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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 Danish delegation

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

**Danish comments**

On presidency proposal (doc. 5861-re03.en23) 3<sup>rd</sup> April 2023

The Swedish Presidency has asked Member States to send written comments on any essential comments and indicate non-acceptable provisions.

Denmark thanks the Presidency for the efforts made to establish a new draft to a compromise text. Denmark supports the objective to establish a European Farm Sustainability Data Network and can accept most of the proposed compromise text. We acknowledge the effort from the Presidency to strive for a compromise text to be discussed in the SCA soon. Below you will find our comments divided into essential elements as non-acceptable and questions to the new text for which we seek clarification.

**Essential elements (non-acceptable):**

Denmark cannot accept the current text in article 4a. This article has not been discussed in AGRIFIN yet, and it does not have the right balance between the need for flexibility to the Commission and the need for Member States to predict future costs and burdens.

In paragraph 3 the Commission shall adopt implementing acts listing the data to be extracted from those data sets (IACS and DME) which shall be combined with FSDN data and the implementing acts shall be adopted according to the procedure referred to in article 19b(2). Denmark cannot accept this provision without a reference in article 19b(2) to article 4a on data to be extracted from IACS and DME – the “no opinion procedure” has to include article 4a as well. The justification for our no acceptance is that we have concerns regarding the burden for Member States when it comes to the decision on extracting IACS data. IACS data includes accounting information referred to in Article 31 of Regulation (EU) No 908/2014 and control data and control statistics as referred to in Article 9(1) of Regulation (EU) No 809/2014 where some are relevant for FSDN but others may not be relevant for the data network. From 2026, Member States (paying agencies) are not obliged to submit data to the Commission regarding IACS data. There will only be obligations for Member States to submit data from DME. From 2026, there is no certainty for Member States either on the number of variables or the type of variables from IACS that has to be sent to the Commission for combination with FSDN data within this basic act. Since IACS includes a wide range of different variables, Denmark thinks it is only fair that similar conditions and provisions will be in force as those for FSDN data stated in article 8, paragraph 4, point a, the “no opinion procedure”.

Moreover, in article 4a, paragraph 3, point a, it is stated that the implementing act shall lay down detailed rules on “technical specifications and deadlines for transmission of FSDN data between Member States and the Commission.....” Denmark cannot accept this text. Obligations for FSDN data are regulated in article 8, and article 4a can only regulate provisions for IACS and DME data and the rules for combining those datasets with FSDN data. Thus, there cannot be a reference to technical specification and deadlines for FSDN data in article 4a. Technical specifications and deadlines in article 4a has to refer to DME and IACS data.

Furthermore, it is stated that “When adopting these implementing acts, the Commission shall take into account the feasibility of extracting data”. We would like it to be clearer that the data extracted are not only feasible but also assessed as relevant for FSDN.

### **Questions:**

Recital 4f and 6a:

In these recitals the term “multiple” is applied although in the definition of aggregated data in article 2(p) the term “group of holdings” is applied. Denmark proposes that the term “multiple” is replaced by “group” instead.

Recital 6a:

The last sentence: Is it correct in its wording “and sectorial averages” - what is meant by this term? “Sectorial averages” is also mentioned in article 7, point h.

Recital 10b and article 16 paragraph 4:

It is stated that FSDN data and data from other data sets (DME and IACS) may be made public available provided they are both aggregated and anonymized. Does this conflict with the obligations in article 98 concerning publication of information relating to beneficiaries in regulation 2021/2116 where data on farm level may be made public available – and where each beneficiary is mentioned with the amount received from the CAP?

Thus, Denmark asks for clarification how the basic act provides data security for data from IACS and DME?

Article 7, point (e):

Denmark asks for clarification if the obligation to correct any errors or inaccuracies detected only refer to the farm returns and NOT to the data sets referred to in article 4a (DME and IACS) ?

Article 19, paragraph 3:

Denmark asks for clarification why the last sentence is included – “Such contributions shall be provided to Member States no later than 31 December 2027”? Does this imply that Member States are granted derogations if a Member State assess that significant adaptations in the FADN system are necessary in order to comply with the new rules?

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