MEETING DOCUMENT

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To: Working Party on the Environment

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Subject: Soil Monitoring Directive: WPE on 16 May 2024 – Presidency steering note

With a view to the WPE meeting on 16 May 2024, delegations will find attached a Presidency Steering Note on the Soil Monitoring Directive.
Working Party on the Environment (WPE) – 16 May 2024

Soil Monitoring Law

Presidency Steering Note

At the WPE of 16 May, following receipt by the delegations of the 3rd revised Presidency compromise text of the Directive on 3 May (ST 9563/24) (REV III), delegations will be invited for a final discussion on that 3rd revised Presidency compromise text of the proposal for a Soil Monitoring Law.

During this WPE meeting, the Presidency will seek to collect the Member States’ positions, final comments and suggestions for adjustments regarding this new compromise text. The Presidency kindly asks delegations to focus their interventions on indicating whether the introduced changes are acceptable for them and on signalling the main issues that remain problematic. Delegations are invited to send remaining written comments by 16 May.

The discussions will follow the order of the Chapters in the original Commission proposal (see the table in Annex A to this Steering Note) and will be divided into “clusters” to allow a tour de table after each. The clusters that will be discussed are the following:

- Cluster 1: Chapter I on General provisions and associated recitals;
- Cluster 2: Chapter II on Monitoring and assessment of soil health and associated recitals without Annexes I and II;
- Cluster 3: Annexes I and II linked to Chapter II;
- Cluster 4: Chapter III on Sustainable soil management and associated recitals and Annexes III and IV;
- Cluster 5: Chapter IV on the Management of contaminated sites and associated recitals and Annexes V, VI and VII;
- Cluster 6: Chapter V on Financing, information to the public and reporting by Member States, Chapter VI on delegation and Committee procedure and Chapter VII on Final provisions and associated recitals.

In addition to the minor clarifications and further refinements as described in detail in Annex B to this steering note, more important changes in REV III concern:

- The exceptions for public security and national defence;
- The change from “permanent access” to information and data to “effective exchange or timely and effective access” to information and data in Article 18;
- The deletion of Article 23 on Penalties;
- The support to be provided by the Commission in the new Article 23a;
- The renaming of Annex III to ‘Guiding sustainable soil management principles’.
The changes to public security and national defence and support by the Commission are explained hereafter.

**Public security and national defence**

Several delegations have expressed concerns and difficulties with regards to the potential impact of the implementation of the Directive on public security and national defence.

Following discussions with all the delegations, the Presidency made further amendments to tackle the issue in the REV III.

As a starting point, the Presidency has deemed useful to clarify in a new Recital 25a that, under Article 5 of the Directive, Member States are allowed to designate a suitable competent authority for carrying out their duties in military sites.

In addition to that, as regards the sharing of data and information, the disclosure of which would adversely affect public security or national defence, the Presidency suggests that the text of the Directive provides for new exceptions. In that regard, kindly see:

- Article 6(7a) on the digital soil health data portal;
- Article 16(2) on register; and
- Article 18(2a) on the reporting by Member States.

As explained in the Articles and in the new Recital 25a, Member States should be allowed not to make those data and information accessible to the public, including through the digital soil health data portal or the register of potentially contaminated sites and contaminated sites, nor to report them to the Commission and the EEA.

**Support by the Commission – New Article 23a and Recitals 52a an 52b**

In the REV II text proposal, a high number of guidelines were introduced to support the Member States in carrying out their obligations under this Directive. This support was highly appreciated by the Member States along with the non-binding legal nature of guidelines providing the needed flexibility to Member States.

However, after a legal analysis of the different tools at our disposal to ensure support by Commission, we have come to the conclusion that guidelines are not the right tool. Guidelines are a tool of the Commission to give interpretation of EU law where the Commission, as guardian of the Treaties, deems it necessary. They are at the discretion of the Commission, there is no Member State involvement in the adoption procedure and the timing is decided by the Commission.

Implementing Acts were considered but dismissed, due to their binding nature. Member States repeatedly demanded flexibility and the possibility to incorporate already existing monitoring in the new approach. Furthermore, the adoption procedure was likely to take time.

