



Council of the
European Union

Brussels, 20 April 2023
(OR. en)

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

**8461/23
ADD 5**

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 Dutch delegation

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

Comments of the Netherlands on Presidency drafting suggestions st05861-re03.en23

At first we want to thank the Presidency again for their work and drafting suggestions on the specific articles. Please find attached a few comments on some of the drafting suggestions. New suggestions can be found in **green** and new deletions can be found in **red**.

Netherlands cannot accept the current article 19b. Most essential for the Netherlands is that with regard to article 19b, the no-opinion procedure must also include the implementing acts on the data linkage of article 4a. It is essential that the FSDN-committee has a say in the data that should be extracted from the two datasets (IACS, DME), as the data linkage has huge implications for Member States. Next to that, the FSDN-committee has most expertise on which data can be relevant so just like the selection of the regular FSDN-variables of article 8 (5), the committee should have a say in this.

‘Article 19b

1. The Commission shall be assisted by a Committee called ‘Committee for the Farm Sustainability Data Network’. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.

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(5-4), 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.”

In recital 5c it is already stated what specific data should be extracted from DME and IACS. From our point of view, this should be decided in the implementing act.

¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(5c) The existing computerised data system established by the Commission should continue to function for data transmission and verification between the Member States and the Commission and analysis of the data information both at individual farm level and at aggregated level. Farm returns are stored within This computerised system, which should be adapted to allow the Commission or Member States to combine data at individual farm level between FSDN and other datasets (DME and IACS) for the purpose of enhancing the capacity to analyse sustainability matters analytical capacity. With regard to Data for Monitoring and Evaluation (DME) of CAP Strategic Plans obtained in accordance with the implementing act adopted on the basis of Article 133 of Regulation (EU) 2021/2115, an example of such data would be disaggregated data on CAP interventions. With regard to data in the Integrated Administrative and Control System (IACS) established by Regulation (EU) 2021/2116 of the European Parliament and of the Council², examples of such data would include land cover of agricultural areas, crops, landscape features, management under organic farming practices. The identification of holdings in those other datasets is managed by Member States authorities in different administrative datasets at national level through specific identifiers. Based on those identifiers, the national authorities are able to link such datasets at individual farm level. Member States should choose to send to the Commission either those links or the relevant data related to the returning holding included in those national 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. The way to link this information at individual farm level should be specified, including with regards to data protection. The Commission should be empowered to set adopt implementing acts to list the set detailed rules on data to be extracted from those datasets which shall be linked to one or more of the topics set out in this Regulation as well as to set detailed rules on data management, including technical specification and deadlines for data transmission, storage, processing and data sharing.

² Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (OJ L 435, 6.12.2021, p. 187).

With regard to recital 6a, we think that also group averages should be added in benchmarking. From our experience in the Netherlands with benchmarking, we know that it is most interesting for farmers that they can compare their results with a group of similar farms. Therefore we suggest to add 'group averages':

The conversion to FSDN will should enable the benchmarking of data from the returning holding against farm performance against aggregated data where the data represents a group of multiple returning holdings and is presented in the form of regional, national or Union, group and or sectorial averages. Regarding accountancy data, holdings' accounts of agricultural holdings constitute the basic source for any assessment of their holding-incomes on agricultural holding's or any study of their business operation. ~~The information collected~~ The regional, national, Union and sectorial averages should also be made available at Member State level to enhance knowledge on agricultural situation in the Member State. may also be used to provide as an input for personalised advisory services and feedback to for farmers with the aim to improve the agricultural holdings' sustainability.

Likewise for article 7 (h):

(h) to offer to any returning holding the possibility to obtain its results either from the liaison agency or from an organisation it appoints for providing advice and feedback to farmers on their sustainability performance to the returning holding from which the data is collected. The results shall include benchmarking information, where possible, comparing these results with regional, national, Union, group or sectorial averages;

With regard to article 2 (p), we think it would be clear that a minimal aggregation number should be added. This gives clarity to liaison agencies but also to the general public about the aggregation. This could also be specified in an implementing act:

(p) 'aggregated data' means the output resulting from combinations or calculations based on farm return data and other data at the level of the related to a group of returning holdings of at least 10 holdings summarising the primary individual or detailed data for specific analytic purposes.;

With regard to article 4a we are not in favour of adding the relevant IACS and DME data *in addition* to the farm return. We think it is better that these data are directly included in the farm return, if a MS decides to establish the link at national level.

~~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.

With regard to article 16a (4), we do not agree with the new drafts, the previous formulation provided more safeguards.

4. Member States and the Commission ~~It shall ensure be prohibited that no person for any person~~ participating or having participated in the data network ~~to~~ divulges any individual data or any other individual details of which knowledge was acquired in the exercise of their duties or otherwise incidentally to such exercise. Member States and the Commission shall take all appropriate measures to penalise infringements of this prohibition.