



**2018/0154(COD)**

13.9.2018

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## **DRAFT REPORT**

on the 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 (COM(2018)0307 – C8-0182/2018 – 2018/0154(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Cecilia Wikström

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the 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 (COM(2018)0307 – C8-0182/2018 – 2018/0154(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0307),
  - having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0182/2018),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Women's Rights and Gender Equality (A8-0000/2018),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a regulation**

##### **Recital 11**

*Text proposed by the Commission*

(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

*Amendment*

(11) To ensure uniform conditions for the implementation of this regulation, implementing powers should be conferred on the Commission in respect of *laying down the rules on the appropriate formats for the transmission of data*. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the

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<sup>25</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).

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<sup>25</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).

Or. en

### *Justification*

*Implementing acts are maintained for the purpose of laying down the rules on the appropriate formats for the transmission of data, in line with the Commission proposal and with Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers according to which, any reference in existing legislation to the procedures provided for in the repealed Comitology Decision should, with the exception of the regulatory procedure with scrutiny, be understood as a reference to the corresponding procedures provided for in this Regulation. The draft report also includes delegated acts. Legally, delegated acts constitute an appropriate revision of the current regulatory procedure with scrutiny, in accordance with the proposals in the Omnibus proposal currently under negotiation, and taking into account the similarities of RPS measures and delegated acts both in terms of the wording of their legal definition, as well as their nature (general application and seek to amend or supplement certain non-essential elements of the legislative instrument), and the fact that the Interinstitutional Agreement on Better Law-Making ensures the consultation of Member States experts in the preparation of delegated acts.*

## **Amendment 2**

### **Proposal for a regulation**

#### **Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) In order to adapt Regulation (EC) No 862/2007 to technological and economic developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending Regulation (EC) No 862/2007 to update***

*certain definitions and of supplementing it to determine the groupings of data and additional disaggregations and to lay down rules on accuracy and quality standards. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>1a</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

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<sup>1a</sup> OJ L 123, 12.5.2016, p. 1.

Or. en

#### *Justification*

*Legally, delegated acts constitute an appropriate revision of the current regulatory procedure with scrutiny, in accordance with the proposals in the omnibus proposal currently under negotiation, and taking into account the similarities of RPS measures and delegated acts both in terms of the wording of their legal definition, as well as their nature (general application and seek to amend or supplement certain non-essential elements of the legislative instrument), and the fact that the Interinstitutional Agreement on Better Law-Making ensures the consultation of Member States experts in the preparation of delegated acts*

### **Amendment 3**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1 – point -a (new)**

Regulation (EC) No 862/2007

Article 4 – paragraph 1 – point c

*Present text*

*Amendment*

*(-a) In paragraph 1, point (c) is*

(c) applications for international protection having been withdrawn during the reference period.

*replaced by the following:*

(c) applications for international protection having been withdrawn during the reference period, ***disaggregated by type of withdrawal;***

Or. en

*Justification*

*It is important to be able to distinguish between the different types of withdrawals of asylum claims, foreseen in the EU acquis, namely implicit or explicit, since they relate to fundamentally different behaviour by the applicants for international protection.*

**Amendment 4**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 – point a**

Regulation (EC) No 862/2007

Article 4 – paragraph 1 – point d a (new)

*Text proposed by the Commission*

*Amendment*

***(da) persons having submitted an application for international protection or having been included in such an application as a family member and having had their applications processed under the accelerated procedure referred to in Article 31(8) of Directive 2013/32/EU of the European Parliament and of the Council\* during the reference period;***

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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).***

Or. en

*Justification*

*Accelerated procedures play an important, and increasing, role in the EU asylum system and*



*it is important to have statistical information on uses and effects of these instruments.*

## **Amendment 5**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1 – point a**

Regulation (EC) No 862/2007

Article 4 – paragraph 1 – point d b (new)

*Text proposed by the Commission*

*Amendment*

***(db) persons having submitted an application for international protection or having been included in such an application as a family member and having had their applications processed under the border procedure referred to in Article 43 of Directive 2013/32/EU during the reference period;***

Or. en

*Justification*

*Border procedures play an important, and increasing, role in the EU asylum system and it is important to have statistical information on uses and effects of these instruments.*

## **Amendment 6**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1 – point a**

Regulation (EC) No 862/2007

Article 4 – paragraph 1 – point d c (new)

*Text proposed by the Commission*

*Amendment*

***(dc) 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 who are in detention in accordance with Directive 2013/33/EU of the European Parliament and of the Council\* at the end of the reference period, disaggregated by the month those persons were placed in***

*detention;*

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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).*

Or. en

*Justification*

*It would be useful for a fact-based approach to migration to have reliable statistics on the frequency of resort to detention and on the length of detention.*

