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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulation (EC) No 1217/2009 as regards conversion of the Farm Accountancy Data Network into a Farm Sustainability Data Network - Summary report

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Delegations will find attached a summary report by the Czech Presidency on the FSDN proposal

**I. INTRODUCTION**

1. In the Farm to Fork strategy, the Commission announced its intention to convert the Farm Accountancy Data Network (FADN) into a Farm Sustainability Data Network (FSDN). The Commission issued a roadmap on 3 June 2021 and extensively consulted stakeholders in 2021. No impact assessment was done, considering the clearly defined scope of the initiative.
2. The proposal amending Council Regulation 1217/2009 was adopted on 22 June 2022.
3. The proposal lays out specific measures aimed at simplifying data collection by making use of new technologies, as well as by interlinking FSDN with other data sources. Another objective is to add new key variables relating to the social and environmental dimensions of farming as well as to review and reassess variables that are already included in the FADN. The proposal puts forward ways to facilitate farm-level data use in order to improve advisory services for farmers. It also includes ways to make participation in data collection more attractive to farmers.

**II. STATE OF PLAY IN THE COUNCIL**

4. The Commission presented its proposal to delegations at the meeting of the Special Committee on Agriculture on 11 July 2022.
5. Member states were then invited to send their written comments.
6. During the Czech Presidency, the proposal was examined within the Working Party on Financial agricultural questions (AGRIFIN). Four meetings of the AGRIFIN Working Party were held. At the first meeting of the Working Party, the Commission gave a general overview of the proposed amendments to the basic Regulation. In subsequent meetings, an in-depth exchange of views took place on all articles of the draft Regulation.

### **III. MAIN ISSUES AND PROGRESS ACHIEVED**

7. In both the written comments and in the subsequent discussions at Working Party level, several Member states stressed the need for clarification of the legal basis. The proposal refers to Article 43(2) of the Treaty on the Functioning of the European Union, however, the link to the Common Agricultural Policy (CAP) in the proposed text is weak compared to the current FADN Regulation. The Legal service of the Council has been asked for an opinion on that matter.
8. Member states also called for better specification of collected data and the purpose of their collection.
9. Another crucial issue is the protection of personal data. In its Opinion 18/2022, the European Data Protection Supervisor also pointed out several areas concerning the processing of personal data that should be further elaborated.
10. Delegations mentioned doubts over the extent of the Commission's powers that should be the subject to delegated acts.
11. It is important for delegations not to increase the administrative burden for both farmers and competent authorities. Several delegations prefer maintaining the voluntary nature of the system. Concerns were expressed about the concept of a unique farm ID.
12. Overall, from the discussions held so far, the main issues that need to be further addressed can be divided into three main groups: the legal basis of the Regulation (keeping the proposal within the realm of the CAP versus extending the legal basis to other policy areas), the type and the purpose of data to be collected and the protection of personal data.

13. Revised parts of the text of Articles 1, 2, 2a, 6 and 7 were presented at the AGRIFIN Working Party meeting on 7 December 2022.
  14. After the last meeting of the AGRIFIN Working Party of 7 December 2022, delegations were asked to express their opinion on the possible extension of the legal basis of the Regulation beyond the CAP to other policy areas. From the responses already received, the majority of Member states would prefer to keep the proposal within the framework of the CAP. Delegations were also invited to send written comments on the Presidency's first drafting suggestions.
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