as part of the current Common Agricultural Policy negotiations; and if he will make a statement on the matter. [29353/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Commission proposals on reform of the CAP have been the subject of negotiations at official and political level in the Council of Ministers over the past 18 months, culminating in an agreed Council position which was reached at the Council on 18/19 March.

The three institutions (Council, Commission and European Parliament) have been involved in the trilogue process of negotiations since early April and it is hoped that a final agreement can be reached by the end of the Irish Presidency. It is, therefore, not possible at this stage to speculate on the precise content of the final agreed package.

*Question No. 62 answered with Question No. 57.*

### Fish Exports

63. **Deputy Joe McHugh** asked the Minister for Agriculture, Food and the Marine the position regarding Irish seafood exports to Asia; and his plans for expanding the size of Ireland's market share. [29225/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Irish seafood industry has been very successful in growing exports to Asia. Exports in 2012 were valued at €26 million, 83% up on 2010 (€14 million) including an 86% increase in the value of exports to China (from €4.1 million to €7.7 million). South Korea, China, Japan and Hong Kong together accounted for 95% of export value in 2012.

My Department's agencies are working closely with the seafood industry on developing the Asian market and in particular, China, where the demand for premium seafood continues

to grow and to outpace production. Ireland is well placed to capitalise on the opportunity offered by rising incomes and increased spending on dining out by Chinese consumers on quality product.

Trade research by Bord Bia identified potential customers in China for boarfish, a new species for which Ireland has a significant quota of ca 57,000 tonnes and together with BIM is developing the market for whole boarfish for human consumption and a range of minced formats for the catering trade.

Scale is being developed through companies' collaborations and joint ventures as well as investment in seafood processing and competitiveness. BIM is focusing in particular on China and facilitating joint ventures between key Irish seafood companies. Joint ventures enable these companies to pool resources, reduce duplication and logistic costs and develop scale in the market to ensure effective market presence and service to customers. During 2012, two joint ventures were formed between leading Irish seafood companies :

Ocean Jade – a Joint Venture between, Sofrimar, Shellfish De La Mer, Carrs and McBride Fishing and Atlantic Gold – a Joint Venture between Rockabill Shellfish and Atlanfish.

The joint ventures have developed commercial structures with sales and marketing personnel operating on the ground in China and results are very encouraging.

Bord Bia operates programmes to assist Irish seafood processors in identifying new customers. 12 companies representing processors from the salmon, shellfish and pelagic sectors, will be represented in the Irish Pavilion at the China Fisheries Show, the largest seafood specialist show in Asia, in November. A pilot for 4 Irish seafood companies in 2011 resulted in new orders and 12 companies attended in 2012. Bord Bia works with Irish processors with retail listings in China to inform consumers through in-store tastings and leaflets in Chinese on the species, health benefits and recipe ideas on Irish seafood and also with the Chinese media and chefs. Chinese and Japanese customers are encouraged to visit Ireland and have been invited to the September conference - 'Our Food Our Future, Sustainability: The Bottom Line'. Client companies are provided with individual services and tailored itineraries. Bord Bia Marketing Fellowships give seafood companies an opportunity for a dedicated resource in China. Two companies now employ their Fellow full time and the next Programme commencing in July will see seafood companies benefit in China and Japan.

Food Harvest 2020 has set a goal of increasing the value of the seafood sector by €50 million by 2013 and by €100 million by 2015. This will require a scaled Irish seafood industry and BIM is promoting an integrated approach to value-added growth with the priorities of expanding the raw material base, maximising the value of raw material through market-led innovation, new product development, branding and eco-certification and developing scale through collaborations and joint ventures, investment in seafood processing and competitiveness.

For my part, I consider that the positive outcome of the Irish Presidency in relation to the Common Fisheries Policy provides strong support for the sustainable growth of the seafood sector.

### **Common Agricultural Policy Reform**

64. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine when it is expected that the new areas of natural constraint will be designated under the Common Agricultural Policy agreement 2014-2020; and if he will make a statement on the matter. [29373/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Discussions on the methodology for designating areas of Natural or specific constraint, currently known as Less Favoured Areas, has been ongoing for some years. In conjunction with the Joint Research Centre, the EU Commission has proposed a system for designation for the next round which is based on eight biophysical criteria which must be met at a certain threshold level. These criteria relate to (1) low temperature, (2) dryness, (3) excess soil moisture, (4) limited soil drainage, (5) unfavourable texture and stoniness, (6) shallow rooting depth (7) poor chemical properties and (8) steep slope. In addition 10% of a Member State's territory may be designated as areas facing specific constraint without the need to meet the biophysical criteria.

The new method of designation is included in the current Rural Development proposal under the CAP reform package. This is a co-decision dossier requiring the agreement of both the Council of Ministers and the European Parliament.

The Commission proposed that the new regime would apply from 2014 with provision for degressive payments until 2017 where Member States have not completed the new designation system by 2014. The Council of Ministers took the view that the commencement date for the new regime should be deferred to 2016. It also proposed a number of changes to the qualification thresholds and the cumulation options needed to meet these thresholds. The European Parliament proposed detaching this issue from the CAP reform discussions and proposed that the EU Commission present a revised proposal by 31 December 2014.

The negotiations on reform of the CAP are now the subject of inter-institutional debate in a process of trilogues and it is the outcome of this debate that will determine when the new areas of natural constraint will be designated and the final conditions attaching to such designation.

I am hopeful that we will secure political agreement on CAP reform between the three institutions by the end of this month.

### **EU Council of Ministers Meetings**

65. **Deputy John Browne** asked the Minister for Agriculture, Food and the Marine the person representing him at the fishery Council of Ministers meeting in Brussels during the Irish Presidency; and if he will make a statement on the matter. [29377/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In my capacity as President of the EU Council of Fisheries Ministers, I chaired all of the Council of Ministers meetings which took place during the Irish Presidency. As Minister with responsibility for sea fisheries in Ireland, I directed and co-ordinated the Irish position on the reform of the Common Fisheries Policy (CFP) and other issues that were considered by Council.

The Irish Government were also represented during this time by experienced senior officials from both my own Department and the Department of Foreign Affairs. The reforms agreed under the new CFP, secured after many months of complex negotiations with the European Parliament, represent a significant achievement for the Irish EU Presidency team and will be of great benefit in securing a more stable, profitable and secure future for our fishermen and coastal communities dependant on fishing.

The reform of the CFP will support the rebuilding of fish stocks in our waters as Total Allowable Catches (TACs) and quotas are set to deliver maximum sustainable yield by 2015, where possible and by 2020 for all stocks and the wasteful practice of discarding fish is phased out. The reform will also, for the first time facilitate real and meaningful regional decision making under the CFP and will give stakeholders a greater say in how their fisheries are managed.

The changes once implemented will mean, real, meaningful reform of the Common Fisheries Policy and will determine European fisheries policy for the next decade and beyond.

*Question No. 66 answered with Question No. 32.*

### Fallen Animal Statistics

67. **Deputy Billy Kelleher** asked the Minister for Agriculture, Food and the Marine the number of fallen animals recorded each month this year compared to the same month last year; and if he will make a statement on the matter. [29346/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The number of fallen bovine animals for the period requested is as follows

Month	2012	2013
January	17,742	24,376
February	29,928	35,959
March	36,307	49,758
April	31,753	47,974
May	25,740	32,256

Note: Information on deaths of other species is not recorded.

As will be seen from the data provided, mortality figures are generally higher this year than in the same period last year. This can be explained by disease challenges, environmental factors together with the recent fodder crisis, as well as an increase in the bovine population. Another factor is the national compulsory BVD eradication programme which recommends that persistently infected (PI) calves are culled as soon as possible after being identified. The Deputy will be aware too of the efforts that my Department and other stakeholders have made to deal with the fodder crisis that faced many farmers earlier in the year.

### Overseas Development Aid Provision

68. **Deputy Andrew Doyle** asked the Tánaiste and Minister for Foreign Affairs and Trade if he is committed to spending 70 cent in every €100 on overseas aid by 2015; and if he will make a statement on the matter. [29513/13]

69. **Deputy Dominic Hannigan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he is still committed to Ireland meeting the commitment to spend 0.7% of our GDP on foreign aid by 2015; and if he will make a statement on the matter. [29569/13]

74. **Deputy Billy Timmins** asked the Tánaiste and Minister for Foreign Affairs and Trade if Ireland will achieve its commitment to spend just 70 cent in every €100 on overseas aid by 2015; and if he will make a statement on the matter. [29697/13]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello) (Deputy Joe Costello):** I propose to take Questions Nos. 68, 69 and 74 together.

The Government is strongly committed to Ireland's overseas aid programme. Our new Policy on International Development, "One World, One Future", clearly sets out our vision for a sustainable and just world, and our goals and areas of focus for the coming years. It reaffirms the Government's commitment to international development and its centrality to our foreign

policy.

The new policy restates the commitment in the Programme for Government to achieving the UN target of providing 0.7% of Gross National Product (GNP) for Official Development Assistance (ODA). Over the past two years, the Government has broadly stabilised the budget for development assistance. This is a significant achievement in the context of the very difficult economic conditions facing the country. We have allocated a total of €622 million for ODA for 2013. We will continue to work to maintain aid expenditure broadly at current levels until economic circumstances permit us to make further progress towards achieving the 0.7% target.

### **Foreign Conflicts**

70. **Deputy Andrew Doyle** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the decision by the President of the United States of America to arm rebel forces in Syria; and if he will make a statement on the matter. [29589/13]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I have noted the decision by President Obama on 14 June to review current US support to the Syrian civilian opposition and, in particular, expand US assistance to the Syrian Supreme Military Council to include military assistance.

Given the continuous deterioration of the Syrian crisis with a death toll now estimated at more than 93,000 and an unprecedented humanitarian emergency now affecting Syria and its neighbours, I continue to remain very firmly of the view that the provision of further arms and weapons is unlikely to assist current international efforts to resolve the conflict peacefully. On the contrary, such a step runs the clear risk of contributing to further violence and militarisation of the conflict as well as initiating an arms race in and outside Syria, with daunting consequences for the stability and security of the wider region.

Ireland's view remains that what is now required is a strategy of de-escalation of the violence in Syria and the pursuit of wide-ranging diplomatic efforts aimed at bringing all sides to the negotiating table to agree on a political solution to the crisis. Ireland and the EU have expressed their full support to the recent US-Russia initiative to convene an international conference on Syria (Geneva II) with a view to mapping out a genuine transition towards democracy in Syria. In its May 27 Conclusions, the Foreign Affairs Council, which I attended, urged both sides to respond positively to the US-Russia initiative and to engage openly in a genuine process of negotiation. It also reaffirmed that the EU will spare no effort in helping to create the appropriate conditions for a successful convening of the conference.

Ireland will continue to work with all European and international partners, including the US, towards achieving a peaceful political settlement of the Syrian crisis and towards mobilising all possible assistance on the part of the international community to address the appalling humanitarian crisis.

### **Diplomatic Representation Issues**

71. **Deputy Andrew Doyle** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will outline Ireland's diplomatic relations with Abkhazia; if recognition of such has been discussed with his colleagues from other EU member states; and if he will make a statement on the matter. [29594/13]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Ireland and its EU partners support the sovereignty and territorial integrity of Georgia. In that context the issue of recognition of, or diplomatic relations with, Abkhazia does not arise.

### **European Council Meetings**

72. **Deputy Andrew Doyle** asked the Tánaiste and Minister for Foreign Affairs and Trade the preparations he and his Department have made to date in advance of the European Council summit in December 2013 that will play host to a substantive debate on European security and defence matters; if he can outline at this juncture what stage discussions within his Department have reached; his views on whether this summit may change the nature of public debate here regarding collective security and defence in the EU, given the recent comments by President of the Council, Herman Van Rompuy that the EU needs a long-term and more systematic approach to co-operation in this policy field; if pooling of Irish defence resources is going to be considered; and if he will make a statement on the matter. [29617/13]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The European Council in December 2013 will include a thematic discussion on security and defence issues. The European Council on 13-14 December 2012 adopted conclusions inviting the High Representative, notably through the European External Action Service and the European Defence Agency, as well as the Commission, all acting in accordance with their respective responsibilities and cooperating closely as required, to develop further proposals and actions to strengthen CSDP and improve the availability of the required civilian and military capabilities, and to report on such initiatives, at the latest by September 2013, with a view to the December 2013 European Council. The European Council underlined three issues: increasing the effectiveness, visibility and impact of CSDP; enhancing the development of defence capabilities; and strengthening Europe's defence industry. Discussions on these three areas have been ongoing during the Irish Presidency of the European Council at ministerial and official level. Last month my colleague the Minister for Defence hosted a seminar in Dublin the theme of which was December's European Council. At the May Foreign Affairs Council, Foreign Ministers had a discussion on CSDP in the context of preparations for December's European Council. During that discussion I highlighted the importance of providing a clear foreign policy direction to the December European Council discussions, and to ensuring that the EU had the capabilities it needed to carry out its activities under CSDP. I also stressed that the role of civilian CSDP Missions should form a component of discussions at the European Council. High Representative Ashton will produce report on these initiatives by September and the European Commission will issue a Communication on a Global Strategy for strengthening Europe's Defence Industry shortly. These documents will form the basis for debate of the conclusions for the European Council.

Member States will continue to remain closely involved in this process. Ireland's approach will continue to be framed by the considerations which are set out in the "Protocol on the concerns of the Irish people on the Treaty of Lisbon". This Protocol states clearly that the EU's common security and defence policy does not prejudice the security and defence policy of each Member State, including Ireland, or the obligations of any Member State, and that the Treaty of Lisbon does not affect or prejudice Ireland's traditional policy of military neutrality.

### **Common Foreign and Security Policy**

73. **Deputy Andrew Doyle** asked the Tánaiste and Minister for Foreign Affairs and Trade

if co-ordination of EU member states' policies at the United Nations General Assembly is the responsibility of the member state holding the Presidency of the EU, which Ireland is right now, or the responsibility of the European External Action Service delegation to the UN; if it is the responsibility of member states, the role Ireland has played in this over the past six months of the Irish Presidency; and if he will make a statement on the matter. [29619/13]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The entry into force of the Lisbon Treaty on 1 December 2009 altered the institutional arrangements for the external representation of the European Union. The creation of the role of High Representative for Foreign Affairs and Security Policy, and the establishment of the European External Action Service (EEAS) to support the work of the High Representative, significantly reduced the role of the rotating EU Presidency in Common Foreign and Security Policy (CFSP) matters. The EU gained enhanced observer status at the United Nations in May 2011 when the UN General Assembly adopted Resolution A/65/276 upgrading the status of the European Union's participation in the United Nations. This resolution allows EU representatives to present common positions of the European Union to the General Assembly. The European External Action service is responsible for coordinating common positions of the European Union at the United Nations. European Union Member States coordinate closely to advance common EU positions at the United Nations.

As Presidency, Ireland has worked closely with the European External Action Service to promote greater effectiveness and coherence in EU policy at the United Nations.

*Question No. 74 answered with Question No. 68.*

### **Departmental Contracts**

75. **Deputy Joan Collins** asked the Minister for Finance further to a number of questions in relation to the amount spent by all Departments on outsourcing cleaning and security that were requested in the months of February from this Deputy, if he has costed the amount that would be saved by the Departments if this work was to be done through direct labour by the Departments; and if not, if he will initiate such an exercise and publicly release it within a timeframe. [29567/13]

**Minister for Finance (Deputy Michael Noonan) (Deputy Michael Noonan):** In response to the Deputy's question my Department provides shared accommodation services to the Department of Public Expenditure and Reform. Security services in respect of buildings occupied by staff of either Department are not outsourced. Cleaning services for buildings occupied by staff of both Departments are outsourced. My Department is in the process of completing a tender process in relation to the provision of cleaning and maintenance services to the Departments. As with the provision of all services achieving best value for money is Department's main priority.

The tender prices on offer compare favourably when compared to the estimated costs such as wages, pension and other costs associated with recruiting sufficient staff to carry out the cleaning requirements in relation to buildings occupied by both Departments.

Expenditure on outsourced cleaning services in other Departments is a matter for each Department and is subject to oversight not by the Department of Finance but rather the Department of Public Expenditure and Reform.

## **NAMA Debtors**

76. **Deputy Michelle Mulherin** asked the Minister for Finance if he will confirm if surveillance is being used by the National Assets Management Agency, the former Irish Bank Resolution Corporation and/or State-funded banks, of developers or individuals who owe money to these institutions, including the interception of communications such as telephone/mobile phone calls, phone and text messages and emails; and if he will make a statement on the matter. [29430/13]

**Minister for Finance (Deputy Michael Noonan):** I have been informed by PTSB that they do not use surveillance. I have been informed by AIB that it does not undertake activity of the nature outlined in pursuing borrowers. The Bank can also confirm that it complies with its obligations under Data Protection legislation in relation to information which they hold on their customers. In addition the Bank complies with all legal requirements in relation to its collections activities where pursuing debts owed to the Bank by its Borrowers.

I have been informed by the Special Liquidators that as part of normal business practise telephone calls to/from IBRC (in Special Liquidation) are recorded for training and quality purposes. Further, emails to/from IBRC (in Special Liquidation) are monitored as part of the Data Protection policy. Other than the above, the Special Liquidators are not aware of the interception of communications of developers or individuals who owe money to IBRC (in Special Liquidation).

I have been informed by NAMA that it carries out asset searches as appropriate in order to obtain assurance about the veracity of a debtor's statement of affairs. NAMA expects its service providers to operate fully within the law and the Agency is not aware of any instance of any form of interception of any form of communication by them.

## **Vehicle Registration Issues**

77. **Deputy Andrew Doyle** asked the Minister for Finance if he will outline the non-disability schemes for remission of the vehicle registration tax available to organisations that provide transportation for cancer patients that do not fall into the category of disability that are available through the Revenue Commissioners; and if he will make a statement on the matter. [29451/13]

**Minister for Finance (Deputy Michael Noonan):** The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and VRT (up to a certain limit) on the purchase of a car adapted for the transport of a person with specific severe and permanent physical disabilities, to those who meet certain disability criteria. The disability criteria for eligibility for the tax concessions under this scheme are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. There is no other scheme which provides remission of VRT to organisations or persons who do not fulfill the disability criteria.

## **Tax Credits**

78. **Deputy Robert Troy** asked the Minister for Finance the reason couples who live together are assessed jointly for social welfare but are still unable to transfer tax credits with Revenue, based on their cohabitation. [29454/13]

**Minister for Finance (Deputy Michael Noonan):** The position is that where a couple is cohabiting, rather than married or in a civil partnership, they are treated as separate and uncon-

nected individuals for the purposes of income tax. Each partner is a separate entity for tax purposes and, therefore, cohabiting couples cannot file joint assessment tax returns or share their tax credits and tax bands in the same manner as married couples. The basis for the current tax treatment of married couples derives from the Supreme Court decision in *Murphy vs. Attorney General* (1980), which held that it was contrary to the Constitution for a married couple, both of whom are working, to pay more tax than two single people living together and having the same income.

However, a cohabiting couple where both partners are working get, in total, the same tax credits as a married couple or couple in a civil partnership (i.e. €3,300). In addition, the same amount of income is subject to tax at the 20% rate (i.e. €32,800 each). This equates to the €65,600 threshold in the case of a married couple or couple in a civil partnership.

If both cohabitants earn in excess of the standard rate band (i.e. €32,800), then they both pay tax at 41% on any income in excess of €32,800. Married couples or couples in a civil partnership where both individuals work get the same treatment.

The difference between the two groups in relation to income tax is the ability of married couples or civil partners to transfer certain tax credits such as the personal/married credits and part of the tax bands, i.e. the tax band of €65,600 available to married couples or couples in a civil partnership with two incomes in 2013 is transferable between spouses up to a maximum of €41,800. This is of benefit where one of the individuals earns less than the 20% tax threshold of €32,800 or where one of the individuals has no income.

The treatment of cohabiting couples for the purposes of social welfare is primarily a matter for the Minister for Social Protection. However, it is also based on the principle that married couples should not be treated less favourably than cohabiting couples. This was given a constitutional underpinning following the Supreme Court decision in *Hyland v Minister for Social Welfare* (1989) which ruled that it was unconstitutional for the total income a married couple received in social welfare benefits to be less than the couple would have received if they were unmarried and cohabiting.

### **Tax Reliefs Availability**

79. **Deputy Pat Deering** asked the Minister for Finance the changes that are being considered to the reliefs available for the transfer of family farms. [29464/13]

**Minister for Finance (Deputy Michael Noonan):** I take it the question raised by the Deputy refers to the transfer of family farms from one generation to the next. Specific tax reliefs are provided where farms are passed on from one generation to the next. These reliefs include Capital Acquisitions Tax (“CAT”) agricultural relief, Capital Gains Tax (“CGT”) relief on transfer of farms to children and Stamp Duty Relief on family transfers and transfers to young trained farmers.

Preparations for Budget 2014 and Finance Bill 2014 have commenced. It would not be appropriate to comment on what changes, if any, are being considered in this area nor any other area.

### **Pension Provisions**

80. **Deputy Finian McGrath** asked the Minister for Finance his views on correspondence

(details supplied) regarding the pension levy. [29508/13]

**Minister for Finance (Deputy Michael Noonan):** The pension fund levy applies at a rate of 0.6% per annum to the market value, on the valuation date, of assets under management in pension funds and pension plans approved under Irish tax legislation. The levy will operate for a period of 4 years only (2011 to 2014) and the legislative provisions giving effect to the levy (section 4 of Finance (No 2) Act 2011) were specifically drafted to reflect this. I confirmed in my Budget 2013 Speech that the levy will not be renewed after 2014.

Although not formally ring fenced for a specific purpose, the moneys raised from the pension fund levy are being used to pay for the Government's *Jobs Initiative* introduced in May 2011. The measures introduced as part of the *Jobs Initiative* include a new 9% VAT rate on certain activities, the halving of the lower rate of PRSI and small amounts of additional current and capital expenditure.

The implementation of a jobs and growth strategy is a key priority of the Government. The measures announced in the *Jobs Initiative* are aimed at assisting in employment generation – providing opportunities for those who are out of work, to restore public morale and confidence in the economy and encourage spending by consumers.

The chargeable persons for the levy are the trustees or other persons (including insurance companies) having the management of the assets of the pension schemes or plans. The payment of the levy is treated as a necessary expense of a pension scheme and the trustees or insurer, as appropriate, are entitled where needed to adjust current or prospective benefits payable under a scheme to take account of the levy. It is up to the trustees to decide whether and how the levy should be passed on and who should be impacted and to what extent, given the particular circumstances of the pension schemes for which they are responsible.

However, the legislation also includes safeguards aimed at ensuring that benefits payable, either currently or prospectively to any member, are adjusted in such a way that the reduction in value of those benefits shall not exceed 0.6% of the market value of the assets accounting for the scheme's liabilities to that member.

I am conscious of the concerns of pension scheme members about the impact of a levy in circumstances where the pensions sector, in common with other sectors in our economy and society, is finding the current economic and financial environment very challenging.

