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**Brussels, 07 February 2024**

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## **MEETING DOCUMENT**

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° Cion doc.:	ST 11566/23 + ADD 1
Subject:	Soil Monitoring Directive: WPE on 13 February 2024 – Presidency steering note

With a view to the WPE meeting on 13 February, delegations will find attached a Presidency Steering Note on the Soil Monitoring Directive.

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## **Working Party on the Environment (WPE) – 13 February 2024**

### **Soil Monitoring Law**

#### **Presidency Steering Note**

While analysing Delegations' comments (both made during the previous WPE meetings and in written), the Presidency identified several topics to be further discussed before preparing a revised compromise text. During the WPE meetings on 13 and 26 February 2024 (and possibly 5 March), the Presidency team will try to understand Delegations' views on these topics.

On 13 February we will dig deeper into :

1. Data protection and the balance between the obligations of the GDPR and the Aarhus convention;
2. Sampling methods and the level of harmonization;
3. Monitoring and reporting - frequency and rationale;

The format for the rounds of discussion on each topic will be: first an introductory presentation by the Commission, followed by Delegations' comments, guided by the questions that can be found below, in the more detailed descriptions for each topic.

#### **1. Data protection and the balance between the obligations of the GDPR and the Aarhus convention**

As an introduction the Commission will clarify the current proposal in terms of expected data flows between Member States, Commission and the public. Due attention will be paid to the subsequent visualisation of the data in the Digital Soil Health Portal. As an illustration, the current handling of LUCAS data will be explained, including who gets access to the georeferenced data, according to what procedure and how data are aggregated from point to cell to mapping unit. The EUSO Soil Health Dashboard will be presented as well and discussed in this regard.

In preparation the Delegations can find information on:

- The privacy statement of LUCAS\_SOIL [Microsoft Word – Privacy Statement LUCAS\\_SOIL.docx \(europa.eu\)](#)

- the notification for access to LUCAS 2018 data [LUCAS 2018 TOPSOIL data – ESDAC – European Commission \(europa.eu\)](#)
- the EUSO Soil Health Dashboard [EU SOIL OBSERVATORY \(europa.eu\)](#)

The opinion of the EDPS will be presented as well [EDPS Opinion 53/2023 on the Proposal for a Directive on Soil Monitoring and Resilience \(Soil Monitoring Law\) | European Data Protection Supervisor \(europa.eu\)](#)

**We kindly ask the Delegations to focus their intervention on the following questions:**

- **Is the current way in which the georeferenced soil data of LUCAS\_SOIL are handled, including privacy statement and notification, in line with your expectations? Can it be used as a good practice for data at your regional/Member State level? What clarifications e.g. in a recital would be needed in order to ease the provision of georeferenced data to the Commission?**
- **What is your view on the level of aggregation of the soil data as presented in the EUSO Soil Health Dashboard which is accessible to the public? Could the current text of the proposal be finetuned or made more specific, to clarify the level of aggregation for the visualisation in the Digital Soil Health Portal ? If so, could you suggest how to formulate it?**

## **2. Sampling methods and the level of harmonization**

As an introduction the Commission will summarize the current LUCAS soil sampling procedure.

As there were many questions from Delegations on the sampling method for the monitoring in Chapter II, the Presidency would like to clarify what level of harmonisation is considered as optimal by the Delegations.

**We kindly ask the Delegations their views on :**

- **Does the Soil Monitoring Law need to prescribe the sampling method and go into details such as sampling depth (cm, horizon), tools to be used for sampling (spade, auger, ...), number/type/pattern of samples at one monitoring point ...? Is a minimal harmonization needed (e.g. LUCAS procedure)? If so, what is the best way to achieve this: Annex of the SML, implementing acts, Commission guidance documents, exchange of best practices, ... ?**

- **Is there a need for steering and clarification on how to go from point measurements to aggregated maps at the member state level? Should the link and differences between the regional maps and the EU level maps that will be produced and made accessible to the public be clarified? If so, how and where in the SML?**

### **3. Monitoring and reporting - frequency and rationale**

As an introduction, the Commission will summarize the rationale behind the soil descriptors chosen and the frequency for their monitoring and reporting (Chapter II), as explained in the Impact Assessment.

As there were many questions from Delegations on the rationale behind the soil descriptors and the sampling frequency and suggestions to diversify the frequency according to land use, the Presidency would like to explore the balance between the cost and the need of up to date data on soil health, to underpin the regional soil policy development.

**We kindly ask the Delegations their views on:**

- **Would a recital specifying in more detail the purposes of the different soil descriptors improve the text?**
- **Could a combination of soil measurements and validated models be used as an alternative to reduce the frequency of effective soil sampling? Could data from former assessments be reused instead of new measurements to comply with the reporting frequency, based on a scientifically-based justification?**