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**2018/0154(COD)**

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**NOTE**

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From: Mr. Juan Fernando López Aguilar, Chair of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament

On: 13 December 2019

To: Ms Marja Rislakki, Chair of the Permanent Representatives Committee II

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No. prev. doc.: 14403/19 + COR 1

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Subject: Proposal for the 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

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Delegations will find enclosed a letter from Mr Juan Fernando López Aguilar, Chair of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament to Ms Marja Rislakki, Chair of the Permanent Representatives Committee II, concerning Council's position at first reading on the above mentioned Proposal for a Regulation.



Committee on Civil Liberties, Justice and Home Affairs  
The Chair

IPOL-COM-LIBE D (2019)47476

Ms Marja Rislakki  
Chair of COREPER II  
Council of the European Union  
Rue de la Loi 175  
1048 Brussels

D 318109 13.12.2019

**Subject: Council's position in view of the adoption of the 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 - 2018/0154(COD) – Early second reading agreement**

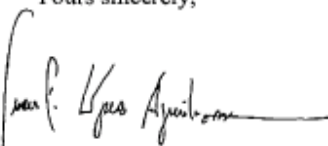
Dear Ambassador,

I understand that at its meeting of 4 December 2019 COREPER decided to accept the result of the last informal trilogue held on 28 November 2019 in the European Parliament regarding the abovementioned Regulation.

I would like to inform you that should the Council transmit formally to the Parliament its position in the form as it stands in the annex, I will, in my capacity as Chair of the Committee, recommend to the Plenary that the Council's position be accepted without amendment, subject to legal-linguistic verification, at Parliament's second reading.

At the same time, I would like to thank the Finish Presidency for the efforts made and the work accomplished to achieve an early second reading agreement on this file.

Yours sincerely,



Juan Fernando LÓPEZ AGUILAR

cc: Ylva JOHANSSON, Commissioner for Home affairs

Annex: text agreed

**REGULATION (EU) 2018/0154**  
**OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of**

**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<sup>1</sup>,

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<sup>1</sup> Position of the European Parliament of ... (not yet published in the Official Journal) and  
decision of the Council of ...

Whereas:

- (1) Regulation (EC) No 862/2007 of the European Parliament and of the Council<sup>2</sup> 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 migration ***and international protection***, 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 migration ***and international protection***.
- (3) To support the Union in responding effectively to the challenges posed by migration ***and in developing human rights based policies***, there is a need for sub-annual frequency data on asylum and managed migration.

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<sup>2</sup> 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).

- (4) Asylum and managed migration statistics are fundamental for the study, *formulation* and evaluation of a wide range of policies, particularly as regards responses to the arrival of persons seeking protection in Europe, *with the aim of defining and applying the best policies*.
- (5) *Statistics on migration and international protection are essential for having an overview of migratory movements within the Union and for Member States to be able to apply Union law properly in accordance with fundamental rights as laid down in the Charter of Fundamental Rights of the European Union and the Convention for the Protection of Human Rights and Fundamental Freedoms.*
- (6) 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.

- (7) Data provided on asylum and managed migration should be consistent with the relevant information collected pursuant to Regulation (EC) No 862/2007.
- (8) Regulation (EC) No 223/2009 of the European Parliament and of the Council<sup>3</sup> 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.
- (9) **In order to meet the statistical requirements under this Regulation, it is important to ensure that the necessary information gathered during the administrative procedures related to immigration and international protection are obtained for statistical purposes. In order to improve the efficiency of the statistical production, National Statistical Authorities should have the right to access and use, promptly and free of charge, all national administrative records and to integrate these administrative records with statistics, to the extent necessary for the development, production and dissemination of European statistics covered under this Regulation, in accordance with the provisions laid down in Article 17a of Regulation (EC) No 223/2009.**
- (10) When developing, producing and disseminating European statistics, the national and European statistical authorities, and, where applicable, other relevant 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 **16 November 2017**.

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<sup>3</sup> 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).

