



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

Draft Terms and Conditions for the Pilot Soil Sampling and Analysis Programme

Introduced by the

Minister for Agriculture, Food and the Marine.

In implementation of

Council Regulations (EU) No 1305/2013, 1306/2013, 1307/2013 and Commission  
Regulation (EU) 640/2014

**In implementation of European Parliament and Council Regulation (EU) 2020/2220  
laying down certain transitional provisions for support from the European  
Agricultural Fund for Rural Development (EAFRD) and from the European  
Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022**

21<sup>st</sup> September, 2021

The Department has prepared this document as an aid to ensure that farmers and agents are aware of the requirements and conditions attaching to participation and to assist in completing applications for the Soil Sampling Programme (SSP). The SSP is also referred to in this document as the Programme.

If applicants have any queries in relation to their application, please email [soilsampling@agriculture.gov.ie](mailto:soilsampling@agriculture.gov.ie) or telephone 053 9163425.

In the event that there are any changes to these Terms and Conditions they will be publicised immediately on the Department's website.

## **1. General Outline and Legal Basis**

- These are the administrative provisions for the implementation and operation of the Soil Sampling Programme (SSP) pursuant to EU regulations 1305/2013, 1306/2013, 1307/2013 and 640/2014.
- The Department of Agriculture, Food and the Marine will use existing customer BPS, including LPIS, data held for the purpose of aiding administrative efficiencies and the use of the data in this way is considered compatible with its original purpose of collection.

## **2. General Provisions**

The Programme shall be administered by a third party contracted by the Department of Agriculture, Food and the Marine and shall operate throughout the State.

- The Programme is funded by the European Union and the National Exchequer.
- The funding for the Programme is limited and applications will be accepted subject to the maximum overall budget available.
- Participation in the Programme is voluntary.
- Confirmation of the outcome of your application to the Programme will be received by post at the farmer's address.

## **3. Definitions**

For the purpose of the Programme:

- 'Department' shall mean the Department of Agriculture, Food and the Marine, except where stated otherwise.
- 'Minister' shall mean the Minister for Agriculture, Food and the Marine.
- 'SSP' and 'the Programme' shall mean the pilot Soil Sampling and Analysis Programme as approved by the Commission as a measure included in Ireland's Rural Development programme 2014-2022.
- 'BPS' shall mean Basic Payment Scheme, as administered by the Department of Agriculture, Food and the Marine.
- 'LPIS' shall mean Land Parcel Identification System, as administered by the Department of Agriculture, Food and the Marine.

- 'Eligibility' shall mean elements essential to allow a contract to take place, the disrespect of which will result in exclusion from the project.
- 'Application' shall mean an application to participate in the Programme.
- 'Farm' or 'Holding' shall mean all the production units in the State that are under the control of the applicant farmer.
- 'Farmer' shall mean an individual agricultural producer, whether a natural or legal person or a group of natural or legal persons, whatever legal status is granted the group and its members by national law whose holding is within the State.
- 'Farming' shall include dairy farming; livestock production; cultivation of fodder and tillage crops, and the growing of horticultural crops.
- 'Agent' shall mean an individual who is approved by the farmer to act on their behalf and who has a valid association with the farmer on the Agfood system.
- 'Partnership' shall mean a legal partnership registered on the Register of Partnerships maintained by the Department.
- 'Maximum Eligible Area' (MEA) shall mean the maximum area within a digitised parcel that can be claimed under the Basic Payment Scheme.
- 'Contractor' refers to the organisation that has entered into a contract specified and controlled by the Department to deliver on the in-field soil sampling and subsequent laboratory analysis of the soil samples.
- 'ICBF' refers to the Irish Cattle Breeders Federation.

#### **4. Description of the pilot Soil Sampling Programme**

The pilot Soil Sampling Programme will begin the development of a national baseline of soil parameters and soil health indicators. A third party has been contracted by DAFM to deliver the Programme.

The programme will focus on:

- Macro- and micronutrients for agronomic advice and water quality risk assessment.
- Soil carbon(C) relating primarily improving climate objectives and soil health.
- Farm level *E. coli* assessment.

