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PROPOSAL

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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection

Delegations will find attached document COM(2018) 307 final.

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Brussels, 16.5.2018
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2018/0154 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Regulation (EC) No 862/2007 of the European Parliament and of the Council
on Community statistics on migration and international protection**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The Commission (Eurostat) regularly collects statistics on asylum and managed migration, in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council¹. This Regulation and Commission Regulation (EU) No 216/2010², which defines the various categories of reasons for issuing residence permits, are the main instruments for mandatory statistics on asylum and managed migration. In addition, the Commission (Eurostat) collects statistics on migration-related administrative events on the basis of other legal instruments under which data collection is mandatory. These additional statistics refer to data on EU Blue Cards (Directive 2009/50/EC³), single permits (Directive 2011/98/EU⁴), seasonal workers (Directive 2014/36/EU⁵), intra-corporate transfers (Directive 2014/66/EU⁶), and researchers, students, trainees, volunteers, pupils and au pairs (Directive EU 2016/801⁷). They are provided in accordance with Regulation (EC) No 862/2007.

Migration to the EU has changed radically in recent years. To address the challenges this change presents, the Commission has implemented and further developed the comprehensive migration policy presented in the European Agenda on Migration⁸, the purpose of which is to improve the way migratory flows are managed, both within and outside the EU and that includes a mix of immediate actions to respond to the influx of migrants towards Europe and structural reform around four pillars: (i) reducing the incentives for irregular migration; (ii) border management: saving lives and securing external borders; (iii) Europe's duty to protect: a strong common asylum policy; (iv) a new policy on legal migration. In this context, stakeholders have repeatedly argued that there is a need to strengthen the evidence base in these areas.

The Commission has regularly acknowledged the need to improve the collection of statistics, particularly as regards the figures on the return of third-country nationals staying illegally in

¹ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

² Commission Regulation (EU) No 216/2010 of 15 March 2010 implementing Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection, as regards the definitions of categories of the reasons for the residence permits (OJ L 66, 16.3.2010, p. 1).

³ Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155, 18.6.2009, p. 17).

⁴ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ L 343, 23.12.2011, p. 1).

⁵ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (OJ L 94, 28.3.2014, p. 375).

⁶ Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (OJ L 157, 27.5.2014, p. 1).

⁷ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21).

⁸ COM(2017) 558 final.

the EU⁹, and as regards children¹⁰. The Eurostat work programme for 2018 already prioritises responding to a new and more dynamic policy environment, with particular emphasis on asylum seekers and law enforcement in the migration field (including returns). It states that the existing legislation may be reviewed so as to address user priorities, including new and emerging requirements.

The content and the quality of the European migration statistics, produced in accordance with Regulation (EC) No 862/2007, meet certain needs. However, their shortcomings are becoming increasingly apparent, especially given recent developments in migration into the EU. Further data on several new types of migration and migrants are needed, and they need to be more precise, more frequent and timelier. The existing legal framework makes no provision for such data. So far, the new needs have been dealt with entirely voluntarily (i.e. with no revision of Regulation (EC) No 862/2007), on the basis of an agreement by the relevant expert group in cooperation with the Member States. Experience with return statistics, for instance, shows that this approach is not always efficient. The implication is that Regulation (EC) No 862/2007 should be revised and improved to ensure that the relevant statistics are more readily available.

Under the European Agenda on Migration, the European and national systems administering asylum and managed migration are evolving. Given the changing relevant characteristics of migration and migrants, there is a real need to improve the statistics on both in line with stakeholders' changing needs. This means making them more relevant, so as to build a stronger evidence base for policy-making and evaluation. This is why the Commission's Progress Report on the European Agenda on Migration¹¹ mentions a clear need for specific amendments to Regulation (EC) No 862/2007, pointing to very precise improvements, especially as regards returns (more frequent statistics), resettlements, residence permits and migrant children. The most recent 'Progress Report on the Implementation of the European Agenda on Migration'¹², which followed it, notes that the Commission is considering amending EU rules on the collection and the regularity of statistics on migration and international protection so as to ensure a comprehensive overview and address some of the gaps identified in the statistics available.