At the working party of 24 April, the Presidency presented a new approach centralising the needed support to Member States in a new Article 23a and replacing the high number of guidelines in the REV II text proposal. Taking into account delegations’ comments, for the REV III text proposal, the Presidency further tailored the new Article 23a to the needs of the delegations.
The first paragraph gathers all topics for which Member States will need support to carry out their obligations quickly and efficiently. Deadlines were set accordingly and cooperation with Member States is included. Further explanation is provided in Recital 52a. The support will be provided in the form of non-binding documents and scientific tools analysing, synthesizing and documenting, in an efficient and coordinated way, possible methodologies and procedures that could be applied. These non-binding documents and scientific tools would provide, in due time, essential information for Member States while ensuring the flexibility to continue using methodologies and procedures already in place. In addition, the necessary assistance and capacity building is foreseen. The documents and scientific tools provide for a soft harmonisation,

The second paragraph provides for exchange of information, experience and best practices between Member States and, where relevant, other parties such as EEA, the Global Soil Partnership, the Common Forum on Contaminated Land in Europe and ICP Forests on:

- The application of this Directive;
- The communication to the public of the monitoring results and the soil health assessments, for example using traffic-light systems; and
- The different technical issues such as management of contamination other than anthropogenic point source contamination, orphan sites, remediation techniques, … as further explained in Recital 52b.

The Commission shall publish the results of these exchanges.
Annex A - Overview of provisions of the Soil Monitoring Law for discussion under Belgian presidency (REV III)

Please note that the following table is exclusively based on Revision III. For the specific location of changes, see Annex B to this steering note.

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1. Cluster 1:

Chapter I: General provision
- **Article 1 – Objective and Subject matter**
  - Legal-linguistic change: ‘EU’ changed into ‘Union’.
- **Article 2 – Scope**
  - No change.
- **Article 4 – Soil district and soil units**
  - 4.1: soil district - clarification in line with the presentation provided by the Presidency at the WPE of 23 April, allowing flexibility to enable Member States to use their existing administrative structures with a link to the competent authorities to be involved;
  - 4.2: soil units - clarification in line with the presentation provided by the Presidency at the WPE of 23 April (inclusion of text previously present in the second part of the soil unit definition) and legal-linguistic changes.
- **Article 5 – Competent authorities**
  - Second subparagraph moved to paragraph 1 of Article 4 for clarity.

Related definitions from Article 3 (changes only)
- (8a) ‘soil unit’: clarification that soil units are within a soil district and simplification of the definition in line with the presentation provided by the Presidency at the WPE of 23 April (second part moved to Article 4 paragraph 1).

Related recitals (changes only)
- Recital (2b): changed ‘they do not necessarily’ into ‘not all of them’ to reflect a requested change by MS;
- Recital (19a): New recital added to clarify the different descriptors linked to the loss of organic carbon (i.e. SOC/clay ratio, SOC stocks and SOC content);
- Recital (23): legal-linguistic changes;
- Recitals (24) and (24a): adjusted to reflect clarification changes to Article 4 on soil districts and soil units;
- New recital (25a): explains that MS can designate a suitable competent authority for carrying out the duties pursuant to this Directive in military sites. The exceptions provided for in several articles with regards to military sites related data, are also explained therein;
- Recital (29a): added the source of the ‘no net land take’ objective from the EU Soil Strategy for 2030, as requested by MS.
2. Cluster 2:

Chapter II: Monitoring and assessment of soil health

- Article 6 – Soil health and soil sealing and soil destruction monitoring framework
  o 6.1 and 6.2: Legal-linguistic changes;
  o 6.3: references corrected and the list of existing measurements that can also be taken on board to establish the monitoring framework was moved to a new paragraph 2a in Article 8 to improve and clarify the interconnection between Article 6, Article 8 and Parts A and B of Annex II;
  o 6.5: as presented at the WPE of 24 April, added some clarifications to specify that the Copernicus products provide the minimum requirements for Annex II, Part C;
  o 6.6: deleted the mention of the Regulation on European statistics, as the previous text could cause confusion. Instead, it was moved from the Article to the relevant Recital and further complemented in Recital (34); clarification of the aggregation level;
  o 6.7a: new exception regarding the digital soil health data portal and the need to safeguard public security and national defence.

- Article 7 – Soil descriptors, criteria for healthy soil condition, and soil sealing and soil destruction indicators
  o 7.1: deleted ‘as relevant’ which caused confusion. Parts A, B and C are simply used for different parts of the monitoring and assessment;
  o 7.2:
    ▪ subparagraph 2 on setting trigger values was moved to the new paragraph 7.4a (legal-linguistic);
    ▪ subparagraph 3 on guidelines was included in the new Article 23a on Support by the Commission;
  o 7.3: legal-linguistic changes;
  o 7.4a: new paragraph from 7.2, subparagraph 2. Added clarification that MS may set the trigger value at the same level as the sustainable target value, and legal-linguistic changes;
  o 7.5b: guidelines were included in the new Article 23a on Support by the Commission;
  o 7.6: legal-linguistic changes.