However, much of the value of pension funds is attributable to the rolled up value of generous tax reliefs that pension savings have historically been granted and continue to receive. To the extent that these pension funds are represented by investments outside the State, the State does not get the benefit from these investments. It does not imply that if the pension fund were invested in the State or in Irish Government bonds that they would not be levied.

The purpose of the pension fund levy is to improve the economic environment by providing the means to encourage job creation in areas of our economy most likely to deliver that employment quickly.

### Revenue Commissioners Investigations

81. **Deputy Maureen O'Sullivan** asked the Minister for Finance further to Parliamentary Question No. 128 of 15 May 2013, if he will investigate the registered charity (details supplied) and the political donation made as revealed in the their financial statement; and if he will make a statement on the matter. [29546/13]

**Minister for Finance (Deputy Michael Noonan):** The investigation of any registered charity is a matter for the Revenue Commissioners. In addition, I am advised by Revenue that, for reasons of taxpayer confidentiality, it cannot comment on the tax affairs of individual bodies. However, Revenue has assured me that bodies that are granted charitable tax exemption under Section 207 of the Taxes Consolidation Act 1997 are subject to reviews to ensure that they abide by the terms of the exemption. These reviews include detailed examination of all relevant expenditure including any donations made.

Where donations are found to have been made, Revenue must determine and be satisfied that the expenditure was in accordance with the terms of the charitable tax exemption and that it clearly related to the charitable objectives of the particular body.

### **IBRC Bond Issue**

82. **Deputy Catherine Murphy** asked the Minister for Finance if he will provide information indicating the country of origin of the purchasers of securities in the former Anglo Irish Bank in the period 2005-2009; and if he will make a statement on the matter. [29547/13]

**Minister for Finance (Deputy Michael Noonan):** I am advised that the process of issuing new bonds is normally through underwriting, where one or more securities firms or banks form a syndicate buying the entire bond issue from the issuer and then re-selling to investors. Primary issuance is arranged by these syndicates who contact potential investors and advise the bond issuer in terms of timing, tenor and pricing of the bond issue. The bond issuer will likely have little knowledge of the original owners of the bonds; also these initial investors may over time sell the bonds to other investors. I have been advised that the bank has no means of establishing the underlying ownership of these securities which are freely tradable once issued. These securities are publicly traded and dealt through market participants and settled by clearing house systems. An issuer does not have any access to the records of the clearing house. At maturity, the Bank will instruct its paying agent to transfer the funds due to the clearing house who will then distribute the funds to the holders of the securities as per their records. Even where the bank is presented with lists alleging to represent names of bondholders I am informed there is no way for the bank or anyone else to verifying the veracity of such lists.

### **Tax Code**

83. **Deputy Patrick O'Donovan** asked the Minister for Finance if he will provide details of the implementation of the scheme and the process involved in the land consolidation measures that were announced in budget 2013; if he envisages legislative requirements to effect any changes; and if he will make a statement on the matter. [29582/13]

**Minister for Finance (Deputy Michael Noonan):** I take it the question raised by the Deputy refers to consolidation measures in relation to farm land. I made provision in Budget 2013 for the following measure designed to assist farmers with consolidation of farm land. This measure followed on from measures in the previous year's Budget which also supported farm expansion and the transfer of land.

Section 48 of Finance Act 2013 provides for relief from capital gains tax on disposals of farm land for farm restructuring, subject to a Commencement Order, which I made on 6 June 2013.

The relief applies to a sale, purchase or exchange of agricultural land in the period from 1

January 2013 to 31 December 2015 where Teagasc has certified that a sale and purchase or an exchange of agricultural land was made for farm restructuring purposes. The initial sale or purchase, or the exchange, must occur in the relevant period and the subsequent sale or purchase must occur within 24 months of that sale or purchase.

Teagasc will consider an application for a farm restructuring certificate using guidelines made by my colleague, the Minister for Agriculture, Food and the Marine with my consent. These guidelines will be finalised shortly.

Full relief from capital gains tax will be given where the consideration for the purchase or the exchange is equal to or exceeds the consideration for the sale or the other land that is exchanged. Where the consideration for the purchase or the exchange is less than the consideration for the land that is sold or the other land that is exchanged, relief will be given in the same proportion that the consideration for the land that is purchased or exchanged bears to the consideration for the land that is sold or the other land that is exchanged.

Provision is made for the clawback of the relief where qualifying land in respect of which relief has been given is disposed of within 5 years of the date of the purchase or exchange of that land. A clawback does not apply where the disposal arises under a compulsory purchase order.

### **Departmental Funding**

84. **Deputy Andrew Doyle** asked the Minister for Finance the resources available to him, both within and outside his Department, in terms of expert statistical analysis; and if he will make a statement on the matter. [29592/13]

**Minister for Finance (Deputy Michael Noonan):** My Department has a statistics unit led by a statistician on secondment from the CSO. This unit is responsible for providing an input into all general government statistical matters within the Department. The CSO is Ireland's national statistical office and meets the needs of government for the provision of quality statistical information. Although existing as an independent body the CSO is available as an external resource for the Department in relation to the supply and clarification of statistical information and related issues. Communication with the CSO is enhanced by the presence of the CSO statistician permanently assigned to the Department of Finance, referred to above.

Further to the CSO as a direct resource, my Department also interacts with independent bodies such as the ESRI and academics and uses statistical data from the Eurostat, OECD, IMF and AMECO databases in its analysis.

In addition to the statistics unit there are fifty three staff members with Masters qualifications in finance related areas who utilise these skills in a variety of disciplines including economics, finance, banking and accounting.

The Economics Division supplies the Minister with economic analysis and forecasting including the development of macroeconomic projections, economic risk assessment, inflation forecasting, long-term forecasting and the development of economic analysis underpinning fiscal policy and sectoral economic analysis.

The approved staff complement of this division is 16 positions of which 3 are currently vacant.

All economics staff hold graduate qualifications in the area. In addition the division has a range of econometrics software available for use including Gretl and RATS as well as a sub-

scription to the Macrobond data service.

### **Fuel Laundering**

85. **Deputy Michael Healy-Rae** asked the Minister for Finance when Revenue and Gardaí will put a stop to the sale of washed diesel (details supplied); and if he will make a statement on the matter. [29606/13]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners who have responsibility for the collection of mineral oil tax that they are very mindful of the threat that fuel laundering poses both to the exchequer and to legitimate businesses. Revenue has made action against fuel laundering one of its priorities and is implementing a comprehensive strategy to tackle the problem. This strategy included strengthening the licensing conditions for auto-fuel traders in 2011 and the introduction of a new licensing system for marked fuel traders last October. In addition, since January, all licenced fuel traders are required to make electronic returns to Revenue of their fuel transactions each month. These measures are designed to make it difficult for fuel criminals to source marked fuel for laundering and to get laundered product onto the market. Analysis of the monthly returns of fuel trading will enable Revenue to identify suspicious or anomalous fuel transactions and patterns of distribution. Analysis of the first few months of returns data is well advanced and traders involved in suspicious activity will be investigated and if they are unable to account properly for the source or disposal of product will face revocation of their licence, tax assessment and prosecution where appropriate. In addition, Revenue and HM Revenue & Customs in the UK signed a Memorandum of Understanding in May 2012 on a joint approach to finding a more effective marker for use in both jurisdictions. A number of proposals for a new marker submitted in response to an Invitation to Make Submissions are currently being evaluated. The outcome of this process is expected later this year.

Revenue, in co-operation with other law enforcement agencies on both sides of the border, continues to intensify enforcement action against fuel fraud. Revenue's strategy has already yielded significant results to date. In the past two years 97 filling stations throughout the State were closed for breaches of licensing conditions. Since the beginning of 2010, over 2.5 million litres of fuel have been seized and 29 oil laundries detected and closed down, including 5 oil laundries in 2013 to date.

I strongly support the work of Revenue in tackling diesel laundering and a critical step in tackling this trade is to close down the supply chain and the retail outlets that sell washed diesel. Revenue has worked closely with the industry in developing and implementing its current strategy. The legitimate retail trade can also contribute to closing down this illegitimate trade by providing information on the outlets that are selling washed diesel.

If the Deputy has more detailed information in relation to fuel laundering in the Tralee area mentioned he should forward it to the Revenue Commissioners. Revenue chairs the Hidden Economy Monitoring Group (HEMG) and has established Regional sub-groups of the HEMG to facilitate the reporting of information by traders through their representative associations. If the local retailers have suspicions or evidence that laundered diesel is being sold in the area they should report this through their representative associations to the Revenue. Such reports are treated as confidential and are fully investigated by Revenue.

### **Tax Reliefs Availability**

86. **Deputy Finian McGrath** asked the Minister for Finance if he will provide an update on an amendment to the Taxes Consolidation Act 1997 and the issue of physiotherapy expenses (details supplied). [29614/13]

**Minister for Finance (Deputy Michael Noonan):** The position is, as I have stated on many occasions in the House, that this issue was raised during the debates in the Seanad on the Finance Bill 2013, during which I agreed to re-examine the matter during the course of this year. My Department is currently in the process of examining the issue and when the analysis is completed and the findings are presented to me, I will make any necessary decisions in the context of Finance (No 2) Bill 2013.

### Haddington Road Agreement Issues

87. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will clarify if the 7% cut to teachers and public servants salaries is on the whole salary for those over €65,000 or just the amount above €65,000; the impact this cut will have on a persons pension; and if he will make a statement on the matter. [29485/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The pay reduction under the Financial Emergency Measures in the Public Interest Act 2013 will apply from 1 July 2013 for public servants, including teachers, on salaries of €65,000 and greater (inclusive of allowances in the nature of pay). The details of the reductions are enclosed in the attached table. The 5.5% reduction applies to all salary below €80,000, not solely the portion of salary which is between €65,000 and €80,000. However, salaries will not fall below €65,000 as a result of the application of this reduction. Where a trade union representing teachers has agreed to be bound by the Haddington Road Agreement and has registered that Agreement with the Labour Relations Commission, alleviation measures will apply in the case of those teachers who lose pensionable pay both through the pay reduction and the withdrawal of the supervision and substitution allowance under the Agreement. A teacher who retires on or before 31 August 2014 will have their superannuation benefits calculated by reference to the payscales applying on 30 June 2013.

#### Pay adjustments under the Financial Emergency Measures in the Public Interest Act 2013 and under the Haddington Road Agreement

Annualised amount of Remuneration	Reduction
Any amount up to €80,000	5.5%
Any amount over €80,000 but not over €150,000	8%
Any amount over €150,000 but not over €185,000	9%
Any amount over €185,000	10%

### School Staffing

88. **Deputy Michael McCarthy** asked the Minister for Education and Skills if he will provide a progress report on a shared appeal by schools (details supplied) in County Cork relating to a refusal for EAL support. [29439/13]

**Minister for Education and Skills (Deputy Ruairí Quinn) (Deputy Ruairí Quinn):** The criteria used for the allocation of teachers to schools is published annually on the Department's website. The key factor for determining the level of staffing resources provided at individual

school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The staffing arrangements for the coming school year 2013/14 are set out in Circular 0013/2013 which is available on the website. The staffing appeal process at primary level includes the provision whereby schools with a high concentration of pupils requiring English as an additional language (EAL) can apply for further additional temporary language support posts. The appeal criteria are set out in the staffing schedule, Circular 0013/2013. The Primary Staffing Appeal Board is due to hold its next meeting on 20th June. The school referred to by the Deputy has submitted an appeal under the EAL criterion. The school will be notified of the decision of the Appeal Board as soon as possible after that date. The Primary Staffing Appeals Board operates independently of the Department and its decision is final.

### **Schools Amalgamation**

89. **Deputy Timmy Dooley** asked the Minister for Education and Skills if he will visit schools (details supplied) in County Clare to be amalgamated to see what students have to endure every day or if he will meet with a delegation from the three schools; and if he will make a statement on the matter. [29443/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The three post primary schools in Ennistymon have agreed to amalgamate on delivery of a new school building. This project will require additional land in order for it to progress any further. In that regard, the Oireachtas enacted the Residential Institutions Statutory Fund Act in 2012 and Section 42 of this Act which sets out provisions relating to the charitable status of contributions by Congregations was commenced in March 2013. The recent commencement of Section 42 will facilitate the transfers of properties to the Minister for Education and Skills such as in the case of the school project, referred to by the Deputy. The Congregation that owns the property concerned has offered to transfer it to the State as part of its offer of a number of properties made in response to the publication of the report of the Commission to Inquire into Child Abuse (the Ryan Report). The Government has agreed to accept this and a number of other properties offered and my Department through the Chief State Solicitor's Office is currently working on finalising the transfer of the property in question. When the transfer of the property has been completed, my Department will be in a position to further consider how this project could be progressed within the context of the available funding.

### **State Examinations Issues**

90. **Deputy Brendan Griffin** asked the Minister for Education and Skills the costs of supervision and correction of the junior and leaving certificate examinations over the past five years; and if he will make a statement on the matter. [29444/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations. In view of this I have forwarded your query to the State Examinations Commission for direct reply.

### **School Enrolments**

91. **Deputy Jonathan O'Brien** asked the Minister for Education and Skills the number of children at a school (details supplied) in County Cork in each of the years 2010, 2011, 2012 and

2013. [29445/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The following is the information requested by Deputy Jonathan O'Brien regarding Scoil Triest Special School, Lota, Co. Cork (Roll Number 19760E).

Year	Boys	Girls	Total
2009-2010	59	13	72
2010-2011	60	12	72
2011-2012	61	11	72
2012-2013	59	13	72

Source: National School Annual Census

### Departmental Expenditure

92. **Deputy Brendan Griffin** asked the Minister for Education and Skills the amount of money spent on yard supervision in primary schools over the past five years; and if he will make a statement on the matter. [29450/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information requested by the Deputy is being compiled and will be forwarded to him.

### State Examinations Issues

93. **Deputy Barry Cowen** asked the Minister for Education and Skills the allowances that will be made for students who attempted to answer question 8 of the leaving certificate higher level maths paper which contained an error. [29461/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations. In view of this I have forwarded your query to the State Examinations Commission for direct reply to you. However, I wish to inform the Deputy that one of the core principles under which the State Exams Commission operates is that students cannot be disadvantaged as a result of an error on an examination paper. Therefore, the impact of error on candidates' answering is taken into account by the Chief Examiner when finalising the marking scheme for the relevant examinations. The marking schemes for Leaving Certificate Mathematics will, as usual, be published along with those in all other subjects after the issue of results in mid-August. All candidates have the option of viewing their scripts in order to see how the marking scheme was applied to their work and then appealing their results, if they feel this is necessary.

### Special Educational Needs Staffing

94. **Deputy Sandra McLellan** asked the Minister for Education and Skills the reason letters to schools with the following school year's allocation of resource hours cannot be issued by 15 May or 30 May when primary schools are required to submit applications for resource hours and-or special needs assistants to the National Council for Special Education by 15 March each year; if this delay is an attempt at dissuading principals from launching appeals by having the announcement as close as possible to the summer holidays; and if he will make a statement on the matter. [29470/13]

98. **Deputy Martin Heydon** asked the Minister for Education and Skills when the special needs assistants hours for school year 2013-2014 will be announced and allocated to the individual schools, specifically those in County Kildare; and if he will make a statement on the matter. [29512/13]

99. **Deputy Jonathan O'Brien** asked the Minister for Education and Skills if he will list, in tabular form, the schools in counties Donegal and Leitrim that have yet to receive their full allocation of resource hours for the 2013-14 academic year; the date on which these schools will receive their allocation of resource hours; if he will give assurances that his Department will not implement cuts to the allocation of resource hours for these schools. [29524/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 94, 98 and 99 together. I wish to advise the Deputies that the NCSE, through its network of local Special Educational Needs Organisers (SENOs), is responsible for processing applications from schools for special educational needs supports, including the allocation of resource teachers and Special Needs Assistants to schools. The NCSE operates within my Department's established criteria for the allocation of Special Education supports and the staffing resources available to my Department. The number of posts available to the NCSE for allocation this year has been maintained and there has been no reduction to the overall number of posts available for allocation. The allocation that is made to schools, however, will be based on the number of valid applications received. All schools were advised to apply to the NCSE for resource teaching and SNA support for the 2013/14 school year by 15th March 2013. The NCSE have been processing these applications and schools will be notified by SENOs of their resource teaching and SNA allocation for 2013/14 in advance of the coming school year, based on the number of valid applications received. I can assure the Deputies that this process has been done as expeditiously as possible by the NCSE and to allow schools and principals sufficient time to plan for the coming school year. As the NCSE allocates resources to schools to support over 30,000 pupils annually, some time is required to process all of the applications which are received each year, in advance of notifying schools of their allocations. I understand that the NCSE intend to publish details of allocations for SNAs and resource teaching hours for the 2013/2014 school year, today Wednesday 19th June. These details will be available on the NCSE website [www.ncse.ie](http://www.ncse.ie), and will detail the allocations made for each school by County, including Counties Kildare, Leitrim, and Donegal.

### **Value for Money Reviews**

95. **Deputy Marcella Corcoran Kennedy** asked the Minister for Education and Skills when he expects to be in a position to publish the final value for money report into primary education; and if he will make a statement on the matter. [29478/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I recently received the report of the Value for Money Review of Small Primary Schools and I am currently considering it. I intend to discuss the report's contents with my Government colleagues. The Report will be published in due course following this consideration process.

### **Teacher Training Provision**

96. **Deputy Marcella Corcoran Kennedy** asked the Minister for Education and Skills in view of the decrease in the number of school Inspectors, his plans to re-hire retired principals to supervise the probation for teachers to obtain their final qualification; and if he will make a

statement on the matter. [29479/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Access to the profession of teaching in recognised schools in Ireland is regulated by the Teaching Council. Section 7(2)(f) and Section 7(2)(g) of the Teaching Council Act 2001 were commenced on 1 September 2012, conferring responsibility for induction and probation procedures on the Teaching Council. Currently the Inspectorate evaluates the professional competence element of probation of teachers in primary schools on behalf of the Teaching Council. The Department has no plans to recruit personnel for this purpose.

### **Teacher Training Provision**

97. **Deputy Marcella Corcoran Kennedy** asked the Minister for Education and Skills his plans to increase the time between when a new teacher is required to register and when he or she must complete probation; and if he will make a statement on the matter. [29481/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Access to the profession of teaching in recognised schools in Ireland is regulated. The Teaching Council is the designated authority for the regulation of the profession. Section 7(2)(f) and Section 7(2)(g) of the Teaching Council Act 2001 were commenced on 1 September 2012, conferring responsibility for induction and probation procedures on the Teaching Council. The Teaching Council's policy on probation is available on the Council's website. Decisions regarding the development of the probation process in the future will be taken in accordance of the policy currently being developed by the Teaching Council through the Droichead pilot programme.

*Questions Nos. 98 and 99 answered with Question No. 94.*

### **Site Acquisitions**

100. **Deputy Dominic Hannigan** asked the Minister for Education and Skills if there has been any further discussions between his Department and the National Assets Management Agency in relation to a new site for a school (details supplied) in County Meath; and if he will make a statement on the matter. [29527/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** It is my understanding that the school authority referred to by the Deputy identified a site and entered into direct negotiations with the relevant owner. It would appear that those negotiations ended without agreement, as when I visited the school recently, details of the site were given to me. The matter is now under consideration by my Department. However, due to commercial sensitivities attaching to site acquisitions generally I am not in a position to comment further at this time.

### **School Accommodation**

101. **Deputy Joan Collins** asked the Minister for Education and Skills the position regarding improved accommodation in a school (details supplied) in Dublin 12. [29535/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm for the Deputy that my Department is considering an application for the replacement of temporary accommodation from the school to which he refers. This application is currently being assessed and my officials will be in further contact with the school authority shortly.

### **Special Educational Needs Services Provision**

102. **Deputy John Halligan** asked the Minister for Education and Skills if his attention has been drawn to the fact that in certain incidents where a secondary school pupil has been assessed by a National Educational Psychological Services psychologist and resource hours have been sanctioned by the Special Educational Needs Officer on that basis due to a reduction in funding/available services certain schools have been absorbing these hours into the main school timetable which results in the child in question not having access to their individual resource hours; if his attention has been drawn to this practice; if it is legitimate for the school to absorb these hours; if he will now make a commitment to investigate this practice and prohibit the absorption of these hours into the main school timetable; and if he will make a statement on the matter. [29553/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the National Council for Special Education (NCSE), through its network of local Special Educational Needs Organisers (SENOs), is responsible for processing applications from schools for special educational needs supports, including the allocation of resource teachers and Special Needs Assistants to schools. The NCSE operates within my Department's established criteria for the allocation of Special Education supports and the staffing resources available to my Department. Resource teaching hours are allocated to schools for the specific purpose of providing additional teaching supports for children with special educational needs, in accordance with my Department's Circular Sp Ed 02/05. It is not appropriate for schools to absorb these hours into the main school timetable, resulting in the children for whom the hours have been allocated not having access to resource hours. If the Deputy has any information regarding schools who have been engaging in this practice, I would be grateful if he could bring it to the attention of my Department so that this matter can be investigated.

### **Emergency Works Scheme Appeals**

103. **Deputy Derek Nolan** asked the Minister for Education and Skills the reason a school (details supplied) in County Galway was unsuccessful in its appeal for emergency funding; if there are any other possibilities for it to receive an extension or temporary accommodation; and if he will make a statement on the matter. [29584/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the application for Emergency Funding from the school, referred to by the Deputy, is currently under consideration in my Department and the school authority has been requested to forward additional information in relation to this application. When the additional information has been received and assessed, a decision on the matter will be conveyed to the school authority. As the Deputy will also be aware, the school, in question, has an application with my Department for capital funding for an extension and school refurbishment. This application is currently being reviewed in the context of changing demographics in the area and my Department will be in contact with the school authority in the matter shortly.

### **Schools Building Projects Status**

104. **Deputy Dessie Ellis** asked the Minister for Education and Skills when students from a school (details supplied) in Dublin 9 will be moved to their temporary classrooms. [29616/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The major building project

for the school referred to by the Deputy is at an advanced stage of architectural planning. The project has been authorised to proceed to Stage 2(b) which includes applications for Planning Permission, Fire Safety Certificate, Disability Access Certificate and the preparation of tender documents. The design team has recently submitted a response to the Local Authority on a Request For Further Information. A decision on the statutory approvals from the Local Authority is now awaited. The project is listed on the five year school building programme to go to construction in 2014/2015. The project includes the temporary relocation of the school to allow construction on the existing site. The transfer of students to the temporary accommodation will be programmed in time to allow the commencement of construction on site.

### **Fee Paying Schools**

105. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the extent to which he continues to have dialogue with all fee-paying schools with particular reference to the need to recognise the contribution made by many such schools to society and keeping in mind that some suggested changes may result in increased costs to the tax payer; if he continues to have meaningful dialogue with such school authorities in an effort to ensure an amicable working arrangement; and if he will make a statement on the matter. [29631/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I have not had dialogue with all fee charging schools. However, a number of fee charging schools have made contact with the Department and the level of engagement to date varies from school to school. Where the authorities of a school approach the Department about entering the Free Education scheme it is because they are concerned about the future viability of the school and wish to explore all options in considering the future of the school. I have made it clear that my Department will engage constructively with any fee charging school that is considering how best to secure its future. Any approach to my Department will be considered on an individual school by school basis, taking account of the significance of the provision concerned in terms of diversity and overall demand for school places in the locality served by a school. The Deputy will be aware that in the context of the Budget 2013, I made a further one point change to the staffing allocation of fee charging schools from September 2013. On the basis of the analysis I published earlier this year on the income from fees available to fee charging schools, I expect that a minority of the fee charging schools will wish to engage with my Department in planning for their future.