(11) *Pilot studies should take into account the Union's added value, establish the conditions to introduce new data collections within the scope of this Regulation, assess the feasibility and quality of the statistics including their cross-country comparability as well as the costs of the related data collections. Before launching each particular pilot study, the Commission should review relevant administrative sources at Union level and investigate whether the required statistics could be based on those sources. Priority should be given to the examination of the number of applications and of the number of rejected applications for first time residence permits.*

*The results of these the pilot studies should be the subject of an evaluation by the Commission in close cooperation with the Member States and should be made publicly available. The introduction of new data collections in the Member States should be considered by the Commission only if the results of the pilot studies are positive. The Commission should also consult the European Data Protection Supervisor under the conditions laid down in Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>4</sup>. The Union should contribute to the costs of carrying out those studies. Such contributions should take the form of grants awarded to Member States authorities in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council<sup>5</sup>.*

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<sup>4</sup> *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. 39–98).*

<sup>5</sup> *Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).*

**(11a) Within the scope of this Regulation it is important to optimise the use of existing information and data already collected. To that end existing data sources at national and Union level, as well as ways to benefit from the Interoperability Framework referred to in Regulations (EU) 2019/817 of the European Parliament and of the Council\* and (EU) 2019/818 of the European Parliament and of the Council\*\*, should be explored in order to evaluate their usage for official statistics. This assessment should also encompass the implementation of the interoperability concept at a Union level in order to allow multiple organisations to use the same data each according to their needs and authorisations.**

**\* Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27).**

**\*\* Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).**



- (11b) *Within the scope of this Regulation, the Commission (Eurostat) should aim at ensuring coordination of data collections being used with the relevant Union agencies, and to that end, cooperation agreements should be concluded between Commission (Eurostat) and those agencies within the framework of their respective competences.*
- (12) *Regulation (EC) No 223/2009 provides for a reference framework for European statistics and requires Member States to comply with the statistical principles and quality criteria specified in that Regulation. Quality reports are essential for assessing, improving and communicating on the quality of European statistics. The European Statistical System Committee has endorsed a European Statistical System (ESS) standard for Quality Reports Structure, in line with Article 12 of Regulation (EC) No 223/2009. That ESS standard should contribute to the harmonisation of quality reporting under this Regulation.*
- (13) 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.

- (14) *In order to achieve the objectives of Regulation (EC) No 862/2007, sufficient financial resources should be allocated for the collection, analysis and dissemination of high quality national and Union statistics on migration and international protection.*
- (14a) *Where the implementation of this Regulation would require the national statistical system of a Member State to develop and implement new methodologies and new data collections for statistics under this Regulation, including the participation of the Member States in pilot studies and upgrading the data sources and IT-systems, a Union financial contribution should be provided to Member States in the form of grants in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council<sup>6</sup>.*
- (15) *This Regulation guarantees the right to respect for private and family life and to the protection of personal data **and non-discrimination**, as set out in Articles 7, 8 and 21 of the Charter of Fundamental Rights of the European Union. **Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>7</sup> and Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>8</sup> should apply to the personal data covered by this Regulation.***

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<sup>6</sup> *Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).*

<sup>7</sup> *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).*

<sup>8</sup> *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. 39–98).*

- (16) ***In order*** to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in respect of specifying disaggregations, ***laying down the rules on the appropriate formats for the transmission of data and setting out the practical arrangements for, and the contents of, the quality reports***. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>9</sup>.
- (17) ***Where the implementation of this Regulation would require major adaptations to the national statistical systems of a Member State, the Commission should be able, in duly justified cases and for a limited period of time, to grant derogations to the Member States concerned. These major adaptations may arise in particular from the need to improve timeliness, to adapt the design of ways of collecting the data, including the access to administrative sources, or to develop new tools to produce data.***

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<sup>9</sup> 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).

**(18) *The effective monitoring of the application of Regulation (EC) No 862/2007 requires that it be evaluated at regular intervals. The Commission should thoroughly assess the statistics compiled pursuant to Regulation (EC) No 862/2007, as well as their quality and timely provision, for the purpose of submitting reports to the European Parliament and to the Council. Close consultation should be held with all actors involved in asylum data collection and the main users of these statistics.***

(19) Regulation (EC) No 862/2007 should therefore be amended accordingly.

