


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed <a href="#">2005/0156(COD)</a>
Community statistics on migration and international protection Amended by <a href="#">2018/0154(COD)</a>	
Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) 7.10.08 Migration policy 8.60 European statistical legislation	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs		04/10/2005
		PPE-DE <a href="#">KLAMT Ewa</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>AFET</b> Foreign Affairs	The committee decided not to give an opinion.	
	<b>DEVE</b> Development	The committee decided not to give an opinion.	
	<b>EMPL</b> Employment and Social Affairs	The committee decided not to give an opinion.	
	<b>FEMM</b> Women's Rights and Gender Equality	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2807</a>	12/06/2007
European Commission	Commission DG	Commissioner	
	<a href="#">Eurostat</a>	ALMUNIA Joaquín	

Key events			
14/09/2005	Legislative proposal published	<a href="#">COM(2005)0375</a>	Summary
13/10/2005	Committee referral announced in Parliament, 1st reading		
19/12/2006	Vote in committee, 1st reading		
22/01/2007	Committee report tabled for plenary, 1st reading	<a href="#">A6-0004/2007</a>	
14/03/2007	Results of vote in Parliament		

14/03/2007	Decision by Parliament, 1st reading	<a href="#">T6-0065/2007</a>	Summary
12/06/2007	Act adopted by Council after Parliament's 1st reading		
11/07/2007	Final act signed		
11/07/2007	End of procedure in Parliament		
31/07/2007	Final act published in Official Journal		

### Technical information

Procedure reference	2005/0156(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by <a href="#">2018/0154(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 285-p1
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/30422

### Documentation gateway

Legislative proposal	<a href="#">COM(2005)0375</a>	14/09/2005	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES0587/2006</a>	20/04/2006	ESC	
Committee draft report	<a href="#">PE371.980</a>	11/05/2006	EP	
Amendments tabled in committee	<a href="#">PE374.394</a>	08/06/2006	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0004/2007</a>	22/01/2007	EP	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T6-0065/2007</a>	14/03/2007	EP	Summary
Commission response to text adopted in plenary	SP(2007)1901/2	03/05/2007	EC	
Draft final act	<a href="#">03609/2007/LEX</a>	11/07/2007	CSL	
Follow-up document	<a href="#">COM(2012)0528</a>	20/09/2012	EC	Summary
Follow-up document	<a href="#">COM(2015)0374</a>	30/07/2015	EC	Summary
Follow-up document	<a href="#">COM(2018)0594</a>	16/08/2018	EC	Summary
Follow-up document	<a href="#">COM(2021)0489</a>	24/08/2021	EC	
Follow-up document	SWD(2022)0198	15/07/2022	EC	

### Additional information

European Commission	<a href="#">EUR-Lex</a>
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### Final act

[Regulation 2007/862](#)  
[OJ L 199 31.07.2007, p. 0023](#) Summary

## Community statistics on migration and international protection

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**PURPOSE:** The development of common asylum and immigration statistics

**PROPOSED ACT:** Regulation of the European Parliament and of the Council

**CONTENT:** Since the Treaty of Amsterdam came into force, the European Union has invested heavily in the development of a common asylum and immigration system based on harmonised procedures. A common asylum policy is deemed essential for the establishment of an EU based on freedom, security and justice.

The development of a common asylum and immigration policy relies heavily on statistical data. It has become apparent, however, in recent years that there is a growing need for improved, comprehensive and comparable European statistics relating to asylum and immigration/migration issues. Attempts to harmonise definitions through gentleman agreements with the Member States have repeatedly failed, indicating the need, in accordance with the principle of subsidiarity for greater action at Community level. In 2003, the Council, with the support of the European Parliament, concluded that more effective mechanisms were needed for the collection and analysis of information on EU asylum and migration.

The objective of the proposed Regulation, therefore, is to establish a common framework for the collection and compilation of Community statistics on international migration and asylum. There is widespread recognition that the way in which data is currently collected varies considerably from one Member State to another. For example, there is still no harmonised term defining the core concept of 'a migrant', with each Member State applying varying criteria.