### **Pupil-Teacher Ratio**

106. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the extent to which he continues to have discussions with the Church of Ireland authorities in the context of the retention of the smaller school network throughout the country; if he has been in a position to reassure the respective authorities in this regard; and if he will make a statement on the matter. [29632/13]

**Minister for Education and Skills (Deputy Ruairí Quinn) (Deputy Ruairí Quinn):** The Government recognises that small schools are an important part of the social fabric of rural communities. They will continue to be a feature of our education landscape. As part of the Budget 2012 decisions, the number of pupils required to gain and retain a classroom teaching post in small primary schools is being gradually increased between September 2012 and September 2014. In these extremely challenging times, all public servants are being asked to deliver our public services on a reduced level of resources and teachers in small schools cannot be immune from this requirement. The phasing of these measures can provide the schools concerned with

time to consider the potential for amalgamation with other schools where this is feasible. If amalgamations do take place, they will be voluntary and follow decisions taken by local communities and not by the Department.

How best to sustain provision for widely dispersed and small Protestant communities does present as a particular challenge especially in any locality where enrolment in their schools is declining to single figures and amalgamation is not an option because there is no other school nearby. The Government is intent in fostering pluralism in school provision. Supporting minority churches in maintaining their schools is part of that policy.

A Value for Money examination of small schools is almost complete and my Department expects to publish the analysis and findings in the near future. I hope that this report will foster constructive engagement both in the Oireachtas and among all interested parties in looking at the challenges ahead and how best to make provision for primary education in rural and dispersed communities. My Department and I will continue to engage with the relevant education sector stakeholders, including the Church of Ireland, in relation to education provision for all areas.

In addition to this my Department has expanded the existing appeals process so that it is accessible to the schools that are affected by the budget measure. In this regard small schools will not lose their classroom post if they are projecting sustainable increased enrolments in September 2013 that would be sufficient to allow them to retain their existing classroom posts over the longer term.

The detailed arrangements in relation to the appeals process are set in the Department's Staffing Circular 0013/2013. The Appeals Board operates independently of the Department and its decision is final.

### **Special Educational Needs Services Provision**

107. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills if the required education support will be provided to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [29694/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the NCSE, through its network of local Special Educational Needs Organisers (SENOs), is responsible for processing applications from schools for special educational needs supports, including the allocation of resource teachers and Special Needs Assistants to schools. The NCSE operates within my Department's established criteria for the allocation of Special Education supports and the staffing resources available to my Department. All schools were advised to apply to the NCSE for resource teaching and SNA support for the 2013/14 school year by 15th March 2013. The NCSE are currently processing these applications and schools will be notified by SENOs of their resource teaching and SNA allocation for 2013/14 in advance of the coming school year, based on the number of valid applications received. The NCSE intend to notify schools and publish details of allocations for SNAs and resource teaching hours for the 2013/2014 school year on Wednesday 19th June. These details will be available at [www.ncse.ie](http://www.ncse.ie).

### **Student Grant Scheme Appeals**

108. **Deputy Timmy Dooley** asked the Minister for Education and Skills the position re-

garding a person (details supplied) in County Clare who received a letter from Student Universal Support Ireland dated 5 June 2013 refusing him an education grant; this letter does not state the reason he was unsuccessful but suggests he appeal the decision; the grounds on which he should appeal the decision; and if he will make a statement on the matter. [29695/13]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Officials in my Department have confirmed with Student Universal Support Ireland (SUSI) that on 5th June his appeal was rejected due to incomplete documentation. Where an individual applicant has had an appeal turned down, in writing, by SUSI, and remains of the view that SUSI has not interpreted the scheme correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to the Student Grant Appeals Board. The relevant appeal form will be available on request from SUSI.

### **Student Grant Scheme Appeals**

109. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the position regarding an appeal in respect of an application for higher education grant in the case of a person (details supplied) in County Kildare whose examination results are currently being withheld due to the pending appeal; and if he will make a statement on the matter. [29696/13]

**Minister for Education and Skills (Deputy Ruairí Quinn) (Deputy Ruairí Quinn):** Officials in my Department have confirmed with Student Universal Support Ireland (SUSI) that requested additional documentation was incomplete. The applicant referred to by the Deputy was issued with a decision in May, 2013 advising him that he was deemed ineligible to receive a grant. SUSI also confirmed that to date they have not received an appeal from the applicant.

If an individual applicant considers that she/he has been unjustly refused a student grant, she/he may appeal, in the first instance, to the appeals officer in SUSI.

Where an individual applicant has had an appeal turned down in writing by SUSI and remains of the view that the scheme has not been interpreted correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to the independent Student Grant Appeals Board. The relevant appeal form will be available on request from SUSI.

### **Parliamentary Party Allowances**

110. **Deputy Patrick O'Donovan** asked the Minister for Public Expenditure and Reform following from the announcement in Budget 2013 of changes to the Leader's allowance, the steps he has taken to reduce the amounts payable to persons under the allowance; the current amount payable to persons; if a vouching system has been introduced by his Department; if there is an auditing system in place by the Houses of the Oireachtas or his Department; if an audit of the allowance as paid to individual members as opposed to parties has taken place since the announcement was made; if all individual members in receipt of the allowance will be audited on an annual basis or if it is expected that a small group of members will be selected for random auditing; and if he will make a statement on the matter. [29458/13]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The Party Leaders Allowance is provided for in the Oireachtas (Ministerial and Parliamentary Offices) Act, 1938, as amended by the Oireachtas (Ministerial and Parliamentary Offices (Amendment) Act, 2001. Legislation is necessary to give effect to any changes, including those I announced in the context of the Expenditure Estimates for 2013.

Under the legislation, the amount of the Allowance currently payable to a qualifying party leader is calculated based on the number of members in that party elected at the time of election, in accordance with the following table:

TDs	Rates: September 2008 to date €	Rates: September 2008 to date Government Parties* €
First 10 members	71,520	47,680
11 members to 30	57,214	38,143
More than 30 members	28,616	19,077
Senators	€	
First 5 members	46,766	
Over 5 members	23,383	

\*The legislation provides that, in the case of a qualifying party forming part of the Government, the combined allowances due in respect of TDs of that party are reduced by one third.

The legislation also provides that payments may be made to a member of Dáil Éireann, who at the last preceding general election or at a subsequent bye-election was elected as a member other than as a member of a qualifying party. Such qualifying independent TDs are currently entitled to an annual rate of €41,152. A similar provision in the Act provides for an annual payment, currently amounting to €23,383, for independent Senators. In the context of the Expenditure Estimates for 2013, I announced that a 10% reduction will be applied to the Party Leaders Allowance rates payable to qualifying leaders of political parties and to qualifying independent Members. Under the legislation, a qualifying leader of a party is required to prepare a statement of expenditure for the Party Leaders allowance, have it audited by an independent auditor and furnish it with the auditor's report to the Standards in Public Office (SIPO) Commission, who report to the Minister and to the Oireachtas. Allowances paid to independent members are not currently subject to these oversight provisions. I also announced my intention to amend the legislation to improve the transparency of the Allowance by providing for auditing provisions to apply to independent Members in receipt of such payments.

I have taken the opportunity to conduct a comprehensive review of the Allowance and a consultation process has been undertaken with leaders of qualifying parties, qualifying independent members and with the Standards in Public Office Commission. On foot of that review, I intend to bring proposals to Government very shortly on necessary amendments to the legislation underpinning the Allowance, including amendments to implement the measures I have already announced.

### Departmental Expenditure

111. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if he will set out, in tabular form, the amount spent on purchase of arts works by the art management group in each of the past ten years; the current value of the State's art portfolio; and if he will make a statement on the matter. [29548/13]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** Data is provided in the following table for Per Cent for Art Expenditure 2003-2012. Artworks commissioned and purchased by the OPW from 2003 to end 2012 were funded in the main through the Government's Per Cent for Art Scheme. 98% of the State Art Collection is on display in State buildings throughout Ireland.

The OPW manages the State Art Collection which is a unique entity that has been formed

over considerable years for display in a wide variety of locations nationwide. The overall financial value of the Collection cannot be easily estimated because of its diverse nature. It contains artworks that are of national and historic significance and contemporary works by emerging artists in the early stages of their careers. In line with other national collections (such as that of the National Gallery of Ireland) a financial valuation has not been placed on the Collection as a whole. Financial valuations are only undertaken on individual artworks when there is a need for commercial insurance for exhibition by other organisations.

Many of the contemporary art works purchased and commissioned in recent years under the Per Cent for Art scheme are of relatively low financial value in terms of the international art market. In recent times, works have been acquired from artists living and working in Ireland who are in the early to mid stages of their careers. All of the large-scale contemporary art works in the Collection were commissioned under the Government's Per Cent for Art Scheme and as these large-scale works are site specific, their commercial value is difficult to ascertain in the current art market.

Many of the works in the Collection form an unique part of Irish history such as the portrait series of former Presidents on display in Áras an Uachtaráin or they are works which are part of the historic fabric of a building, such as the 17th century portrait series in the Royal Hospital Kilmainham. Works by graduates are of relatively low financial value but they are of huge value in educating and enriching the experience of visiting a public building. Many of these works will be considered important works in the future and it is with this considered long term view that OPW continues to support the work of artists through the Government's Per Cent for Art Scheme.

#### Per Cent for Art

Year	Per Cent for Art Expenditure Commissioned projects and art works purchased €
2003	593,182
2004	769,871
2005	578,585
2006	574,872
2007	623,847
2008	637,933
2009	642,008
2010	455,210
2011	376,948
2012	450,639

#### Departmental Funding

112. **Deputy Andrew Doyle** asked the Minister for Public Expenditure and Reform the resources available to him, both within and outside his Department, in terms of expert statistical analysis; and if he will make a statement on the matter. [29591/13]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The Central Expenditure Evaluation Unit in my Department was established in 2006 to promote the application of best Value for Money (VFM) practice in public expenditure programmes and projects. Its role has since evolved beyond that to include the provision of analytical and research support, to the Department and also to others. In 2012, the Government announced that an *Irish*

*Government Economic & Evaluation Service* (IGEES) would be established to enhance the economic and evaluation capacity of the civil service and to improve the analytical resources available in the design and formulation of policy. Those recruited to IGEES are all trained to Masters Degree level in economics at minimum and that they have strong qualitative and analytic skills and familiarity with econometrics. These officials are engaged in carrying out *Focussed Policy Assessments*, a new evaluation tool introduced in 2012 that are designed to answer specific issues of policy configuration and delivery. Officials in my Department are also engaged with colleagues in other Departments in *Value for Money & Policy Reviews* to ensure that public funds are used effectively and efficiently. Furthermore, officials in the course of their work engage with bodies such as the Central Statistics Office, the Economic and Social Research Institute, the Institute of Public Administration, the OECD and the EU Commission.

My Department is also co-ordinating the implementation of the Government's performance budgeting initiative and, in particular, the development of the *Ireland Stat* website. The *Ireland Stat* initiative aims to present a whole-of-government performance measurement system which will measure success in delivering on the Government's objectives, linking high level goals with inputs, outputs and impacts.

### Public Sector Pensions Levy

113. **Deputy Clare Daly** asked the Minister for Public Expenditure and Reform further to Parliamentary Questions Nos. 350 and 351 of 11 June 2013, the way the pension related deduction applies to those earning less than €60,000 per annum. [29628/13]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The public service Pension-Related Deduction (PRD) is an income-graduated imposition on the pay of pensionable public servants. It is imposed in such a way that increasing rates of deduction are applied to increasing bands or slices of an affected public servant's annual pay. The PRD originally became operative on 1 March 2009 as provided for in section 2 of the Financial Emergency Measures in the Public Interest Act 2009. Soon afterwards, the PRD rates and bands were changed by section 13 of the Social Welfare and Pensions Act 2009. The resultant amended annual PRD rates and bands, which took effect on 1 May 2009 and which continue to apply today, are as follows:

First € 15,000 of earnings: exempt

Earnings between € 15,000 and € 20,000: 5%

Earnings between € 20,000 and € 60,000: 10%

Earnings above € 60,000: 10.5%

Based on these currently applicable PRD rates, the amounts of PRD arising at a series of annual pay points up to and including €60,000 are as follows:

Pay of €15,000: No PRD

Pay of €20,000: PRD of €250

Pay of €25,000: PRD of €750

Pay of €30,000: PRD of €1,250

Pay of €35,000: PRD of €1,750

Pay of €40,000: PRD of €2,250

Pay of €45,000: PRD of €2,750

Pay of €50,000: PRD of €3,250

Pay of €55,000: PRD of €3,750

Pay of €60,000: PRD of €4,250

These PRD money impacts at specified pay levels will, for all annual pay figures at or above €20,000, be €125 less per year with effect from 1 January 2014. This change is due to section 11 of the Financial Emergency Measures in the Public Interest Act 2013, which, effective from 1 January 2014, reduces the PRD rate on the €15,000 to €20,000 pay band from 5% to 2.5%.

### **Programme for Government Implementation**

114. **Deputy Micheál Martin** asked the Minister for Public Expenditure and Reform his views on the commitment in the Programme for Government in which it is planned to hold a referendum to protect the right of the citizens to communicate in confidence with public representatives; and if he will make a statement on the matter. [25197/13]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The Programme for Government contained a commitment to address the issue of confidential communications with Members through constitutional change. Following a detailed policy assessment and on the basis of legal analysis, it has now been decided to legislate in relation to this issue. The Houses of the Oireachtas (Inquiries Privileges and Procedures) Bill 2013 provides for qualified privilege for confidential communication from members of the public to Members of either House. This will facilitate those who wish to draw wrongdoing to the attention of Members of the Oireachtas without having their identities disclosed other than in defined exceptional circumstances. The privilege provided for in the Bill is intended to apply in all circumstances and is not restricted to inquiries carried out under the Bill.

### **National Minimum Wage**

115. **Deputy Finian McGrath** asked the Minister for Jobs, Enterprise and Innovation if he will clarify the guidelines on the minimum wage for those under 18 years (details supplied). [29486/13]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Under the National Minimum Wage Act 2000, employers are permitted to pay employees who are under 18 years of age, first-time job entrants, or those undergoing structured training, specified rates of pay which are less than the rate per hour for an experienced adult worker set out in the act.

In the case of a person under the age of 18 years, Section 14(b) of the Act provides that a rate of not less than 70% of the adult rate (€5.35) must be paid. From 1 July, 2007 the adult rate has been set at €8.65 per hour, with the exception of the period 1 February, 2011 to 1 July, 2011, when it was reduced to €7.65.

Further information and assistance is available from the Workplace Relations Customer Services who can advise on the particular circumstances of your constituent's rights for the period she was working and the options available should she wish to make a complaint.

Workplace Relations Customer Services can be contacted at lo-call 1890 80 80 90 or at [www.workplacerelations.ie/en/information](http://www.workplacerelations.ie/en/information).

### **Rent Supplement Scheme Eligibility**

116. **Deputy Pearse Doherty** asked the Minister for Social Protection if changes have been made to the rules governing single male parents' rent supplement that until recently could be paid for a two or three bedroom house, depending on the number of children the father has access to as part of custody arrangements; if community welfare officers have been instructed to only provide a single person's allowance in circumstances where the applicant is not claiming social welfare for his children, meaning that he is being deprived of his right to family life and if so, whether she will take steps to reverse the directive. [29431/13]

**Minister for Social Protection (Deputy Joan Burton):** The purpose of the rent supplement scheme is to provide short-term income support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. The overall aim is to provide short-term assistance, and not to act as an alternative to the other social housing schemes operated by the Exchequer. Currently, there are approximately 85,000 rent supplement recipients for which the Government has provided over €403 million for 2013.

There has been no change in policy concerning the treatment of joint custody households for rent supplement purposes. Every claim for rent supplement is determined having regard to the particular circumstances of the applicant. Any person seeking a rent supplement must first satisfy the Department's representative that they have a housing need that they are unable to meet from their own resources. In addition, the Department must be satisfied that the residence is reasonably suited to the residential and other needs of the claimant. The Department must also be satisfied that the rent payable is reasonable having regard to the nature, character and location of the residence.

Where parents have joint custody of a child, the needs of both parents to have adequate accommodation are taken into account when an application for a rent supplement is being determined, including any obligations placed by the courts. In such cases, documentation is normally required showing that a joint custody arrangement is in place and being availed of before a decision can be made.

### **Youth Guarantee**

117. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection in view of the fact that the Youth Guarantee says it will ensure that all young persons under the age of 25 years receive a good quality offer of employment, continued education, an apprenticeship or a traineeship within a period of four months of becoming unemployed or leaving formal education what will be incorporated in the guarantee for the category of young person who is unemployed, out of college or school but who wants to set up their own business as opposed to take up an offer of training; will there be a link into youth entrepreneurship funds at EU level; and if she will make a statement on the matter. [29434/13]

**Minister for Social Protection (Deputy Joan Burton):** The Back to Work Enterprise Allowance already supports unemployed jobseekers wishing to engage in self-employment. It is generally considered that mentoring and advice – possibly delivered through start-your-own business training – can prove to be a valuable asset to a person starting out on their self-em-

ployment venture.

In addition, as part of the Action Plan for Jobs, new Local Enterprise Offices (LEOs) will be launched that will provide support to micro-enterprises through Local Authorities. Furthermore, the Action Plan for Jobs commits to establishing a Centre of Excellence for Micro-enterprise and Small Business within Enterprise Ireland that will be a key integrating resource for the LEO network.

The newly established LEO will function as a First Stop Shop for the provision of information and advice for small business, as well as continuing to assist micro enterprises in relation to accessing loan finance from the Microenterprise Loan Fund. This fund will benefit young entrepreneurs seeking to finance their business ventures.

With regards to EU funding youth entrepreneurships, the specific initiatives to be funded under the EU's Youth Employment Initiative (YEI) will not be known until the details of the YEI are finalised later this year.

### **Youth Guarantee**

118. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection the reason the Government decided to locate the Youth Guarantee within the Department of Social Protection rather than the Department of Jobs, Enterprise and Innovation; the role the Department of Jobs, Enterprise and Innovation will have in the pilot project and the eventual State-wide Youth Guarantee scheme; and if she will make a statement on the matter. [29435/13]

**Minister for Social Protection (Deputy Joan Burton):** The reason that the Department of Social Protection (DSP) is taking the lead role in the implementation of the Youth Guarantee Scheme (YGS) is because the YGS is primarily concerned with activating young people, who are not in work, into employment through employment services, work experience, internships, education or training. Given that labour market activation is the primary responsibility of DSP, it is natural that it takes the lead role in the implementation of the YGS and in the pilot project in Ballymun. Ultimately however, the delivery YGS will involve a number of Departments with the Department of Jobs, Enterprise and Innovation (DJEI), along with the Department of Education and Skills (DES) having a major role to play. The primary role of DJEI will be to facilitate the creation of job opportunities in general, including for young people. The reforms necessary to realise job creation targets under the auspices of DJEI are outlined in the Action Plan for Jobs.

DJEI do not have any specific role in the Ballymun Pilot. The management structure of the Ballymun project will comprise of a National Steering Group and a Local Implementation Group. The National Steering Group for the Ballymun pilot will consist of a representative from Department Of Social Protection (Chair), the National Youth Council of Ireland (NYCI), Irish Local Development Network (ILDN), City of Dublin Vocational Education Committee (CDVEC), FAS (the national training authority), Department of Education and Skills and the Irish Business and Employers Conference (IBEC).

The Local Implementation Team for the Ballymun pilot will comprise representatives of relevant stakeholders, including the Department of Social Protection, FAS, CDVEC, Ballymun Whitehall Area Partnership, Ballymun Job Centre/Local Employment Service Network, EQUAL Youth, North Dublin Chamber of Commerce, Ballymun for Business, and a representative young person (to be identified).

## Youth Guarantee

119. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection the reason Ireland is moving to adopt the more gradual implementation of the Youth Guarantee scheme in view of the high level of youth unemployment; and if she will make a statement on the matter. [29436/13]

121. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection the way her Department is identifying the appropriate timescale for implementation of Youth Guarantee in Ireland's current circumstances; the criteria and the phasing that are planned; if a plan has been developed and forwarded to the Commission and if not, when this will be done; and if she will make a statement on the matter. [29438/13]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 119 and 121 together.

Securing EU Council approval for an EU wide Youth Guarantee was one of the priorities of the Irish Presidency and I am pleased to say that current approval was secured during my chairmanship of the Council of European Employment and Social Welfare Ministers (EPSCO). I am determined that the Youth Guarantee be implemented as quickly and effectively as possible and will this week lead discussions at EPSCO designed to ensure that each country develops a robust implementation plan and that the provision of EU funding is front loaded over the next two years.

In leading these discussions, I am particularly conscious that the scale of the provision required to deliver the Youth Guarantee in Ireland is likely to be large relative to current provision, and the costs involved are therefore likely to be substantial. Issues will therefore arise as to how a guarantee is to be financed and over what period, given the fiscal constraints currently facing the country.

I am also conscious that if the Youth Guarantee is to be delivered in an effective manner, it will also be important to take the time to learn the lessons from the initial rollout of the Youth Guarantee Scheme (YGS). It is hoped for example, that there will be early lessons from the Ballymun Project that will guide the nationwide rollout of the YGS.

An implementation plan is due to be finalised by the end of the year, and this will set out a timescale for implementation. In the meantime, the Ballymun Pilot if approved by the EU council is expected to start in October.

## Youth Guarantee

120. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection with regard to the Ballymun pilot project of the Youth Guarantee, when the pilot be up and running; when the various stakeholders be brought together; the way the project will be evaluated and the lessons learned be transferred to other areas particularly those with less well developed community supports; if she will provide a guarantee that youth organisations will be centrally involved in all aspects of the pilot and the subsequent State wide youth guarantee; and if she will make a statement on the matter. [29437/13]

**Minister for Social Protection (Deputy Joan Burton):** The Ballymun pilot project is due to start 4 months after getting approval for our proposal from the Commission. The latest communication from the Commission has intimated that a decision on proposals will be made

by the end of this month. Hence, if approved, the Ballymun pilot can be expected to start in October. The various stakeholders will be brought together during the initial meetings of the National Steering Group and the Local Implementation Group, which will take place during the period July – September.

With regard to evaluation of the pilot scheme, the Department of Social Protection (DSP) will issue a request for tenders to retain the appropriate evaluation and monitoring service. All stakeholders have an expressed interest in identifying and capturing lessons for policy and practice as a result of their involvement in the Youth Guarantee Scheme (YGS) pilot. The learning will be used to inform their own organisations and members of the lessons and issues raised by the pilot.

