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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 Estonian delegation

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

REGULATION OF THE EUROPEAN PARLIAMENT AND THE COUNCIL**amending Council Regulation (EC) No 1217/2009 as regards conversion of the Farm Accountancy Data Network into a Farm Sustainability Data Network**

Date	Member State
29/09/2022	Estonia

Article	Commission proposal	Comment	Drafting suggestions
1			
(3)	<p>Article 1 is replaced by the following: ‘Article 1</p> <p>1. A Union farm sustainability data network (‘FSDN’ or ‘data network’) is set up to collect farm level economic, environmental and social data.</p> <p>2. The data obtained pursuant to this Regulation shall contribute to the assessment of EU agriculture’s sustainability.</p> <p>3. FSDN data shall be made publicly available in a manner consistent with Articles 7 and 8 of the Charter of Fundamental</p>	<p>In Article 1 p 1 the data need could be clarified. Not all data, which is produced during agricultural production will be in scope of FADN. We suggest to add the link with CAP needs.</p>	<p>1. A Union farm sustainability data network (‘FSDN’ or ‘data network’) is set up to collect farm level economic, environmental and social data to response to needs of Common Agricultural Policy (CAP).</p>

	<p>Rights of the European Union and Regulations (EU) 2016/679* and 2018/1725**.</p> <p>4. Where relevant, the processing, management and use of data collected under this Regulation shall comply with Regulations (EU) 2016/679, (EU) 2018/1725 and (EC) 223/2009***.?’;</p> <p>* Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</p> <p>** Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p> <p>*** Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).?’;</p>		
(4)	<p>Article 2 is replaced by the following:</p> <p>‘Article 2</p> <p>For the purposes of this Regulation, the following definitions shall apply:</p>	In article 2 the following definitions which also are used in this Regulation	

	<p>(a) ‘farmer’ means the natural person responsible for the day-to-day management of an agricultural holding;</p> <p>(b) ‘holding’ means a farm business, in accordance with its general use in the context of Union agricultural surveys and censuses;</p> <p>(c) ‘category of holding’ means a group of agricultural holdings that belong to the same categories, as regards the type of farming and economic size as defined in the Union typology for agricultural holdings defined in Article 5b;</p> <p>(d) ‘farm return’ means the questionnaire filled in with the data of an agricultural holding according to the FSDN common methodology;</p> <p>(e) ‘returning holding’ means any agricultural holding making farm returns for the purposes of the data network;</p> <p>(f) ‘Farm Sustainability Data Network division’ or ‘FSDN division’ means the territory of a Member State, or any part thereof, delimited with a view to the selection of returning holdings;</p> <p>(g) ‘FSDN data’ means economic, environmental and social farm level data relating to agricultural holdings derived from accounts, and/or from other data sources collected systematically and regularly;</p> <p>(h) ‘standard output’ means standard value of gross production;</p> <p>(i) ‘personal data’ means personal data as defined in Regulations (EU) 2016/679 and (EU) 2018/1725, however extending protection to the legitimate interests of farmers who are legal persons;</p> <p>(j) ‘farm ID’ means the unique identification number for an individual holding, with regards to processing of data under this Regulation;</p> <p>(k) ‘processing data’ means any operation or set of operations which is performed on data of persons, according to Article 3(3)</p>	<p>need the clarification:</p> <ul style="list-style-type: none"> - Other data sources - Special surveys - Threshold - Sustainability <p>We ask to describe the connection with possible other data sources to show that in FSDN the same data could be used for example collected under IFS or SAIO Regulations, under CAP monitoring and evaluation framework (CMEF). In Estonia would like to use the data of e-field book for example.</p> <p>We ask to clarify the need, purpose, frequency and content of special surveys.</p> <p>The ‘threshold’ will be fixed in implementing acts on the basis of data received from Member States (art 5 p1 wording according to commission</p>	
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	<p>of Regulation (EU) 2018/1725;</p> <p>(l) ‘primary data’ means data associated with individual farms, natural or legal persons or individual samples;</p> <p>(m) ‘metadata’ means data giving qualitative and quantitative information about the collected primary data;</p> <p>(n) ‘anonymised data’ means data based on primary data in a form which does not allow natural or legal persons to be identified directly or indirectly;</p> <p>(o) ‘pseudonymised data’ means personal data that cannot be longer attributed to a specific subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural or legal person;</p> <p>(p) ‘aggregated data’ means the output resulting from summarising the primary or detailed data for specific analytic purposes.’;</p>	<p>proposal), the definition could be described also in main act art 2.</p> <p>We ask to clarify the meaning of ‘sustainability’. Do we understand correctly that sustainability includes all three themes- economic, social and environmental? It would be helpful to keep this in mind by adding the description into art 2.</p> <p>art 2 (g) Estonia asks to clarify the meaning of systematic and regular’;</p>	
(5)	<p>‘Article 2a</p> <p>A list of FSDN divisions is set out in Annex I.’;</p>		
(6)	<p>in Article 3, the term ‘FADN’ is replaced by ‘FSDN’;</p>		
(8)	<p>Article 4 is replaced by the following:</p> <p>‘Article 4</p> <p>1. This Chapter shall apply to the collection of accountancy and other sustainability data. FSDN data shall be collected by means of regular and special surveys.</p> <p>2. The competent authority for FSDN may use other data sources in order to collect and re-use data to feed the FSDN surveys.</p>	<p>In art 2 (g) the FSDN data definition is given, we suppose that in art 4 p 1 this could be used instead of wording “accountancy and other sustainability</p>	<p>1. This Chapter shall apply to the collection of FSDN data accountancy and other sustainability data. FSDN data shall be collected by means of regular and special surveys.</p>