This Regulation attempts to reconcile the great differences that exist across Europe by obliging Member States to make the best use of available data and to produce statistics that resemble, as far as possible, harmonised definitions. At the same time, Member States are not being obliged to introduce completely new data sources nor are they being compelled to make changes in their national asylum and migration administrations. Member States will, however, be obliged to explain where the data is being sourced from and why, as well as offering a description of the anticipated effects the data will have on harmonised definitions. The information thus gleaned will help shed light on how the statistics can be interpreted.

The statistics collected under the proposed Regulation will, as far as possible, be in accordance with the United Nations Recommendations on Statistics of International Migration. Further, they will be broadly based on Eurostat's existing annual migration data collection as well as the monthly data collections and asylum enforcement measures directed at illegal migrations. An additional migration-related topic to be covered will be the legal immigration of non-EU citizens.

To conclude, the Commission gives warning that failure to harmonise statistical data could have a serious and negative impact on future policy development in the field of asylum and migration and impede upon the Community's ability to monitor current, as well as future, trends in the fight against illegal immigration.

The proposed Regulation has no budgetary implications.

## Community statistics on migration and international protection

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The European Parliament adopted a resolution drafted by Ewa Klant (Germany, EPP-ED) by 544 votes in favour to 19 against with 56 abstentions, and made some amendments to the proposal. These amendments are the result of informal agreement between the Parliament, Council and Commission. The main ones are as follows:

- The Regulation does not cover estimates of the number of persons illegally resident in the Member States. Member States should not provide such estimates or data on those who are illegally resident to the Commission (Eurostat), although such persons may be included in population stocks due to surveys.
- Wherever possible, the definitions used for the purposes of the Regulation are taken from the United Nations Recommendations on Statistics of International Migration, the United Nations Recommendations for the Censuses of Population and Housing in the ECE Region or EC legislation, and should be updated following the relevant procedures. Several new definitions are inserted including 'citizenship', 'country of birth' and 'external borders'.
- The Commission will have power to update the definitions and to decide on the groupings of data and additional disaggregations. Since those measures are of general scope and are designed to amend non-essential elements and supplement the Regulation by the addition of new non-essential elements, they will be adopted in accordance with the regulatory procedure with scrutiny laid down in Article 5a of Decision 1999/468/EC.
- Member States shall report to the Commission (Eurostat) on the use and probable effects of estimations or other methods of adapting statistics based on national definitions to comply with the harmonised definitions in the Regulation.
- For the reference year 2008, the statistics supplied Eurostat under the Regulation may be based on alternative (national) definitions. In such cases, Member States shall notify Eurostat of these alternative definitions.
- Parliament inserted a number of new groups on which statistics must be supplied. These include persons covered by first instance decisions regarding granting or withdrawing refugee status, subsidiary protection status, temporary protection, and authorisation to stay.
- Changes were also made to the provisions on statistics on returns and disaggregations, as well as on implementing measures.

## Community statistics on migration and international protection

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PURPOSE: to enable the development of common asylum and immigration statistics.

LEGISLATIVE ACT: Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers

CONTENT: the Council adopted a Regulation establishing common rules for the collection and compilation of Community statistics on migration and international protection with a view to contributing to the development of effective EU policies on migration. The new rules aim at harmonising the different EU Member States' mechanisms for producing statistics relating to migration issues in order better to develop, implement and monitor common immigration and asylum legislation. They seek also to reinforce the exchange of statistical data on asylum and migration and to improve the quality of Community statistical collections and outputs which have, hitherto, been compiled on the basis of informal agreements between Member States.

Accordingly, the Regulation establishes common rules for the collection and compilation of Community statistics on:

- immigration to and emigration from the Member State territories, including flows from the territory of one Member State to that of another Member State and flows between a Member State and the territory of a third country;
- the citizenship and country of birth of persons usually resident in the territory of the Member States;
- 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 and the prevention of illegal immigration.