The external independent evaluator will be asked to assess: *Quality of delivery of activities/tasks*: a quality system will be developed to ensure appraisal of on-going tasks by each partner during the piloting of the model. *Partnership and Communications*: the main factors making the partnership successful, the factors making for cooperation within the partnership etc. *Outcomes and Impact*: Questionnaires and administrative records will be used to assess the outputs, outcomes and impact of the pilot YGS for the participants and the partner organisations. Focus groups and questionnaires will be used to determine the qualitative aspects of the learning coming from the pilot.

With regards to the transfer of lessons learned from the pilot, a dissemination conference will be organised to highlight the outcomes of the pilot and to feed into the national and EU discussion on the development of future YGS that are relevant to young people and labour market integration. A documentary account of the programme is a central objective of the DSP to capture learning and ensure that the lessons are distilled and disseminated into mainstream policy formulation.

With regards the involvement of youth organisations, the Ballymun proposal includes both a national and local partnership structure to manage implementation and both youth organisations and organisations which deliver services to young people will have a central role to play in both national and local structures.

The National Steering Group will consist of a representative from Department Of Social Protection (Chair), the National Youth Council of Ireland (NYCI), Irish Local Development Network (ILDN), City of Dublin Vocational Education Committee (CDVEC), FÁS (the national training authority), the Department of Education and Skills and the Irish Business and Employers Conference (IBEC).

The Local Implementation Team will comprise representatives of relevant stakeholders, including the Department of Social Protection, FÁS, CDVEC, Ballymun Whitehall Area Partnership, Ballymun Job Centre/Local Employment Service Network, EQUAL Youth, North Dublin Chamber of Commerce, Ballymun for Business, and a representative young person (to be identified).

*Question No. 121 answered with Question No. 119.*

### **Carer's Allowance Appeals**

122. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding a carer's allowance appeal in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [29441/13]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer having fully considered all the available evidence disallowed the appeal of the person concerned by way of summary decision. The person concerned was notified of the Appeal Officer's decision on 11th June 2013.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Child Care Services Provision**

123. **Deputy Maureen O'Sullivan** asked the Minister for Social Protection the childhood supports that are available for non-jobseeker's, low income and full-time working, yet former lone parents allowance recipients, who still have young children but will not be entitled to lone parent allowance once his or her youngest child reaches seven years; and if she will make a statement on the matter. [29453/13]

**Minister for Social Protection (Deputy Joan Burton):** Childcare policy and the provision of childcare is the responsibility of my colleague Minister, Deputy Frances Fitzgerald, and the Department of Children and Youth Affairs. The Department of Children and Youth Affairs currently administers the Community Childcare Subvention (CCS) programme and the Childcare Employment and Training Support Scheme (CETS). CCS funds some 1,000 community-based non-profit child care facilities nationwide to enable them to charge reduced childcare fees to disadvantaged and low-income families who avail of their services. The scheme is available to social welfare recipients and to non-jobseekers if they have low incomes. CETS is implemented by the Department of Children and Youth Affairs on behalf of FÁS and the VECs. Under this scheme, parents who are FÁS/VEC trainees and who need assistance with child care costs to access education and training courses in order to enter or return to employment, can access subsidised child care places.

As a result of the reforms to the one-parent family payment (OFP) scheme, once an OFP recipient's youngest child reaches the relevant age threshold, they will no longer be entitled to the OFP payment. It is expected that the majority of individuals who will continue to have an income support need will apply for either the jobseeker's allowance (JA) scheme or the recently announced jobseeker's allowance transition (JST) arrangement.

The JST arrangement will cater for OFP recipients who will lose their entitlement to the OFP payment, who have a youngest child aged under 14 years, and who are entitled to the JA payment. These customers will be exempt from certain JA conditionalities that require them to be available for and genuinely seeking full-time work. This in turn reduces the need for child care support for these customers as they will have the option of remaining in the home to take care of their children.

Lone parents who have an entitlement to jobseekers and who have children under 14 years of age, who are attending primary school, may wish to avail of the subsidised after-school child care scheme. This scheme is available to jobseekers that avail of an employment opportunity. Lone parents will also be able to apply for the other Department of Children and Youth Affairs childcare schemes.

In addition to these supports lone parents who lose entitlement to their OFP payment and who are working 19 hours or more per week, can apply for the family income supplement (FIS). If they are eligible for FIS they can also apply for the existing D/CYA childcare schemes.

### **Invalidity Pension Appeals**

124. **Deputy Arthur Spring** asked the Minister for Social Protection if a person (details supplied) in County Kerry qualifies for an invalidity pension payment; and if she will make a statement on the matter. [29463/13]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 19 March 2013. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 13 June 2013 and the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Rent Supplement Scheme Appeals**

125. **Deputy Pearse Doherty** asked the Minister for Social Protection when a decision will issue on a rent supplement appeal in respect of a person (details supplied) in Dublin 22. [29467/13]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned has not been received by that office. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Community Employment Schemes Review**

126. **Deputy Maureen O'Sullivan** asked the Minister for Social Protection her views on the ongoing difficulties experienced by CASPr due to the changes made in 2012 in entitlement rates for community employment participants; if she has looked into solutions for community employment schemes like CASPr that are having difficulties recruiting persons to participate and the way she will offset the negative impact the reduction in numbers of community employment participants is having on their ability to provide vital community services; her views on whether this type of scheme needs different criteria; and if she will make a statement on the matter. [29511/13]

**Minister for Social Protection (Deputy Joan Burton):** Over the last number of years, a number of changes have been made to community employment to improve cost efficiency and programme effectiveness. The change process is ongoing and the Department is committed to the maintaining and improving the programme. The overall number of places available under community employment has been increased by 2,000 to 25,300 (including supervisors) in 2013 with a budget of circa €352 million. The composition of participant numbers has changed in recent years with a decline in One Parent Family Clients and an increase in take-up by persons on Jobseeker's Allowance. The change in participation composition has proved challenging for some sponsors and the Department is working with these sponsors to assist them in filling the places already assigned to them. The number of approved places on the Community After

Schools Project has remained at 39 for the last three project years. The Local Intreo Office has undertaken a special initiative to ensure eligible persons for community employment are made aware of the opportunities on community employment. It is anticipated that this initiative will help raise the demand for community employment in the area. The Department continues its commitment to getting people back to work as set out in the Programme for Government and the Pathways to Work documents. This additional allocation includes a priority being given to applicants who are referred to a community employment drugs rehabilitation places, child care and social care. The take-up of community employment places will be closely monitored. The Department is committed to reforming community employment to ensure value for money, progression of the job seeker and support for community services.

### **Child Benefit Eligibility**

127. **Deputy Bernard J. Durkan** asked the Minister for Social Protection further to Parliamentary Question No. 152 of 30 May 2013, if child benefit will be awarded to the mother whilst receiving treatment in the UK; and if she will make a statement on the matter. [29519/13]

**Minister for Social Protection (Deputy Joan Burton):** The child benefit claim of the person concerned has been disallowed as she does not satisfy the Habitual Residence Condition. She has been informed of her right to appeal the decision to the independent Social Welfare Appeals Office.

### **Supplementary Welfare Allowance Appeals**

128. **Deputy Tom Fleming** asked the Minister for Social Protection if she will review a supplementary welfare allowance application in respect of a person (details supplied) in County Kerry; if she will ensure that this application is processed and payment issued at the earliest possible date; and if she will make a statement on the matter. [29537/13]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal, by the person concerned, was registered in that office on 14th June 2013. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. When received, the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Jobseeker's Allowance Payments**

129. **Deputy Bernard J. Durkan** asked the Minister for Social Protection further to Parliamentary Question No. 440 of 11 June 2013, if arrears will issue to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [29552/13]

**Minister for Social Protection (Deputy Joan Burton):** A decision regarding payment of arrears of jobseeker's allowance for the period 3rd January to 30th January 2013 cannot be made until the person concerned outlines his reason(s) for failing to collect the supplementary

payments during this period. The prospective employer's letter provided by the person concerned was dated 6th January 2013.

The Deciding Officer rang the person concerned on 10th and 11th June and left a message for him to contact the office. The Deciding Officer also wrote to him on the 12th June 2013 outlining what is required. A pre-paid return envelope and an email address were provided. There has been no response to the phone calls or the letter to date.

### **Social Welfare Eligibility**

130. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection the number of requests made to banks for information regarding the accounts of persons during each of the past three years; the number of times these requests were complied with; the number of times the banks volunteered information to her Department during each of the past three years. [29573/13]

**Minister for Social Protection (Deputy Joan Burton):** When investigating eligibility for social assistance schemes, it is necessary to ask applicants to provide financial information as part of the means assessment process. It is normal practice that the customer is given the opportunity either to obtain the information him/herself directly from the financial institution or, alternatively, they can provide a mandate authorising a Social Welfare Inspector to obtain the information directly from the financial institution. Detailed statistics are not available about these requests to banks as this is a standard operational practice which is carried out as part of social assistance claim investigations.

The Programme for Government commits to a zero tolerance approach towards social welfare fraud. The Department's Fraud Initiative 2011 – 2013 further articulates this overarching policy objective. A key priority is to ensure that fraudulent activity within the social welfare system is vigorously prevented and combatted. The approach is one which is aimed at highlighting the rights but, importantly, also the responsibilities of social welfare recipients.

Section 17 of the Social Welfare and Pensions (No.2) Act 2009 amended the Social Welfare Consolidation Act and included provision for the appointment of authorised officers who, in certain circumstances and with the consent of a designated officer, have the power to obtain information from financial institutions without the consent of the customer. This provision was operationalised in June 2012.

This particular provision is one that assists in the investigation of serious social welfare fraud and non-compliance cases. The measure is an exceptional one and is, accordingly, used judiciously and proportionally. Notifications are made in circumstances where the individual concerned has failed - or continues to fail - to make a voluntary disclosure and where there is evidence that fraud has occurred.

A total of 33 notification orders have been issued to a variety of financial institutions since June 2012. In a further 4 cases, the order was not proceeded with as the individual concerned made a voluntary disclosure before the notification issued to the financial institution. All requests have been complied with by the financial institutions concerned.

The provision has been used in the detection of identity fraud cases and instances whereby persons were employed under one identity and concurrently claiming social welfare payments under another. It has also been used to detect a number of cases where significant assets and capital were held and undisclosed.

### **Social Welfare Appeals Delays**

131. **Deputy James Bannon** asked the Minister for Social Protection the reason an oral hearing regarding an appeal for one parent family payment has still not taken place in respect of a person (details supplied) in County Longford, despite the fact that the hearing was initially adjourned due to no fault of the person in question, given the undue hardship they are enduring while they await a date for same; and if she will make a statement on the matter. [29597/13]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an oral hearing, of this case, was scheduled to be heard on 19th February 2013. At the hearing the person concerned, through his solicitor, requested an adjournment of the hearing pending the receipt of his file which had been requested but not yet received. The request for an adjournment was granted.

The Appeals Officer subsequently returned the file to Social Welfare Appeals Office to deal with a Freedom of Information request dated the 5th April 2013. This information was provided to the solicitor of the person concerned on the 24th April 2013.

I have been advised that the case has now been re-listed for an oral hearing to be held as soon as possible and the appellant will be informed when arrangements have been made.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Social Welfare Appeals Delays**

132. **Deputy James Bannon** asked the Minister for Social Protection the reason for the delay in the documentation for an appeal being submitted to the Appeals Office, D'Olier House, from the Carer's Allowance Section of the Longford Office in respect of a person (details supplied) in County Longford; and if she will make a statement on the matter. [29598/13]

**Minister for Social Protection (Deputy Joan Burton):** Carer's allowance section has been involved in a business process improvement review and backlog elimination programme. New structures and processes were set up to deal with the normal weekly intake of new claims along with a dedicated team to clear the backlog of claims that had built up over the course of 18 months or so. All backlogged claims were actioned by the target date of the end of Q1 2013. New claims being received continue to be processed without delay. The current average time taken to decide new carer's allowance applications is 8 weeks and this is continuing to reduce.

As a consequence of the very high number of decisions made in the last year, there has been a corresponding substantial increase in the number of appeals being received. Delays in the preparation of claims for appeal are arising as a consequence and this is regretted. Carer's allowance section is now focussed on reducing the appeals.

With regard to the specific claim mentioned; this department received a claim for carer's allowance for the person concerned on 6th December 2011. The claim was disallowed on habitual residence grounds and the person in question was notified of this decision and the reason for it on 23rd of July 2012. A letter of appeal was received in August 2012. The claim was reviewed by a deciding officer, who did not change her opinion following her review. The deciding officer forwarded all the relevant claim papers to the Social Welfare Appeals Office (SWAO) for determination on 20th March 2013.

The delays in this case are regrettable. Because of its quasi-judicial nature, the processing of appeals takes time and reflects the fact that, by definition, the appeal process cannot be a quick one.

### Invalidity Pension Eligibility

133. **Deputy Brendan Ryan** asked the Minister for Social Protection the reason the criteria for invalidity pension requires an applicant to have been incapable of work for at least 12 months and be likely to be incapable of work for at least another 12 months, or be permanently incapable of work, and the reason applicants are not just assessed on the permanently incapable of work condition, as seems to be the case for many applicants; and if she will make a statement on the matter. [29600/13]

134. **Deputy Brendan Ryan** asked the Minister for Social Protection the position regarding invalidity pension decisions, the number of decisions that were made on the grounds of being incapable of work for at least 12 months and be likely to be incapable of work for at least another 12 months; the number of decisions that were made on the grounds of being permanently incapable of work for the years 2012 and for the period January to May 2013; and if she will make a statement on the matter. [29601/13]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 133 and 134 together.

Invalidity Pension is a payment for people who are permanently incapable of work because of illness or incapacity and who satisfy the contribution conditions. Permanently incapable of work is defined as an incapacity for work of such a nature that the likelihood is that the claimant will be incapable of work for life or an incapacity which has existed for 12 months prior to the date of claim and where the Deciding Officer or Appeals Officer is satisfied that the claimant is likely to be unable to work for 1 year from the date of the claim.

On receipt of an Invalidity Pension Claim the Deciding Officer checks if the applicant may already have been medically assessed. If there is no suitable medical result for the applicant a diagnostic report issues to the applicant for completion by their G.P. Once this diagnostic report is returned it is viewed by a medical assessor who provides an opinion regarding the medical eligibility of the Invalidity Pension applicant. The Deciding Officer then utilises this opinion to establish if the client is medically suitable by either being incapable of work for life or by having an incapacity which has existed for 12 months prior to the date of claim and is likely to continue for 1 year. If the client is considered medically suitable and satisfies the other qualifying conditions for Invalidity Pension the claim is awarded. Applicants are not just assessed on the permanently incapable of work condition.

When a claim is awarded that applicant satisfied all the qualifying conditions for the Invalidity Pension scheme therefore the medical eligibility conditions as outlined above were satisfied. It is not possible to provide statistics broken down by those who were considered to be permanently incapable of work or incapable of work for at least another 12 months. But the following outlines the numbers awarded in 2012 and 2013 to date.

Year	Scheme	Number of awards
2012	Invalidity Pension	6,352
2013 to date	Invalidity Pension	3,233

## Social Welfare Appeals Status

135. **Deputy Michelle Mulherin** asked the Minister for Social Protection if a decision on an appeal will be expedited in respect of a person (details supplied) in County Mayo; and if she will make a statement on the matter. [29615/13]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal, by the person concerned, was registered in that office on 30th April 2013. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. When received, the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

## Special Protection Areas Designation

136. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht the number of farmers in the National Parks and Wildlife Service corncrake scheme that ceased in April 2013; his plans to introduce a new scheme; and if he will make a statement on the matter. [29510/13]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Since 2007, a total of 139 farm plans aimed at corncrake conservation have been approved by the National Parks and Wildlife Service of my Department. Most of these plans were in the Shannon Callows. These plans last five years and currently there are still 30 plans operational, and these contracts are being honoured.

As the Shannon Callows corncrake population has all but disappeared due to a succession of summer floods, my Department is focussing its limited resources in the following Special Protection Areas in Donegal and Mayo, where significant numbers of corncrakes still occur:- Malin Head;- Fanad Head;- Falcargah to Meenlaragh;- Mullet Peninsula

In addition, a Corncrake Grant Scheme is available to farmers anywhere, who have corncrakes breeding on their lands. My Department will continue to work with the Department of Agriculture, Food and the Marine on appropriate agri-environment measures for threatened species such as the corncrake.

## Architectural Heritage

137. **Deputy Catherine Murphy** asked the Minister for Arts, Heritage and the Gaeltacht the steps he has taken to ensure that the Irish Architectural Archives can remain operating on a sustainable financial footing; and if he will make a statement on the matter. [29538/13]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** My Department is providing total funding of €315,000 to the IAA in 2013. This is the same level of funding allocated in 2012 and represents some 73% of the IAA's overall budget. Unfortunately, due to the reduced overall funding available my Department is not in a position to provide ad-

ditional funding to the IAA at this time.

I understand that the IAA board is currently considering the recommendations of a report which was commissioned to propose a restructuring programme with a view to putting the IAA on a more secure long term footing. I will enter into a meaningful engagement with the IAA regarding this matter, when the board has considered this report and adopted an appropriate course of action.

### **Pensions Legislation**

138. **Deputy Joan Collins** asked the Minister for Communications, Energy and Natural Resources the position regarding pensions covered by the Postal and Telecommunications Act 1983; and if he will make a statement on the matter. [29603/13]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Section 46 of the Postal and Telecommunications Act 1983 provides for the preparation and submission by An Post, of a scheme or schemes for the granting of pensions, gratuities and other allowances on retirement or death to or in respect of such members of staff of An Post as it may think fit.

Every such scheme shall fix the time and conditions of retirement for all persons to or in respect of whom pensions, gratuities or allowances are payable under the scheme.

A scheme submitted by An Post under Section 46 shall, if approved by the Minister for Posts and Telegraphs (now Communications) with the concurrence of the Minister for the Public Service (now Public Expenditure and Reform), be carried out by An Post in accordance with its terms.

In order to comply with pensions legislation, specifically the minimum funding standard, I understand that An Post has proposed some changes to the terms of its pension scheme. Once I receive a proposal in this regard, I will consider it along with my colleague the Minister for Public Expenditure and Reform.

### **Better Energy Homes Scheme Applications Refusal**

139. **Deputy Finian McGrath** asked the Minister for Communications, Energy and Natural Resources the position regarding a grant application in respect of a person (details supplied) in Dublin 17 [29506/13]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Better Energy Programme is administered by the Sustainable Energy Authority of Ireland (SEAI). The Better Energy: Homes scheme provides support to homeowners towards the installation of attic and wall insulation, and heating system upgrades including solar thermal with the works being undertaken by privately appointed contractors.

My Department has been informed by the SEAI that the homeowner made an online application on the 9 February 2012. The Declaration of Work (DoW) forms were received on 12 June 2012 and the contractor provided a work completed date of 6 February 2012 which was three days prior to the application being made. A decline letter was sent to the homeowner on 22 June 2012 as the works predated the grant offer. As there was no grant offer in place at the time the works were undertaken, the contract is considered null and void. The homeowner appealed the decision to decline the application. The appeal was unsuccessful and the homeowner

was informed of the appeal decision on 15 February 2013.

Queries in relation to individual applications are an operational matter for the SEAI and a dedicated hotline can be reached at 1800 250 204. In addition, the SEAI has established a specific email address for queries from Oireachtas members, which can be sent to oireachtas@seai.ie and will be dealt with promptly.

### **Television Reception**

140. **Deputy Michael P. Kitt** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the difficulties in re-broadcasting TG4 across the North of Ireland and, in particular, in parts of the greater Belfast area; if other areas on the island of Ireland are affected in terms of their reception of TG4; and if he will make a statement on the matter. [29529/13]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Digital Switchover in October 2012 greatly improved the availability of TG4 in Northern Ireland with over 94% of homes now capable of receiving TG4 and RTÉ One and Two on ‘free to air’ Digital Terrestrial Television (DTT) on the UK’s Freeview service and/or from ‘overspill’ of the Saorview signal from Ireland.

TG4 has advised my Department that it has not received any reports of any disruption to TG4 availability in the North.

The location in Northern Ireland of the individual viewer’s home will determine which of the DTT systems best serve. As with all terrestrial-based broadcasting networks, there will inevitably be a few areas that, because of local topography, may not be capable of receiving the terrestrial DTT signals.

In this regard, I am advised that Freeview has a coverage checker that will inform an individual in Northern Ireland about the availability of Freeview, using their post-code. I understand that Saorview also provides a placename-based coverage checker for the same purpose so an individual in Northern Ireland has two methods of checking DTT reception at the address in question.

In addition, TG4 is available to Sky satellite subscribers in Northern Ireland, to Virgin Media cable subscribers in Belfast, and is also available on the TG4 Player via the internet.

In relation to coverage in this jurisdiction, TG4 is available to 98% of the population on the Saorview DTT network. RTÉ has built, owns and controls the Saorview network and is responsible for the roll-out, coverage and operation of that network. This is in accordance with Part 8 of the Broadcasting Act 2009, which provides that the development of the RTÉ network is an operational matter for RTÉ.

In addition to Saorview, RTÉ has developed SAORSAT, a ‘free to air’ satellite service unique to Ireland, to ensure that Irish television services are available to 100% of the population for the first time ever. At present, this service provides the full range of RTÉ services as well as TG4.

### **Motor Tax Collection**

141. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government his views on a proposed system of motor taxation (details supplied); and if

he will make a statement on the matter. [29457/13]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** A review of carbon banding for both motor tax and Vehicle Registration Tax (VRT), which included a public consultation process, was carried out in 2012. Following the review, a new structure was introduced from 01 January 2013, with CO 2 Band A being broken into four separate bands and B band being split into two for both motor tax and VRT. For motor tax only, a new zero band has been introduced for electric vehicles with a lower annual tax of €120 applying.

The revised banding recognises that ever more fuel efficient cars are becoming available and allows for the differentiation of the environmental incentive in favour of the most environmentally friendly vehicles, whilst also allowing for the protection of the tax base.

While the operation of the motor tax system is kept under regular review, I have no plans at present for any further restructuring of motor tax for private vehicles.

### **Planning Issues**

142. **Deputy Sean Fleming** asked the Minister for the Environment, Community and Local Government if he will set out, in tabular form, the number of prosecutions undertaken for unauthorised works on listed buildings over the past five years; and if he will make a statement on the matter. [29549/13]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan) (Deputy Jan O’Sullivan):** Data in respect of enforcement action taken by local authorities, generally, are available on my Department’s website. However, the specific information sought is not available to my Department.

### **Water and Sewerage Schemes Status**

143. **Deputy Patrick O’Donovan** asked the Minister for the Environment, Community and Local Government the projects that have been prioritised by Limerick County Council for investment by his Department for waste water treatment plants in County Limerick under the current water services investment programme; the schemes bundled together; the schemes that are prioritised on an individual basis; the schemes de-bundled as part of the prioritisation waste water and the rationale for de-bundling. [29440/13]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Water Services Investment Programme 2010 – 2013, a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Limerick. The Programme consists of contracts under construction and to commence to the value of some €29 million in the county, representing Limerick County Council’s priorities for the period of the programme.