- Article 8 – Measurements and methodologies
  o 8.1, 8.1a, 8.2 subparagraph 1: legal-linguistic in line with the presentation provided at the WPE of 24 April;
  o 8.2 subparagraph 2: as presented at the WPE of 24 April, added an exemption for destroyed soils in addition to the exemption in REV II for sealed soils, to avoid overlap between the monitoring of the descriptors and the monitoring of the indicators;
  o 8.2 subparagraph 3: legal-linguistic change;
  o 8.2 subparagraph 4: guidelines were moved to the new Article 23a on Support by the Commission;
  o 8.2 subparagraph 5:
    ▪ legal-linguistic changes;
    ▪ guidelines were moved to the new article 23a on Support by the Commission;
- New 8.2a: combination of the subparagraph 5 of Article 8.2 of Rev II and the list of existing measurements that can also be taken on board to establish the monitoring framework coming from Article 6.3.(c) of Rev II;
- 8.2b: legal-linguistic change;
- 8.3: guidelines were moved to the new article 23a on Support by the Commission;
- 8.3a on laboratories: Clarifications as presented at the WPE of 23 April:
  - accreditation needed for only one methodology; and
  - clarification on the role of the Commission;
- 8.4: legal-linguistic adjustment to simplify the wording;
- 8.5: clarifications at the request of delegations;
- 8.5a: split off from 8.5 for coherence;
- 8.6: legal-linguistic change.

- Article 9 – Assessments of the soil health
  - 9.2, 9.3: legal-linguistic changes;
  - New 9.3a: split off from 9.3 for better coherence, legal-linguistic, and guidelines moved to new Article 23a on Support by the Commission;
  - 9.4. subparagraph 2: as presented at the WPE of 24 April, text was adjusted for clarity and to be closer to the operational reality.
  - 9.4. subparagraph 3: moved guidelines to new Article 23a on Support by the Commission;
  - 9.6: legal-linguistic adjustment to simplify the wording.

Related definitions from Article 3 (changes only)

- (9a) ‘soil descriptor’: moved from (11) to (9a) for coherence;
- (14) ‘unsealed soil’ and (15) ‘soil sealing’: as presented at the WPE of 24 April, the definitions were streamlined and made more operational by removing the reference to the soil ecosystem services, which are still specified in the recitals. This allows to have purely binary definitions to avoid having soils that do not fall under either of them;
- (17) ‘soil destruction’: as presented at the WPE of 24 April, the definition shifted away from the focus on activities, to instead focus on the results of soil destruction. Examples of activities are kept in the recitals.

Related recitals (changes only)

- Recital (27a) on trigger and target values: added the specification that the operational trigger value can be set at the same level as the sustainable target value as asked by some MS. The rest are clarification changes to make the text clearer;
- Recital (29): Added ‘and may contain tangible traces of our past’ as per MS request;
- Recital (30):
  - changed all occurrences of ‘indicator’ into ‘aspects’ of land take, to avoid confusion with the indicators to be monitored within this Directive;
  - clarified the concept of soil destruction;
  - added clarifications regarding the soil ecosystem service of infiltration;
- Recital (30a): as above: ‘indicator’ changed to ‘aspect’, and some legal-linguistic changes;
- Recital (30c): as above: ‘indicator’ changed to ‘aspect’, and clarified the concept of soil destruction;
- Recital (30d): clarified the text concerning the qualification of renewable energy sites as soil that is sealed, destroyed, or neither;
- Recital (31): clarification of soil units concept, improved labelling of existing programmes such as LUCAS and ICP Forests, and clarification of the management of data collected during investigation of contaminated sites when useful for the soil health assessment;
- Recital (32): legal-linguistic changes;
- Recital (33): Added legal reference for the Copernicus programme;
- Recital (34): Added clarifications on the aggregation level, and the relevant Union legislation for the treatment of data and their access, at MS request;
- Recital (35): added clarifications on laboratories reflecting the changes to Article 8.3a on quality control, to decrease the administrative burden as requested by MS;
- Recital (35a): changed ‘chemicals’ to ‘substances’ to align with the wording of the rest of the Directive;
- Recital (40a): moved to recital (52b) on support by the Commission.