**(19a) *The European Data Protection Supervisor has been consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council\*.***

**\* *Regulation (EC) No 45/2001 of the European Parliament and 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).***

(20) The European Statistical System Committee has been consulted,

HAVE ADOPTED THIS REGULATION:

## Article 1

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

(1) *In Article 1, point (c) is replaced by the following:*

*‘(c) administrative and judicial procedures and processes in the Member States relating to immigration, granting of permission to reside, citizenship, asylum and other forms of international protection, illegal entry and stay and returns.’;*

(2) *Article 2 is amended as follows:*

(a) *in paragraph 1, point (j) is replaced by the following:*

*‘(j) ‘application for international protection’ means application for international protection as defined in Article 2(h) of Directive 2011/95/EU of the European Parliament and of the Council\*;*

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*\* Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9).’;*

(b) *in paragraph 1, point (k) is replaced by the following:*

*‘(k) ‘refugee status’ means refugee status as defined in Article 2(e) of Directive 2011/95/EU;’;*

(c) *in paragraph 1, point (l) is replaced by the following:*

*‘(l) ‘subsidiary protection status’ means subsidiary protection status as defined in Article 2(g) of Directive 2011/95/EU;’;*

(d) *in paragraph 1, point (m) is replaced by the following:*

*‘(m) ‘family members’ means family members as defined in Article 2(g) of Regulation (EU) No 604/2013 of the European Parliament and of the Council\*;*

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*\* Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).’;*

(e) *in paragraph 1, point (o) is replaced by the following:*

*‘(o) ‘unaccompanied minor’ means an unaccompanied minor as defined in Article 2(l) of Directive 2011/95/EU;’;*

(f) in paragraph 1, point (p) is replaced by the following:

*‘(p) ‘external borders’ means external borders as defined in Article 2(2) of Regulation (EU) 2016/399 of the European Parliament and of the Council\*;*

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\* *Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).’;*

(g) in paragraph 1, point (q) is replaced by the following:

*‘(q) ‘third-country nationals refused entry’ means third-country nationals who are refused entry at the external border because they do not fulfil all the entry conditions laid down in Article 6(1) of Regulation (EU) 2016/399 and do not belong to the categories of persons referred to in Article 6(5) of that Regulation;’;*

*(h) in paragraph 1 the following point is added:*

*‘(sa) ‘removal’ means removal as defined in Article 3(5) of Directive 2008/115/EC of the European Parliament and of the Council\*;*

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*\* Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).’;*

*(i) in paragraph 1 the following point is added:*

*‘(sb) ‘voluntary departure’ means voluntary departure as defined in Article 3(8) of Directive 2008/115/EC;’;*

*(j) paragraph 3 is deleted;*



(3)

(4) Article 4 is amended as follows:

(a) *in paragraph 1, point (c) is replaced by the following:*

*‘(c) applications for international protection having been withdrawn during the reference period, disaggregated by implicit and explicit withdrawal referred to in Articles 27 and 28 of Directive 2013/32/EU of the European Parliament and of the Council\*;*

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\* *Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).’;*

- (b) in paragraph 1, the following points are added:
- ‘(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;
  - (e) *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 having had their applications processed under the accelerated procedure referred to in Article 31(8) of Directive 2013/32/EU;*
  - (f) *persons having submitted a subsequent application for international protection as referred to in Article 40 of Directive 2013/32/EU or having been included in such an application as a family member during the reference period;*

- (j) *persons having submitted an application for international protection or having been included in such an application as a family member and having benefited from material reception conditions providing an adequate standard of living for applicants, in accordance with Article 17 of Directive 2013/33/EU of the European Parliament and of the Council, at the end of the reference period;*
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\* *Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96).’;*

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

*‘~~These~~ Statistics under points (a), (b), (c), (d), (e) and (f) 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 2021.*

*Statistics under point (j) 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 2021.*

(e) *in paragraph 2, point (b) is replaced by the following:*

*‘(b) persons covered by first instance decisions, taken by administrative or judicial bodies during the reference period, granting, revoking, ending or refusing to renew refugee status based on cessation, exclusion or other grounds;’;*

(f) *in paragraph 2, point (c) is replaced by the following:*

*‘(c) persons covered by first instance decisions, taken by administrative or judicial bodies during the reference period, granting, revoking, ending or refusing to renew subsidiary protection status based on cessation, exclusion or other grounds;’;*

(g) *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 2021.’*

(j) *in paragraph 3, point (c) is replaced by the following:*

*‘(c) persons covered by final decisions, taken by administrative or judicial bodies during the reference period, granting, revoking, ending or refusing to renew refugee status based on cessation, exclusion or other grounds;’;*

(k) *in paragraph 3, point (d) is replaced by the following:*

*‘(d) persons covered by final decisions, taken by administrative or judicial bodies during the reference period, granting, revoking, ending or refusing to renew subsidiary protection status based on cessation, exclusion or other grounds;’;*

(l) in paragraph 3, the last subparagraph is replaced by the following:

‘Statistics under points (a), (b), (c), (d), (e), (f) and (g) shall be disaggregated by age and sex and by the citizenship of the persons concerned, and, **except for point (a)**, 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 **2021**.