The issue is even more acute for EU-level policy-makers and policy evaluation. There is a clear demand to improve statistics on migration-related administrative events, to reflect recent and forthcoming policy changes and make the European Statistical System (ESS)¹³ more receptive to changes in migration itself and related EU-level policies. There is also a need to make sure that voluntary national transmissions of data are more complete and reliable. Moreover, a mechanism for further improving migration statistics needs to be developed, to make the ESS more responsive to any further developments in migration data requirements. Failure to upgrade European statistics in this domain is likely to rapidly widen existing gaps between the demand for such statistics and the supply available, especially for policy-making and evaluation, and thus to hold policymakers back from responding to future migration-related challenges on the basis of evidence.

⁹ COM(2015) 453 final, 'EU action plan on return'.

¹⁰ COM(2017) 211 final, 'The protection of children in migration'.

¹¹ COM (2017)669 final.

¹² COM (2018)250 final.

¹³ The ESS is the partnership between the European statistical authority, which is the Commission (Eurostat), and the national statistical institutes (NSIs) and other national authorities (ONAs) responsible in each Member State for the development, production and dissemination of European statistics.

The aim of this proposal is to support the European Agenda on Migration by providing EU policy and decision-makers with better and timelier policy-relevant statistics, and to strengthen the response to the challenges posed by migration. In particular, the initiative will upgrade European statistics on asylum and managed migration by providing a legal basis for statistics that are currently collected voluntarily.

By this token, the revision of Regulation (EC) No 862/2007 would improve completeness, accuracy, timeliness and certainty with respect to the existing voluntary transmissions of data by national authorities. In particular, it will ensure provision of statistics in areas where stakeholders have expressed clear needs - on asylum, returns (higher frequency), resettlement, residence permits and migrant children.

Looking beyond these specific and immediate needs, and to support future developments in migration policy in general, the revision will provide an embedded flexibility for further improvements to migration statistics. It will also allow for responsiveness in developing new migration indicators that will better support the 'Agenda on Migration' priorities, by providing an evidence base. Such flexibility will improve the quality of European statistics, mainly by making them more relevant.

- **Consistency with existing policy provisions in the policy area**

All the statistics on asylum and managed migration that Eurostat regularly collects are expected to be in full compliance with Regulation (EC) No 862/2007. Other existing legislation on supplying data to the Commission (Eurostat), namely the abovementioned Directives 2009/50/EC, 2011/98/EU, 2014/36/EU, 2014/66/EU and (EU) 2016/801, also ensures consistency with the methodological framework put in place by Regulation (EC) No 862/2007. Consequently, amending Regulation (EC) No 862/2007 will help ensure maximum consistency of statistics in this policy area by maintaining a single consistent methodological framework for past, current and future statistics on asylum and managed migration. This initiative will contribute to the implementation of the European Agenda on Migration.

- **Consistency with other Union policies**

The proposed limited amendments address new needs and inadequately covered areas that have become increasingly apparent with the recent development of specific policies laid down in the Commission Communication on the Delivery of the European Agenda on Migration. These include the Common European Asylum System, migrant children, legal migration, resettlement, humanitarian admission and other forms of legal admission. To further safeguard consistency with other EU policies, the present proposal will form an integral part of the package 'Delivering on the EU agenda on Migration', which includes several other migration-related legislative initiatives proposed by the Commission. The flexibility of these initiatives is designed to ensure maximum responsiveness and consistency in the future.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

Article 338 of the Treaty on the Functioning of the European Union (TFEU) provides the legal basis for European statistics. Acting in accordance with the ordinary legislative procedure, the European Parliament and the Council adopt measures to ensure that statistics are produced where this is necessary to enable the Union to perform its role. Article 338 sets out the requirements for producing European statistics necessary for the performance of the activities of the Union, which must meet certain standards of impartiality, reliability,

objectivity, scientific independence, cost-effectiveness and statistical confidentiality without entailing excessive burdens on economic operators.

- **Subsidiarity (for non-exclusive competence)**

The objective of this initiative - to revise and complete the existing common rules on collecting and compiling European statistics on migration and international protection - cannot be adequately achieved by individual EU countries acting separately. Given the scale of the initiative and the need for comparability, it can be better achieved at EU level. To compile statistics on migration and international protection at EU level, a standard methodology is needed, and standard outputs to be provided by Member States must be defined.