3. Cluster 3:

Annex I

- Heading of the table: legal-linguistic change and alignment with new Article 23a;
- Part A:
  - Soil erosion: the possibility to apply different values corresponding to the actual local formation rate was put back in column 3, and legal-linguistic change;
  - Subsoil compaction: in line with the presentation provided at the WPE of 23 April, the saturated hydraulic conductivity and air capacity become optional whereas the bulk density is mandatory as in REV I, legal-linguistic change and reference added for the origin of values provided;
- Part B:
  - Reduction of soil water retention and infiltration: clarification of the unit for the soil water holding capacity;
  - Loss of soil organic carbon: addition of soil organic carbon concentration at the request of MS;
- Part C:
  - Topsoil compaction: in line with the presentation provided at the WPE of 23 April, the saturated hydraulic conductivity and air capacity become optional also for the topsoil compaction, whereas the bulk density is kept mandatory;
  - Loss of soil biodiversity: clarification that the list provided is not exhaustive, and addition of QBS-ar at request of MS;
  - Loss of soil biological activity: clarification that the list provided is not exhaustive;
- Part D:
o for legal-linguistic reasons; added ‘soil’ to all instances of ‘soil destruction’;

o For clarity, added ‘soil’ to ‘soil artificialisation’, in the optional indicators.

Annex II
- Part A:
  o Heading aligned for legal-linguistic reason;
  o 1. Determination of soil sampling points: correction of references and clarification in line with the presentation provided at the WPE of 23 April to confirm that existing (sub-)national monitoring frameworks can be taken into account whatever their design (even if they are not based on a stratified random sampling), and guidelines moved to new Article 23a;
  o 2. Field sampling survey: title aligned for legal-linguistic reason, clarification in line with the presentation provided at the WPE of 23 April related to forest specificities, and small refinements at request of MS;

- Part B:
  o Equivalent methodologies: added that, if a CEN methodology exist, it should be preferred;
  o Footnote 77 linked to the 4th column: deleted as already mentioned in the first paragraph of Part B;
  o Bulk density in subsoil: changed in line with the presentation provided at the WPE of 23 April to include the requirement to take into account the proportion of coarse fragments as for topsoil bulk density;
  o Water holding capacity: correction of the ISO reference for the saturated hydraulic conductivity;
  o Nitrogen in soil: clarification that there are two options for the methodology;
- Part C:
  o Text adapted to clarify that the Copernicus products provide the minimum requirements for the indicators if no better data exist, to be supplemented by relevant national inventories;
  o Rationalisation for the settlement area indicator: as it is already reported under the LULUCF regulation, the same data can be used for this Directive, if they are reported at district level.

### 4. Cluster 4:

#### Chapter III: Sustainable soil management

- **Article 10 – Sustainable soil management**
  o Changes to specify the guidance characteristic of Annex III, following the proposal from the non-paper of DK, FI, CY, LV, LT, MT, EE, CZ, BG, SK, HR, HU and IE;
  o Guidelines moved to new Article 23a on Support by the Commission.

- **Article 11 – Soil sealing and soil destruction mitigation principles**
  o Seeing as discussions between MS are still ongoing on this article, the Presidency is waiting for a balanced proposal on this Article;
  o some clarifications:
    - ‘spatial scale’ changed to ‘spatial level’ for clarity;
    - Added ‘new’ to ‘in case of new soil sealing and soil destruction’ to clarify that this article only applies to new instances of soil sealing or soil destruction, and not to existing sealed or destroyed soils;
  o legal-linguistics changes;
  o Guidelines moved to new Article 23a on Support by the Commission.

#### Related definitions from Article 3 (changes only)

- (22) ‘soil regeneration’: added ‘soil’ for consistency;
- (22a) ‘soil renaturation’: moved from (17c) to (22a) for coherence and adjusted the wording to make the distinction with ‘soil regeneration’ clearer as well as the purpose and process.

#### Related recitals (changes only)

- Recital (30e): clarified the avoid-reuse-minimise-compensate hierarchy and added some wording as per MS request;
- Recital (37): adjusted to include ‘guiding’, reflecting the changes to Annex III and Article 10;
- Recital (41): Added clarifications following changes to the definition of ‘soil renaturation’ and aligned to the change of ‘soil regeneration’;
- Recital (42): adjusted due to modification in Annex IV.