**Amendment 7**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 – point a**

Regulation (EC) No 862/2007

Article 4 – paragraph 1 – point d d (new)

*Text proposed by the Commission*

*Amendment*

*(dd) persons having submitted an application for international protection or having been included in such an application as a family member and who are subject to an administrative or judicial decision or act ordering their detention in accordance with Directive 2013/33/EU during the reference period;*

Or. en

*Justification*

*It would be useful for a fact-based approach to migration to have reliable statistics on the frequency of resort to detention and on the length of detention.*

**Amendment 8**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 – point a**

Regulation (EC) No 862/2007  
Article 4 – paragraph 1 – point d e (new)

*Text proposed by the Commission*

*Amendment*

**(de) persons having submitted an application for international protection and who have undergone an age assessment during the reference period;**

Or. en

*Justification*

*Age assessments are tools to determine the age of notably unaccompanied minors when it has not been possible to establish their age through documentary evidence; methods range from psychosocial assessments, various forms of interdisciplinary assessments, and medical assessments. It is important for a fact-based approach to migration to obtain more data on the frequency of these assessments as well as on their outcome.*

## **Amendment 9**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1 – point a**

Regulation (EC) No 862/2007

Article 4 – paragraph 1 – point d f (new)

*Text proposed by the Commission*

*Amendment*

**(df) decisions on age assessments of applicants, disaggregated as follows:**

- (i) assessments concluding that the applicant is a minor;**
- (ii) assessments concluding that the applicant is an adult;**
- (iii) inconclusive or abandoned assessments;**

Or. en

*Justification*

*Age assessments are tools to determine the age of notably unaccompanied minors when their age has not been possible to establish through documentary evidence, methods range from psychosocial assessments, various forms of interdisciplinary assessments and medical*

*assessments. It is important for a facts based approach to migration to obtain more data on how common these assessments are as well as their outcome.*

## **Amendment 10**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1 – point a**

Regulation (EC) No 862/2007

Article 4 – paragraph 1 – point d g (new)

*Text proposed by the Commission*

*Amendment*

*(dg) persons having submitted an application for international protection or having been included in such an application as a family member and who have been identified as being in need of special procedural guarantees in accordance with Article 24 of Directive 2013/32/EU or as applicants with special reception needs within the meaning of point (k) of Article 2 of Directive 2013/33/EU;*

Or. en

### *Justification*

*Data on applicants with special needs (i.e. identified as vulnerable) are collected by a number of countries. These contribute to a better understanding of the needs of the population of asylum seekers and thereby the application of provisions tailored to special needs in the EU acquis.*

## **Amendment 11**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1 – point a**

Regulation (EC) No 862/2007

Article 4 – paragraph 1 – point d h (new)

*Text proposed by the Commission*

*Amendment*

*(dh) persons having submitted an application for international protection or having been included in such an application as a family member and who benefit from free legal assistance under*

**Article 20 of Directive 2013/32/EU,  
disaggregated by procedures at first and  
second instance;**

Or. en

*Justification*

*Data on applicants benefitting from state-provided free legal assistance in the asylum procedure are collected and made available in several countries. These help understand how frequently this type of assistance is used.*

**Amendment 12**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 – point a**

Regulation (EC) No 862/2007

Article 4 – paragraph 1 – point d i (new)

*Text proposed by the Commission*

*Amendment*

**(di) persons having submitted an application for international protection or having been included in such an application as a family member and who are exempted from the accelerated procedure or the border procedure in accordance with Articles 24(3) and 25(6) of Directive 2013/32/EU;**

Or. en

*Justification*

*Statistics on the exemption of applicants with special procedural needs and/or unaccompanied children from accelerated and border procedures are necessary for a proper assessment of the implementation of the provisions of the Asylum Procedures Directive relating to the protection of these groups. Such data are collected by a number of countries.*

**Amendment 13**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 – point b a (new)**

Regulation (EC) No 862/2007

Article 4 – paragraph 2 – point a

*Present text*

(a) persons covered by first instance decisions rejecting applications for international protection, *such as* decisions considering applications as inadmissible *or* as unfounded *and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period;*

*Amendment*

***(ba) In paragraph 2, point (a) is replaced by the following:***

(a) persons covered by first instance decisions rejecting applications for international protection ***taken by administrative or judicial bodies during the reference period, disaggregated as follows:***

(i) decisions considering applications as inadmissible, ***further disaggregated by ground for inadmissibility;***

(ii) ***decisions rejecting applications*** as unfounded;

(iii) ***decisions rejecting applications as manifestly unfounded in the regular procedure, further disaggregated by ground for rejection;***