In total there are eight sewerage schemes/contracts in County Limerick included in the Programme either to start construction during the lifetime of the Programme or advance through planning. Works are ongoing in respect of three of these contracts, namely:

- Kilmallock Sewerage Scheme – Wastewater Treatment Plant;
- Patrickswell Sewerage Scheme – Networks contract; and

19 June 2013

- Mungret Sewerage Scheme – Networks contract.

The remaining schemes/contracts in the Water Services Investment Programme 2010 – 2013, namely:

- Askeaton Sewerage Scheme – Wastewater Treatment Plant;
- Dromcollogher Sewerage Scheme – Wastewater Treatment Plant and Networks Contracts;
- Abbeyfeale Sewerage Scheme – Treatment Plant Upgrade;
- Castletroy Sewerage Scheme; and
- Newcastlewest Sewerage Scheme

are at different stages of planning. Each of these schemes/contracts are standalone projects and there are no bundled schemes included in the Programme for County Limerick.

### **Building Regulations Amendments**

144. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government his views on correspondence (details supplied) regarding the registration of architects; and if he will make a statement on the matter. [29469/13]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Questions Nos. 613 and 640 of 11 June 2013, which sets out the position in this matter.

### **Local Government Fund**

145. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the amount of funds that have been transferred from the Local Government Fund to the Central Fund in each year for the past five years, including the date of each transfer; the amount of money due to be similarly transferred in 2013 and the dates of same; and if he will make a statement on the matter. [29505/13]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Revised Estimates for Public Services 2013 provide that an amount of up to €150m is to be paid from the Local Government Fund to the Exchequer in 2013.

€46.5m transferred to the Exchequer from the Local Government Fund in 2012 in two tranches; €23.5m on 20 September 2012 and €23m on 13 December 2012. 2012 was the first year in which a payment to the Exchequer was made from the Fund.

### **Dormant Accounts Fund Grants**

146. **Deputy Charlie McConalogue** asked the Minister for the Environment, Community and Local Government if there is funding available in 2013 through the dormant account distribution scheme; if applications for funding are being accepted; and if he will make a statement on the matter. [29514/13]

**Minister for the Environment, Community and Local Government (Deputy Phil Ho-**

**gan):** The Disbursement Plan of 2009, put in place by the former Dormant Accounts Board, will be replaced later this year by a new disbursement scheme in accordance with the Dormant Accounts (Amendment) Act 2012. My Department is consulting with relevant Government Departments and other stakeholders as appropriate in relation to the preparation of the new scheme; the scheme will be submitted to Government for approval and laid before the Houses of the Oireachtas.

The legislation also provides for the preparation of an action plan each year following the making of a scheme. The plan, which will also be subject to consultation, must indicate the programmes or types of projects that may apply for disbursement and the maximum funds available. Different amounts may be specified in the plan in relation to a particular class or classes of programme or project. Once the plan is adopted, a copy must also be laid before each House of the Oireachtas.

There are currently no measures open under the Dormant Accounts Fund. I have allocated €6.385m for Dormant Accounts Measures in 2013, which includes €2.835m to be used to support labour activation measures in Local Authorities and the remainder to meet existing commitments.

### **Housing Adaptation Grants Funding**

147. **Deputy Róisín Shortall** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the virtual collapse of the home adaptation grants schemes, resulting in one case where an 88 year old who has fallen down stairs, resulting in hospitalisation, cannot get grant assistance for a stair lift and many other cases where older persons with poor mobility and urinary frequency conditions cannot get grant assistance with downstairs bathroom facilities; and in view of the extra funds available to his Department for stimulus measures, if he will provide extra funding to local authorities to fund urgent cases. [29516/13]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan) (Deputy Jan O'Sullivan):** The requirement to reduce public expenditure to sustainable levels is impacting on capital programmes all across the public service, including my Department's housing capital programme. The level of capital funding available has declined significantly in recent years along the lines highlighted in the Medium Term Exchequer Framework for Infrastructure and Capital Investment 2012-2016. As a result capital spending on housing programmes is subject to constraint over the short-term.

On 22 February 2013 I announced capital allocations to local authorities under the suite of Grants for Older People and People with a Disability amounting to €42.750 million. In allocating the available funding across all 34 city and county councils I did so in as transparent and as fair a way as possible. In framing the 2013 allocations, my Department wrote to each local authority requesting details of the numbers and value of grants where work had been approved to commence. Between them local authorities reported contractual commitments in respect of approved grants totalling €18 million. This year I allocated local authorities the full amount of their contractual commitments. The balance of the available funding was allocated on the basis of each authority's share of the new applications on hand in January 2013.

In order to deal with any acute or particular strain which might arise in the operation of the schemes over the course of the year I have set aside a small capital reserve. I recently approved additional allocations totalling €1.2 million for 13 local authorities. Dublin City Council applied for additional funding from this reserve and was notified of a supplementary allocation of

€118,063 , bringing the Council's overall allocation for 2013 to €5,050,383. My Department is closely monitoring expenditure across all the measures under the housing programme. I will consider allocating further funds to the grants measure in the event of any saving arising elsewhere.

### **Planning Issues**

148. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government if he will organise an enquiry into a wind farm (details supplied) in County Wexford as a result of breaches of planning permission and a lack of enforcement by the planning authorities, which is causing serious injury to the amenity of local residents. [29528/13]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan) (Deputy Jan O'Sullivan):** The enforcement of the conditions attached to a planning permission is a matter for the relevant planning authority and I have no role in that regard. Under section 30 of the Planning and Development Act 2000, I am specifically precluded from exercising any power or control in relation to any particular case with which a planning authority or An Bord Pleanála is or may be concerned, including cases of planning enforcement.

### **Property Taxation Administration**

149. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if, in respect of the moneys due to be transferred from the Central Fund to the Local Government Fund under the provisions of the Finance (Local Property Tax) Act 2012, he will confirm the percentage of the sum transferred and that he as Minister will retain discretion over the sums that are pledged to local authorities; and if he will make a statement on the matter. [29534/13]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan) (Deputy Phil Hogan):** Under the Finance (Local Property Tax) Act 2012, commencing in 2014 , the Minister for Finance will pay into the Local Government Fund an amount equivalent to the Local Property Tax paid into the Central Fund during that year; this revenue will be allocated to local authorities from the Fund.

In 2013 Local Property Tax revenue will accrue to the Exchequer. As such, no Local Property Tax revenue has been transferred to the Local Government Fund to date.

The Government has indicated an intention to move, from 2014, to 80% retention of all Local Property Tax receipts within the local authority area where the Tax is raised. The remaining 20% of the Tax collected nationally will be re-distributed on an equalised basis to local authorities within the context of the annual allocations of General Purpose Grants.

### **Housing Finance Agency Issues**

150. **Deputy Joanna Tuffy** asked the Minister for the Environment, Community and Local Government if the previous two interest rate cuts announced by the European Central bank have been passed on in full to local authority borrowers, home owners under the shared ownership and affordable housing schemes; if not, the reason for same; and if he will make a statement on the matter. [29577/13]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan) (Deputy Jan O’Sullivan):** The Board of the ECB announced decisions to reduce the main refinancing rate by 0.25% in July 2012 and again in May 2013. The Housing Finance Agency’s rates are not predicated on base rates afforded by the ECB, as its funding is sourced through the EU/IMF programme of financial support and dictated by EURIBOR. Independently of the ECB rate cuts, the Agency has reduced the rate it charges to local authorities by 0.55% since September 2012. This has allowed for establishment of a Mortgage Arrears Resolution Process (MARP) premium to begin to accumulate reserves which will allow local authorities to continue to make available various supports for distressed borrowers under the local authority MARP.

The rate charged to local authority borrowers continues to represent very good value. The current rate of 2.75% charged to borrowers is – by some distance – the lowest rate available currently and stands at 1.65% lower than the average variable rate ‘available’ in the domestic mortgage market. It is also almost 2% lower than the best rate available from other lenders, a number of whom have increased their variable rates since the ECB announcement.

### **Climate Change Policy**

151. **Deputy Andrew Doyle** asked the Minister for the Environment, Community and Local Government if he will outline the progress made at the EU Environment Council in Luxembourg on 18 June under his chairmanship; and if he will make a statement on the matter. [29588/13]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan) (Deputy Phil Hogan):** The final Environment Council under the Irish EU Presidency took place in Luxembourg yesterday, 18 June.

At that meeting, Council adopted Conclusions on the EU Climate Adaptation Strategy. This is a very positive step forward in EU climate policy, demonstrating a progressive and coherent response to adaptation at EU level and across the Member States.

Council also endorsed Conclusions on the post-2015 framework (following on from the Rio+20 Summit on Sustainable Development in June 2012). These Conclusions were prepared in cooperation with colleagues across environment, development and foreign affairs work streams, a co-operative approach which has been a particular hallmark of the Irish Presidency. The post-2015 agenda will require input from a broad range of stakeholders and this recent joint-working initiative is a strong foundation for future work on this agenda.

Council also discussed the recent report of the High Level Panel of Eminent Persons on the post-2015 development agenda. There was broad support for the report and in particular its emphasis on the need to ensure that the three dimensions of sustainable development – environmental, economic and social – are at the heart of the post-2015 agenda. The Council took note of a progress report on the Indirect Land Use Change (ILUC) proposal, with a particular focus on the 5% threshold for conventional biofuels, ILUC factors, treatment of new installations, the bonus for degraded land, fraud prevention, the review clause and delegated acts.

The Council also took note of progress reports on F-gases, Environmental Impact Assessment and Access and Benefit Sharing which, along with the ILUC file mentioned above, will be taken forward by the Lithuanian Presidency. The Council also received updates from the Presidency and the Commission on a range of international environmental issues, including an update from Climate Action Commissioner, Connie Hedegaard, on the recent two-week

inter-sessional meeting of the United Nations Framework Convention on Climate Change (UNFCCC), ahead of Conference of the Parties 19 (COP19) in Warsaw in November.

Concluding the business at Council, I highlighted the significant progress made on a range of environment/climate legislative dossiers during the Irish Presidency, with 4 First Reading Agreements already achieved and a number of other files expected to be brought to finality in the remaining 10 days of the Irish Presidency. I also highlighted the leadership of the Irish Presidency in achieving progress on a range of international environmental issues, not least among these the conclusion of a new international treaty on mercury.

Over lunch, the Council, joined by the Environment Commissioner Janez Potocnik and Maritime Affairs and Fisheries Commissioner Maria Damanaki, had an exchange of views on progress on implementation of the Marine Strategy Framework Directive. The purpose of the discussion was to take stock of progress to date, to look ahead and to consider how the directive links to other EU policies.

### **Local Authority Housing Maintenance**

152. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government the funds available to local authorities for the upgrade of vacant local authority houses before they are re-occupied; and if he will make a statement on the matter. [29602/13]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan) (Deputy Jan O’Sullivan):** Over the course of 2011 and 2012 my Department focussed almost exclusively on refurbishing vacant properties with the objective of bringing as many as possible of these back into productive use. Over that period some 4,700 units were improved at a cost of over €52 million. Some 2,659 units were refurbished in 2011 and a further 2,115 in 2012.

Given the concentration on vacant properties in recent years, and in view of the substantial numbers of vacant properties which were improved, it is timely to focus attention on those occupied and older dwellings which lack adequate insulation and draught-proofing. On 5 June, I announced a new €50 million three-year energy efficiency investment programme for local authority homes. This programme will target the 25,000 least energy efficient properties and result in warmer homes and lower energy bills for thousands of families and will also create around 1,000 jobs in the sector.

Local authorities are responsible for the management and maintenance of their social housing stock and for the preparation and implementation of planned maintenance programmes and pre-letting repairs to vacant properties. In addition to the new insulation measure, my Department supports an energy retrofitting measure for local authority houses and €10 million is being provided for this purpose in 2013. Local authorities may undertake energy retrofitting works in conjunction with pre-letting repairs with the objective of getting best value for money and ensuring that the existing stock is available to meet housing need.

### **Rural Development Programme Funding**

153. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if additional funding will be provided to South Kerry Development Partnership (details supplied). [29607/13]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No. 294 of 18 June 2013 which sets out the position in regard to LEADER funding.

In the case of South Kerry Development Partnership the revised allocation represents a decrease of 20% from their original allocation. The redistribution of available funding was conducted in as fair and equitable a manner as was possible with many LDCs experiencing similar reductions.

I am committed to the continued monitoring of this situation and my Department will conduct another formal review of commitments and expenditure levels at the end of August 2013. If Local Development Companies are not performing with regard to the Programme commitment levels, allocations will again be revised in the context of maximizing commitments to the end of the Programme by December 2013.

### **Ministerial Meetings**

154. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Community and Local Government if it is his intention to officially record the first ever meeting of EU homeless Ministers held in Leuven on 1 March 2013 during Ireland's EU Presidency. [29630/13]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan) (Deputy Jan O'Sullivan):** The Presidency Report of the Roundtable Discussion of EU Ministers with Responsibility for Homelessness which I hosted in Leuven on 1 March 2013 during the Irish Presidency of the Council of the European Union has been published on the EU presidency website, [www.eu2013.ie](http://www.eu2013.ie), and circulated to all participating ministries. A note of the discussion has also been published and circulated. Details of the event will be included in the Presidency's report on conferences to be presented to the EU Council of Ministers for Employment and Social Affairs later this week by my colleagues, Minister Richard Bruton and Minister Joan Burton.

In seeking to reduce the risk and magnitude of homelessness across the E U, Member States and the European Commission will work to strengthen coordination on the six principles referred to in the Presidency Report . This will be the subject of future discussion with the EU Social Protection Committee.

### **Anti-Social Behaviour**

155. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will provide advice to the residents (details supplied) regarding the options available to them regarding anti-social activities, in view of the fact that these residents are fearful of calling the Garda as they may suffer a backlash from this action; and if he will make a statement on the matter. [29432/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that it is the policy of An Garda Síochána to deploy personnel to establish a highly visible and accessible service to communities to tackle crime, the fear of crime and anti-social behaviour. If a person feels that a crime has been committed they should contact their local Garda station. All crimes that are reported to Gardaí are fully and thoroughly investigated and offenders brought to justice wherever possible.

In addition, information can be provided to An Garda Síochána by way of the Garda confidential line, 1800 666 111, which is a monitored freephone line that allows members of the public to contact An Garda Síochána with information of a confidential nature.

The allocation of Gardaí and the prioritising of policing matters is a matter for local Garda management who are best placed to respond to localised public disorder and anti-social behaviour. Gardaí engage closely with local communities to identify issues of concern and to respond appropriately. In this regard there is a wide range of legislation available which may be utilised by An Garda Síochána to address incidents of anti-social behaviour and related criminal acts.

### **Asylum Applications**

156. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate eligibility for long term residency/naturalisation in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [29462/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my detailed reply to his earlier parliamentary question No. 495 of Tuesday, 23 April, 2013. The position is unchanged since then.

### **Garda Deployment**

157. **Deputy Seamus Kirk** asked the Minister for Justice and Equality if he is prepared to review the Garda manning levels in County Louth in view of the disturbing crime figures in the county; and if he will make a statement on the matter. [29472/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that the Garda Commissioner is responsible for the detailed allocation of resources, including personnel, throughout the organisation and I have no direct function in the matter. This allocation of resources is constantly monitored in the context of demographics, crime trends, policing needs and other operational strategies in place on a district, divisional and regional level to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public.

Garda management is satisfied that a full and comprehensive policing service is being delivered to the communities in the Louth Garda Division and that current structures in place meet the requirements of the delivery of an effective and efficient policing service.

Specifically in relation to the Louth Garda division, I have been informed by the Garda Commissioner that the personnel strength of the Louth Garda Division on 31 May 2013, the latest date for which figures are readily available, was 289. There are also 48 Garda Reserves and 23 civilians attached to the Louth Garda Division. Divisional resources are further augmented, where necessary, by a number of Garda National Units such as the Garda National Drugs Unit, GNDU, the National Bureau of Criminal Investigation, NBCI, the Criminal Assets Bureau, CAB, and other specialised units.

### **Immigration Policy**

158. **Deputy Derek Nolan** asked the Minister for Justice and Equality if his Department has ever carried out surveys, polling or information gathering, on the perception of the Irish

immigration and asylum system in countries or places outside Ireland; and if he will make a statement on the matter. [29474/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** The perception of Ireland's immigration and asylum system abroad is monitored primarily through Ireland's representation at a number of international fora, in particular EU bodies and immigration and asylum related organisations such as the General Directors of Immigration Services Conference, GDISC, the Intergovernmental Consultations on migration, asylum and refugees, IGC, and the EU's border agency, FRONTEX. International perceptions are also ascertained and monitored through regular contacts with the UNHCR as well as participation generally through the Department of Foreign Affairs and Trade at relevant UN fora.

The common travel area, CTA, between Ireland and the UK which for many decades has delivered immeasurable economic, social and cultural benefits to all people on the island is of the utmost importance in public policy. In part informed by the experiences of various organisations such as the tourism bodies and tour operators, the immigration authorities of both countries are working together to introduce reciprocal visa arrangements which will afford greater ease of travel between Ireland and the UK for visa required nationals.

In addition, regular feedback on Ireland's visa policy is received from various bodies abroad such as tour operators and the impact of such policies is evidenced by the increased number of visitors coming to Ireland. For example, Central Statistics Office figures indicate that tourist visits from the countries covered by the visa waiver programme increased by almost 21% in the twelve months after the introduction of the programme compared with the twelve preceding months (from 74,153 to 89,482). The programme has been widely welcomed by tourism promotion agencies and tour operators. The Government decided in March last year to extend the programme beyond its original finish date of 31 October 2012 until the end of October 2016 by which time a common travel area visa arrangement should be in place.

Ireland, like its EU counterparts, is bound by EU law together with national legislation and international law such as the UN Convention on Human Rights. On the asylum front, Ireland actively participates in relevant EU bodies and during our presidency of the EU a number of important legislative measures were successfully concluded. As part of these discussions, experiences of the operation of the asylum system across the EU are discussed which contributes to policy formulation and the measures pursued at EU and National level. Similar sharing of experiences take place in other forum such as GDISC and the IGC. In addition, Ireland is an active participant in FRONTEX and both takes the lead and also participates in various operations organised under its auspices. INIS also provides a range of annual statistical returns to the UNHCR and EUROSTAT and these figures are used for research and inform opinion on asylum and immigration related matters.

The operation of an immigration policy in Ireland, no less nor no more than in any Western European country, is a huge challenge. On the one hand, it is a legitimate public requirement for any nation state to maintain and operate appropriate border controls in order to decide who may enter or reside in the State. On the other hand, any such controls have to be proportionate, balanced, fair and commensurate with the State's national interests in the economic sphere, as indeed in other areas of public policy. Striking the right balance between these often competing requirements is a major challenge and, of course, changes from time to time as wider circumstances dictate. Ultimately all immigration policies boil down to a country's right to determine who may or may not enter its territory and that is a well established fundamental principle in all countries which experience inward migration.

## **Garda Operations**

159. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the number of extra Gardaí that were drafted into Roscommon town for the funeral of Ruairí Ó Brádaigh last Saturday, and also for the removal the previous evening; the person who organised-managed the policing of the funeral; the amount this exercise cost in overtime and extra payments; what the Garda feel set off the disturbances in the graveyard; if the Garda had prior permission from the church to enter church grounds to film mourners; and his views on whether the size and approach of the operation was warranted in the circumstances. [29475/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** For security and operational reasons, it is not Garda policy and it would not be in the public interest to disclose detailed information of a kind that could potentially have an operational impact on policing arrangements, including the numbers of Gardaí deployed on an ongoing daily basis. The Garda Síochána is statutorily required to provide policing services for the State with the aim of preserving public order and protecting life and property. In this regard, Garda resources are allocated by the Commissioner and his senior management team according to, *inter alia*, the assessed threat of breaches of the criminal law. The costs involved in this specific operation will be met from within the overall Garda vote and a breakdown is not readily available.

## **Equality Issues**

160. **Deputy Marcella Corcoran Kennedy** asked the Minister for Justice and Equality his plans to extend the protections of equality legislation enshrined in the programme for Government to the Irish transgender and intersex community; and if he will make a statement on the matter. [29480/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Equality Tribunal and the Courts have interpreted the existing equality legislation prohibiting gender discrimination as applying also to the situation of transgender persons. Therefore, amendment to these Acts is not necessary to ensure that the desired protections are in place in law for this group in society. I am, however, considering whether addition of an explicit reference in the legislation might be beneficial, particularly in raising awareness of equality issues affecting transgender persons in employment. Application of the prohibition on gender discrimination under equality legislation to the situation of intersex persons has not been considered to date in Ireland by the Equality Tribunal or the courts, or by the Court of Justice of the European Union. I am open to looking at any particular difficulties that arise for intersex persons in this regard, with due consideration to the role and expertise that may be provided by the Irish Human Rights and Equality Commission on its establishment.

## **Immigration Controls**

161. **Deputy Terence Flanagan** asked the Minister for Justice and Equality if he will confirm the security checks that are in place for buses entering this country from the UK; and if he will make a statement on the matter. [29483/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Garda Síochána undertakes immigration controls at all approved ports of entry to the State and also deploys an immigration unit based at Dundalk to conduct such controls, as appropriate, at the border with Northern Ireland. The nature of these controls and how they are implemented are operational

matters for the Garda Síochána. As the Deputy is aware, there is a common travel area, CTA, between Ireland and the UK which for many decades has delivered immeasurable economic, social and cultural benefits to all people on the island. The CTA which facilitates ease of travel is of the utmost importance in public policy and in its implementation an appropriate and balanced approach is taken to border controls in cooperation with the UK authorities.

### **Garda Investigations**

162. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will respond to the issues raised in correspondence regarding the destruction of a gun (details supplied). [29507/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** As I advised the Deputy in my response to his parliamentary question dated 16 May 2013, I am informed by the Garda authorities that the incident, which occurred in 1989, was the subject of thorough investigation. Complaints were also made to the Garda Síochána Complaint Board which further investigated the matter and found no evidence of an offence or breach of discipline on the part of the members concerned.

### **Garda Discipline**

163. **Deputy Clare Daly** asked the Minister for Justice and Equality if there is a protocol to require members of An Garda Síochána to declare gifts they receive in the form of accommodation or refreshment in places of public resort; and if he will make a statement on the matter. [29541/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** The inappropriate receipt of gifts or gratuities by members of An Garda Síochána is governed by An Garda Síochána (Discipline) Regulations 2007.