Member States shall report to Eurostat on the use and probable effects of estimations or other methods of adapting statistics based on national definitions to comply with the harmonised definitions set out in this Regulation. For the reference year 2008, the statistics supplied to Eurostat may be based on alternative (national) definitions.

Member States must provide Eurostat with the following in the detail specified in the Regulation:

- statistics on international migration, usually resident population and acquisition of citizenship;
- statistics on international protection;
- statistics on the prevention of illegal entry and stay;
- statistics on residence permits and residence of third-country nationals;
- statistics on returns.

It should be noted that the recitals specify the following:

- the Regulation does not cover estimates of the number of persons illegally resident in the Member States. Member States should not provide such estimates or data on such persons to the Commission although they may be included in population stocks due to surveys;

- wherever possible, the definitions used for the purposes of this Regulation are taken from the United Nations Recommendations on Statistics of International Migration, the United Nations Recommendations for the Censuses of Population and Housing in the ECE Region or EC legislation, and should be updated following the relevant procedures.

The Regulation provides a framework which needs to be completed through the adoption of implementing measures in the form of Commission Regulations. The European Statistical System will be actively involved in the preparation and implementation of such measures which are expected to be adopted in 2008.

Report: by 20 August 2012 and every three years thereafter, the Commission shall submit a report to the European Parliament and the Council on the statistics compiled pursuant to the Regulation and on their quality.

This Regulation shall repeal Regulation (EEC) No 311/76.

ENTRY INTO FORCE : 20/08/2007.

## Community statistics on migration and international protection

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The Commission presents its first report on the implementation of Regulation (EC) No 862/2007 on Community statistics on migration and international protection, in accordance with the requirements of the Regulation. This report documents the degree of progress that has been made by Member States, together with the Commission (Eurostat), in the implementation of the Regulation. It examines the quality of the statistics produced, as well as the cost and burden of producing migration statistics.

The report finds that Regulation (EC) No 862/2007 has resulted in very great improvements to European statistics on migration and international protection. The data supplied by national authorities to the Commission are more complete and, in most cases, are now based on comparable statistical definitions. There has been a corresponding increase in the use made of these statistics by official bodies at European and national level, by non-governmental bodies and by the citizen. One important use of the statistics has been as part of the annual allocation of the budgetary envelope for each Member State for the [Solidarity and Management of Migration Flows Funds](#). In accordance with the legislation establishing the Funds, the annual budgetary allocation is based primarily on migration and asylum-related statistics collected by Eurostat. The statistics necessary for the Funds are now almost completely covered by the Regulation.

Given the wide range of statistics collected under the Regulation, and the conceptual and methodological complexities of the statistical topics covered, it was to be expected that the implementation process would take time and present a number of difficulties. Many of the problems identified early in the implementation of the Regulation have been solved. However, significant weaknesses remain in certain areas.

Data supplied by some Member States: this has occurred, for example, in the non-availability (or limited availability) in some Member States of age and sex information taken from administrative records related to immigration and asylum cases. A number of national authorities have introduced improved procedures to ensure that the necessary information is gathered as part of the immigration administrative process and better computing systems to allow this information to be readily accessed to be included in the statistical data.

Non-compliance follow-up measures have been launched by the Commission in response to the most serious cases of missing or incomplete data where for example, no data have been supplied by a country in response to a data collection.

The report notes that completeness of the data is an issue mainly for residence permit information.

Provision of timely data for some domains: whilst certain problems have largely been overcome through the introduction of new statistical methods and procedures at national level, some systematic timeliness issues do remain in particular Member States and mainly for the enforcement of immigration legislation and for the residence permits data collections. Work is continuing to resolve these.

Incorrect application of the harmonised statistical definitions: definitional problems have been hardest to address with the migration flow and population stock statistics covered by Article 3 of the Regulation. It is for these data that the greatest differences occur between national systems in terms of the data sources used. For a few countries, it has been difficult even to identify appropriate data sources for these data. Seven countries were unable to use the 12-month time criteria for defining immigration/emigration flows, for example, because the national statistical definition of a migration (as opposed to a visit) was based on a three-month criteria (a migrant needing a residence permit for a stay in excess of three months).