A farmer with a 2021 BPS application may apply to participate. The application is submitted online through the Agfood system and may be completed by the farmer or approved agent of the farmer. Applications will be accepted on a first come first served

basis. The objective is to achieve maximum geographic spread and farm system representation.

Successful applicants will be contacted by the laboratory to arrange a sampling time. Soil analysis results will be returned to the Department, the farmer (and ICBF if this option was selected). Advisors will assist in the interpretation of results to achieve maximum benefit.

## **5. Objectives of the Programme**

The pilot Soil Sampling Programme is a farm level soil sampling and analysis initiative which will provide farmers and their advisors with comprehensive details about the soil health and soil condition on their farms. These results can be used to target soil management and farming practices to achieve economic and environmental sustainability on their farms. Each sample will be taken over a maximum of 4 hectares and limited to a maximum of 64 hectares on each farm.

Each farmer will receive the analysis reports with information on macro- and micro-nutrients, soil carbon and the presence of *E.coli*. Participation is voluntary and it is open to all regions and farming enterprises. Applications to the programme will be accepted on a first come, first serve basis however a regional spread of applicants will be selected.

### **Farmers**

- The soil sampling programme, at field scale, will provide the basis for the next generation of soil-specific nutrient management advice and underpin targeted fertiliser and organic manure applications (right nutrient type, right application rate, right time & right place) across all farming systems in Ireland.
- Farmers will also be provided with indicative soil carbon results for their land, which is an important baseline result on an individual and national level from a soil health and climate change perspective.
- The presence of *E.coli* will provide information and the basis for developing strategies to manage animal, human and environmental health on the farm.

## **6. Eligibility**

- Any farmer with a 2021 BPS application may apply to participate.
- Farms in any part of the country are eligible.
- All farming enterprises are eligible.
- Commonage land is eligible.
- Companies and partnerships are eligible to apply.
- Each sample will be taken over a maximum of 4 hectares and limited to a maximum of 64 hectares on each farm.

The following criteria must be met for an applicant to be eligible for the pilot: Each applicant must:

- Be eighteen or over on the date of the application.
- Be the holder of an active herd number.
- Have declared all land to be brought into the pilot programme in the applicant's name on their BPS application for 2021. It will not be permitted to add land previously not declared on the BPS in the programme.
- Be in a position to facilitate for soil to be sampled and geo-tagged referenced on the farm.
- Provide an email address and a telephone number for communication purposes.

## **7. Application Requirements**

- All applications must be made via the Department's online Agfood system.
- A farmer, partnership or company may apply directly or an associated agent may make the application on behalf of any these entities.
- Agents who wish to apply on behalf of their 2021 BPS clients must confirm with client that they approve of this application. Details are available in follow the Agent Authorisation Information on the Soil Sampling Programme webpage.
- If using an agent different from the one who submitted your BPS 2021 application, please ensure that the agent you follow the Agent Authorisation Information on the Soil Sampling Programme webpage.
- All applications are made individually for each interested farmer, partnership or company.

- Farmers in a Farm Partnership registered with the Department are eligible to apply for provided that the application is made in the same name as the Basic Payment Application. Land entered will be across the entire 'partnership' holding. All partners are jointly and severally responsible for adhering to the terms and conditions. The land declared on the BPS for the Partnership is subject to the maximum sampling area of 64 ha.

## **8. Application Procedures**

- Log in to Agfood and follow the link to Soil Analysis Programme.
- A valid BPS for 2021 will enable you to proceed.
- In order to participate in the programme some personal data held on the BPS and LPIS system will be securely transferred to the third party contracted by the Department. This information will comprise:
  - Name
  - Address
  - Telephone number
  - Business id (herd number)
  - Farm type
  - LPIS Maps
  - Hectares farmed
- The third party contracted by DAFM to deliver the programme will comply with their GDPR obligations to securely handle personal data.
- An additional option is on the screen whereby you can choose to accept your soil analysis results to be transferred to the Irish Cattle Breeding Federation (ICBF). The purpose of this transfer is to enable the ICBF and their associated organisations to assist you in interpreting and managing the results.
- Your selection for this option does not impact your application.
- To withdraw consent to share data with the ICBF, please email notifying of this intention at [soilsampling@agriculture.gov.ie](mailto:soilsampling@agriculture.gov.ie) with 'withdraw consent' in the subject heading and the herd/partnership number under which you applied.
- To withdraw from the programme, please email notifying of this intention at [soilsampling@agriculture.gov.ie](mailto:soilsampling@agriculture.gov.ie) with 'withdraw' in the subject heading and the herd/partnership number under which you applied.