	<p>3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 19a supplementing this Regulation with the rules on the data management process, in particular the farm ID, data storage, data quality and validation, use of data, access to and transmission of primary data, processing of primary data, combination of data with other data sources, procedure for ensuring availability of detailed and aggregated data, compatible data storage and exchange systems, review of refusal to provide data, obligations for end-users of scientific data and other interested parties.</p> <p>4. The Commission shall adopt implementing acts establishing and updating form and content of common regular and special surveys as well as methods and requirements for reusing and sharing data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19b(2).’;</p>	data“.	
(9)	<p>Article 5 is replaced by the following:</p> <p>‘Article 5</p> <p>1. The field of the survey shall cover agricultural holdings having an economic size equal to, or greater than, a threshold expressed in euro corresponding to one of the lower limits of the economic size classes of the Union typology for agricultural holdings defined in Article 5b.</p> <p>The Commission shall be empowered to adopt delegated acts, in accordance with Article 19a, supplementing this Regulation with the rules on fixing the threshold referred to in the first subparagraph of this paragraph.</p> <p>The Commission shall adopt, on the basis of data received from Member States, implementing acts fixing the threshold</p>	<p>Estonia asks to clarify how is representativeness of environmental indicators and social indicators taken into account when compiling the sample of returning holdings?</p> <p>According to the commission proposal representativeness will</p>	

	<p>referred to in the first subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19b(2).</p> <p>2. To qualify as a returning holding, an agricultural holding shall:</p> <p>(a) be covered by the field of the survey referred to in paragraph 1;</p> <p>(b) be representative, together with the other holdings and at the level of each FSDN division, of the field of survey.</p> <p>3. An agricultural holding qualifying as returning holding in the plan for the selection of returning holdings shall provide the requested data.</p> <p>4. Member States may adopt national rules to address possible cases of non-compliance with paragraph 3.’;</p>	<p>continue to be based on economic indicators. We ask for further clarification and comments if it is deemed unnecessary.</p> <p>Estonia is on position that if new data is added and collected the sample must also be representative in terms of social and environmental indicators to ensure evidence-based sustainability assessment.</p> <p>Estonia supports the mandatory data providing by agricultural holdings qualifying as returning holdings.</p>	<p>Art 5 p2. (b) be representative, together with the other holdings and at the level of each FSDN division according to Annex I, of the field of survey.</p>
(10)	<p>Article 5a is amended as follows:</p> <p>(a) the first subparagraph of paragraph 1 is replaced by the following:</p> <p>‘Each Member State shall draw up a plan for the selection of returning holdings that ensures a representative sample of the field of survey, including both regular and, when relevant,</p>	<p>Estonia would prefer a variant in which regular and special surveys are separately specified.</p> <p>The sample, drawn up on</p>	

	special surveys.’; (b) in paragraphs 2 and 3, the term ‘FADN’ is replaced by ‘FSDN’;	the basis of economic criteria may not be representative for special surveys.	
(11)	in Article 5b, paragraph 1 is replaced by the following: ‘1. Agricultural holdings shall be classified in a uniform manner according to the Union typology for agricultural holdings, such as type of farming, their economic size and the importance of other gainful activities directly related to them. The typology for agricultural holdings shall be used in particular for the presentation, by type of farming and by economic size class, of data collected through the Union farm structure surveys and the FSDN.’;	Estonia asks to clarify how the environmental and social indicators are taken into account in the typology. For example organic farming. Whether the importance of other gainful activities directly related to the farm is planned to be included in the typology?	
(12)	Article 6 is amended as follows: (a) paragraph 1 is replaced by the following: ‘1. Each Member State shall set up a national committee for the data network (hereinafter referred to as ‘the National Committee’).’; (b) in paragraph 4, the term ‘FADN’ is replaced by ‘FSDN’;		
(13)	in Article 7, paragraph 1 is replaced by the following: ‘1. Each Member State shall appoint a liaison agency whose tasks shall be: (a) to inform the National Committee, the Regional Committees and the data collectors such as accountancy offices of the applicable regulatory framework and to ensure proper implementation thereof;		

	<p>(b) to draw up the plan for the selection of returning holdings, to submit it to the National Committee for its approval and, thereafter, to forward it to the Commission;</p> <p>(c) to compile:</p> <p>(i) the list of returning holdings;</p> <p>(ii) where applicable, the list of the data collectors able to complete farm returns;</p> <p>(d) to produce the farm returns sent to it by the data collectors including from data gathered from other data sources;</p> <p>(e) to verify that the farm returns have been duly completed;</p> <p>(f) to forward the duly completed farm returns to the Commission in the required format and within the set deadline;</p> <p>(g) to transmit the requests for information provided for in Article 17 to the National Committee, to the Regional Committees and to the data collectors and to forward the relevant answers to the Commission;</p> <p>(h) to make available the obtained results for providing advice and feedback to farmers on their sustainability performance.’;</p>	<p>Art 7 (h) Estonia would like to add that the data the data providers must first of all have the consent to share the data with the advisory service and, on the other hand, the desire to receive advice.</p>	<p>Art 7 (h) to make available the obtained results for providing advice and feedback to farmers on their sustainability performance if there is the consent of the data providers to share the data with the advisory service and the desire to receive advice.’;</p>
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