### **Data Protection**

164. **Deputy Clare Daly** asked the Minister for Justice and Equality if there is a policy of monitoring the phone and e-mail records of residents here. [29542/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** There is a comprehensive legislative regime in place to deal with such matters in this jurisdiction. With regard to interceptions, the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993 provides for the interception of postal and telecommunications messages. Under Section 2 of the Act, ministerial authorisation may be given for interceptions solely in the interests of the security of the State or for the purpose of criminal investigation. Such authorisations are only issued following application from the Garda Commissioner or the Chief of Staff of the Defence Forces, in accordance with the Act. The 2011 Communications (Retention of Data) Act provides for access to traffic data, location data and subscriber data. An application for such data may be made by a member of An Garda Síochána not below the rank of Chief Superintendent to a service provider where the data concerned is required in the context of the prevention, investigation, detection or prosecution of a serious offence, the security of the State or the saving of human life. The content of calls, texts etc. are not disclosed under this Act. A senior officer of the Defence Forces may apply for such data where the data concerned is required in the

context of the security of the State and a senior officer of the Revenue Commissioners may apply for data in relation to the investigation of certain revenue offences. Both statutory schemes are subject to judicial oversight. Both the 1993 and 2011 Acts provide for the appointment of a High Court Judge to carry out reviews of their operation and the relevant reports to the Taoiseach are laid before the Houses of the Oireachtas. In addition, the Acts provide for a procedure whereby a member of the public who believes their communications have been intercepted or that their personal data has been accessed (whichever the case may be) may make a complaint to a “Complaints Referee”. The current Complaints Referee is a judge of the Circuit Court.

### Garda Strength

165. **Deputy Alan Farrell** asked the Minister for Justice and Equality if he will outline, in tabular form, the current strength of the Garda Síochána in the Balbriggan (Y) District, Dublin; the number of vehicles allocated; the number of Garda reserves present; and if he will make a statement on the matter. [29543/13]

166. **Deputy Alan Farrell** asked the Minister for Justice and Equality if he will outline, in tabular form, the current strength of the Garda Síochána in the Swords sub-district, Dublin; the number of vehicles allocated; the number of Garda reserves present; and if he will make a statement on the matter. [29544/13]

167. **Deputy Alan Farrell** asked the Minister for Justice and Equality if he will outline, in tabular form, the current strength of the Garda Síochána in the Malahide sub-district, Dublin; the number of vehicles allocated; the number of Garda reserves present; and if he will make a statement on the matter. [29545/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 165 to 167, inclusive, together.

The Deputy will be aware that the Garda Commissioner is responsible for the detailed allocation of resources, including personnel, throughout the organisation and I have no direct function in the matter. This allocation of resources is constantly monitored in the context of demographics, crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public. I have however been informed by the Garda Commissioner that Swords and Malahide form part of the Coolock Garda District. The personnel strength, reserves and vehicles in the Balbriggan District and each of the Stations in the Coolock Garda District on 31 May 2013, the latest date for which figures are readily available is set as follows:

District/Station	Strength	Reserves	Vehicles
Balbriggan	90	6	10
Coolock			
Coolock	111	8	15
Malahide	35	3	4
Swords	74	9	10

The allocation of Garda vehicles is monitored and reviewed on a continual basis. The responsibility for the efficient deployment of all official Garda vehicles in each Division is assigned to the Divisional Officer, who may allocate vehicles between Stations as required by

operational circumstances.

### **Statute of Limitations**

168. **Deputy Joan Collins** asked the Minister for Justice and Equality his views regarding the lifting of the statute bar to allow for women who were victims of symphysiotomy. [29570/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have already publicly stated that I believe the practice of symphysiotomy and pubiotomy, the experience of which has been well articulated by the ‘Survivors of Symphysiotomy’ representative group, was both brutal and, in many cases, medically unjustified. The Deputy will also be aware that a Private Members’ Bill seeking to temporarily lift the Statute of Limitations for women who experienced these procedures was published in April of this year. The Government remains committed to dealing with this issue and to finding a just and workable resolution for those victims who have been adversely affected by this appalling practice. This objective informs the approach being taken by the Government in relation to the ongoing consultations being conducted under the stewardship of Minister of Health, Deputy Reilly, and his officials in the Department of Health. In that context, the outcomes of the final phase of consultations under the independent research into the practice of symphysiotomy, which had been commissioned by the Chief Medical Officer, will further help determine the best way to resolve this issue. The real challenge for the Government is to find a solution that will balance the need for an early resolution to this issue with the legal complexities of achieving this by means of an amendment to the legislation governing the limitation of actions. This area of law is also the subject of a report and recommendations published by the Law Reform Commission in 2011. That report considered the existing limitation of actions framework to be unnecessarily complex and in need of reform and simplification. As the Minister, Deputy Reilly, explained in his statement to this House on the occasion of the publication of the Private Members’ Bill on 14 April, the Government is not yet persuaded that lifting the bar will resolve the problems facing the women who wish to bring their cases before the courts and we do not wish to see a situation where women who have suffered enough are faced with high litigation costs in potentially unsuccessful challenges. The limitation of actions aspect is, therefore, one in relation to which all options will be examined by the Department of Health in conjunction with my Department, which deals with the framework legislation for this area, and in conjunction with the Office of the Attorney General from whom legal advices have been obtained.

In conclusion, therefore, I wish to reiterate my commitment and that of the Government to resolving the complex issues presented by the brutal legacy of symphysiotomy at both the human and legal levels. I also wish to acknowledge the wider support being given by Members of both Houses to the early realisation of this objective. I will continue to work with the Minister for Health, Deputy Reilly, in bringing together the competencies of our respective Departments to achieve this in the most appropriate and fairest way possible for the victims concerned.

### **Data Retention**

169. **Deputy Andrew Doyle** asked the Minister for Justice and Equality his views on the concerns of the Vice-President of the European Commission and Commissioner for Justice, Fundamental Rights and Citizenship, Viviane Reding, regarding the PRISM surveillance programme run by the National Security Agency in the United States (details supplied); the ramifications it has for Irish and EU citizens data; if he has concerns that PRISM or similar pro-

grammes is aimed at Irish citizens; if this was raised at the EU-US Justice Ministerial meeting on 14 June and if Ireland was represented at this meeting; and if he will make a statement on the matter. [29604/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** I, of course, fully understand the concerns which have arisen here and in other countries in the wake of recent media reports about the PRISM programme. These concerns mainly centre on data privacy rights not being adequately respected. Commissioner Reding and myself raised these concerns with the US Attorney General Eric Holder at the EU-US Ministerial meeting last week. I also raised the matter at a bilateral meeting which I had with Attorney General Holder. At these meetings, the US Attorney General provided clarity on a number of issues, in particular that the information collected and processed relates only to metadata i.e. phone numbers, duration of calls etc. but not the content of calls. He also advised that the data was collected under judicial authority and only where there was a reasonable suspicion of serious crime, such as terrorism or cyber-security/cybercrime. The courts only allow the data to be queried when there is a reasonable suspicion based on specific facts that the basis of the query is associated with a foreign terrorist organisation. He further stated that Congressional oversight applied to these programmes. It was agreed to set up a working group between the EU side and the US security services to continue dialogue in relation to this matter. We cannot ignore the very important fact that there is a recognised need to protect our citizens from terrorist threats and dealing with that does require access to certain data. In doing so, however, it is necessary to ensure that the information used is properly obtained and subject to appropriate safeguards. The importance of protecting individual rights to privacy and ensuring respect for individual human rights contained in the European Convention on Human Rights was emphasised to the US side. The crucial need to ensure that any security surveillance undertaken is balanced and proportionate was also emphasised as was the need to give essential assurances to non-US citizens on this score. The US authorities have indicated that their practices are proportionate to the threat they are trying to deal with.

We do have, in this country, robust data protection legislation to protect individuals against unwarranted invasion into their privacy. Access to call content is governed by the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993 and may only take place under Ministerial warrant. Access to retained data in this jurisdiction is governed by the Communications (Retention of Data) Act 2011. Under the Act access may only be granted following a request to the particular mobile phone company or internet provider in connection with the prevention, detection, investigation or prosecution of a serious offence, the safeguarding of the security of the State or the saving of human life. The operation of both Acts is subject to judicial oversight and there is a complaints procedure which individuals can avail of if there is a concern that the Acts have been breached in relation to their calls or their data. There are also procedures in place under Mutual Assistance legislation to cover requests to and from other countries for this type of information.

### **Immigration Status**

170. **Deputy Paschal Donohoe** asked the Minister for Justice and Equality if he will provide an update on an application submitted by a person (details supplied) in Dublin 7 to extend their leave to remain here; and if he will make a statement on the matter. [29612/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned has had her permission to remain in the State renewed for a further three year period, valid to 25th June, 2016. This decision was conveyed in writing to the person concerned by letter dated 17th June, 2013. Queries in relation to the status of individual immigration cases may be made directly to

the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

### **Garda Communications**

171. **Deputy Luke 'Ming' Flanagan** asked the Minister for Justice and Equality if he will confirm that an inspector, acting on behalf of the superintendent at that Garda station (details supplied) in County Offaly, has instructed a member of the public in writing, on 10 May 2013, that in future all correspondence should be forwarded here through his or her solicitor; if this is acceptable practice; if he will undertake to investigate the circumstances surrounding this case and the reason a member of the public cannot address the gardaí directly; and if this request could impact on any subsequent legal case with regard to the statute of limitations. [29693/13]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have requested a report from the Garda authorities in relation to the matter referred to by the Deputy. I will contact the Deputy directly as soon as the report is to hand.

### **European Council Meetings**

172. **Deputy Andrew Doyle** asked the Minister for Defence the preparations he and his Department have made to date in advance of the European Council summit in December 2013 that will play host to a substantive debate on European security and defence matters; if he can outline at this juncture what stage discussions within his Department have reached; his views on whether this summit may change the nature of public debate here regarding collective security and defence in the EU given the recent comments by President of the Council, Herman Van Rompuy that the EU needs a long-term and more systematic approach to cooperation in this policy field; if pooling of Irish defence resources is going to be considered; and if he will make a statement on the matter. [29618/13]

**Minister for Defence (Deputy Alan Shatter):** The European Council meeting in December next will include, for the first time in five years, a thematic discussion on defence issues. The European Council will discuss three clusters of issues. These are (a) increasing the effectiveness, visibility and impact of CSDP; (b) enhancing the development of defence capabilities; and, (c) strengthening Europe's defence industry. The process is divided into two phases an informal and then a formal phase. The informal phase, which will continue until September, consists of a number of meetings such as Ministerial meetings, and others with Policy Directors, European Defence Agency (EDA) Steering Boards and the Political Security Committee. These meetings will allow the European External Action Service (EEAS) to explore with Member States which topics and priorities should be addressed as part of the European Council debate. The second phase, which will be more formal, will commence in September when a number of reports due will be available. The High Representative Report will be drafted by September 2013 (based on EEAS' and EDA's inputs), and the Commission's Global Strategy for strengthening Europe's defence industry (in the form of a Communication) is expected to issue shortly. On this basis, recommendations will issue with a view to debate and conclusions next December.

In relation to discussions within my Department, as part of Ireland's Presidency of the

European Council, I hosted a seminar in Dublin Castle on 17th May, 2013, to discuss these issues. The seminar formed an integral part of the preparatory process of developing the agenda for the European Council discussion, with presentations from the European External Action Service, the European Defence Agency, the European Commission, Member States, academia and industry.

In my own address, I underlined the importance of this Council meeting and the need for clarity and consensus at EU level to ensure that the EU can effectively respond to emerging international crises. I pointed out that achieving the EU's ambition in Common Security and Defence Policy requires a greater willingness amongst Member States to coordinate their efforts, rather than continuing to act individually. There is also a need to ensure that the Union has the requisite resources and military capabilities, able and willing to effectively respond to emerging international crises that could ultimately have an adverse effect on the EU and on the security of our States and our citizens. Having capabilities is one thing, but as I said at the seminar, the political will to deploy them is a key and missing component, which Heads of State and Government will need to address in December. I also pointed to the important role which the Defence Industry plays in support of jobs, growth, leading edge technology and innovation and, with a particular focus on our own national capacity, the contribution which SMEs can make in this regard.

During this preparatory stage it is difficult to foresee what public debate on collective security and defence may occur as no concrete proposals have yet been finalised.

The European Defence Agency, in consultation with participating Member States and the EU Military Committee, bring forward projects under the Pooling and Sharing initiative. Ireland is keen to continue to explore all aspects of this evolving initiative and will continue work to develop specific opportunities for Pooling and Sharing, where appropriate. However, the decision to participate in any specific Pooling and Sharing project is a sovereign decision to be taken by individual Member States.

### **Coillte Teoranta Harvesting Rights Sale**

173. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine when a decision will be made in relation to the proposal to sell the forest crop of Coillte; the reason for the delay in making the decision despite his previous undertaking to Dáil Éireann on this matter; and if he will make a statement on the matter. [29489/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Further to the Government decision that a concession for the harvesting rights to Coillte's forests be considered for sale, NewERA, Coillte, the Department of Public Expenditure and Reform and my Department examined the financial and other implications of developing the potential of Coillte's forest assets. This examination included the identification of the forestry assets involved, the determination of their value and the consideration of a number of issues associated with the proposed sale of the harvesting rights. These included, *inter alia*, the possible impact on the timber industry, public access to recreational land and potential impacts, both environmental and social.

The overall analysis on the proposed sale of Coillte harvesting rights was finalised recently, the outcome of which was then considered by the Minister for Public Expenditure and Reform and myself. I am bringing a Memorandum with recommendations to Government today for consideration.

## Common Agricultural Policy Reform

174. **Deputy Pat Deering** asked the Minister for Agriculture, Food and the Marine if he will provide an update on the Common Agricultural Policy reform negotiations; and if he will make a statement on the matter. [29459/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Since the Council of Agriculture Ministers agreed the general approach of the Council on 19 March last, negotiations have moved to the final phase with so-called trilogue discussions between the three EU institutions. We have therefore moved from a narrower focus on the finalisation of a Council position to the point where the Council position is itself just one of three different perspectives being brought to the table.

Typically, this represents the final phase of negotiations in areas where the European Parliament has a co-decision role. Indeed, this is the first time that the Parliament has had such a role in relation to a CAP reform package. As President of the Council, Ireland is representing Member States in these negotiations with the Parliament and the Commission.

I am happy to report that progress has been very good so far. The trilogues have been held in a very positive, constructive atmosphere. All of the institutions have responded to the Presidency's call for a collaborative endeavour, and for a spirit of compromise to inform the process. Good progress has been made on a substantial number of technical issues and we are now in the "end-game" where we are considering the important and politically sensitive points.

I said from the start of the Irish Presidency that the final target for political agreement was the end of June. It is clear that the European Parliament and the Commission are committed to achieving this objective. The Member States have also demonstrated their commitment, and as President of the Council of Ministers, I intend to do all I can to ensure that the deadline is met.

I need to be clear however that the timeline for political agreement by end June is extremely tight and ambitious. It can only be achieved with a fair wind and an exceptional effort by all three institutions.

## Coillte Teoranta Harvesting Rights Sale

175. **Deputy Pat Deering** asked the Minister for Agriculture, Food and the Marine when the decision on the sale of Coillte's harvesting rights will be made; and if he will make a statement on the matter. [29460/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Further to the Government decision that a concession for the harvesting rights to Coillte's forests be considered for sale, NewERA, Coillte, the Department of Public Expenditure and Reform and my Department examined the financial and other implications of developing the potential of Coillte's forest assets. This examination included the identification of the forestry assets involved, the determination of their value and the consideration of a number of issues associated with the proposed sale of the harvesting rights. These included, *inter alia*, the possible impact on the timber industry, public access to recreational land and potential impacts, both environmental and social.

The overall analysis on the proposed sale of Coillte harvesting rights was finalised recently, the outcome of which was then considered by the Minister for Public Expenditure and Reform and myself. I am bringing a Memorandum with recommendations to Government today for

consideration.

### **Rural Environment Protection Scheme Payments**

176. **Deputy Marcella Corcoran Kennedy** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Offaly has to repay the grant they received through REP scheme 4 on leased lands of 14.35ha which have been sold by the owner of the lands; if an appeal will be allowed in this case; and if he will make a statement on the matter. [29477/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS 4 in June 2008 and received payments for the first four years of their contract. REPS 4 is a measure under the current 2007-13 Rural Development Programme and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before any payments can issue.

Under the terms and conditions governing the Scheme, the participants undertake to implement their farming activities for a minimum period of 5 years under an agri-environmental plan which includes all lands farmed whether owned, leased or rented. It now appears that this was not the situation in the case of part of the lands included in the REPS plan of the person named. Officials in my Department will investigate the matter further and will shortly be in contact with the person named.

### **Agriculture Schemes Data**

177. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine the number of applicants under agri-environment option scheme 3 who were deemed ineligible on the basis that they were still in another environmental scheme; the number who were in the National Parks and Wildlife Service corncrake scheme; and if he will make a statement on the matter. [29509/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Agri-Environment Option Scheme (AEOS) 3 Terms and Conditions specifically states that existing AEOS applicants together with participants of both the Rural Environment Protection Scheme and the National Parks and Wildlife Service's Farm Plan Scheme are ineligible to participate in AEOS 3. The total number of applicants under AEOS 3 who were deemed ineligible on the basis that they were still in another environmental scheme was 63. This figure is broken down as follows: AEOS I Participant, 5; AEOS II Participant, 14; Participant in NPWS Scheme, 7; and REPS Participant, 37.

### **Fodder Crisis**

178. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 782 of the 11 June 2013, if he will consider under the fodder transport scheme reimbursing the verifiable transport costs incurred whilst importing fodder by individual farmers who imported fodder independent of the Dairy Co-operatives and prior to the announcement of his Departments initiative; and if he will make a statement on the matter. [29515/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The principal

purpose of the fodder transport scheme that I announced in April was to contribute to the transport costs of importing fodder into the country and to provide assistance to farmers to secure adequate fodder to feed their animals. The Scheme provided financial assistance to farmers for the purchase of fodder and was operated largely through the Dairy co-operatives. The scheme operated very successfully and has contributed significantly to alleviating the difficulties encountered by many farmers. The scheme is now closed but the ongoing availability of fodder is being monitored by my Department. It is not proposed to extend retrospectively the scope of the scheme.

### **Proposed Legislation**

179. **Deputy Paudie Coffey** asked the Minister for Agriculture, Food and the Marine his plans to introduce regulations or legislation here that will ensure compliant standards are achieved with regard to the testing and use of agricultural sprayers here in accordance with European Directive 2009/128/EC; and if he will make a statement on the matter. [29520/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Directive in question was transposed into Irish legislation by way of Statutory Instrument 155 of 2012. The principle aim of these regulations is to achieve a more sustainable use of pesticides in both the farming and the amenity/landscaping sectors.

With regard to the “testing and use of agricultural sprayers”, these regulations enable me to establish a register of “inspectors of pesticide application equipment” and make it a legal requirement for all pesticide application equipment in use, to be tested by a registered inspector by November 2016. The registered inspectors, when inspecting such equipment, shall apply the standards as set out in EN Standard 13790-1:2003 for Boom sprayers and EN Standard 13790-2:2003 for Orchard and Blast sprayers.

Officials in my Department are currently working on the mechanisms to facilitate this process and it is planned to have a coherent system in place by early 2014.

### **Coillte Teoranta Lands**

180. **Deputy Catherine Murphy** asked the Minister for Agriculture, Food and the Marine if he will outline his policy surrounding the charging of members of the public to gain access to State owned forests; if he will consider issuing guidelines in respect of same; and if he will make a statement on the matter. [29540/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Coillte Teoranta was established as a private commercial company under the Forestry Act 1988 and day-to-day operational matters, such as the management of the State’s forestry estate, are the responsibility of the company.

I understand that Coillte welcomes responsible users who practice ‘Leave No Trace’. Since its establishment in 1989, Coillte has operated an Open Forest Policy which allows permissive access on foot. I am advised that, under this policy, the general public are permitted and welcome to use forest lands for non-commercial, informal, recreational purposes subject to visitors taking due care for their safety, having consideration for other forest users and respecting the nature of Coillte’s commercial operations. This policy is applicable to the individual user and small user groups. The company also advises that, where car parks are in place in Coillte forests generally access is free of charge.

Coillte advise that it has entry fees for vehicular access to its forest parks. The company has also advised that a fee of €5 per car applies but that a Coillte Outdoors Access Card provides unlimited access to all their forest parks for the period of one year and can be purchased on-line at [Coillteoutdoors.ie](http://Coillteoutdoors.ie) with a new card costing €40, a renewal €35 and a replacement €20. I understand that the Coillte Outdoors Access card will allow entry though the entry barrier at Dún a Rí Forest Park (Cavan), Farran Forest Park (Cork), Gougane Barra Forest Park (Cork), Ards Forest Park (Donegal), Donadea Forest Park (Kildare), Ballyhoura Mountain Bike Centre (Limerick), Curragh Chase Forest Park (Limerick), Rossmore Forest Park (Monaghan) and Avondale Forest Park (Wicklow). It does not permit entry to the car-park at Lough Key Forest Park. I am advised that Coillte has no plans to remove entry fees for vehicular access to its forest parks but that it should be noted that pedestrian access is free.

### **Agri-Environment Options Scheme Applications**

181. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding the agri-environment option scheme in respect of a person (details supplied); and if he will make a statement on the matter. [29609/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the Agri-Environment Options Scheme from the person named was received in my Department on 30th November 2012.

The process of ranking and selecting all AEOS applicants was clearly set out in the scheme documentation. Acceptance into the scheme was established using the pre-determined selection criteria as follows:

1. farmers in the Boora region of Co. Offaly who chose Wild Bird Cover Option B (Grey Partridge) as one of their selected options,
2. farmers with a minimum of 0.5 hectares of designated land,
3. farm partnerships,
4. farmers who previously participated in REPS commencing with smallest farms. and
5. others based on farm size (again favouring smaller holdings).

The person named was a previous participant in REPS. Based on the funding available farmers in category 4 with 22.06 hectares of utilisable agricultural area and below were successful. As the farm size of the person named is 28.52, the application was unsuccessful. On 27th May 2013, a letter issued to the person named informing him that he was not successful and setting out the reasons. The letter also notified the person named of his right of appeal to the Agriculture Appeals office.

### **Aquaculture Licences Appeals**

182. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding appeals against aquaculture licences (details supplied); and if he will make a statement on the matter. [29611/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Aquaculture Licences Appeals Board is an independent authority for the determination of appeals

against decisions of the Minister on aquaculture licence applications. In view of its independent status it would not be appropriate for me to comment on the work of the Board.

### **Common Agricultural Policy Reform**

183. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the degree to which he has succeeded in achieving the desired level of agreement in the context of Common Agriculture Policy in order to ensure the future developments of the European and Irish agricultural and food sectors in view of the need to maximise food production worldwide; and if he will make a statement on the matter. [29634/13]

184. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which he expects the beef, dairy, pig meat, lamb and poultry sectors to develop in the future arising from Common Agricultural Policy reform; and if he will make a statement on the matter. [29635/13]

189. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine his views regarding the future development of the beef, lamb, dairy, pig meat and poultry sectors in the future in the aftermath of his discussions at EU level; and if he will make a statement on the matter. [29640/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 183, 184 and 189 together.

Recent months have seen very positive developments in the negotiations on reform of the CAP. The agreement by the European Council on the Multiannual Financial Framework on 8 February provided the necessary clarity to enable the CAP discussions to move forward. This was followed by the adoption by the European Parliament of its overall position on the reform proposals at its plenary session on 12 March. This was in turn followed by the agreement by the Council of Agriculture Ministers on 19 March on its so-called ‘General Approach’ to the reform package, following the tabling of compromise proposals by the Irish Presidency.