- In both cases, if email is not available the notice may be sent by post to: Pilot Soil Sampling and Analysis Programme, Nitrates Section, Agriculture Structures & Market Supports Division, Department of Agriculture, Food & the Marine, Johnstown Castle Estate, Wexford
- If one farm in a partnership wishes to withdraw then all farms within the partnership will also be withdrawn.

## **9. Selection Criteria and Approval**

- The Minister may reject applications or require them to be varied if, in his opinion, they are not likely to contribute to the objectives of the project.
- Applications will be accepted on a first come first serve basis.
- Selected successful applicants will be notified in writing of their acceptance into Soil Sampling Programme and of the commencement date of their contract.
- In the event that the Programme is oversubscribed limits on applicants based on an assessment of NUTS3 regions/enterprise types will be applied. There are no points applied to applicants and the underlying determinant of acceptance or otherwise will be the relative timing of receipt of applications.
- The following may be used to determine a representative sample of farms for scheme entry:
  - The country census of agriculture provides a profile of relative numbers of farming enterprise across NUTS3 regions. This matrix will be applied to balance applicants across each NUTS3/farming enterprise with additional applications kept in order of application.
  - NUTS3 region.
  - Farming enterprise.
  - Date and time of receipt of application.

## **10. Obligation of the Applicant**

- You will be contacted by a soil sampler to arrange a time to sample soil on your farm.
- Failure to respond or engage with the soil sampler may result in your application being withdrawn.



- A successful applicant once contacted by the soil sampler must facilitate the soil sampling within the specified arrangement agreed. If the soil sampling is not undertaken within the agreed timeframe, a farmer will be removed from the programme.
- Farmers selected to the programme must respect:
  - The conditions set out in this document.

#### **11. Obligation of the Department**

- Soil sampling results will be issued in two phases:
  - Standard Regulatory Nutrient results including pH, and Morgan's P and K will issue no later than one month after soil sampling.
  - The remainder of the test results will issue no later than three months after soil sampling.

#### **12. Application Revision**

- All requests to make an application revision must be submitted to [soilsampling@agriculture.gov.ie](mailto:soilsampling@agriculture.gov.ie). Failure to do so may result in the withdrawal of your acceptance. All transfers must include all land declared for the Programme. The Department reserves the right to permit or decline a revision request.
- The following are a list of some possible scenarios:
  - A farmer may apply to be added or removed from a herd number once both party's consent.
  - An individual farmer may apply to change status to a company.
  - An application may be made to transfer a herd number from a farmer to a family member. A family member is defined as a parent, grandparent, sibling, uncle, aunt, niece, nephew, son, daughter, spouse, grandson or granddaughter.

#### **13. Monitoring and Evaluation**

- Monitoring and evaluation of the Programme will be carried out for the purpose on ensuring contract is being fulfilled.

- This may include verification of on-farm soil sampling procedures.
- Participants in Programme shall facilitate the monitoring and evaluation process in every way, including any necessary site-visits by the contractor team, the Department or its agents or providing feedback on the project as requested.

#### **14. Joint/Multiple Applicants**

- Where the application is made in more than one name, each person named will be jointly and collectively responsible for delivery of the commitments entered into and be jointly and collectively subject to all project Terms and Conditions.
- Where the application is made in more than one name, the applicants must have a single herd number and declare all their lands on IACS under this herd number.

#### **15. Right of Entry**

- The Minister reserves the right to make re-assessments at reasonable times of any land, records of applicants/participants.

#### **16. Responsibility of Applicant**

- It shall be the responsibility of the applicant to familiarise him/herself with the Soil Sampling Programme Terms and Conditions and any amendments thereof.