(m) 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;’;

(n) in paragraph 4, the following points 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).’;

(o) in paragraph 4, the last subparagraph is replaced by the following:

***‘These statistics shall be disaggregated by sex, and by accompanied and unaccompanied minors. 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 2021.’***

**(5) Article 5 is amended as follows:**

**(a) in paragraph 1, point (a) is replaced by the following:**

***‘(a) third-country nationals refused entry to the Member State’s territory at the external border, disaggregated by citizenship;’;***

(aa) in paragraph 1, the second subparagraph is replaced by the following:

*‘The statistics under point (a) shall be disaggregated in accordance with Article 14(5) of Regulation (EU) 2016/399\*.’;*

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\* *Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).’;*

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

*‘The statistics under point (b) shall be disaggregated by age and sex, citizenship of the persons concerned, grounds for their apprehension and place of apprehension.’;*

(6) 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 applications for first-time residence permits made by third-country nationals during the reference period, disaggregated by citizenship, by the reason for the permit being requested, by age and by sex;*~~

~~(aa) the number of rejected applications for first-time residence permits made by third-country nationals during the reference period, disaggregated by citizenship, by the reason for which the permit was requested, by age and by sex;~~

- (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;

(c) *the number of persons having acquired during the reference year a long-term residence permit, disaggregated by age and 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 **2021.**’

(7) Article 7 is amended as follows:

~~(a) in paragraph 1, point (a) is replaced by the following:~~

~~(a) the number of 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 act stating or declaring that their stay is illegal and imposing an obligation to leave the territory of the Member State, disaggregated by citizenship of the persons concerned and the reasons for the decision;~~’;

(e) 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;’

(g) paragraph 2 is replaced by the following:

‘2. The statistics referred to in paragraph 1 shall ***be disaggregated by age and sex of the person 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 to March ***2021.***’

(8) Article 8 is deleted.

(9) *Article 9 is amended as follow:*

(a) *the following paragraphs are inserted:*

*‘1a. Member States shall take the measures necessary to ensure the quality of the data and metadata transmitted.*

*1b. For the purpose of this Regulation, the quality criteria defined in Article 12(1) of Regulation (EC) No 223/2009 of the European Parliament and of the Council\* shall apply.*

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*\* 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).’;*

(b) *paragraph 2 is replaced by the following:*

*‘2. Member States shall report to the Commission (Eurostat), in the form of quality reports on the data sources used, the reasons for the selection of these sources and the effects of the selected data sources on the quality of the statistics, the technical and organisational measures mechanisms used to ensure protection of personal data and on the estimation methods used, and shall keep the Commission (Eurostat) informed of changes thereto.’;*

(c) *paragraph 3 is replaced by the following:*

*‘3. At the request of the Commission (Eurostat), Member States shall provide necessary additional clarification to evaluate the quality of the statistical information.’;*

(d) *the following paragraph is inserted:*

*‘3a. The Commission may adopt implementing acts setting out the practical arrangements for, and the contents of, the quality reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2) and shall not impose significant additional burden or cost on the Member States.’;*

(e) paragraphs 4 and 5 are replaced by the following:

- ‘4. Member States shall inform the Commission (Eurostat) without delay of revisions and corrections to the statistics supplied under this Regulation, of any changes in the methods and data sources used, and of any relevant information or change with regard to the implementation of this Regulation that could influence the quality of the data transmitted.
5. The measures relating to the definition of the appropriate formats for the transmission of data shall be adopted in accordance with the examination procedure referred to in Article 11(2).’;

(4b) The following Articles are inserted:

‘Article 9a

*Pilot studies*

1. While complying with the objectives of this Regulation and in order to test additional or new disaggregations or data within the scope of this Regulation, the Commission (Eurostat) shall institute pilot studies to be carried out on a voluntary basis by the Member States.
2. Member States, together with the Commission (Eurostat), shall ensure the representativeness of these studies at Union level. These studies shall aim at the feasibility of new data collections, including the availability of appropriate data sources and production techniques, the statistical quality and comparability implied and the costs and burden of the related data collections.