#### Annex III

Added “guiding” in the title to reflect the changes to Article 10, following the proposal from the non-paper of DK, FI, CY, LV, LT, MT, EE, CZ, BG, SK, HR, HU and IE.
Annex IV

As per MS request, the Presidency added one reference to the Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

5. Cluster 5:

Chapter IV: Management of contaminated sites

- Article 12 – Risk-based and stepwise approach
  o 12.1: legal-linguistic change;
  o 12.4 (a): “and stepwise” is added again, as a legal-linguistic change to ensure consistency;
  o 12.4. (b) change in line with the proposal in the Presidency Steering Note for the WPE of 24 April related to the involvement of the public in the specific step of site-specific risk assessment which is not seen as the relevant step for such involvement;
  o 12.4. (c) legal-linguistic change.

- Article 13 – Identification of potentially contaminated sites
  o 13.4: the proposal on guidelines is integrated into the new Article 23a paragraph 1.

- Article 14 – Investigation of potentially contaminated sites
  o 14.1 and 14. 3: legal-linguistic changes;
  o 14.2: legal-linguistic change to clarify that baseline reports and monitoring measures under Directive 2010/75/EU may be considered as soil investigations, provided that they comply with this Directive’s requirements.

- Article 15 – Site-specific risk assessment and management of contaminated sites
  o 15.1: legal-linguistic change: the word “indicative” has been added to “phases and principles”, in line with the Annex VI;
  o 15.3: change in line with the proposal of the Presidency Steering Note for the WPE of 24 April, since site-specific risk assessment should not be required when site investigation gives enough proof to conclude that remediation is either necessary or not;
  o 15.4: addition of ‘within an appropriate timescale’ at request of MS;
  o 15.6: legal-linguistic change: the word “requirements” is replaced by “principles”, in line with the wording in the Annex VI;
  o Art. 15.7: the proposal on guidelines is integrated into the new Article 23a paragraph 1.
- Article 16 – Register
  o 16.2: new exception for national defence and public security;
  o 16.4: legal-linguistic change.

Related definitions from Article 3 (changes only)

- (9b) ‘potentially contaminated site’: inclusion of ‘or contamination of bedrock or parent material’ in the definition as presented at the WPE of 24 April, to ensure that contamination present below soil is managed under the regime of chapter IV on the management of contaminated sites when needed; this has also been clarified in Recital (43);
- (10) ‘contaminated site’: same change as for the definition of ‘potentially contaminated site’;
- (20) ‘soil contamination’: deletion of ‘whatever the land use is’ at the end of the definition following concerns expressed by some delegations, but clarified in Recital (43a);


The Presidency has preferred not to follow this approach for the following reasons.

When the issue of contaminated sites is dealt with under EU law, “contamination” is used, not “pollution”. Kindly see, for instance, the IED in which the baseline report is defined in article 3(20) as “information on the state of soil and groundwater contamination by relevant hazardous substances”, and the Environmental Liability Directive (ELD - Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage), which defines “land damage” in article 2(1c) as “land contamination that creates a significant risk …”).

Besides, whereas “pollution” is defined in a general way in the WFD and the IED and is linked to a direct or indirect introduction of among other, substances, as a result of human activity, we need to ensure that any introduction of substances in the soil, even if not arising from human activity, is included in the scope of this proposal for a Soil Monitoring Directive.

- (21) ‘contaminant’: same change as for the definition of ‘potentially contaminated site’;
- (23) ‘risk’: same as for the definition of ‘potentially contaminated site’;
- (24) ‘soil investigation’: same change as for the definition of ‘potentially contaminated site’ and ‘if relevant’ was added as to avoid restricting soil investigation to the step of characterisation and delineation of the extent of the contaminants only: soil analyses done just to identify if a potentially contaminated site is contaminated without characterization and delineation of the extent of contaminants can also be considered as a soil investigation;
- (26) ‘soil remediation’: same change as for the definition of ‘potentially contaminated site’ and replacement of “regeneration actions” by “set of actions” in order to link soil remediation concept to Chapter IV dealing with the management of contaminated sites and not directly to the soil health concept which is the objective of soil remediation as defined in Article 3(22).
Related recitals (changes only)

