



Council of the
European Union

Brussels, 20 April 2023
(OR. en)

**Interinstitutional File:
2022/0192(COD)**

**8461/23
ADD 10**

LIMITE

**AGRI 203
AGRIFIN 47
CODEC 646**

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 German delegation

Delegations will find attached the comments by the German delegation in relation to Presidency's proposed amendments (doc. 5861/23 REV 3).

Remarks of the German delegation on the

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

We thank the Swedish Presidency for the opportunity to discuss and to comment on the Presidency drafting suggestions (5861/3/23 REV 3), published via the Delegates Portal on 03 April 2023.

We appreciate the hard work done by the Swedish Presidency and welcome the progress the text proposal has made.

In addition to the points mentioned in the following, we refer to our written remarks submitted so far.

As requested, we will indicate non-acceptable provisions under I and list essential comments under II

Suggested additions are in **bold and underlined**, suggested deletions in ~~strikethrough~~.

I Non-acceptable provisions

The provisions of Article 4a,3 on data to be extracted from IACS and DME have to be part of the ‘no-opinion’ procedure of Article 19b(2) in order to balance the burden for Member States.

Article 4a,3

“(…) **The implementing acts concerning the data to be extracted from IACS and DME shall be adopted in accordance with the examination procedure referred to in Article 19b(2).**”

Article 19b(2)

“(…) In the case of acts referred to in Article 8(~~54~~), point (a), **and Article 4a paragraph 3** of this Regulation, where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.”

II Essential comments

Recital 4

At the end of Recital 4 one sentence should be added: “The provisions of competition law must be observed.”

Recital 5b

We wonder whether recital 5b is still needed, given the wording of Recital 5c “(...) Member States should choose to send to the Commission either those links or the relevant data related to the returning holding included in those datasets. In the second latter case, the data should include the FSDN number, in order to be able to merge allow the relevant content to be merged with farm returns, at Union level. (...)”.

Article 2d

We ask the Swedish Presidency to make sure that extracted data referred to in Article 4a are subject to the same level of protection as ‘individual data’.

In other words the exclusion of data referred to in Article 4a(2), points (a) and (b) from the ‘farm return’ should not lead to a weakening of the data protection level.

Article 4a,3

Since we still see a need to stronger limit the possibility of linking personal data of different sources to be in line with data protection regulation, we suggest the following amendment to Article 4a,3:

“3. The Commission shall adopt implementing acts listing the data to be extracted from those datasets, which shall be linked to **the purpose of this Regulation as stated in Article 1 and to** one or more of the topics set out in Annex II, as well as acts laying down detailed rules on:
(...)”

Article 7e

Since it is sometimes difficult for liaison agencies to decide on the correctness of a fact at holding level, we suggest to include the possibility of a justification:

“e) to verify that the farm returns have been duly completed, and where necessary to correct **or justify** any errors or inaccuracies detected;”

Furthermore we ask the Swedish Presidency to ensure that 7e and 7f only refer to FSDN data excluding the data referred to in Article 4a.

Article 16, 4

Germany does not see a need to provide data based on Art 4a to the public. This provision should be limited only to FSDN data

“4. FSDN data ~~and data from other datasets set out in Article 4a~~ may be made public provided that they are both aggregated and anonymised.”

Article 19

We support the deletion of the sentence “The amount may be proportionate to the coverage in the farm returns of the topics set out in Annex II” and ask for deletion of this aspect in corresponding Recital 13.