



Council of the  
European Union

Brussels, 20 April 2023  
(OR. en)

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

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**8461/23  
ADD 9**

**LIMITE**

**AGRI 203  
AGRIFIN 47  
CODEC 646**

### **WORKING DOCUMENT**

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From: General Secretariat of the Council

To: Delegations

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No. Cion doc.: 10592/22 + ADD 1-2

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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 Slovenian delegation

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

Slovenian comments

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

Slovenia thanks the Presidency for the efforts made to establish a new draft to a compromise text. Slovenia supports the objective to establish a European Farm Sustainability Data Network and can accept most of the proposed compromise text.

Nevertheless, we still have concerns on some substantial issues.

**Article.1, paragraph 2, Recital 4b**

The changes proposed in Article 1(2) in relation to the amendment of Annex II clarify that no new topics should be added. This is positive, but we ask ourselves what changes could be then introduced by the delegated act. We still believe that the list of topics in Annex II should **be specified more detailed in Annex II**. We would like to reiterate that in Slovenia we have limited capacities to establish in short time collection of new data.

Therefore, it would be of utmost importance to establish an appropriate transitional period of minimum 18 months related to the definition of variables linked to the topics set out in Annex II.

**Article 4a**

SI shares concerns of other MS about the approach proposed by the PRE. The clarification given by the PRE for the need to treat data from IACS and DME data sources differently is not sufficient.

We share in particular concerns express by DK, that 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.

Therefore we believe that in order to agree on such solution similar conditions and provisions shall apply for data from those data sources, as will be in force as those for FSDN data stated in article 8, paragraph 4, point a, including the “no opinion procedure” for the adoption of the implementing act.

**Article 4a, paragraph 3, point a:**

Slovenia supports MS who 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.

**Article 8 paragraph 4, point c:**

As already mentioned under Article 1, for Slovenia the addition of possible exemptions related to the specific variables is not sufficient.

SI is of the opinion that the introduction of a regular transitional period is more adequate when related to newly introduced variable. Such a transitional period would be valid of all MS, thereby preventing a scattered approach with exceptions provided for individual MS. Slovenia believes that a transitional period of 18 months would be appropriate.

**Questions:**

**Recital 4f and 6a:**

In these recitals the term “multiple” is used, although in the definition of aggregated data in article 2(p) the term “group of holdings” is used. Slovenia proposes that the term “multiple” in recital 4f is replaced by **group of multiple returning holdings** trough all text.

**Recital 6a and Article 7(h)**

Slovenia would like to get additional information on the meaning of “sectorial averages” in recital 6a and Article 7, point h.

**Recital 5a and article 4 paragraph 2a, point g, paragraph 3:**

A list of relevant data sources available at national level should be set out. The Commission should be empowered to adopt delegated act to amend that list with any other relevant data source (point g).

SI would like to get further information on which data sources are meant by “any **other data sources**”?

SI propose that this delegation is defined more specifically in the basic act. As an alternative, we would propose to foresee an implementing act, since it relates to data sources at national level, allowing for a more active participation of MS in the final decision.

**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 publicly 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, Slovenia support DK and asks for clarification how the basic act provides data security for data from IACS and DME?

**Recital 10c and article 16 paragraph 5:**

It is foreseen that the Commission may grant access to the pseudoanonymised data for research purposes. Slovenia suggest that **data for research purposes** should be **anonymized** in order to avoid any possibilities for indirect identification, especially for the cases where a number of holdings to be selected in the Selection plan is almost the same or very near as the number of holdings in the population (which is also very low, below 10 ). Slovenia has such cases in in the higher economic size classes.

**Article 19, paragraph 3:**

Slovenia asks for clarification of the deadline – “Such contributions shall be provided to Member States no later than 31 December 2027”?