- **Recital 43**: the word “often” has been added to clarify that contaminated sites are not only the legacy of activities in the past but may also be the result of ongoing activities. Next to that, an explanation has been added to clarify that bedrock or parent material only has to be investigated in cases where activities may have caused contamination of bedrock or parent material;
- **Recital 43a**: extra clarification has been added that a soil investigation has to determine whether a potentially contaminated site is contaminated or not, and that in this evaluation also sensitive land use has to be taken into account, as land use may change in time, which may necessitate an new evaluation of the information on contamination that is available in the register. The text also clarifies that other soil descriptors than soil contamination do not have to be analysed in a soil investigation;
- **Recital 43b**: clarification of the principle of the risk-based and stepwise approach to be used in Chapter IV on the management of contaminated sites;
- **Recital 45**: change of ‘soil contamination’ to ‘contamination’ as to include the bedrock and parent material when relevant;
- **Recital 46a**: moved to recital 52b;
- **Recital 46b**: legal-linguistic change;
- **Recital 46c**: “remediation solution” is replaced by “risk reduction measures”, as this is the broader term for all possible measures from which the most adequate must be chosen; this is in line with the first sentence of that paragraph. Also a sentence has been added to clarify that soil remediation focuses on managing the risks the contamination poses and potentially does not improve other soil descriptors;
- **Recital 46e**: legal-linguistic changes;
- **Recital 46g**: moved to recital 52a linked to the newly proposed art 23 (a) paragraph 1.

**Annex V**

- “Dig and dump” has been removed from the indicative list of risk reduction measures, as it is a measure of last resort and it is not in line with existing policies on circular economy;
- “Electrokinetic extraction” has been removed, as asked by MS. When necessary, they still may be used, as the list is indicative.

**Annex VI**

No change.

**Annex VII**

No change.

### 6. Cluster 6:

**Chapter V: Financing, information to the public and reporting by Member States**

- **Article 17 – Union financing**
  - Deleted ‘existing’ as asked by several MS.
- **Article 18 – Reporting by Member States**
  - 18.1.(c)(ii): legal-linguistic changes to clarify the different stages for potentially contaminated sites and contaminated sites;
- Article 19 – Information to the public legal-linguistic change. “aggregated data” does not apply to the register.

Chapter VI: Delegation and Committee procedure
- Article 20 – Exercise of the delegation legal-linguistic change ( “and” was forgotten in para 6).

Chapter VII: Final provisions
- Article 22 – Access to justice no further changes. We have tried to keep this Article as basic and as aligned as possible on IED and AAQD.
- Article 23 - Penalties several delegations asked for the deletion of that Article. We deleted it.
New Article 23a – Support by the Commission

The difference between the tools at our disposal to provide for a support by the Commission in the legislative act is explained in this table:

<table>
<thead>
<tr>
<th></th>
<th>Guidelines</th>
<th>Delegated Act</th>
<th>Implementing Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Basis</td>
<td>/</td>
<td>Article 290 TFUE</td>
<td>Article 291 TFUE</td>
</tr>
<tr>
<td>Legal Nature</td>
<td>Non-binding act</td>
<td>Act of general application only</td>
<td>Act of general or of individual application</td>
</tr>
<tr>
<td>Purpose</td>
<td>Where European Commission, as</td>
<td>To supplement or amend certain non-essential</td>
<td>To ensure uniform conditions for implementing legally</td>
</tr>
<tr>
<td></td>
<td>Guardian of the Treaties, deem</td>
<td>elements in the basic act</td>
<td>binding EU acts</td>
</tr>
<tr>
<td></td>
<td>necessary to give interpretation of EU law</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Modification of basic act</td>
<td>No</td>
<td>Yes, if concerning non-essential elements</td>
<td>No</td>
</tr>
<tr>
<td>Author</td>
<td>European Commission</td>
<td>European Commission, on the</td>
<td>European Commission or</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>MS involvement in the adoption procedure</strong></th>
<th>/</th>
<th>after consulting Member States’ experts, but their view is not binding.</th>
<th>Member States' experts sit on comitology committees and may veto Advisory vs examination procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EP and Council’s rights</strong></td>
<td>/</td>
<td>The Parliament and Council can introduce, in the delegation itself, a right to object to a draft act or even to revoke the delegation altogether</td>
<td>Right of scrutiny</td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Whenever decided by the Commission</td>
<td>After entry into force and … (?)</td>
<td>After entry into force and … (?)</td>
</tr>
</tbody>
</table>

- Article 24 legal-linguistic changes.
- Article 25 no changes.
- Article 26 no changes.
- Article 27 no changes.

**Related definitions from Article 3 (changes only)**

- (25) ‘geographically explicit data’ was deleted, as no longer in the text.

**Related recitals (changes only)**

- Recital (36): clarifications regarding aggregation level and communication of soil health data and assessments upon request by relevant stakeholders;
- Recital (50): legal-linguistic changes;
- Recital (50a): added clarifications regarding the exchange of information between MS and the Commission;
- Recital (52a) and (52b): completely rewritten to reflect the new Article 23a on the Support by the Commission.