COMMISSION DELEGATED REGULATION (EU) 2024/1417

of 13 March 2024

supplementing Council Regulation (EC) No 1217/2009 setting up the Farm Sustainability Data Network with rules for annual income determination, holding sustainability analysis and access to data for research purposes, and repealing Commission Delegated Regulation (EU) No 1198/2014

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1217/2009 of 30 November 2009 setting up the Farm Sustainability Data Network ([1]), and in particular Article 5(1), second subparagraph, Article 5a(1), Article 5b(2) and (3) and Article 16(3) thereof,

Having regard to the opinion of the European Data Protection Supervisor ([2]),

Whereas:

(1) Regulation (EU) 2023/2674 of the European Parliament and of the Council ([3]) amended Regulation (EC) No 1217/2009 with a view to converting the Farm Accountancy Data Network into a Farm Sustainability Data Network (FSDN). The amended legal framework significantly changes the current data collection framework. In the interest of clarity and legal certainty, new rules should therefore be adopted to replace the existing rules established by Commission Delegated Regulation (EU) No 1198/2014 ([4]).

(2) Regulation (EC) No 1217/2009 empowers the Commission to adopt delegated regulations laying down the rules necessary for the annual determination of incomes and the analysis of the sustainability of holdings, and for sharing FSDN data for research purposes. In particular, the delegated act should establish rules for fixing the threshold values delimiting the field of survey, for drawing up plans for the selection of holdings, for fixing the reference period for the standard outputs, for determining the general and principal types of farming, as well as for granting access to pseudonymised data for research purposes.

(3) The threshold values delimiting the field of survey should allow representative results for the field of survey to be obtained and should reflect the structural situation of holdings in each of the Member States. In addition, the threshold values should maximise the benefit/cost ratio between the size of the sample induced and its representativeness. They should be determined with the aim of including in the field of survey holdings that represent the largest possible share of agricultural output, agricultural area and farm labour, of those holdings which are run with a market orientation.

(4) The selection plan should include a minimum number of elements which demonstrate how a representative sample is selected, thereby allowing the survey to meet the objectives of the farm sustainability data network.

([1]) OJ L 328, 15.12.2009, p. 27, ELI: http://data.europa.eu/eli/reg/2009/1217/oj.

([2]) Formal Comments of the European Data Protection Supervisor on the draft Commission Delegated Regulation supplementing Council Regulation (EC) No 1217/2009 setting up the Farm Sustainability Data Network with rules for annual income determination, holding sustainability analysis and access to data for research purposes, and repealing Commission Delegated Regulation (EU) No 1198/2014 issued on 26 February 2024.

([3]) Regulation (EU) 2023/2674 of the European Parliament and of the Council of 22 November 2023 amending Council Regulation (EC) No 1217/2009 as regards conversion of the Farm Accountancy Data Network into a Farm Sustainability Data Network (OJ L, 2023/2674, 29.11.2023, ELI: http://data.europa.eu/eli/reg/2023/2674/oj).

([4]) Commission Delegated Regulation (EU) No 1198/2014 of 1 August 2014 supplementing Council Regulation (EC) No 1217/2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Union (OJ L 321, 7.11.2014, p. 2, ELI: http://data.europa.eu/eli/reg_del/2014/1198/oj).

(5) The standard outputs are based on average data over a certain reference period. Their values should regularly be updated to take account of economic trends so that the typology may continue to be meaningfully applied. The frequency of the update should be linked to the years in which Union integrated farm statistics surveys are carried out.

(6) The general and principal types of farming should be specified to enable homogeneous groups of holdings to be assembled in a greater or lesser degree of aggregation and that comparisons of the situation of groups of holdings can be made.

(7) Article 16(3) of Regulation (EC) No 1217/2009 provides for the possibility for the Commission to provide access to pseudonymised data obtained in the implementation of that Regulation. Rules on granting access to pseudonymised data for research purposes should be established to ensure the possibility of providing data fit for such purposes, while guaranteeing an adequate level of protection of individual data. However, in accordance with Article 89(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council ([5]) and Article 13 of Regulation (EU) 2018/1725 of the European Parliament and of the Council ([6]), before providing access to pseudonymised data, it should be ensured that the purposes of the data processing could not be fulfilled using anonymised data.