#### **17. Review of Financial Aids**

- The Minister reserves the right to restrict the availability of the Pilot Soil Sampling Programme and to vary, where occasion so demands, the amount of financial aid wherever specified Pilot Soil Sampling Programme subject at all times to the provisions of any relevant legislation.

#### **18. Information and Data Protection**

**Part A:**

**Information applicable to all Department of Agriculture, Food and the Marine customers:**

1. The Department of Agriculture, Food and the Marine (DAFM) is fully committed to keeping all personal data submitted by its customers, fully safe and secure during administrative processes. All necessary technical measures have been put in place to ensure the safety and security of the systems which hold this data. Department staff are also considered as customers of the Department from a Data Protection perspective and may exercise their data protection rights in the same way.
2. Transparency and openness in the use of personal data held is important to the Department and therefore we aim to fully inform all our customers about the purpose(s) for which their data will be used and why, where it may be shared elsewhere and why and how long their data may be held by the Department. Information on the rights of the customers will also be provided.
3. The current legislation for Data Protection in Ireland is the Data Protection Act 1988 as amended by the 2003 Data Protection Act, The Data Protection Act 2018 and The General Data Protection Regulations (EU 2016/679) which came into effect on 25 May 2018. (It should be noted that the 1988 Data Protection Act as amended in 2003 will likely be repealed in full, in due course).
4. Under Data Protection Legislation, The Department of Agriculture, Food and the Marine, as a data controller is responsible for the collection and processing of all personal data under its administration.
5. The Data Protection Officer can be contacted as follows:  
Data Protection Officer  
Data Protection Unit, Data Management Division,  
Department of Agriculture, Food and the Marine  
Grattan Business Park, Dublin Road,  
Portlaoise, Co Laois.

Email: [dataprotectionofficer@agriculture.gov.ie](mailto:dataprotectionofficer@agriculture.gov.ie)

6. Personal data processed by the Department will only be used for the specific purpose (s) as outlined when the data is collected, or in later communications, and will only be used in accordance with the Data Protection legislation in force.
7. Rights of the individual in relation to personal data held by the Department:

When you, as a customer, provide personal data to the Department you have certain rights available to you in relation to that data. However, it should be noted that not all rights listed shall be applicable in every circumstance. These rights are outlined

below and can be exercised by contacting the Data Protection Officer, as detailed above, indicating which right(s) you wish to exercise:

Our customers have the following rights:

- access to their data
- rectification of their data
- erasure of their data
- right to lodge a complaint with the Supervisory Authority
- restriction of processing
- data portability
- objection to processing
- withdraw consent if they previously gave it in relation to processing of their personal data
- relating to automated decision making, including profiling.

**Part B – Information specific to the personal data being collected:**

**The following data is specific information in relation to the personal data processed for the Pilot Soil Sampling Programme.**

**The following data is specific information in relation to the personal data processed for the pilot Soil Sampling and Analysis Programme (SSP).**

**8. Specified purpose:**

The personal data sought from you, or previously furnished by you, the applicant, is required for the purpose of making an application under the pilot Soil Sampling and Analysis Programme (SSP) or for ongoing processing of your contract under the scheme. You should consult the Terms & Conditions and Specification of the scheme in this regard.

The Department may also use data from the pilot Soil Sampling and Analysis Programme (SSP) for the purposes of facilitating the processing of an application for participation in other related schemes operated by the Department of Agriculture, Food and the Marine or for the purposes of updating information on the relevant databases held by the Department in connection with these schemes (e.g. mapping database). Each scheme has its own legal basis as outlined under their own Terms and Conditions.