The new needs for statistics on asylum and managed migration in line with the European Agenda on Migration and its development are not covered by the current Regulation, (EC) No 862/2007. The Regulation thus requires amendment if it is to provide a sound basis for compilation of the necessary data. The subsidiarity principle applies because the proposal does not fall within the exclusive competence of the EU. The purpose of the initiative is to ensure that the data currently shared by the national authorities on a voluntary basis are more complete and reliable; to allow for future improvements in migration statistics; and to show that the Commission is responsive to the need to develop migration data that will better support the priorities of the migration agenda. The data concerned can be collected by the various national authorities. The EU can therefore adopt measures in this area in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty.

- **Proportionality**

The proposal complies with the proportionality principle. Stakeholder needs generated by the activities undertaken in light of the European Agenda on Migration can be met through a limited amendment to Regulation (EC) No 862/2007, based largely on the existing voluntary collections of data, combined with the introduction of flexibility based on implementing acts. This will enable new and emerging data needs to be addressed more quickly in future.

In accordance with the principle of proportionality, the regulation proposed confines itself to the minimum required to achieve its objective and does not go beyond what is necessary for that purpose.

- **Choice of instrument**

Proposed instrument: a regulation. Given the objectives and content of the proposal and the fact that this is a proposal amending an existing regulation, a regulation is the most appropriate instrument.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations of/fitness checks on existing legislation**

As required by Article 12 of Regulation (EC) No 862/2007, the Commission submitted two reports to the European Parliament and the Council on the statistics compiled in accordance with the Regulation and on their quality¹⁴. A final consideration is that the data required under the Regulation should reflect users' changing needs, while also taking data providers'

¹⁴ COM(2015) 374 and COM (2012) 528 final.

capacity into account. This led to proposals for amendments to Regulation (EC) No 862/2007, to add new, specific disaggregations.

The two reports concerned examined existing data against the even more specific and detailed quality criteria for European statistics provided for by Regulation (EC) No 223/2009¹⁵. They concluded that the data required under Regulation (EC) No 862/2007 need to be improved to meet those quality criteria, particularly relevance, punctuality and timeliness. To respond precisely, Eurostat has started with voluntary data collections that have confirmed the need for more timely and disaggregated data. On the basis of these voluntary collections, the envisaged proposal responds directly and precisely to the needs identified.

The most recent developments in the migratory crisis have made it clearer than ever that the frequency and the level of disaggregation of statistics provided for in Regulation (EC) No 862/2007 in its current form are no longer sufficient for the purpose of policy monitoring, as explained in the Commission communication 'Progress Report on the Implementation of the European Agenda on Migration'¹⁶. As regards data frequency, for instance, annual data on returns of third-country nationals collected by Eurostat are not sufficiently frequent for close monitoring of developments in the area of return policy. The inadequate level of data disaggregation and information gaps as regards the outcomes for children including unaccompanied minors' asylum procedures are examples of shortcomings in the data needed to monitor the situation of this especially vulnerable group of asylum seekers. Given the important role in policy-making of the statistics covered by this regulation, it is important to have full coverage of all Member States and certainty of data transmissions, which voluntary collection cannot guarantee. A proposal for a regulation amending Regulation (EC) No 862/2009 is the only way to achieve these objectives.

The conclusions set out in the 2012 and 2015 Commission reports are based on cooperation with the EU countries' national authorities over more than a decade. The drawbacks of the current framework have been assessed in close cooperation with the policy Directorate-Generals concerned - mainly Directorate-General for Migration and Home Affairs and Directorate-General for Justice, but also EU agencies active in the field of migration (EASO, FRONTEX and FRA) - and in various settings (face-to face meetings, expert groups and statistical conferences). This assessment has involved other stakeholders, such as researchers, advocacy groups and international organisations. There have also been ongoing discussions of a similar nature with national data providers represented by EU countries' home affairs or justice ministries or related national immigration authorities, at meetings of expert groups and elsewhere.

In response to input received in the course of the above-mentioned discussions, Eurostat has developed a series of voluntary data collections designed to start filling the data gaps identified. It has taken account of the need for flexibility. For over 10 years, at 10 expert group meetings, Eurostat has been discussing the problems arising from the limitations of the statistics collected under Regulation (EC) No 862/2007. The documents presented at these

¹⁵ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p.164).