(8) In the interest of clarity and legal certainty, Delegated Regulation (EU) No 1198/2014 should be repealed. However, given that the data collection process for the accounting year 2024 has already begun, the rules set out in that Delegated Regulation should continue to apply until the reporting year 2025 starts.

(9) The rules provided for in this Regulation should apply as from the reporting year 2025 for the FSDN and for the Union integrated farm statistics surveys as of the 2026 survey in order to avoid affecting data collection processes already under way,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down rules supplementing certain non-essential elements of Regulation (EC) No 1217/2009 for the purpose of an annual determination of incomes and the analysis of the sustainability of holdings by means of the Farm Sustainability Data Network (FSDN). Those rules relate to:

(a) the threshold referred to in Article 5(1) of Regulation (EC) No 1217/2009;

(b) the plan referred to in Article 5a(1) of Regulation (EC) No 1217/2009;

(c) the reference period referred to in Article 5b(2) of Regulation (EC) No 1217/2009;

(d) the types of farming referred to in Article 5b(3) of Regulation (EC) No 1217/2009;

(e) the access to pseudonymised data referred to in Article 16(3) of Regulation (EC) No 1217/2009.

([5]) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).

([6]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

Article 2

Threshold

The threshold referred to in Article 5(1) of Regulation (EC) No 1217/2009 shall ensure that the field of survey represents the largest possible share of agricultural output, agricultural area and farm labour, of holdings run with a market orientation.

Article 3

Selection plan

The plan for the selection of returning holdings to be drawn up by each Member State as referred to in Article 5a(1) of Regulation (EC) No 1217/2009, shall include elements to ensure that a representative reporting sample of the field of survey is obtained. In particular, the plan shall, at least:

(a) be based on the most recent statistical reference sources;

(b) explain the procedure for stratifying the field of survey in accordance with the divisions listed in Annex I to Regulation (EC) No 1217/2009 as well as in accordance with the types of farming and economic size classes as referred to in Article 5b(1) of that Regulation;

(c) provide a breakdown of holdings in the field of survey by types of farming and economic size classes as referred to in Article 5b(1) of Regulation (EC) No 1217/2009 which corresponds at least to the principal types;

(d) indicate the statistical methods for determining the selection rate chosen for each stratum, the procedures for the selection of returning holdings, and the number of returning holdings to be selected for each of the strata adopted.

Article 4

Reference period for the standard output

For the purposes of calculating standard outputs for the Union integrated farm statistics surveys for year N, as referred to in Article 5b(2) of Regulation (EC) No 1217/2009, the reference period consists of the five successive years from year N-5 to year N-1.

The standard outputs shall be determined using average basic data calculated over the reference period laid down in the first paragraph and commonly referred to as 'N-3 standard outputs'. These N-3 standard outputs shall be updated to take account of economic trends at least each time a Union integrated farm statistics survey is carried out.

Article 5

General and principal types of farming

The general and principal types of farming and the correspondence between them, referred to in Article 5b(3) of Regulation (EC) No 1217/2009, are specified in Annex I to this Regulation.

Article 6

Granting access to pseudonymised data for research purposes

The rules and conditions for the Commission to grant access at Union level to pseudonymised data for research purposes referred to in Article 16(3) of Regulation (EC) No 1217/2009 are set out in Annex II to this Regulation.

Article 7

Repeal

Delegated Regulation (EU) No 1198/2014 is repealed with effect from 1 January 2025.

However, the Regulation referred to in the first paragraph shall continue to apply, for the FSDN to reporting years preceding the reporting year 2025 and, for the Union integrated farm statistics surveys, until the 2023 survey.