These schemes are:

- Areas of Natural Constraints Scheme (ANC) and the Areas of Specific Constraints (Islands) Scheme (ASC)
- Agri Environment Scheme (AEOS)
- Natura 2000 Scheme
- Organic Farming Scheme (OFS)
- Land Parcel Identification System
- Basic Payment Scheme (BPS)
- Locally Led Agri-Environment Schemes
- Targeted Agricultural Modernisation Schemes (TAMS)
- Green, Low-Carbon Agri-Environment Scheme (GLAS)

Further to this the operation of the scheme may also require data to be shared with internal sections such as:

- DAFM Agricultural, Environment and Structures
- DAFM Cross Compliance Section
- DAFM Direct Payments Division
- DAFM Rural Development Division

#### **9. Legal basis:**

The Department of Agriculture, Food and the Marine will use existing customer BPS, including LPIS, data held for the purpose of aiding administrative efficiencies and the use of the data in this way is considered compatible with its original purpose of collection. The Soil Sampling Programme (SSP) is implemented pursuant to EU Regulations 1305/2013, 1306/2013, 1307/2013 and 640/2014.

## **10. Recipients:**

Information held by DAFM and provided in the application which is required for the implementation of the pilot Soil Sampling and Analysis Programme (SSP) will be transferred to the third party contracted by DAFM to deliver the programme. The third party will be compliant with Data Protection legislation in force. Information provided as part of the pilot Soil Sampling and Analysis Programme (SSP) application may be shared, with other Divisions within the Department, for the purposes of processing other related scheme applications in a timely and efficient manner.

When you submit a SSP application some of your personal data may be made available to other Government Departments/Agencies/Local Authorities, but only where there is a valid legal basis to do so and a data sharing agreement will be put in place where necessary. The purpose of this sharing of data is for audit, evaluation purposes, cross compliance controls, controls relating to the legislation underpinning cross compliance and Rural Development measures. Personal information may also be released under the terms of the relevant Data Protection legislation in force and the Freedom of Information Act 2014.

Personal data may be used for statistical, research and analysis purposes in some circumstances, but will only be done so in compliance with the Data Protection legislation in force. Data used for such purposes will be pseudonymised (masked) or anonymised, as appropriate, to protect to the security and confidentiality of the data. The use of the data in this way may facilitate the Department in informing policy decisions into the future, which would benefit the Irish farmer and the Agriculture Sector.

The Department is also currently obliged by law to provide information concerning applicants in response to requests received from the Office of the Revenue Commissioners, An Garda Síochana, and other bodies, in accordance current data protection legislation.

As part of this scheme, if you are approved into the programme, you may be requested by the Department or relevant agents acting on its behalf, to supply data in relation to your participation to the programme, where required for the purpose of assessment, verification, evaluation or research purposes as provided for under the Regulations (EU Reg 1305/2013, 1306/2013, 1307/2013 and 640/2014). Not to supply such information may invalidate/cancel your application.

**11. Transferred outside the EU:**

The third party contracted by DAFM to deliver the Programme is based outside the EU. Personal data is protected by EU Data Protection legislation which is in force in the third country.

**12. Retention Period:**

The data submitted in support of the application by the data subject under SSP will be retained by DAFM only as long as there is a business need to do so in line with the purposes for which it was collected.

After this time, it will be marked for destruction and will be destroyed in line with internal guidelines or guidelines for destruction received from the National Archives Office or associated permissions received from them.

Currently it is envisaged that data on this scheme will be held for 7 years after processing is complete.

**13. Data provision being statutory or contractual obligation:**

The Department of Agriculture, Food and the Marine will use existing customer BPS, including LPIS, data held for the purpose of aiding administrative efficiencies and the use of the data in this way is considered compatible with its original purpose of collection.

**14. Automated Decision Making:**

Personal data provided in the submission of an application under SSP will be processed automatically along with manual processing for the purpose of the efficient running of the scheme, and the timely payment of participants.

**15. Technical information on data collected:**

Technical information on the cookies used on the Gov.ie website is available at the following link: <https://www.gov.ie/en/help/privacy-policy/?section=cookies>

**Further Conditions**

- The Minister may at any time lay down further conditions under the the Pilot Soil Sampling and Analysis Programme
- The Minister reserves the right to alter from time to time the procedures to be followed in the operation of the Pilot Soil Sampling and Analysis Programme.

**Interpretation**

- The Department may expand upon, explain, interpret or define the meaning of any aspect of the Terms or Conditions of the Pilot Soil Sampling and Analysis Programme.