¹⁶ COM(2018) 250 final, Communication from the Commission to the European Parliament, the European Council and the Council, [Progress report on the Implementation of the European Agenda on Migration](#) (available only in English).

expert group meetings, as well as the agenda and the minutes of the discussions, are public. They can be found in the open access part of Circabc¹⁷, which contains the documents of the Expert Group on Asylum, Residence Permits, Enforcement and Migrant Integration¹⁸. This Expert Group comprises government experts working on asylum and managed migration area in home affairs ministries or national immigration authorities. Moreover, as early as 2009 the Directors-General of the Member States' National Statistical Institutes confirmed the need for such a development in stressing that the statistics covered by Regulation (EC) No 862/2007 meet only part of policy needs for information.¹⁹

This initiative will make EU statistics on migration more relevant. As mentioned above, migration is a fast-changing phenomenon requiring policies that can adapt quickly to new needs. This means that statistical information must be very flexible to stay relevant.

The European Commission's Knowledge Centre on Migration and Demography (KCMD)²⁰ has also acknowledged the limitations of the current legal framework on various occasions. Three recent KCMD workshops on EU migration data provided Commission Directorates-General with the opportunity to discuss data gaps in migration statistics and to contribute to a discussion paper, 'Towards an EU policy on migration data'. This paper identified possible action that can be taken to close such gaps.

Finally, Eurostat was also very actively involved in developing the International Recommendations on Refugee Statistics, which have recently been adopted by the UN Statistical Commission. The international standards recommended by the expert group developing these recommendations include a call for more detailed data on asylum seekers and refugees, including unaccompanied minors.

The improvements in the envisaged proposal take account of the fact that most national authorities already voluntarily send data to Eurostat on all the areas covered by the proposed amendments, or have said they are willing to do so. Updated tables setting out the data sent to Eurostat are regularly presented at Expert Group meetings.

The proposed changes should not significantly increase the burden on the various national authorities, as they are based on the existing voluntary collection of data. Moreover, these data are already generally available in the national authorities' administrative sources.

- **Stakeholder consultations**

Considering that the proposed amendment of Regulation (EC) No 862/2007 would not have any significant impact on society or the economy (see the explanation below), the Commission (Eurostat) consulted the European Statistical System Committee, as the national

¹⁷ Circabc (Communication and Information Resource Centre for Administrations, Businesses and Citizens) is an application used to create collaborative workspaces where communities of users can work together over the web and share information and resources.

¹⁸ <https://circabc.europa.eu/w/browse/1977c9be-d5af-452a-9bf4-3b5e888fa35d> (available only in English).

¹⁹ <http://ec.europa.eu/eurostat/documents/1001617/4339944/malta-declaration.pdf/b83b3965-27f0-47af-8b3f-5c84735b91bc> (available only in English).

²⁰ The KCMD Steering Group consists of: JRC and DG HOME (co-chairs), SG, DG DEVCO, DG ECHO, DG RTD, DG ESTAT, EPSC and EEAS. JRC is running its daily activities. Directorates-General associated to the work of KCMD are, CLIMA, ECFIN, EAC, EMPL, JUST, NEAR, REGIO, COMM, as well as SG. KCMD strategic partners include, amongst others, the International Institute for Applied Systems Analysis (IIASA), the Organisation for Economic Cooperation and Development (OECD) and the International Organization for Migration (IOM) – Global Migration Data Analysis Centre (GMDAC).

statistical institutes (NSIs) are responsible for coordinating all activities relating to European statistics at national level.

Moreover, as the main policy user of statistics on migration and international protection, the Commission's Directorate-General for Migration and Home Affairs has been consulted several times and has also provided valuable feedback.

The highest priorities are: to increase the frequency of statistics on obligations to leave and returns from annual to quarterly, while introducing additional disaggregations; adding new disaggregations of asylum statistics by unaccompanied minors; amending statistics on resettlements; and introducing statistics on first-time asylum applicants, new statistics on Dublin re-examination requests, and amendments to statistics on residence permits.

Given the strictly limited nature of this proposal, it was not considered necessary to involve any other body.

- **Collection and use of expertise**

The proposed amendments are largely based on existing voluntary data collections conducted by most national authorities. During the stages of development, implementation and voluntary data collection numerous exchanges with experts from national statistical authorities led to the selection of practicable methodological and technical solutions. Subsequently the processes were fine-tuned and optimised so as to respond best to both policy needs and relevance on the one hand, and to data availability at national level on the other. The amendments detailed below incorporate these tried-and-tested choices into EU acquis.

- **Impact assessment**

No impact assessment was conducted, as the proposal does not have significant economic, social or environmental consequences and imposes no additional burden on businesses or the public.