We have therefore moved from a narrower focus on the finalisation of a Council position to the point where the Council position is itself just one of three different perspectives being brought to the table. Of course, the big question is whether the three institutions can come to an agreement on these and other issues by the end of June. My strong belief is that they can. The vehicle will be the so-called “trilogue” process. Typically, this represents the final phase of negotiations in areas where the European Parliament has a co-decision role. Indeed, this is the first time that the Parliament has had such a role in relation to a CAP reform package. As President of the Council, Ireland is representing Member States in these negotiations.

I am happy to report that progress has been very good so far. The trilogues have been held in a very positive, constructive atmosphere. All of the institutions have responded to the Presidency’s call for a collaborative endeavour, and for a spirit of compromise to inform the process. Progress has been achieved on a number of technical issues, facilitated by technical discussions which are running in parallel to the trilogue meetings. In addition, more politically sensitive points that have been encountered so far have been discussed in a preliminary or exploratory way in the trilogues and parked for further consideration later. In this regard I have agreed with the Chairman of the European Parliament’s Agriculture Committee, Paolo de Castro, on a further parallel process aimed at making progress on the big political issues that are likely to form the basis of the final political agreement.

The final target for that political agreement is the end of June. It is clear that the European

Parliament and the Commission are committed to achieving this objective. The Member States have also demonstrated their commitment, and as President of the Council of Ministers, I intend to do all I can to ensure that the deadline is met. I need to be clear however that the timeline for political agreement by end June is extremely tight and ambitious. It can only be achieved with a fair wind and an exceptional effort by all three institutions.

The reformed CAP will set the policy framework for the future development of the Irish agricultural sector. I am confident that we can secure a political agreement on the CAP before the end of June that will be good for Irish and EU agriculture and that will allow enhanced development of all of the sectors of importance to the Irish agri-food industry.

### **Food Labelling**

185. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which checking, cross-checking and inspection continues in order to ensure the integrity of the labelling of all food and food products imported into this jurisdiction or into the EU and subsequently to this jurisdiction; and if he will make a statement on the matter. [29636/13]

187. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which full traceability applies in respect of all animals or poultry slaughtered here or imported directly or through other EU or non-EU jurisdictions; and if he will make a statement on the matter. [29638/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 185 and 187 together.

Food production and labelling in the countries of the European Union operates in accordance with harmonised rules and member states controls are subject to audit and supervision by the Food and Veterinary Office (FVO) of the EU.

The Food Safety Authority of Ireland (FSAI) under the aegis the Minister for Health has overall responsibility for the enforcement of food safety and labelling requirements in Ireland. It carries out this remit through service contracts with my Department and other agencies including the Health Service Executive (HSE), Local Authority Veterinary Service and the Sea Fisheries Protection Authority.

Inspections to ensure compliance with labelling legislation are carried out by a variety of inspection services provided by the HSE and my Department under the aforementioned contracts.

EU law provides for the free movement of goods between Member States. On that basis, meat and meat products produced in an establishment which is approved under the relevant EU regulation can be moved freely within the EU. Food business operators in Ireland are responsible for carrying out checks to ensure that their ingredients come from approved plants. They must also have a system in place to identify the source of inputs and destination of outputs (referred to as one “step forward and one step back”).

My Department has a permanent veterinary presence in all its approved slaughter plants. Controls at stand alone secondary processing plants are carried out at a frequency which is based on an annual risk assessment for each plant. Checks are also conducted at retail level by the HSE, working under the aegis of the FSAI.

An annual audit of imported products is carried out in each Department approved meat

plant. The audit includes physical identity, labelling and documentary checks. This includes product originating both in EU Member States and third countries. In addition, labelling and documentary checks form part of the routine checks conducted by Department officials.

Poultry products imported from outside the EU must come from plants approved under the European Union veterinary inspection regime. These premises must have equivalent standards to those pertaining in the EU. Such meat products are subject to documentary, identity and, where necessary, physical checks at the point of entry to ensure compliance with the EU requirements.

The Food Information for the Consumer Regulation (1169/2011/ EC) provides *inter alia* for mandatory country of origin/place of provenance labelling. This Regulation extends mandatory origin/provenance labelling, already applying in the case of beef, to pigmeat, sheepmeat and poultry. The Commission has been asked to bring forward its proposals in relation to the mandatory origin/provenance of these meats to September so that the detailed rules can be adopted by the end of this year. It is intended that the legislation will come into effect in 2014.

### Food Labelling

186. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine his views that food and food-product labelling continues to accurately reflect country of origin, standards of husbandry production and processing in respect of all meat and poultry products on sale here; and if he will make a statement on the matter. [29637/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Food production and labelling in the countries of the European Union operate in accordance with harmonised rules and member states controls are subject to audit and supervision by the Food and Veterinary Office (FVO) of the EU.

The Food Safety Authority of Ireland (FSAI) under the aegis the Minister for Health has overall responsibility for the enforcement of food safety and labelling requirements in Ireland. It carries out this remit through service contracts with my Department and other agencies including the Health Service Executive (HSE), Local Authority Veterinary Service and the Sea Fisheries Protection Authority.

The general labelling of foodstuffs is controlled under Directive 2000/13/EC, presentation and advertising of foodstuffs, as amended. This legislation is transposed into Irish law by European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002 (S.I. 483 of 2002). Under this legislation, the place of origin of foodstuffs in circulation within the EU is required to be declared only where failure to provide it would be likely to mislead the consumer.

Inspections to ensure compliance with labelling legislation are carried out by a variety of inspection services provided by the HSE and my Department under the aforementioned contracts.

The Food Information for the Consumer Regulation (1169/2011/ EC) provides *inter alia* for mandatory country of origin/place of provenance labelling. This Regulation extends mandatory origin/provenance labelling, already applying in the case of beef, to pigmeat, sheepmeat and poultry. The Commission has been asked to bring forward its proposals in relation to the mandatory origin/provenance of these meats to September so that the detailed rules can be adopted by the end of this year. It is intended that the legislation will come into effect in 2014.

EU labelling legislation does not include references to the standards of husbandry produc-

tion. Such issues are governed by other legislation relating to animal health and welfare. The EU Food and Veterinary Office audit the controls of the importing countries for equivalent standards before that country is authorised to import meat into the EU.

*Question No. 187 answered with Question No. 185.*

### **Fodder Crisis**

188. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent, if any, to which provision can be made to ensure the availability of adequate animal feed throughout the coming winter in view of the most recent experiences arising from inclement weather conditions over the past two years; and if he will make a statement on the matter. [29639/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** It is important that we do as much as we can over the next few months to ensure that Irish farmers are not faced with the same issues and difficulties next Winter as experienced earlier this year in sourcing adequate fodder for their animals. Accordingly, Teagasc's Interagency Fodder Committee is currently monitoring the fodder situation while also examining and co-ordinating the next steps required to ensure that there is a strategic approach to fodder production and conservation to ensure continuity of supply.

I have also asked the Interagency Fodder Committee to report to the High Level Implementation Committee of Food Harvest 2020 which I chair, on the outlook for the rest of this year and also to detail the actions being taken to ensure adequate fodder is available for next Winter.

It is also important that farmers are maximising grass production and fodder conservation in the coming period and I have asked Teagasc to prioritise this policy in their advisory campaigns over the summer months. In this context, adjustments to the Nitrates regulations recently agreed with the Minister for Environment, Community and Local Government will provide support to farmers to maximise grass growth and conservation into next Autumn.

*Question No. 189 answered with Question No. 183.*

### **Common Agricultural Policy Reform**

190. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which he has studied recent submissions from the Irish Farmers Association and other farming representatives in the context of Common Agricultural Policy reform; the extent to which he has managed to address the issues raised; and if he will make a statement on the matter. [29641/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I have taken careful note of the submissions received from all the farming organisations and indeed from all stakeholders. They have been very useful in highlighting the main concerns and preferred options of the farming and wider agri-food sector. Of course, there are variations between the positions taken by different stakeholders and it is my job as Minister to steer a course that will deliver a policy that will be fit for purpose and that will underpin the future of Irish and European farming.

Let me remind Deputies that Ireland's priorities at the outset of these negotiations were to ensure in so far as possible:

I am pleased to state that substantial progress has been made in delivering on all these priorities. Although the MFF agreement has yet to be endorsed by the European Parliament, there is no question but that a substantial budget has been secured for the CAP, including in excess of €11 billion for Ireland over the coming period.

As to the other elements, next week in Luxembourg and Brussels, I am seeking to achieve political agreement between the three EU institutions on the CAP reform package in order to

### **Fisheries Protection**

191. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which the conservation of fish stocks is likely to accrue from the agreements he has achieved at EU level; and if he will make a statement on the matter. [29642/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The reforms agreed under the new Common Fisheries Policy (CFP), secured after many months of complex negotiations with the European Parliament, represent a significant achievement for the Irish EU Presidency team. These reforms once implemented will support the rebuilding of fish stocks in our waters as Total Allowable Catches (TACs) and quotas are set to deliver maximum sustainable yield by 2015, where possible and by 2020 for all stocks and the wasteful practice of discarding fish is phased out. The reform will also, for the first time, facilitate real and meaningful regional decision making under the CFP and will give stakeholders a greater say in how their fisheries are managed. The changes once implemented will mean, real, meaningful reform of the Common Fisheries Policy and will determine European fisheries policy for the next decade and beyond.

Among the most significant aspects of the reforms for Irish fishermen are:

- A central role for the fishing industry through new more regionalised approaches to decision making. It will empower fishermen by giving them a key role in the decision making for their fisheries.

- This reform places long term sustainability at the core of fisheries policy with annual fishing quotas based, in future, on sound scientific advice. Rebuilding of fish stocks so that fishing levels are based on Maximum Sustainable Yield; leading to potentially higher quotas for fishermen over time.

- Practical and phased discards policy where in early years of implementation, TACs and quotas will be set to take account of current levels of discards - this should see quotas for Irish fishermen increase in the short term.

- Technical measures to avoid and minimise catches of juvenile fish.

- It also involves a strong commitment to protect juvenile fish and spawning grounds and to develop and strengthen biologically sensitive areas; it commits to continue and further strengthen conservation measures in the biologically sensitive area which includes the BSA off the South and West coast of Ireland (new Irish box).

- The Hague Preferences are maintained and given increased reference. These are critically important for Ireland and each December have given us an increased share of traditional whitefish stocks such as cod, haddock and whiting in the waters off our coast when stock levels are decreasing.

I strongly believe that these reforms once implemented and embedded will provide the basis for a significant period of growth in our Irish fishing industry.

### **Animal Welfare Issues**

192. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which pig producers have been in a position to meet the requirements of animal welfare legislation within the prescribed time and in accordance with conditions; and if he will make a statement on the matter. [29643/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** New EU Animal Welfare rules in relation to the loose housing of sows came into force on 1 January 2013 pursuant to Council Directive 2008/120/EC. The vast majority of pig producers have undertaken the necessary work to comply with the new rules and Department Veterinary Inspectors are following up with the remaining producers in order to ensure full compliance at an early date.

### **Common Agricultural Policy Reform**

193. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the steps he proposes to take in conjunction with his EU colleagues to protect the concept of the viability of the family farm enterprise throughout Europe; and if he will make a statement on the matter. [29644/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I am satisfied that the progress we have made to date on the reform of the Common Agricultural Policy will provide the appropriate policy framework to protect the viability of the family farm enterprise throughout Europe. To start with, the European Council agreement on 7/8 February on the next EU multiannual financial framework secures the necessary funding for the continuation of a strong CAP. Moreover, the agreement last March of the 27 Member States in the EU Council of Ministers represents an important stepping stone to securing final agreement on this reform. We are now in the final phase of negotiations with the aim of full political agreement between the three institutions of the EU on the reform of the CAP.

### **Fish Quotas**

194. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent, if known, to which all EU countries including Ireland continue to enforce fishing quotas; and if he will make a statement on the matter. [29645/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Ireland manages and enforces its Fishing quotas in accordance with the specifications of the EU Common Fisheries Policy (CFP). This involves regular consultation with fishing industry interests. Our existing quota management system is designed to ensure the rational management of the available quotas, having regard to fishing patterns and market conditions, the best possible spread both between fishermen and also in terms of take up of quota during the year. A key objective is the avoidance of very early closure of fisheries through rapid exhaustion of quota. Under the current arrangements, fishing industry representatives are consulted formally through the Whitefish Quota Management Advisory Committee on a monthly basis and their views are taken into account as far as possible in the determination of monthly regimes for particular stocks.

The Sea Fisheries Protection Authority is the national body for the control and enforcement of sea fisheries law and work with the Naval Service to control and enforce compliance with quota management arrangements and accurate reporting of landings.

The CFP reform has been completed over recent weeks under the Irish EU Presidency. The Reform agreed does not impose a requirement to privatise quotas as had been proposed by the EU Commission and vigorously opposed by Ireland. Under the new CFP, Member States retain full responsibility for implementing systems that are appropriate for their industry and I have consistently argued that in Ireland, quotas must remain a public resource. On a similar basis, individual EU Member States have responsibilities for the management of their own fisheries quotas and each Member State has primary responsibility for the control and enforcement of these arrangements. However, catch reporting and other restrictions within the 200 mile Exclusive Fisheries zone are a matter for the control authorities of the Coastal Member State.

### **Forestry Premium Payments**

195. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when a forestry premium payment will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [29699/13]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** A remedial works letter issued to the applicant in March 2013 because his plantation was not up to the required standard. A report confirming that works have been completed has been received from the applicant's forester and the Forest Service District Inspector has been notified. A site inspection by the Forest Service Inspector is scheduled to take place in the week ending 28 June 2013. The subsequent premium for 2013 cannot be paid until the plantation is deemed by the Forest Service to be up to the required standard.

### **After-School Support Services**

196. **Deputy Róisín Shortall** asked the Minister for Children and Youth Affairs in respect of the new after school child care scheme, if she will provide details of the selection process of participants; the manner in which child care places will be contracted; the way quality can be assured in this regard; and if she will make a statement on the matter. [29568/13]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** As part of Budget 2013 I, together with my colleague, the Minister for Social Protection, was pleased to announce a new After-school Childcare initiative which will be targeted at low-income parents availing of employment opportunities. Lack of access to affordable, quality childcare is a significant barrier to many low income and disadvantaged families seeking to avail of work opportunities. This initiative will provide an important support measure to enable parents to avail of job opportunities. This is in line with the Government's overall strategy to support parents of low income families to take up employment and demonstrates how Departments are working together to deliver the Government's agenda on promoting employment and supporting children's development.

The initiative is expected to receive full year funding of €14 million to provide over 6,000 after-school places for children attending primary school in order to support parents to take up employment. This funding has been made possible through savings from the Vote of the Department of Social Protection.

Eligibility for the new After-school Childcare programme is determined by the Department of Social Protection. Officials from the Department of Social Protection and my Department are continuing in close collaboration on the operation of the programme. The first pilot phase has commenced. Up to 500 childcare places are available with Department of Social Protection local offices in Tralee, Mullingar, Dundalk, Cork City, Finglas, Kings Inn and Limerick City participating. The second phase of the pilot will be rolled out in July, with the full roll-out of the programme in September 2013, to coincide with the new school year.

For the pilot phase of the programme, those service providers currently in contract with the DCYA in respect of Childcare Education and Training Support (CETS) were offered the opportunity to provide for the new School Age Childcare service, by way of amendment to their existing contractual arrangements. Service providers not currently in contract with the DCYA and seeking to join the programme can apply to participate, with effect from September 2013, in the normal manner.

As you know the emphasis now in relation to all childcare support programmes is the delivery of easily accessible, affordable and quality childcare provision. The pilot programmes will assist both Departments in determining the procedural, quality and practical issues that require attention prior to the finalisation of the programme.

### **Missing Children**

197. **Deputy Maureen O'Sullivan** asked the Minister for Children and Youth Affairs the funding that will be made available to advertise and promote awareness of the 116000 number now in operation; if this will include promoting the 116000 number in schools; and if she will make a statement on the matter. [29452/13]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The 116000 Missing Children Hotline is operated by the ISPCC in liaison with a cross-sectoral Project Team, chaired by the DCYA. The ISPCC has been successful in securing EU Daphne funding to support the establishment of the line. The ISPCC also submitted an application for funding to the Department of Children and Youth Affairs to cover the establishment and running of the Hotline. This application has been approved for 2012 and 2013. Future applications for running costs will be considered in the context of the annual budget estimates process. The funding received from both the EU Daphne fund and from DCYA includes the establishment costs, the national promotion and advertisement of this Hotline service.

The promotion of the Hotline has been ongoing since the service opened in 2012. There have been numerous press releases issued by the DCYA and the ISPCC, the 116 000 Missing Children Hotline has been covered in the print (9 articles) and broadcast (6 radio stations) media since opening in May 2012. There has also been an on-going website and social media presence utilising ISPCC, Facebook and Twitter to highlight the service as well as information on missing children. ISPCC staff and volunteers have worked to disseminate posters in local areas and posters have been distributed nationally by the Gardaí.

Memoranda of understanding between the ISPCC and the HSE, my Department and the Gardaí, respectively were finalised in advance of the commencement of the pilot in December 2012. Following a phased implementation of the service, which commenced in December 2012, operating on a reduced hours pilot basis, the 116000 Hotline became a full-time 24/7 service since Monday the 22nd of April 2013. It was officially launched on 5 June 2013. The 116000 missing children website ([www.missingchildrenshotline.ie](http://www.missingchildrenshotline.ie)) was also launched on 5 June. The ISPCC will now escalate the promotion of this service, which will include promotion

in schools. The Project Team will be kept informed on an on-going basis of the ISPCC's plans and activities related to awareness raising.

It is important to note that the 116000 number is not an emergency number. Emergency calls should always be directed to the 999/112 number in the first instance, where the relevant emergency responses, including the recently launched Garda Missing Children Amber Alert mechanism, may be activated. The establishment of the 116000 line will, however, be of valuable support and assistance to families of missing children and to missing children themselves.

### **School Completion Programme**

198. **Deputy Seán Crowe** asked the Minister for Children and Youth Affairs the position regarding the national review of the school completion programme; the reason this has been delayed for two years; if she will clarify the focus and approach the review will take; and if she will outline the timeline for the review to commence and be completed. [29595/13]

199. **Deputy Seán Crowe** asked the Minister for Children and Youth Affairs if the school completion programme review report will be made public; the processes that will be established in order to drive the recommendations; and the way progress will be monitored. [29596/13]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 198 and 199 together.

The School Completion Programme (SCP) aims to retain young people in the formal education system to completion of senior cycle and to generally improve educational outcomes of its target cohort. The SCP is one of three services being integrated into a continuum of educational support services under the remit of the National Educational Welfare Board (NEWB). The SCP is a key programme under the Department of Education and Skills DEIS (Delivering Equality of Opportunity in Schools) action plan to address educational disadvantage.

In 2013 an allocation of €26.246m has been provided for the programme. This supports 124 projects and related initiatives which operate in 470 primary schools and 224 post-primary schools across the country to provide targeted supports to approximately 36,000 children and young people.

The review of the SCP was signalled in the context of the Comprehensive Review of Expenditure, CRE 2012-2014. My Department is leading this operational review in conjunction with the National Educational Welfare Board, which is responsible for the operational management and direction of the Programme, and in consultation with the Department of Education and Skills. The objectives of the review are to identify best practice, to clarify roles and responsibilities and to build upon the valuable learning and experience to date across the programme. It is anticipated that the review will assist in identifying the reforms necessary to consolidate the programme on a sustainable footing for the future and ensure that available funds are targeted to those services which provide the greatest contribution to educational outcomes for pupils at risk of educational disadvantage. Harnessing the considerable expertise and experience of staff and management across the programme is central to the success of the review process and the terms of reference envisage appropriate opportunities for stakeholders to contribute to the review.

Work is already underway to gather comprehensive information relating to existing organisational arrangements across all local project structures. This work is a critical step in the review process as it will provide baseline data about the diversity of local arrangements and procedures in place given the development of projects since the programme's inception in 2002.

My Department has worked with Pobal and the NEWB to develop an on-line survey which is designed to gather relevant information from projects around local governance, administration and employment arrangements. Detailed guidance for the exercise has issued to all projects. The survey provides the opportunity for local management to identify specific areas where they may need additional support. It is expected that the analysis of this data will be completed before the start of the next academic year.

It is proposed to procure external expertise to further support the review process. The terms of reference for this work are being finalised and it is anticipated that the project will proceed to tender shortly. The NEWB will manage the necessary procurement and contractual arrangements. My Department expects this external support to be in place by September, in time for the start of the academic year, and for the review to be completed during the 2013/2014 academic cycle of the programme.

It is my intention to publish a report on the outcome of the SCP review. The process necessary to drive any recommendations and monitor progress will be informed by the finding of the review.

### **Special Educational Needs Services Provision**

200. **Deputy Jonathan O'Brien** asked the Minister for Health the reason significant cuts have been made in multi-disciplinary supports for a school (details supplied) in County Cork; the reason these cuts are being made when demand for services are increasing on an annual basis as a result of the rise in the student population at this school; if he will review these cuts in service provision with a view to reversing the downgrading of service provision at the school; if he will provide assurances that there will not be additional losses of services at this school; and if he will make a statement on the matter. [29446/13]

**Minister for Health (Deputy James Reilly):** My Department is having inquiries made of the Health Service Executive in relation to the matter raised by the Deputy. I will be in further communication with the Deputy.

### **Special Educational Needs Services Provision**

201. **Deputy Jonathan O'Brien** asked the Minister for Health if he will respond to the view that the progressing disability plan for the integrated services model is fundamentally flawed because it is not child centred and the needs of children have not been assessed prior to the plan being put in place. [29447/13]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The HSE has recognised the need to increase the level of consistency and standardisation in the way both early intervention services and services for school-aged children with disabilities are delivered. It is currently engaged in a reconfiguration of existing therapy resources to geographic based teams for children (0-18 years) as part of the National Programme on Progressing Disability Services for Children and Young People (0-18 years). The Programme is organised at national, regional and local level and includes representatives from the health and education sectors, service providers (both statutory and non-statutory) and parents. These stakeholders are working together to see how current services can be reorganised in line with agreed policy. The HSE has stated that it is very cognisant of stakeholder's views particularly of parents within this context. It has also worked to ensure that information about the Programme is made widely available. The Executive is working very closely with the education sector, which is fully involved in the

development of the Programme, to ensure that, from the children's and parents' perspective, the services provided by each sector in so far as possible are integrated. Detailed Local Area action plans are being implemented with the following objectives: - One clear pathway to services for all children with disabilities according to need, - Resources used to the greatest benefit for all children and families, and - Health and Education working together to support children to achieve their potential.