2a. *Before launching each particular pilot study, the Commission (Eurostat) shall review relevant Union level administrative sources, in order to minimise additional burden on national statistical institutes and other national authorities and to enhance the use of existing data, in accordance with Article 17a of Regulation (EC) No 223/2009. This review is aimed at investigating whether the new statistics could be based on the available information in those sources and to harmonise the concepts where possible. The Commission (Eurostat) shall also take into account the burden generated by other ongoing pilot studies, in order to limit the number of concurrent pilot studies during the same period of time.*

2b. ~~*In particular*~~ *These pilot studies relate to the following subjects:*

*for statistics required under Article 4(1)*

*a) persons having submitted an application for international protection or having been included in such an application as a family member and who:*

- i. were ~~are~~ exempted from the accelerated procedure or the border procedure or having had their applications processed under the border procedure;*
- ii. were not registered in Eurodac;*
- iii. presented ~~are able to~~ documentary evidence which can aid in the establishment of their identity;*
- iv. were in detention, disaggregated by duration of stay in detention and the grounds for the detention; were subject to an administrative or judicial decision or act ordering their detention or an alternative to detention; alternative to detention, disaggregated by type of alternative and by the month such decision or act was issued;*
- iv. ~~were subject to an administrative or judicial decision or act ordering their detention;~~*

- v. ~~were in detention, disaggregated by duration and the grounds for the detention;~~
- vi. ~~were subject to an administrative or judicial decision or act ordering an alternative to detention by type of alternative, disaggregated by the month such decision or act was issued;~~

- vii. having benefited from free legal assistance;*
  - v.a. received material benefits specified under point (j) disaggregated by age, by sex, by citizenship and by unaccompanied minors, and the possibility to relate these statistics to reference periods of one month;*
  - vi. were recognised as unaccompanied minors and to whom a representative was appointed or having been placed or having been granted access to the education system;*
  - ~~vii. were unaccompanied minors and to whom a representative was appointed;~~*
  - ~~viii. recognised as unaccompanied minors and having been granted access to the education system;~~*
  - ~~ix. recognised as unaccompanied minors and having been placed;~~*
  - vii xi. undergone an age assessment, including results of such assessments;*
- b) average number of unaccompanied minors submitting application for international protection per representative;*



*for statistics required under Articles 4(2) and 4(3)*

c) *persons issued with first instance decisions or ~~and~~ final decisions taken in appeal or review rejecting applications for international protection disaggregated as follows:*

i. *for statistics required under paragraphs 2(a) and 3(b) disaggregated as follows:*

- *decisions considering applications to be inadmissible by ground for inadmissibility;*
- *decisions rejecting applications as unfounded;*
- *decisions rejecting applications as manifestly unfounded under the regular procedure by grounds for rejection;*
- *decisions rejecting applications as manifestly unfounded under the accelerated procedure by grounds for rejection and acceleration;*
- *decisions rejecting applications on the ground that the applicant is eligible for protection within his or her country of origin;*

ii d). *Person issued with first instance decisions and final decisions taken in appeal or review taken for statistics required under paragraphs 2(b), 2(c), 3(c) and 3(d) decisions on cessation or exclusion further disaggregated by the specific ground on which cessation or exclusion is based;*

*de) persons issued with decisions following a personal interview;*

*ef) persons issued with first instance decisions or final decisions reducing or withdrawing material reception conditions;*

*fg) duration of appeals;*

*for statistics required under Article 4(4)*

*gh) ~~Dublin statistics~~ disaggregated by age and citizenship;*

*for statistics required under Article 4 as a whole*

*hi) ~~International protection~~ disaggregated by month of submission of the application;*

*for statistics required under Article 6*

*h.a) the number of applications and rejected applications for first-time residence permits made by third-country nationals during the reference period, disaggregated by citizenship, by the reason for the permit being requested, by age and by sex;*

*i) Applications for a residence permit changing immigration status or reason for stay refused;*

*j) Permits issued for family reasons disaggregated by reason and by status of the sponsor of the third-country national;*