The initiative is designed mainly to amend Regulation (EC) No 862/2007 providing a legal basis for the existing voluntary data collections, while providing the requisite flexibility with a view to future data needs. In particular, it does not involve any changes to the themes or subject matter of the statistics already collected under this Regulation.

The vast majority of EU national authorities already provide or have expressed their readiness to provide the statistics requested in the envisaged amendments on a voluntary basis. Consequently, it is concluded that these data are already generally available in the Member States' administrative sources.

- **Regulatory fitness and simplification**

Regular evaluation of the existing legal framework concludes that the data required under the Regulation should reflect changing user needs, while also taking into account the capacity of the data providers. This has resulted in proposals that the Regulation be amended through the addition of new disaggregations. In this way, voluntary data collections have been developed further, and the need for flexibility has been taken into account. The amendments should not result in a significant burden increase, as they are based on the existing voluntary collections and the data are already generally available in the Member States' administrative sources.

The transmission of data proposed in the amendment entails only negligible additional costs and burden for the Member States; the continuous exchange of experience and practice between national data providers in the course of expert group meetings over many years has

lightened burdens. Significant improvements in transmission methods have been achieved over time, reducing the effort needed to prepare and supply data. Among other actions, Eurostat has implemented data transmission formats that enable national data providers to extract data directly from their databases (thereby avoiding time-consuming manual data compilations in Excel format) and provide them via automated transmission tools including standardised and automated validation procedures.

Instant quality feedback diminishes the effort required, as it leads to situations in which Member States have to provide data once only, rather than having to come back to it repeatedly. This has led to efficiency gains and significantly reduced multiple transmissions on account of errors found in the data provided. These efficiency gains, which have materialised at national level, have reduced exchanges between national data providers and the burden on them. Feedback from the countries concerned collected at expert group meetings and at the working level shows that these improvements are considered to have reduced both labour and costs for data-providing entities.

The Member States have already set up their data provision mechanisms based on Regulation (EC) No 862/2007. The approach of remaining within this structure for the inclusion of current needs, and for the future-oriented flexibility mechanism, minimises the additional burden on data providers by keeping the same methodological framework.

- **Fundamental rights**

By improving completeness, accuracy, timeliness and certainty with respect to the existing voluntary transmissions of data by national authorities, and by providing an embedded flexibility for further improvements to migration statistics, with a view to improve the quality and relevance of European statistics in this area for the purpose of policy-making and evaluation, the proposal supports the implementation of the Charter of Fundamental Rights of the EU, and in particular Article 18 (Right to asylum), Article 19 (Protection in the event of removal, expulsion or extradition) and Article 24 (The rights of the child).

Moreover, the most relevant considerations for this proposal are the possible effects on personal data protection (for which rights are laid down by Article 8 (Protection of personal data) of the Charter of Fundamental Rights of the EU, Article 16 TFEU, and in secondary legislation²¹). None of the provisions, however, envisage any change in provisions on personal data protection. Existing obligations for NSIs and related guarantees and safeguards under national and EU legislation on data protection in the area of statistics remain applicable. These provide for a robust legal framework covering all aspects relevant to data protection, such as safeguarding respondent confidentiality, anonymising records and protecting replies to questionnaires where applicable.

4. BUDGETARY IMPLICATIONS

The proposal has no implications for the EU budget.

²¹ 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) and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

5. OTHER ELEMENTS

• **Implementation plans and monitoring, evaluation and reporting arrangements**

As the proposed amendments are based on the existing voluntary data transmissions, implementation would be limited to including the new provisions in the legislation, and will be monitored as legally required.

Article 12 of Regulation (EC) No 862/2007 stipulates that the Commission must, once every three years from 2012 onwards, submit a monitoring and evaluation report to the European Parliament and the Council on the statistics compiled in accordance with to this regulation and on their quality. The Commission adopted the latest Report on migration and international protection statistics on 30 July 2015²², and the next is due by August 2018.

• **Explanatory documents (for directives)**

Not applicable.

• **Detailed explanation of the specific provisions of the proposal**

On the basis of feedback from our stakeholders, in particular from the Directorate-General for Migration and Home Affairs, the immediate priorities based on the most serious existing gaps were established as:

increasing the frequency of statistics on returns and obligations to leave from annual to quarterly, while introducing additional disaggregations;

new disaggregations of asylum statistics by unaccompanied minors; and

adding new disaggregations of resettlement statistics; introducing statistics on first-time asylum applicants and new statistics on Dublin re-examination requests; and introducing new disaggregations of statistics on residence permits.