The purpose of the reconfiguration of existing therapy resources is to ensure that the resources available are used to best effect, in order to provide health supports and ongoing therapy to all children (0-18 years) in line with their prioritised needs. In particular, it will mean that all children, regardless of where they receive their education services will have equitable access to services based on their needs. The very essence of this Programme is that the child is placed at the centre of disability services and that their needs are assessed. To further support the Programme and in recognition of the fact that a child's development has both health and education aspects, a detailed framework designed to aid collaborative working between the health and education sectors at local level has been distributed. Decisions in relation to the local reorganisation of services will be made by Local Implementation Groups, which include representatives of all the service providers in the local area, parents and the education sector. They have a complex task which includes agreeing the principles which should underpin all disability services, mapping of existing services and gaps, consideration of the changes needed in structures and a detailed plan of how to advance. This plan will include issues of timing and the phasing of proposed changes.

### **Speech and Language Therapy**

202. **Deputy Bernard J. Durkan** asked the Minister for Health if and when assessment will be carried out to determine eligibility for speech and language therapy in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [29468/13]

**Minister for Health (Deputy James Reilly):** The particular issue raised by the Deputy is a service matter for the Health Service Executive. Accordingly I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

### **Health Services Staff Issues**

203. **Deputy Patrick Nulty** asked the Minister for Health if he will outline in detail the various roles and responsibilities of Environmental Health Officers in the Dublin Region, including in relation to their work with local authorities, the Health Service Executive, and the Department of Children and Youth Affairs; and if he will make a statement on the matter. [29471/13]

**Minister for Health (Deputy James Reilly):** As this is a service matter, your question has been referred to the HSE for direct reply.

### **Medical Card Eligibility**

204. **Deputy Seamus Kirk** asked the Minister for Health if under the medical card scheme, in family situations where both spouses are suffering from cancer related illnesses, he will increase significantly income guidelines threshold, to take into account high medical costs; and if he will make a statement on the matter. [29473/13]

**Minister of State at the Department of Health (Deputy Alex White) (Deputy Alex White):** Under the provisions of the Health Act 1970, the assessment for a medical card is determined primarily by reference to the means, including the income and expenditure, of the applicant and his or her partner and dependants. There is no automatic entitlement to a medical card for persons with a specific illness, such as cancer. The income thresholds apply to all applications and there are no variations on these where an applicant - or family member - has a specific illness.

However, under the legislation, there is provision for discretion by the HSE to grant a medical card where a person's income exceeds the income guidelines. The HSE takes a person's social and medical issues into account in determining whether or not "undue hardship" exists for a person in providing a health service for themselves or his or her dependents.

The HSE set up a clinical panel to assist in the processing of applications for such discretionary medical cards, where there are difficult personal circumstances. This approach recognises the need to have in place a standard process for considering applications in respect of people who, while over the income guidelines, require a discretionary assessment on the basis of illness, such as cancer, or undue financial hardship.

### Medical Card Applications

205. **Deputy Tom Fleming** asked the Minister for Health if he will expedite a medical card application in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [29476/13]

**Minister of State at the Department of Health (Deputy Alex White) (Deputy Alex White):** The Health Service Executive has been asked to examine this matter and to reply to the Deputy as soon as possible. The Health Service Executive operates the General Medical Services scheme, which includes medical cards and GP visit cards, under the Health Act 1970, as amended. It has established a dedicated contact service for members of the Oireachtas specifically for queries relating to medical cards and GP visit cards, which the Deputy may wish to use for an earlier response. Contact information has recently reissued to Oireachtas members.

### Nursing Homes Support Scheme

206. **Deputy Dan Neville** asked the Minister for Health the position regarding nursing home support in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [29500/13]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Nursing Home Services

207. **Deputy Brendan Griffin** asked the Minister for Health if he will address an issue regarding the viability of a facility (details supplied) in County Kerry; and if he will make a statement on the matter. [29501/13]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The introduction of the Nursing Homes Support Scheme in October 2009 fundamentally changed the way

in which long-term nursing home care is funded and, consequently, the way in which nursing homes are funded. In the past, some nursing homes would have been allocated a lump sum annually by the HSE. However, the new scheme supports the individuals in need of long-term nursing home care, not the facilities providing the care. It is designed to ensure that nursing homes are not being funded for empty beds.

In order to be an approved nursing home for the purposes of the Nursing Homes Support Scheme all private nursing homes, and voluntary nursing homes which previously received funding for long-term residential care under section 39 of the Health Act 2004, must negotiate and agree a price for the cost of long-term nursing home care with the National Treatment Purchase Fund (NTPF). This is necessary due to the commitment by the State to meet the full balance of the cost of care over and above individuals' contributions.

The NTPF is independent in the performance of this function and, in carrying it out, must ensure value for money for both the individual and the State. The NTPF negotiates with each nursing home individually and may examine the records and accounts of nursing homes as part of the process. If price negotiations break down, a three stage review process can be invoked. Details of the process are set out on the NTPF website. Given the independence of the NTPF, the Minister for Health cannot intervene in the negotiations between it and the nursing home referred to by the Deputy.

Finally, the Nursing Homes Support Scheme is currently being reviewed. One of the terms of reference of the review is an examination of the overall cost of long term residential care in public and private nursing homes and the effectiveness of the current methods of negotiating/setting prices. Work will continue on the review in the coming months with a view to completion by end 2013/early 2014.

### **Nursing Home Inspections**

208. **Deputy Brendan Griffin** asked the Minister for Health if he is concerned that a disconnect exists between the Health Information and Quality Authority and the National Treatment Purchase Fund and that there is a price squeeze that could negatively impact on the standard of care provided by private and voluntary homes; and if he will make a statement on the matter. [29502/13]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** In order to be an approved nursing home for the purposes of the Nursing Homes Support Scheme all private nursing homes, and voluntary nursing homes which previously received funding for long-term residential care under section 39 of the Health Act 2004, must negotiate and agree a price for the cost of long-term nursing home care with the National Treatment Purchase Fund (NTPF). This is necessary due to the commitment by the State to meet the full balance of the cost of care over and above individuals' contributions.

The NTPF is independent in the performance of this function and, in carrying it out, it must ensure value for money for both the individual and the State. The NTPF negotiates with each nursing home individually and may examine the records and accounts of nursing homes as part of the process. The NTPF assesses nursing home process under four criteria:

- costs reasonably and prudently incurred by the nursing home and evidence of value for money,
- price(s) previously charged,

- local market price, and

- budgetary constraints and the obligation on the State to use available resources in the most beneficial, effective and efficient manner to improve, promote and protect the health and welfare of the public.

If price negotiations break down, a three stage review process can be invoked. Details of the process are set out on the NTPF website.

Under the Health Act 2007, statutory responsibility is given to the Chief Inspector of Social Services, part of the Health Information and Quality Authority (HIQA), for the independent inspection and registration of all nursing homes, private and public. This responsibility is underpinned by a comprehensive regulatory framework and the *National Quality Standards for Residential Care Settings for Older People in Ireland*. All nursing homes are subject to the same core standards and regulations in relation to quality and safety in order to ensure the well-being of their residents.

### **Nursing Home Services**

209. **Deputy Brendan Griffin** asked the Minister for Health if he sees an urgent requirement for a transparent commissioning framework to support investment to meet significant increase in demand for long term residential care; and if he will make a statement on the matter. [29503/13]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** In order to be an approved nursing home for the purposes of the Scheme all private nursing homes, and voluntary nursing homes which previously received funding for long-term residential care under section 39 of the Health Act 2004, must negotiate and agree a price for the cost of long-term nursing home care with the National Treatment Purchase Fund (NTPF). This is necessary due to the commitment by the State to meet the full balance of the cost of care over and above individuals' contributions.

The NTPF is independent in the performance of this function and, in carrying it out, it must ensure value for money for both the individual and the State. The NTPF negotiates with each nursing home individually and may examine the records and accounts of nursing homes as part of the process.

As the Deputy is aware the Nursing Homes Support Scheme is currently being reviewed. One of the terms of reference of the review is an examination of the overall cost of long term residential care in public and private nursing homes and the effectiveness of the current methods of negotiating/setting prices. Work will continue on the review in the coming months with a view to completion by end 2013/early 2014.

### **Nursing Home Services**

210. **Deputy Brendan Griffin** asked the Minister for Health if he will establish a forum on long term residential care to discuss and plan the future of long term residential care here and the broader care requirements of an aging society; and if he will make a statement on the matter. [29504/13]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I refer the Deputy to my reply to Parliamentary Question No. 674 of 28 May 2013.

## **Nursing Homes Support Scheme**

211. **Deputy Sean Fleming** asked the Minister for Health if an application for the fair deal scheme was granted to a person (details supplied) in County Laois; and if he will make a statement on the matter. [29517/13]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

## **Hospitals Funding**

212. **Deputy Joan Collins** asked the Minister for Health if his attention has been drawn to the fact that the Adelaide and Meath hospital, Dublin has applied for funding for spinal services after the loss of two surgeons in the recent past (details supplied); and if he will make a statement on the matter. [29518/13]

**Minister for Health (Deputy James Reilly):** Any application for additional funding for services submitted to the HSE would be considered in the context of the HSE 2014 Estimates process.

In relation to the particular query regarding spinal services raised by the Deputy, as this is a service issue, I have asked the Health Service Executive to respond directly to the Deputy in this matter.

## **Disability Support Services Provision**

213. **Deputy John Lyons** asked the Minister for Health when funding will be put in place for an 18 year old (details supplied) in Dublin 12 who will complete their time at school in June 2013;; and if he will make a statement on the matter. [29526/13]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Although the 2013 allocation for disability services has been reduced by 1.2%, the Health Service Executive (HSE) National Service Plan includes an additional €4m to provide training places and day services for school-leavers and Rehabilitative / Lifeskills Training (RT) graduates in 2013. This funding is being allocated to each HSE Region based on its percentage of population. Both the voluntary sector and the HSE are committed to the best use of the funding in a creative and flexible manner so as to secure as many places as possible for this cohort.

The demand for services for school-leavers continues to grow. The HSE expects that approximately 700 young people who have finished their education or life-skills training will require services in 2013. Providing the level of services required within the additional funding provided will continue to be a challenge. Work in this area will be progressed largely in line with the HSE guidance document developed in 2012, which led to the successful placement of 99% of RT graduates and 96% of school leavers last year.

It is envisaged that plans will be completed for each region shortly and submitted to Area Managers, Regional Specialists and Regional Director of Operations for agreement. Arising from completed and approved plans, a communication process will be agreed with service providers to inform families of the services that will be available from September 2013.

In respect of the specific question asked by the Deputy, as it relates to service matters I have

arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

### **Medical Aids and Appliances Applications**

214. **Deputy Tom Fleming** asked the Minister for Health if he will examine the referral for orthotic shoes in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [29531/13]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

### **Mental Health Services Provision**

215. **Deputy Pearse Doherty** asked the Minister for Health the reason a person (details supplied) in County Dublin has not yet received a mental health assessment; and when this person will be assessed [29532/13]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter this question has been referred to the HSE for direct reply.

### **Health Services Issues**

216. **Deputy Finian McGrath** asked the Minister for Health the reason for the delay in the case of a person (details supplied) regarding a complaint [29551/13]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I understand that the HSE is carrying out an Internal Review of Mr Kennedy's case and that this process is expected to be concluded by the end of next month.

As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

### **An Bord Altranais agus Cnáimhseachais na hÉireann**

217. **Deputy Gerry Adams** asked the Minister for Health the reason the name of An Bord Altranais agus Cnáimhseachais na hÉireann has been changed; the reasons for such a change; if there was any consultation with members regarding the name change; and if he will make a statement on the matter. [29566/13]

**Minister for Health (Deputy James Reilly):** An Bord Altranais agus Cnáimhseachais na hÉireann was changed from An Bord Altranais following the introduction of the Nurses and Midwives Act, 2011, to *inter alia*, give full recognition to midwifery as a separate profession.

### **Hospital Appointment Status**

218. **Deputy Pat Deering** asked the Minister for Health the position regarding a hospital

appointment in respect of a person (details supplied) in County Kilkenny; and if he will expedite a reply [29575/13]

**Minister for Health (Deputy James Reilly):** Improving access to outpatient services is a key priority for the Government. Collaborating with individual hospitals, the SDU together with the NTPF and the HSE have developed the OP waiting list minimum dataset that allows for data to be submitted to the NTPF from hospitals on a weekly basis and, for the first time, outpatient data is available on *www.ntpf.ie*. For 2013, a maximum waiting time target has been set of 12 months for a first time consultant led outpatient appointment and this is reflected in the HSE service plan. The SDU/NTPF will work closely with hospitals towards achievement of the maximum waiting time.

In relation to the particular query raised by the Deputy, as this is a service issue, I have asked the Health Service Executive to respond directly to the Deputy in this matter.

### **Data Retention**

219. **Deputy Simon Harris** asked the Minister for Health the steps being taken to ensure the continued preservation of Guthrie cards that have the potential to provide a life-saving genetic diagnosis to at-risk family members of young sudden cardiac death victims following his decision to halt the destruction of the cards last March; and if he will make a statement on the matter. [29581/13]

**Minister for Health (Deputy James Reilly):** In the wake of mounting concern from a range of respected bodies about the potential value into the future of the loss of the material, and in the context of low public awareness of the issue, I requested that no destruction of the cards takes place pending legal advice from the Attorney General prior to further consideration on how to archive the material in a manner that satisfies the concerns of the Data Protection Commissioner.

### **Health Services Provision**

220. **Deputy Patrick Nulty** asked the Minister for Health if he will ensure that funding is put in place to ensure that the Health Service Executive Chiropody Service will reinstate the provision of a further three chiropody visits on medical grounds, on top of the initial three visits, for patients who have an acute need in this regard; his views on whether this cut will not lead to financial savings as it will put further pressure on hospital services; and if he will make a statement on the matter. [29586/13]

**Minister of State at the Department of Health (Deputy Alex White) (Deputy Alex White):** Community chiropody is a discretionary service, which the Health Service Executive endeavours to provide on a prioritised basis based on medical need and within the context of available resources. The services are provided by chiropodists/podiatrists employed by the HSE, chiropodists/podiatrists contracted under the GMS Scheme and through grant-aided voluntary agencies. In the past when budgets permitted, additional discretionary visits were sometimes available in areas where the service was provided by chiropodists/podiatrists contracted under the GMS scheme. Given the current position of the public finances, it is not possible to continue providing such additional services. The HSE will continue to monitor the provision of chiropody services to ensure the most beneficial, effective and efficient use of available resources.

### Medicinal Products Availability

221. **Deputy Dara Calleary** asked the Minister for Health if he will reconsider the decision not to allow patients with Idiopathic pulmonary fibrosis access to the drug pirfenidone; his views on whether it is unfair to disallow access to the drug on a purely economic basis; and if he will make a statement on the matter. [29590/13]

**Minister of State at the Department of Health (Deputy Alex White) (Deputy Alex White):** The HSE has received an application for the inclusion of pirfenidone in the GMS and community drugs schemes. The application is being considered in line with the procedures and timescales agreed last year by the Department of Health and the HSE with the Irish Pharmaceutical Healthcare Association (IPHA) for the assessment of new medicines. In accordance with these procedures, the National Centre for Pharmacoeconomics (NCPE) conducted a pharmacoeconomic evaluation of pirfenidone and concluded that, at the submitted price, pirfenidone is not cost-effective for the treatment of patients with mild to moderate idiopathic pulmonary fibrosis. The report is available on the NCPE's website (*www.ncpe.ie*). The NCPE report is an important input to assist decision making and informs further discussions between the HSE and the manufacturer of the drug.

The HSE has had negotiations with Intermune (the manufacturer of pirfenidone) in relation to the pricing of pirfenidone and is examining an offer made by Intermune. The offer will be assessed in the context of the procedures for the assessment of new medicines as per the 2012 agreement between IPHA, the HSE and the Department of Health.

The HSE is carefully considering all the issues which arise in relation to the proposed benefits and costs of this medicine and expects to reach a decision in the near future.

### Medical Card Applications

222. **Deputy James Bannon** asked the Minister for Health the reason a person (details supplied) in County Leitrim was only granted a general practitioner visit card rather than a full medical card, despite the fact that they have a long term illness; and if he will make a statement on the matter. [29599/13]

**Minister of State at the Department of Health (Deputy Alex White) (Deputy Alex White):** The Health Service Executive has been asked to examine this matter and to reply to the Deputy as soon as possible.

The Health Service Executive operates the General Medical Services scheme, which includes medical cards and GP visit cards, under the Health Act 1970, as amended. It has established a dedicated contact service for members of the Oireachtas specifically for queries relating to medical cards and GP visit cards, which the Deputy may wish to use for an earlier response. Contact information has recently reissued to Oireachtas members.

### Home Help Service Redundancies

223. **Deputy Michael Healy-Rae** asked the Minister for Health the way the Health Service Executive can justify offering redundancy of only €2,000 to persons who have provided 20 years of service providing home help, €1,500 for persons with 15 years of service and €500 for persons with 10 years of service; and if he will make a statement on the matter. [29610/13]

**Minister for Health (Deputy James Reilly):** The HSE recognises the importance of home help and home care in supporting older persons to live in their own homes and communities, in accordance with Government policy. The 2013 National Service Plan includes the provision of 10.3 million hours of home help service, the same level as planned for in 2012.

On 29 June 2012, the Labour Court recommended that the HSE and SIPTU should engage in relation to matters concerning the contracts of home helps. Subsequently, on 16th October 2012, it identified issues to be addressed including exit mechanisms. At a further hearing on 12th December 2012, it noted that management proposals to deal with these issues would be encompassed in a comprehensive delivery model for home help services.

The parties subsequently met on a number of occasions under the auspices of the Labour Relations Commission, most recently on 30th April. While significant progress was made on a range of contractual matters, the Commission is referring a number of outstanding issues, including voluntary exit mechanisms as provided for within the terms of the PSA, back to the Labour Court.

### **Smoking Ban**

224. **Deputy Billy Kelleher** asked the Minister for Health when the legislation regarding banning smoking in cars transporting children under 18 years will be enacted; and if he will make a statement on the matter. [29627/13]

**Minister for Health (Deputy James Reilly):** It is recognised that smoking in cars exposes all the occupants to harmful environmental tobacco smoke (ETS). ETS is a carcinogen and contains the same cancer causing substances and toxic agents that are inhaled by the smoker. There is no safe level of exposure to ETS.

Exposure to cigarette smoke is particularly dangerous in enclosed spaces, such as cars, and parents and others with responsibility for the welfare of children have a particular responsibility to ensure that such exposure does not take place.

The Government gave approval to the drafting of amendments to a Private Member's Bill entitled "Protection of Children's Health from Tobacco Smoke Bill 2012". The purpose of the Bill is to prohibit smoking in cars where children are present. As I indicated in the Seanad a number of amendments are required to ensure that the Bill operates as an effective piece of legislation. A number of meetings have been held with my Department, the Senators involved in the Bill, officials from the Department of Justice and Equality and representatives of an Garda Síochána in order to agree proposed amendments. The Department of Health is now working with the Office of the Attorney General to draft the necessary amendments to the Bill to provide for the enactment of this legislation.

### **Post-Polio Support Group**

225. **Deputy Bernard J. Durkan** asked the Minister for Health if any evaluation has been undertaken on the total amount of persons suffering from the after effects of polio; if he has received any submissions from such sufferers; if an examination has been done into the extent of any recurring effects; and if he will make a statement on the matter. [29633/13]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I wish to inform the Deputy that I have met with the Post-Polio Support Group at which I welcomed their

report “ *Social Support Groups - Beacons for the Future*”. I am very aware of the late effects of polio on polio survivors and the valuable contribution which the Post-Polio Support Group provide to their members who number in the region of 900 people. The organisation provides support to polio survivors and their families on behalf of the Health Service Executive (HSE) for which they received funding in 2012 of €383,000.

It is open to people represented by the Post Polio Support Group to avail of the wide range of health and personal social services and specialist disability services, if required, provided by the HSE. The Government also provides other supports including income supports through the Department of Social Protection, tax reliefs through the Revenue Commissioners, housing supports through local authorities etc.

### **Road Traffic Offences**

226. **Deputy Finian McGrath** asked the Minister for Transport, Tourism and Sport if he will advise a person (details supplied) regarding cyclists. [29496/13]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar) (Deputy Leo Varadkar):** Article 13 of S.I. No. 182/1997: Road Traffic (Traffic and Parking) Regulations, 1997, as amended, provides for the offence of cycling on a footway. The offence is currently dealt with by way of summons to court and following conviction, offenders are liable to a maximum fine of €1,000 for a first offence.

Liability for damages following a road traffic collision, be it between a cyclist and a mechanically propelled vehicle or otherwise, is a matter for the parties concerned to decide, or failing that, for determination in a court of law.

### **Roads Maintenance Issues**

227. **Deputy Dara Murphy** asked the Minister for Transport, Tourism and Sport the current regulations, if any, in force for the reinstatement of damaged road surfaces by county and city councils; if there is a minimum standard set down by his Department for reinstatement; if there are any penalties in place for county and city councils who do not adhere to current best practice; if he will put in place regulations to direct local authorities to not temporarily patch roads except in emergency situations, if they do not already exist; and if he will make a statement on the matter. [29533/13]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar) (Deputy Leo Varadkar):** The improvement and maintenance of regional and local roads is a statutory function of each road authority in accordance with the provisions of Section 13 of the Roads Act 1993. The carrying out of works on these roads is a matter for the relevant local authority to be funded from its own resources supplemented by State road grants. The selection and prioritisation of road works is also a matter for the local authority.

A number of best practice guidelines have issued to local authorities in relation to the reinstatement of roads. In particular a document entitled “Guidelines for the Opening, Backfilling and Reinstatement of Trenches in Public Roads” outlines the legal framework in respect of road openings and it prescribes standards which should be attained in respect of such works. In addition my Department has been working with local authorities to implement a pavement management system to link pavement distress to treatment options. I have been encouraging local authorities as the bodies responsible for the maintenance and repair of roads to utilise this

system to its full capabilities.

### **Driving Licence Issues**

228. **Deputy Thomas Pringle** asked the Minister for Transport, Tourism and Sport if he will outline in tabular form the number of learner drivers unaccompanied by a qualified driver that were involved in road traffic accidents since mid 2008; and if he will make a statement on the matter. [29583/13]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar) (Deputy Leo Varadkar):** Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has responsibility for the compilation and analysis of road safety collision statistics.

I have referred the Deputy's question to the Road Safety Authority for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### **Search and Rescue Service**

229. **Deputy Andrew Doyle** asked the Minister for Transport, Tourism and Sport if he will outline the current status of the contract provided to an external body, CHC, to carry out the Irish Coast Guard helicopter operations; when the current contract was signed and when it expires; if he will update Dáil Éireann on the current rotation and upgrade of aircraft taking place within the Irish Coast Guard; and if he will make a statement on the matter. [29593/13]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar) (Deputy Leo Varadkar):** The current contract for helicopter search and rescue services was signed by the then Minister for Transport in July 2010. The contract came into effect on the 1st July 2012, the Services Start Date, and will be in place for 10 years. There is an option to extend the contract for a period, or periods, of up to an additional 3 years for each or all bases.

Under the new contract the first S92A Sikorsky aircraft came into service at the Shannon base on 1st July 2012. The next two S92s arrived in the country this month from Scotland. The transition of the Sligo base is due to be completed next month subject to a successful audit while the Waterford base transition is due to be completed by October. The final base at Dublin is planned to transition by next December.