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From:	General Secretariat of the Council
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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 - Comments from the Swedish delegation

Delegations will find in the annex the comments from the Swedish delegation on the above-mentioned proposal.

SE comments following the Special Committee on Agriculture (SCA) meeting of the 13th July 2022

General comments

The proposed changes to not only include economic but also environmental and social dimensions of sustainability will in the future create added value for the users of FSDN (previous FADN). Since extensive work is done to harmonise the survey, it is also a unique basis for comparative studies between member states.

The expansion provides opportunities to develop and evaluate current and future agricultural policy, but also a basis for more general research and investigation into the conditions of agricultural holdings to produce sustainable food. The opportunities for benchmarking are also increasing both for individual farmers and for advisory organisations.

However, the proposal does not delineate the amount of additional information that will be decided in the secondary legislation. We see this entails a risk of a substantially increased administrative burden for participating holdings and increased administrative costs for liaison agencies.

In general, we see four main areas that will be important in the further discussion about the regulation and Sweden can come back with concrete text proposals for articles and recitals.

1. **Proportional administrative burden.** The proposed changes should take into account that the extra administrative burden for the participating holdings and liaison agencies is proportional to the purpose of the regulation. In the proposal, we suggest including a recital or paragraph that limits disproportional increase in variables.
2. **Confidentiality.** In addition to the extensive information about the holdings, FSDN also include personal data about the holders' health and participation in associations. We support the idea of introducing a unique identification number to link the data to other data bases. However, the regulation amendment needs to ensure that data of individual farmers is to be protected by strong confidentiality, both in regarding to the Commission and the individual Member States. Confidentiality protection at the Commission should correspond to the concept of statistical confidentiality given in EU Regulation 223/2009 on European statistics.

3. **Input harmonisation.** We are in favour of the approach that the variables providing for the survey should be clearly defined and appropriately checked. It is important to ensure that data is comparable, but Sweden appreciates that it is up to the Member States to design the data gathering. We assess that this makes it possible to collect data with good quality considering the different data collection conditions of the Member States.
4. **Voluntary participation.** The regulation should provide the possibility for each Member State to decide whether participation should be mandatory or not. For the Swedish circumstances, we assess that the data quality increase if participation is voluntary. It would also be difficult to collect this type of information from farmers who are not willing to participate.

Recital 10-12

These recitals address confidentiality. Sweden proposes that appropriate parts of the recitals should be included in the paragraphs of the basic act to strengthen confidentiality.

New Recitals

It is positive that the Commission wants to facilitate the use of registers, for example through an identification number. However, it is important that the regulation reflects that total consistency between all registers and data bases is impossible.

We suggest including a new recital ensuring that the response-burden is not unfair.

Article 5(3) [Article 1(9) of the proposal]

An obligation for agricultural holdings to provide requested data for the surveys is introduced through the amended article 5(3) of the proposed regulation.

Sweden believes that the article should be amended in such way that it allows the Member State to decide on whether participation in the survey should be obligatory or on a voluntary basis.

Article 16 [Article 1(15) of the proposal]

Article 16 concerns data protection and states that it shall be prohibited to use individual data or other individual details obtained in the implementation of the regulation for taxation purposes.

Sweden proposes that the scope of article 16(1), should be extended to include all cases where the individual holding may suffer negative consequences.

Article 19a [Article 1(18) of the proposal]

Article 19a of the regulation covers delegated acts.

Sweden believes that the implementation of the delegated acts should be done gradually. For example, 20 percent of the variables in the first year, 50 percent in the second year and 100 percent in the third year.

Furthermore, the collection of data on plant protection products should not be introduced before the digital register is available, which is planned for 2025 through secondary legislation amended to Article 67(4) of Regulation (EC) No 1107/2009.