For Articles 5 and 7 on the enforcement of immigration legislation, 11 countries potentially deviated from the standard definition in that they were not able to confirm that the statistics counted persons instead of administrative decisions or/and that persons were counted only once in the same category within the reference year.

There must be renewed efforts to overcome the remaining problems with these statistics. This will require continuing communication and cooperation between the relevant national authorities and the Commission.

Costs and burden of migration statistics: since the types of statistics required under the Regulation are needed also for national purposes, the specific burdens placed by the Regulation on national authorities are related to the need to prepare particular disaggregations or tables that might not otherwise have been produced, and to the need to apply the harmonised statistical definitions and concepts. For some national authorities, this resulted in one-off costs associated with the necessary adaptations to methods, procedures and systems. In most Member States, the additional costs and burden are believed to be relatively limited and to be proportionate to the benefits obtained at both EU and national level of having more complete and harmonised migration statistics.

Lastly, the report notes that data required under the Regulation should reflect the evolving needs of the users, taking into account the capacity of the data providers. This could lead to future amendments of the Regulation in order to add new data categories or specific disaggregations and/or eliminate data requirements whenever they are considered less useful.

## Community statistics on migration and international protection

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The Commission presents a report on the implementation of Regulation (EC) No 862/2007 on Community statistics on migration and international protection. This report follows the first one adopted by the Commission in September 2012.

Progress made : since the 2012 report the data availability and completeness has significantly improved in all data collections:

- general data quality improvements have been observed leading to better data accuracy, coherence and comparability;
- enhanced quality and the increasing punctuality of data supplied by Member States have allowed the Commission to shorten the time needed for data dissemination, implying better timeliness of data releases and improving further the accessibility of data by the users;
- as part of the implementation process, the Commission has continued to develop and maintain close cooperation with the different national authorities involved in the production and supply of data for the Regulation;
- data collections under the Regulation have undergone further methodological and technical developments leading to improved guidance for the Member States;
- the coming into force of the [Regulation \(EU\) No 1260/2013](#) and related implementing measures ([Commission Implementing Regulation \(EU\) No 205/2014](#)) as well as Census 2011 round has also benefitted the quality of data received under the Regulation
- the recent legislative developments in the area of migration and asylum have been integrated into methodological guidance of data collections on asylum and residence permits.

The Commission considers that improvements should continue, since specific accuracy issues still exist, namely the under-coverage (i.e., persons do not register their residence) and the over coverage (persons do not de-register as often there is no obligation or incentive to do it).

Use of statistics: the statistics produced under the Regulation are increasingly used by national administrations, international organisations, academic researchers and civil society groups working on a wide range of topics including the integration of immigrants, the development and monitoring of national asylum and immigration procedures, and the projection of the future population and labour force.

Comparability and coherence: since the 2012 report, the use of harmonised definitions for all data collections under the Regulation has greatly enhanced data comparability. The problems related to strict application of definitions have been hardest to address with the migration and acquisition of citizenship statistics covered by Article 3 of the Regulation. It is for these data that the greatest dissimilarities occur among national systems due to the variety of the data sources used.

In conclusion, the Commission considers that the data required under the Regulation should reflect the evolving needs of the users while taking into account the capacity of the data providers. This could lead to future proposals for amendments to the Regulation in order to add new data categories or specific disaggregation and/ or eliminate data requirements whenever they are considered less useful.

New data gaps have been identified by the Commission and addressed by other data collection approaches such as gentlemen's agreements (e.g. collection of data on first time asylum applicants, data on type of returns of irregular migrants, data on residence permits disaggregated by age and sex and cross classified with other breakdowns). Other data gaps like the breakdown of population data under Article 3 by individual country of citizenship as well as immigration / emigration by single previous / next country of residence cannot be addressed under the framework of voluntary agreements.

The Commission feels that in the longer-term, the redevelopment of European census statistics beyond 2021, with a possible move to more frequent (annual) statistics, is likely to result in greater availability of data on different aspects of migration. This should also contribute to fulfil evolving and emerging needs for migration-related statistics.