(iv) ***decisions rejecting applications as manifestly unfounded in the accelerated procedure, further disaggregated by ground for acceleration and ground for rejection;***

Or. en

*Justification*

*Currently all rejection decisions are counted together regardless of their grounds. This gave a recognition rate in first instance for Syrians in Greece during 2016 of 55.3% since a large amount of them were subject to admissibility procedures in the frame of the EU - Turkey statement. In-merit assessments of Syrians in Greece this year gave a recognition rate of 99.1%. It is important to disaggregate this data both to have recognition rates based exclusively on the merits, and information on how admissibility procedures are operating.*

**Amendment 14**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 – point b b (new)**

Regulation (EC) No 862/2007

Article 4 – paragraph 2 – point b

*Present text*

*Amendment*

(b) persons covered by first instance decisions ***granting or withdrawing refugee status***, taken by administrative or judicial bodies during the reference period;

***(bb) 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; decisions taken on cessation or exclusion shall be further disaggregated by the specific ground on which cessation or exclusion is based;***

Or. en

*Justification*

*Under current practice, Member States provide information without distinguishing between the different cases for which statuses can be withdrawn, despite them being very different cases. Furthermore, cessation of status can happen for various cases e.g. when the situation that led to the person receiving protection no longer applies or when the person has acquired a new nationality. The same goes for exclusion, as it can occur e.g. if the person falls under Article 1D of the Geneva Convention because he or she is assisted by the Relief and Works Agency for Palestine Refugees in the Near East or if he or she has committed a crime against humanity.*

**Amendment 15**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 – point b c (new)**

Regulation (EC) No 862/2007

Article 4 – paragraph 2 – point c

*Present text*

*Amendment*

(c) persons covered by first instance decisions ***granting or withdrawing subsidiary protection status***, taken by administrative or judicial bodies during the reference period;

***(bc) 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; decisions taken on cessation or exclusion***

*shall be further disaggregated by the specific ground on which cessation or exclusion is based;*

Or. en

#### *Justification*

*Under current practice, Member States provide information without distinguishing between the different cases for which statuses can be withdrawn, despite them being very different cases. Furthermore, cessation of status can happen for various cases e.g. when the situation that led to the person receiving protection no longer applies or when the person has acquired a new nationality. The same goes for exclusion, as it can occur e.g. if the person falls under Article 1D of the Geneva Convention because he or she is assisted by the Relief and Works Agency for Palestine Refugees in the Near East or if he or she has committed a crime against humanity.*

#### **Amendment 16**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 1 – point d a (new)**

Regulation (EC) No 862/2007

Article 4 – paragraph 3 – point b

#### *Present text*

(b) persons covered by final decisions rejecting applications for international protection, *such as decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures*, taken by administrative or judicial bodies in appeal or review during the reference period;

#### *Amendment*

*(da) In paragraph 3, point (b) is replaced by the following:*

(b) persons covered by final decisions rejecting applications for international protection taken by administrative or judicial bodies in appeal or review during the reference period, *disaggregated as follows:*

*(i) decisions considering applications as inadmissible, further disaggregated by ground for inadmissibility;*

*(ii) decisions rejecting applications as unfounded;*

*(iii) decisions rejecting applications as manifestly unfounded in the regular procedure, further disaggregated by ground for rejection;*



*(iv) decisions rejecting applications as manifestly unfounded in the accelerated procedure, further disaggregated by ground for acceleration and ground for rejection;*

Or. en

#### *Justification*

*Currently all rejection decisions are counted together regardless of their grounds. This gave a recognition rate in first instance for Syrians in Greece during 2016 of 55.3% since a large amount of them were subject to admissibility procedures in the frame of the EU - Turkey statement. In-merit assessments of Syrians in Greece this year gave a recognition rate of 99.1%. It is important to disaggregate this data both to have recognition rates based exclusively on the merits, and information on how admissibility procedures are operating.*

#### **Amendment 17**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 1 – point d b (new)**

Regulation (EC) No 862/2007

Article 4 – paragraph 3 – point c

#### *Present text*

(c) persons covered by final decisions granting *or withdrawing* refugee status *taken by administrative or judicial bodies in appeal or review during the reference period;*

#### *Amendment*

*(db) 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; decisions taken on cessation or exclusion shall be further disaggregated by the specific ground on which cessation or exclusion is based.*

Or. en

#### *Justification*

*Under current practice, Member States provide information without distinguishing between the different cases for which statuses can be withdrawn, despite them being very different cases. Furthermore, cessation of status can happen for various cases e.g. when the situation*

