

# BTO - Meeting J Canton (CAB Breton) - FNSEA - 29 March 2021

---

## Participants:

FNSEA : [REDACTED]

Agdatahub : [REDACTED]

## EC:

Joan CANTON, [REDACTED] (note-taker), [REDACTED]  
[REDACTED]

The [Fédération nationale des syndicats d'exploitants agricoles \(FNSEA\)](#) is the main French representation of farmers, an umbrella organisation of 20,000 local agricultural unions and 22 regional federations. At European level, it is member of the Committee of Professional Agricultural Organisations (COPA).

The subject of the conversation was agricultural data sharing and in particular the role of proposed and potential legislation (Data Governance Act, future Data Act) as well as the support to be given to the emergence of a common European agricultural data space.

FNSEA is fully committed to digitising agriculture with expected gains in more efficient farms, reduced carbon and environmental footprint and better traceability of produce for the benefit of the consumer.

### FNSEA considers that

- Europe in general should not be naïve when it comes to the exploitation of industrial data.
- The governance of farm data is very important. Farmers will only trust digital solutions if they can be sure that they stay in control over the use of their data both with respect to commercial solutions (no speculation against the farmer based on insights collected on his farm) and public solutions to monitor CAP implementation.
- Market for farming equipment, seeds, fertilizer is oligopolistic and unbalanced: A small number of vendors are selling to more than 10 million farms.
- The general rules should be: (1) Any data use to be based on consent of the farmer with a true means to refuse consent and/or to negotiate terms and conditions; (2) any data should be stored in Europe. Furthermore, the future eIDAS scheme should also allow for identification of farmers and their equipment.
- Concretely, a Code of Conduct on agricultural data was signed by all main stakeholders in 2018, but contractual implementation is not achieved. FNSEA would like to see such code of conduct to be recognised at European level or turned into binding legislation for the rules of consent-based data sharing to be truly effective. A European solution is necessary as vendors will not modulate their terms and conditions by country.
- FNSEA supports the idea of regulating neutral data sharing intermediaries as under the Data Governance Act. There are concerns, however, about the notion of "data sharing" in the Data Governance Act which should be replaced by the term "data exchange" to underline the commercial nature of the transaction as well as with the notion of data altruism. There have been cases of available farm data being abused by animal rights activists. More details are necessary to understand this, in particular how such data were available as the result of an act of altruism. A follow-up call will be organised.
- FNSEA supports the construction of [Agdatahub](#) as one platforms for exchange of agricultural data, potentially in competition with others. It is in operation for three years now and important element in

the recovery plan. It is connected to Gaia-X (has been compliant with GAIA-X principles even before they existed) and to other similar platforms such as Agrirouter or JoinData. Within this context, there is an easy-to-use consent interface and contractual clauses can be ascertained by a specialised law firm for their compliance with the Code of Conduct.

**The EC responded that**

- The call not to be naïve with industrial data is clearly understood by the Csseer and any example that FNSEA can provide is welcome;
- The Data Governance Act is about voluntary data sharing with the support of intermediaries and that the Data Act could tackle cross-cutting issues with respect to rights to access and use data, in particular IoT data - with the possibility for sector-specific legislation to go in further detail. This could imply an unfair business practices regime that could lead to the invalidation of contractual clauses in B2B contracts. This could translate the Code of Conduct into binding legislation. However, it may also be too early for a horizontal measures as next to farming such issues are only strongly present in automotive. A study contractor needs also more evidence from farming to be able to demonstrate the presence of a problem.
- It would be more difficult, on the other hand, to mandate the localisation of data in Europe under current GATS rules. The Data Governance Act opens the possibility to define strategically sensitive data with further conditions attached to the international transfer, but only insofar as they are held in public sector databases.
- In the first Call in the Digital Europe Programme we will call for a preparatory action (CSA) in particular for undertaking an inventory of existing platforms and taking stock of the experience gained with the Code of Conduct. The funding for a common European data space for agriculture should be available at the earliest in 2023; the architectural design will take into account existing platforms and not aim to add an additional one.

**Follow-up:**

CNECT to reach out to FNSEA on issues on the proposed Data Governance Act.  
CNECT to introduce contractor for impact assessment study on Data Act to FNSEA.

**of interest to**

Fabrice COMPTOUR

Yvo VOLMAN