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#### **WORKING DOCUMENT**

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	10592/22 + ADD 1-2
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 Lithuanian delegation

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

**Lithuania's comments on the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) 1217/2009 as regards conversion of the Farm Accountancy Data Network into a Farm Sustainability Data Network**

In general, we welcome the proposal and its intention to convert the Farm Accountancy Data Network (FADN) into a Farm Sustainability Data Network (FSDN) and to expand the data collection so that, in addition to the economic dimension, the environment and social dimension is added.

**Comments on Chapter I: Articles 1, 2, 2a, and 3 and on Chapter II: Articles 4, 5, 5a, 5b, 6 and 7**

**Art. 1**

We think that the purpose of the Farm Sustainability Data Network („*The data obtained pursuant to this Regulation shall contribute to the assessment of EU agriculture's sustainability*”) is too narrow and should be expanded as it is used for justification of various policy making decisions in agriculture, not only for the assessment of sustainability. Expanding the definition of the purpose is also important because the reference to this article is used in Article 16 (2) of the proposal, which deals with data sharing.

**Art.2**

‘(a) farmer means the **natural person** ... ‘

‘(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**;’

**Remark.** We consider that there is a contradiction between 2 (a) and 2 (i) because the farmer is a natural person.

‘(j) farm ID’

**Remark.** During long existence of FADN, farm ID was always allocated to every farm. In FSDN it is foreseen wider use of farm level ID with the purpose to ensure data sharing at Union level. Which institutions in the member states will be obliged to assign ID for farms, having in mind that FADN / FSDN systems cover 1-3 per cent of farm population? With introduction of such farm ID, the new questions would arise: which institutions will have access to data, how they use them, etc.

‘(l) primary data means data associated with individual farms, natural or legal persons or individual samples;’

**Remark.** What does it mean “individual samples”?

## **Art. 5**

‘3. An agricultural holding qualifying as returning holding in the plan for the selection of returning holdings **shall** provide the requested data.’

**Remark.** The farmers should participate in the survey on voluntary basis. It will help to maintain a reasonable data quality level. On the other hand, how to force a selected farm / agricultural company to provide the reliable data, if a farmer / company is not willing to participate in the survey?

## **Article 7**

‘(e) to verify that the farm returns have been duly completed;’

**Remark.** Liaison Agency also participate in the primary data corrections, so we suggest changing the statement (e):

‘(e) to verify that the farm returns have been duly completed **and, in case of need, to correct the errors or inaccuracies appeared with assistance of data collectors;** ‘

‘(h) to make available the obtained results for providing advice and feedback to farmers on their sustainability performance.;’

**Remark.** Liaison agencies in many cases do not have direct contact with farmers and will therefore not be able to provide advice and feedback to the farmer.

**Additional comments (that were mentioned during WP AGRIFIN meeting on 21 September 2022)**

**Art. 16 (2)**

Does this provision (in the English version of the document) mean, that liaison agencies can share anonymised individual data with national institutions involved in agriculture's policy making? If yes, then the Lithuanian version of the proposal should be corrected, because it means that the data can be exchanged only between the Commission and liaison agencies.

We would like to note, that is very important that national institutions, involved in agriculture's policy making, have the access to such primary anonymised individual data as there is a big need for it in justifying various policy making decisions, for example, in performing cost/benefit analysis of new measures being developed.

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