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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 Austrian delegation

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

Austrian Comments on Presidency drafting suggestions st05861-re03.en23

First, we thank the Presidency for their efforts and the good work in drafting a new proposal for several Articles. Please find attached a few comments on the drafting proposal.

- The **first comment** refers to Article 4a paragraph 2 subparagraphs one and two.

Article 4a

1. The farm returns shall be submitted to the Commission by the liaison agency by means of a computerised data system established by the Commission. The data shall be submitted electronically on the basis of forms made available to the liaison agency via that system.

2. The computerised data system shall allow to combine data at individual farm level between FSDN and the following datasets:

(a) data for monitoring and evaluation of CAP Strategic Plans obtained in accordance with the implementing act adopted on the basis of Article 133 of Regulation (EU) 2021/2115;

(b) data from the Integrated Administration and Control System (IACS) established by Regulation (EU) 2021/2116 of the European Parliament and of the Council.

In addition to the farm return the Member States shall establish the links between the returning holding and the identifiers pertaining to this holding in the datasets referred to in the first subparagraph.

Member States shall send to the Commission those links, or directly the information data related to the returning holding in the datasets referred to in the first subparagraph, other than the identifiers. In the latter case, Member States shall provide the FSDN number of the returning holding.

Remark: Austria asks for a clarification of this Article also in connection with the comments in the Presidency's flash (WK 4554/2023). In the Presidency's flash, it is mentioned that the deadlines and quality may differ between the farm return data and data from DME and the IACS. Which is why the transmission of the linked data is separated from the farm return and not included in the definition of FSDN data. Austria was one of those countries that want to combine the different data sets at national level and would like to continue to do so. However, the question now arises whether the two mentioned data sets of DME and IACS have to be provided additionally, although we have already combined the data in the farm return data?

For a better interpretation, we would redraft the Article as follows:

~~In addition to the farm return*~~ **the Member States shall establish the links between the returning holding and the identifiers pertaining to this holding in the datasets referred to in the first subparagraph if the farm return does not contain the data because of combination at national level*.**

Member States shall send to the Commission those links, or directly the information data related to the returning holding in the datasets referred to in the first subparagraph, other than the identifiers. In the latter case, Member States shall provide the FSDN number of the returning holding in the two listed datasets referred to in the paragraph 2 of this Article*.

*New deleted parts

*New suggestions

- The **second comment** refers to Article 4a paragraph 3.

Article 4a

3. The Commission shall adopt implementing acts listing the data to be extracted from those datasets, which shall be linked to one or more of the topics set out in Annex II, as well as acts laying down detailed rules on:

(a) technical specifications and deadlines for transmission of FSDN data between Member States and the Commission, including of the links or information data referred to in paragraph 2, third subparagraph;

(b) storage, processing, reuse and sharing of FSDN data within the Commission;

(c) methods and requirements for reusing and sharing data by the Commission.

When adopting these implementing acts, the Commission shall take into account the feasibility of extracting data referred to in paragraph 2. The ~~Those~~ implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19b(2).

Remark: Austria would like to point out that the datasets listed in Article 4 paragraph 2a, in particular the data from IACS and DME cover a wide range of different variables. A simple combination of the data would also fall outside the scope of the FSDN. Article 4a paragraph 3 regulates the variables of interest but only focus on the situation of extracting the data. It is also necessary to include the variables of interest from the listed datasets for the Member States, which combine the data at national level. For better understanding, we would redraft the Article as follows:

The Commission shall adopt implementing acts listing the data to be extracted from those datasets or combined at national level*, which

*New suggestions

- The **third comment** refers to Article 4a paragraph 3 in combination with Article 19b.

Remark: Austria observe a very high potential to increase a lot of costs and burdens for the Member States due of the necessary data processing under the proposed Article. Therefore, Austria is of the opinion that it is necessary to include this Article also under Article 19b with the non-opinion procedure. It is essential for the FADN Committee to discuss the relevant variables from the listed datasets.

Article 19b

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

In the case of acts referred to in Article 8(5), point (a), and Article 4a (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.”

*New suggestions

- The **fourth comment** refers to Recital 5b and 5c.

Remark: These recitals describe how the combination of different data sets at the level of the Commission will be ensured. These recitals should be seen in the context of Article 4a and must mention the possibility of combining the different datasets at national level. In detail, recital 5b should be more precise about the scope of the linking information by mentioning the FSDN number. The proposed recitals could lead to the interpretation that participating holdings are no longer anonymised and become fully transparent.