The needs expressed by stakeholders could be met by a limited amendment to Regulation (EC) No 862/2007, based to a large extent on existing voluntary data collections, combined with the introduction of flexibility so that new and emerging data needs can be addressed more rapidly in future.

The proposal does not change the essence of Regulation (EC) No 862/2007, as it amends no more than absolutely necessary to achieve its limited objectives.

It is therefore proposed that certain provisions of Regulation (EC) No 862/2007 be amended or replaced as follows:

Article 4:

For statistics on international protection, the amendment provides for the introduction of an unaccompanied minor disaggregation, the introduction of new statistics on Dublin 're-examination requests' and 'first-time asylum applicants', and the introduction of requested disaggregations by 'country of residence' and 'type of asylum decision' for persons subject to a resettlement scheme.

Article 6:

²²COM (2015) 374.

For statistics on residence permits, the amendment provides for further disaggregations by age and sex, which are also needed. In addition, breakdown of the number of long-term residents by type of long-term status is introduced.

Article 7:

For statistics on third-country nationals found to be illegally present in the territory of the Member State who are subject to an administrative or judicial decision or an act stating or declaring that their stay is illegal and imposing an obligation to leave the territory of the Member State, and for statistics on third-country nationals who have left the territory of the Member State following an administrative or judicial decision or act, the amendment provides for a change in frequency from 'annual' to 'quarterly'.

For statistics on third-country nationals who have left the territory of the Member State concerned following an administrative or judicial decision or act, the amendment provides for the introduction of three disaggregations: 'Type of return and assistance received', 'Type of agreement procedure' and 'Country of destination'.

Article 8 is deleted because it is obsolete.

To ensure better availability of European statistics on asylum and managed migration and to ensure a flexibility mechanism, Article 10(1) is amended by empowering the Commission to adopt implementing acts for the purpose of giving effect to the provisions on disaggregations by specifying in further detail their content in line with Articles 4, 5, 6 and 7.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Regulation (EC) No 862/2007 of the European Parliament and of the Council²³ establishes a common and comparable legal framework for European statistics on migration and international protection.
- (2) To respond to new needs within the Union for statistics on asylum and managed migration, and whereas the characteristics of migration are subject to rapid change, there is a need for a framework allowing quick response to changing needs as regards statistics on asylum and managed migration.
- (3) To support the Union in responding effectively to the challenges posed by migration, there is a need for sub-annual frequency data on asylum and managed migration.
- (4) Asylum and managed migration statistics are fundamental for the study, definition and evaluation of a wide range of policies, particularly as regards responses to the arrival of persons seeking protection in Europe.
- (5) To ensure the quality, and, in particular, the comparability, of data provided by the Member States, and for reliable overviews to be drawn up at Union level, the data used should be based on the same concepts, and should refer to the same reference date or period.
- (6) Data provided on asylum and managed migration should be consistent with the relevant information collected pursuant to Regulation (EC) No 862/2007.

²³ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

- (7) Regulation (EC) No 223/2009 of the European Parliament and of the Council²⁴ provides a reference framework for European statistics on migration and international protection. In particular, it requires compliance with the principles of professional independence, impartiality, objectivity, reliability, statistical confidentiality and cost effectiveness.
- (8) When developing, producing and disseminating European statistics, the national and European statistical authorities, and, where applicable, other relevant national and regional authorities, should take account of the principles set out in the European Statistics Code of Practice, as reviewed and updated by the European Statistical System Committee on 28 September 2011.
- (9) The objective of this Regulation, namely to revise and complete the existing common rules for the collection and compilation of European statistics on migration and international protection, cannot be sufficiently achieved by the Member States acting individually. Rather, for reasons of harmonisation and comparability, it can be better achieved at Union level. The EU may therefore adopt appropriate measures, in accordance with the principle of subsidiarity set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (10) This Regulation guarantees the right to respect for private and family life and to the protection of personal data, as set out in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union.
- (11) To ensure uniform conditions for the implementation of this regulation, implementing powers should be conferred on the Commission in respect of specifying disaggregations. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽²⁵⁾.
- (12) Regulation (EC) No 862/2007 should therefore be amended accordingly.
- (13) The European Statistical System Committee has been consulted,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 862/2007 is amended as follows:

(1) Article 4 is amended as follows:

(a) In paragraph 1, the following point (d) is added:

²⁴ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

²⁵ 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).

