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From: General Secretariat of the Council

To: Delegations

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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.

| Commissions proposal | Comments and questions | Suggestions |
|----------------------|---|-------------|
| article 1 | <p>Article 1 (2-4) needs to be rephrased so that confidentiality, use and purpose of FSDN is clearly defined and coherent.</p> <p>Regarding confidentiality, the protection should correspond to the concept of statistical confidentiality given in EU (Regulation) 223/2009 Chapter V. Use of data for other purposes than statistical should be excluded. Accordingly, data which only allow for indirect identification may be used by researchers to carry out statistical analyses for scientific purposes. It should be addressed that in Chapter V statistical analyses for the purpose of evaluating and developing policy measures are not mentioned.</p> <p>Data gathered about the holdings are extensive, combining an enormous amount of information. The social dimension includes personal data about the individual farmer for example regarding health, and participation</p> | |

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| | <p>in organizations. The act must make certain that data is protected and can never be used for administrative surveillance purposes resulting in sanctions. Data should not in any way be used so that an individual holder/holding is targeted.</p> | |
| (4) | <p>The wording “if relevant” in article 1 (4) is open for interpretation and should be replaced with a wording that clarifies what aspects of the mentioned regulations is deemed relevant.</p> | |
| article 2 | | |
| (a) | <p>To be coherent with the terminology in IFS (regulation (EU) 2018/1091) the word farmer should be replaced by “manager”.</p> | <p>(a) ‘farmer’² ‘manager’ means the natural person responsible for the day-to-day management of an agricultural holding;</p> |

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| (b) | The definition of agricultural holding should correspond to the definition of agricultural holding in IFS, since the FSDN sample should be representative for the IFS-population. | (b) 'holding' means a farm business, in accordance with its general use in the context of Union agricultural surveys and censuses farm' or 'agricultural holding' means a single unit, both technically and economically, that has a single management and that undertakes economic activities in agriculture in accordance with Regulation (EC) No 1893/2006 belonging to groups A.01.1, A.01.2, A.01.3, A.01.4, A.01.5 or to the 'maintenance of agricultural land in good agricultural and environmental condition' of group A.01.6 within the economic territory of the Union, either as its primary or secondary activity. Regarding activities of class A.01.49, only the activities 'Raising and breeding of semidomesticated or other live animals' (with the exception of raising of insects) and 'Bee-keeping and production of honey and beeswax' are included; |
| article 4 | | |
| (1) and (2) | The wording implies that surveys to farmers is the basic way of collecting data for FSDN, when the main source still is accounts. The article should be rephrased so that it is clear that the competent authority may use all kinds of data sources, accounts, interviews/questionnaires, administrative data, modelling etc. to feed the FSDN-surveys | 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. The competent authority for FSDN may use all data sources-information sources in order to collect and re-use data to feed the FSDN surveys |

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| (3) | <p>The empowerment to delegate acts should not include what sources are best used, how data is gathered, stored or managed in the member state. It is important that data is comparable, but Sweden appreciates that it is up to the member states to design the survey considering the different data collection conditions of member states. Instead, the delegated act should focus on definitions, validation of final data, and transmission of data. The possibilities of using administrative data in member states should be assured. See for example the SAIO-regulation article 8.4.</p> <p>The definition of the farm-ID in relation to identification numbers in IFS, IACS and other registers need to be clarified. Also, the use of data with the farm IDs should be limited so that the MS has to approve the purpose.</p> <p>The article does not delineate the amount of additional information that will be decided in the delegated acts. Safeguards needs to be included so that response burden for</p> | <p>The Commission shall be empowered to adopt delegated acts, in accordance with Article 19a supplementing this Regulation with the rules on definitions, the data management process, in particular the farm ID, data storage, data quality and validation of final data, 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> |

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| | participating holdings as well as the administrative burden will be acceptable. | |
| (4) | A timeframe for the implementing act should be added. | 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).’ at least xx months before the beginning of the reference year. |
| Article 5 | | |
| (3) | Article 5(3) should be rephrased so that it is up to the member state to decide if participation should be mandatory or not. From a Swedish perspective we believe that the data quality would decrease if participation would be mandatory. Most users want panels where farmers stay in the survey for several years. | 3. Member States may adopt national rules to address if an agricultural holding qualifying as returning holding in the plan for the selection of returning holdings shall provide the requested data. |