In the framework of the Commission's Regulatory Fitness and Performance (REFIT) programme, the Commission will undertake actions to make EU law simpler and to reduce regulatory costs. Certain overlaps related to the statistical reporting in the existing legislation in the area of

population and migration (e.g. in the area of residence permit statistics) have been already identified and could be tackled through a simplified legislation.

## Community statistics on migration and international protection

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The Commission presents a report on the implementation of Regulation (EC) No 862/2007 on Community statistics on migration and international protection. The report documents the progress that has been made by Member States, together with the Commission (Eurostat), in implementing the Regulation since the second report in 2015 and outlines the next steps to further improve the quality of the statistics on migration and international protection.

General progress since the 2015 report: data availability and completeness has further improved across all data collections:

- there have been more improvements in the accuracy of data provided by the Member States, with further reductions in the amount of missing and incomplete data. However, specific accuracy issues remain, relating to both to under-coverage (i.e. persons do not register in their place of residence) and over-coverage (i.e. persons do not deregister, as there is often no obligation or incentive to do so);
- the punctuality of data has improved with the introduction of automated extraction procedures at national level;
- in terms of accessibility, the migration data (and metadata) are freely available on the Eurostat website, and Eurostat has given more information about the statistics, trends and their interpretation;
- data collections under the Regulation have undergone additional methodological and technical developments, leading to improved guidance for Member States.
- the quality of data received under the Regulation has also benefited from the entry into force of [Regulation \(EU\) No 1260/2013](#) and related implementing measures. In response to the need to evaluate data quality more effectively, automatic data validation software has been introduced into data processing.

Comparability and coherence: the problems related to the application in Member States of the specifics of definitions for the migration and acquisition of citizenship statistics covered by Article 3 of the Regulation continue to be among the hardest to address. It is for these data that there are the greatest differences between national systems, because Member States use a variety of data sources. Efforts continue to overcome remaining problems. For example, two Member States were unable to use the 12-month criterion for defining emigration flows because a 6-month criterion for defining the immigration flows was used for some Member States of next residence. Where comparisons are possible, a high degree of coherence can be seen with data collected and published in other exercises and by national and international organisations.

Action required: the report notes that due to its structure, the Regulation can no longer properly respond to new user requests. Because of this, new data gaps identified by the Commission have been addressed by other data collection approaches such as voluntary data collections. Examples include first-time asylum applicants, types of return of irregular migrants and residence permits, broken down by age and sex and cross-classified with other breakdowns.

Other identified data gaps, such as the breakdown of population data under Article 3 by individual country of citizenship as well as immigration/emigration by single previous/next country of residence, cannot, however, be addressed on a voluntary basis. Furthermore, some other policy needs that will have to be addressed in the future, in particular as regards residence permits data, such as the large number/share of valid residence permits reported as "other reasons" which prevents a full understanding of the nature of migration and meaningful comparison across Member States.

The Commission is taking the following action:

- [proposal to amend](#) Articles 4 to 7 (international protection and managed migration) of the Regulation in order to support the European Agenda on Migration. This initiative will strengthen quality by giving a legal basis to statistics currently collected on a voluntary basis. Amending Regulation (EC) No 862/2007 will provide statistics in those areas where the stakeholders have expressed clear needs: on returns (higher frequency and more mandatory disaggregations), resettlement, residence permits and children;
- promotion of the exchange of knowledge and good practices with a view to facilitating access to national administrative data in some Member States to improve migration data quality;
- in full respect of the purpose limitations, exploit the possibilities that will be offered by the future central repository for reporting and statistics that will be hosted by eu-LISA. This repository will contain anonymised data extracted from EURODAC, SIS, VIS and upcoming ETIAS and EES, which may be used in the production of European migration statistics with a view to eventually replacing parts of the current national data collections.

Lastly, the Commission notes that collection of data based on [Directive \(EU\) 2016/801](#) of the European Parliament and of the Council on the conditions of entry and residence of third country nationals will begin in 2020, with 2019 as the reference year.