‘(d) persons having submitted an application for international protection or having been included in such an application as a family member during the reference period and applying for international protection for the first time.’

(b) The last subparagraph of paragraph 1 is replaced by the following:

‘These statistics shall be disaggregated by age and sex and by the citizenship of the persons concerned, and by unaccompanied minors. They shall relate to reference periods of one calendar month and shall be supplied to the Commission (Eurostat) within two months of the end of the reference month. The first reference month shall be January 2020.’

(c) In paragraph 2, the last subparagraph is replaced by the following:

‘These statistics shall be disaggregated by age and sex and by the citizenship of the persons concerned, and by unaccompanied minors. They shall relate to reference periods of three calendar months and shall be supplied to the Commission (Eurostat) within two months of the end of the reference period. The first reference period shall be January-March 2020.’

(d) In paragraph 3, point (a) is deleted.

(e) In paragraph 3, the last subparagraph is replaced by the following:

‘Statistics under points (b), (c), (d), (e), (f) and (g) shall be disaggregated by age and sex and by the citizenship of the persons concerned, and by unaccompanied minors. In addition, for point (g), statistics shall be disaggregated by the country of residence and by the type of asylum decision. They shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within three months of the end of the reference year. The first reference year shall be 2020.’

(f) In paragraph 4, point (d) is replaced by the following:

‘(d) the numbers of transfers to which the decisions referred to in points (c) and (h) lead;’

(g) In paragraph 4, the following points (f), (g) and (h) are added:

‘(f) the number of re-examination requests for taking back and taking charge of an asylum seeker;’

(g) the provisions on which the requests referred to in point (f) are based;

(h) the decisions taken in response to the requests referred to in point (f).’

(e) In paragraph 4, the last subparagraph is replaced by the following:

‘These statistics shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within three months of the end of the reference year. The first reference year shall be 2020.’

(2) Article 6 is amended as follows:

(a) Paragraph 1 is replaced by the following:

‘1. Member States shall supply to the Commission (Eurostat) statistics on:

(a) the number of residence permits issued to persons who are third-country nationals, disaggregated as follows:

(i) permits issued during the reference period whereby the person is being granted permission to reside for the first time, disaggregated by citizenship, by the reason for the permit being issued, by the length of validity of the permit, by age and by sex;

(ii) permits issued during the reference period and granted on the occasion of a person changing immigration status or reason for stay, disaggregated by citizenship, by the reason for the permit being issued, by the length of validity of the permit, by age and by sex;

(iii) valid permits at the end of the reference period (number of permits issued, not withdrawn and not expired), disaggregated by citizenship, by the reason for the issue of the permit, by the length of validity of the permit, by age and by sex;

(b) the number of long-term residents at the end of the reference period, disaggregated by citizenship, by type of long-term status, by age and by sex.'

(b) Paragraph 3 is replaced by the following:

'The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within six months of the end of the reference year. The first reference year shall be 2020.'

(3) Article 7 is amended as follows:

(a) In paragraph 1, point (b) is replaced by the following:

'(b) the number of third-country nationals who have in fact left the territory of the Member State, following an administrative or judicial decision or act, as referred to in point (a), disaggregated by the citizenship of the persons returned, by the type of return and assistance received, and by the destination country.'

(b) Paragraph 2 is replaced by the following:

'2. The statistics referred to in paragraph 1 shall relate to reference periods of three calendar months and shall be supplied to the Commission (Eurostat) within two months of the end of the reference period. The first reference period shall be January to March 2020.'

(4) Article 8 is deleted.

(5) Article 10 is amended as follows:

(a) Paragraph 1 is replaced by the following:

'1. The Commission shall be empowered to adopt implementing acts for the purpose of specifying disaggregations in line with Articles 4, 5, 6 and 7 and laying down the rules on the appropriate formats for the transmission of data as provided for in Article 9.

These implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2).'

(b) In paragraph 2, point (d) is deleted.

Article 2

Entry into force and application

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

Article 4 paragraphs (1) and (2) and Article 7 paragraph (1) point (b) and paragraph (2) of Regulation (EC) No 862/2007 shall apply from 1 March 2020.

Article 4 paragraphs (3) and (4) and Article 6 paragraphs (1) and (3) of Regulation (EC) No 862/2007 shall apply from 1 July 2020.

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President