*for statistics required under Article 7*

- ~~k)~~ *for statistics required under paragraph 1(a) disaggregated by the reasons for the decision ~~Persons found to be illegally present and who are subject to an administrative or judicial decision or act stating or declaring that their stay is illegal and imposing an obligation to leave and persons who were subject to an entry ban;~~*
- ~~lm)~~ *persons referred to in paragraph 1(a) who were subject to an entry ban;*
- ~~m)~~ *Persons in return procedures subject to detention order, disaggregated by the duration of stay in detention, or ordered alternatives to detention disaggregated by type of alternative and by the month such decision was issued;*
- ~~n)~~ *Persons in return procedures subject to detention order disaggregated by the duration of stay in detention;*
- ~~n)~~ *Persons in return procedures ordered alternatives to detention disaggregated by type of alternative and by the month the decision was issued.*
- ne) *Persons returned disaggregated by country of destination and by the type of decision or act as follows:*
  - i. in accordance with a formal Union readmission agreement;*
  - ii. in accordance with an informal Union readmission arrangement;*
  - iii. in accordance with a national readmission agreement;*

3. *The results of the pilot studies ~~referred to in paragraphs 1 and 2~~ shall be evaluated by the Commission (Eurostat) in close cooperation with Member States and shall be made publicly available. The evaluation shall describe the added value of the piloted new data collections at Union level and contain an assessment on cost-effectiveness, including the burden on respondents and the production costs in accordance with Article 14(3) of Regulation (EC) No 223/2009.*
4. *Taking account of the positive evaluation of the results, the Commission may adopt implementing measures to collect new data as referred to in paragraph 2**b**, ~~points (a) to (e)~~. Those implementing measures shall be adopted in accordance with the examination procedure referred to in Article 11(2).*
5. *In order to facilitate carrying out the pilot studies ~~referred to in paragraphs 1 and 2~~, the Commission (Eurostat) shall provide the appropriate financing to Member States that conduct those studies in accordance with Article 9b.*
6. *The Commission (Eurostat) shall report two years after the entry into force of this Regulation and every two years thereafter on the overall progress made regarding the subjects ~~topics~~ mentioned in paragraph 2**b**. This report shall be made publicly available.*

## *Article 9b*

### *Financing*

1. *For the implementation of this Regulation, financial contribution shall be provided from the general budget of the Union to the national statistical institutes and other relevant national authorities referred to in Article 5(2) of Regulation (EC) No 223/2009, for:*
  - a) *developing new methodologies for statistics under this Regulation, including the participation of the Member States in representative pilot studies referred to in Article 9a;*
  - b) *the development and/or implementation of the new data collections, including upgrading of data sources and IT-systems, within the scope of this Regulation for a period of up to five years.*
2. *The Union financial contribution shall be in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council\*.*

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\* *Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).’;*

(11) 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 *accordance* 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. *When adopting such implementing acts, the Commission shall justify the need for the disaggregations for the purposes of developing and monitoring Union policies on migration and asylum and shall ensure that such implementing acts do not impose significant additional costs or burden on the Member States.*

*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2) not later than 18 months before the end of the reference period as regards the annual data, and 6 months before the end of the reference period as regards the infra-annual data.’;*

(b) *paragraph 2* is deleted;

(12) *Article 11 is amended as follows:*

(a) *the title is replaced by the following:*

*‘Committee procedure’;*

(b) *paragraph 1 is replaced by the following:*

*‘1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council\*.*

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*\* 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).’;*

(c) *paragraph 2 is replaced by the following:*

*‘2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.’;*

(d) *paragraph 3 is deleted;*

(13) *The following Article is inserted:*

*'Article 11a*

*Derogations*

1. *If applying this Regulation, or the implementing measures adopted under it, in a Member State's national statistical system would necessitate major adaptations, the Commission may grant, by means of implementing acts, a derogation for the length of time requested by the Member State with a maximum of three years. The comparability of Member States' data and the timely calculation of the required representative and reliable European aggregates shall be ensured and the burden on Member States and respondents shall be taken into account when granting the derogation.*
2. *Where a derogation is still justified by sufficient evidence at the end of the period for which it was granted, the Commission may grant a subsequent derogation for a maximum period of two years, by means of implementing acts.*
- 2a. *For the purposes of paragraph 1 and 2, the Member State shall submit a duly justified request to the Commission within three months of the date of the entry into force of the act concerned or six months before the end of the period for which the current derogation has been granted.*
3. *The Commission shall adopt those implementing acts in accordance with the examination procedure referred to in Article 11(2).*



## 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 **2021**.

Article 4 paragraphs (3) and (4) and Article 6 paragraphs (1) and (3) of Regulation (EC) No 862/2007 shall apply from 1 July **2021**.

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*

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