Article 8

Entry into force and application

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

It shall apply from the reporting year 2025 for the FSDN and for the Union integrated farm statistics surveys as of the 2026 survey.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 March 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

General and principal types of farming and correspondence between them referred to in Article 5

General type of farming	Description	Principal type of farming	Description
1	Specialist field crops	15	Specialist cereals, oilseeds and protein crops
		16	General field cropping
2	Specialist horticulture	21	Specialist horticulture indoor
		22	Specialist horticulture outdoor
		23	Other horticulture
3	Specialist permanent crops	35	Specialist vineyards
		36	Specialist fruit and citrus fruit
		37	Specialist olives
		38	Various permanent crops combined
4	Specialist grazing livestock	45	Specialist dairying
		46	Specialist cattle – rearing and fattening
		47	Cattle – dairying, rearing and fattening combined
		48	Sheep, goats and other grazing livestock
5	Specialist granivores	51	Specialist pigs
		52	Specialist poultry
		53	Various granivores combined
6	Mixed cropping	61	Mixed cropping
7	Mixed livestock holdings	73	Mixed livestock, mainly grazing livestock
		74	Mixed livestock, mainly granivores
8	Mixed crops – livestock	83	Field crops – grazing livestock combined
		84	Various crops and livestock combined
9	Non-classified holdings	99	Non-classified holdings

ANNEX II

Granting access to pseudonymised data for research purposes referred to in Article 6

1. **General principles**

The Commission may grant access for research purposes to pseudonymised data held by the Commission for the purposes referred to in Article 1 of Regulation (EC) No 1217/2009, provided that the following conditions are satisfied:

(a) the research data use complies with the purposes referred to in Article 1 of Regulation (EC) No 1217/2009;

(b) the research data access, use and handling respect the protection of the pseudonymised data and the individual data from which these were derived, as required by Articles 16 and 16a of Regulation (EC) No 1217/2009, and by the provisions of Regulations (EU) 2016/679 and (EU) 2018/1725;

(c) access shall be given only to data that are strictly necessary for the purposes of the research in question;

(d) the entity requesting access to the data is recognised in the field of research, studies or analysis;

(e) the data are required for a project of public interest the results of which be made publicly available;

(f) the physical, technical and administrative security measures to protect the pseudonymised data are adequate for the protection of the requested pseudonymised data. The proposed measures shall be specified by the requesting entity;

(g) the pseudonymised data are only used for the authorised time period. Any extension of the use of the data shall require authorisation by the Commission;

(h) a pseudonymised data access request is presented to the Commission, demonstrating the compliance of the proposed research data access and use with the conditions listed in points (a) to (g).

In granting access, the Commission shall respect the principles of subsidiarity, proportionality and precaution as relevant in this context, in accordance with Articles 16 and 16a of Regulation (EC) No 1217/2009 and the provisions of Regulations (EU) 2016/679 and (EU) 2018/1725:

— Subsidiarity principle: the data use should be relevant for the Union dimension or for several Member States. In case a request is related to a single country, the request should be submitted to the relevant Member State,

— Proportionality principle: access is granted only in time and scope strictly necessary for the analysis,

— Precautionary principle: risks of data misuse are minimised.

2. **Request for pseudonymised data access**

The data access request for a research purpose shall indicate:

(a) the individual or the entity requesting access;

(b) the location of the requesting individual or entity, indicating if within or outside the territory of the Union;

(c) the legitimate purpose of the research, its financing source and the ownership of the research results;

(d) the explanation of why this purpose requires the use of the requested pseudonymised data and why this purpose cannot be achieved by using anonymous data;

(e) how the data access, handling and use complies with the data purpose and with data safeguards required by Regulation (EC) No 1217/2009 as well as the general principles mentioned in point 1. The requesting individual or entity should indicate the risks they identify and the mitigating action that they plan to put in place;

(f) the individuals who will have access to the data;

(g) the access facilities to be used;

(h) the data sets to be accessed, the methods of analysing them;

(i) the period of data access;

(j) the intended results of the research to be published or otherwise disseminated; and

(k) any other information relevant for the request justification.

The access request shall be accompanied by individual confidentiality declarations signed by all individuals who will have access to the data.

The Commission shall assess whether the request complies with the general principles mentioned in point 1 and decide whether to approve or reject the request. If compliant with Regulation (EC) No 1217/2009, the requests may be approved. The request shall be rejected if the intended use of the pseudonymised data does not comply with Regulations (EU) 2016/679 and (EU) 2018/1725 or, in any case, does not guarantee equivalent protection in the event of international transfers.

In assessing the access request, the Commission shall also take into account the need for the protection of individual data and, in particular, the compliance with the rules for data transfers to recipients located outside the territory of the Union as set out in Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725.