*that led to the person receiving protection no longer applies or when the person has acquired a new nationality. The same goes for exclusion, as it can occur e.g. if the person falls under Article 1D of the Geneva Convention because he or she is assisted by the Relief and Works Agency for Palestine Refugees in the Near East or if he or she has committed a crime against humanity.*

## **Amendment 18**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1 – point d c (new)**

Regulation (EC) No 862/2007

Article 4 – paragraph 3 – point d

#### *Present text*

(d) persons covered by final decisions granting *or withdrawing* subsidiary protection status *taken by administrative or judicial bodies in appeal or review during the reference period*;

#### *Amendment*

*(dc) 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; decisions taken on cessation or exclusion shall be further disaggregated by the specific ground on which cessation or exclusion is based.*

Or. en

#### *Justification*

*Under current practice, Member States provide information without distinguishing between the different cases for which statuses can be withdrawn, despite them being very different cases. Furthermore, cessation of status can happen for various cases e.g. when the situation that led to the person receiving protection no longer applies or when the person has acquired a new nationality. The same goes for exclusion, as it can occur e.g. if the person falls under Article 1D of the Geneva Convention because he or she is assisted by the Relief and Works Agency for Palestine Refugees in the Near East or if he or she has committed a crime against humanity.*

## **Amendment 19**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1 – point e**

*Text proposed by the Commission*

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.

*Amendment*

***These statistics shall be disaggregated by age and sex, and by the citizenship of the persons concerned, and by unaccompanied minors.*** These statistics shall relate to reference periods of one calendar **month** and shall be supplied to the Commission (Eurostat). The first reference **period** shall be **January 2020**.

Or. en

*(This point in the Commission’s proposal is incorrectly numbered again as “e” instead of “h”)*

*Justification*

*The statistics provided under Dublin III Regulation No. 604/2013 are currently the only statistics on international protection that are not disaggregated by age, sex and citizenship. Disaggregating these data would give a better understanding of who is transferred under the Dublin III Regulation No. 604/2013.*

**Amendment 20**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 – point h a (new)**

Regulation (EC) No 862/2007

Article 4 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(h a) The following paragraph 4 a is added:***

***4a. The statistics referred to in paragraphs 1 to 4 shall be disaggregated by month of submission of the application.***

Or. en

*(The previous point in the Commission's proposal is incorrectly numbered again as "e" instead of "h")*

*Justification*

*Data on the length of the procedures under Article 4 would enable monitoring of Member State compliance notably with the Asylum Procedures Directive*

**Amendment 21**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 a – point a (new)**

Regulation (EC) No 862/2007

Article 5 – paragraph 1 – point a

*Present text*

(a) third-country nationals refused entry to the Member State's territory at the external border;

*Amendment*

**(1a) 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 age and sex**;

Or. en

*Justification*

*The disaggregation on grounds and place of apprehension as well as age and sex for para 1 point (a), originally embedded in Article 8 of Regulation 862/2007, and currently deleted in the Commission proposal, granted the Commission powers to adopt measures to require additional disaggregations. Your rapporteur is of the view that these disaggregations should be covered in the basic act.*

**Amendment 22**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 a – point b (new)**

Regulation (EC) No 862/2007

Article 5 – paragraph 1 – subparagraph 3

*Present text*

*Amendment*

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

The statistics under point (b) shall be disaggregated by age and sex, **and by** citizenship of the persons concerned.

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.**

Or. en

#### *Justification*

*The disaggregation on grounds and place of apprehension as well as age and sex for para 1 point (a), originally embedded in Article 8 of Regulation 862/2007, and currently deleted in the Commission proposal, granted the Commission powers to adopt measures to require additional disaggregations. Your rapporteur is of the view that these disaggregations should be covered in the basic act.*

### **Amendment 23**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 2 – point a**

Regulation (EC) No 862/2007

Article 6 – paragraph 1 – point –a (new)

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### *Justification*

*The current regulation bundles data on residence permits issued for family formation (for example an EU citizen marrying a non-EU citizen), and family reunification, where a non-EU citizen is reunited in the EU with family already legally residing in the EU. Further disaggregation is needed in order to establish the legal status of the sponsor (in order to, ascertain whether he/she is beneficiary of protection, student, blue card holder etc.). This will provide additional clarity to migration patterns in relation to family formation and reunification.*

## Amendment 24

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 2 – point a

Regulation (EC) No 862/2007

Article 6 – paragraph 1 – point –a a (new)

*Text proposed by the Commission*

*Amendment*

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

Or. en

### *Justification*

*The current regulation bundles data on residence permits issued for family formation (for example an EU citizen marrying a non-EU citizen), and family reunification, where a non-EU citizen is reunited in the EU with family already legally residing in the EU. Further disaggregation is needed in order to establish the legal status of the sponsor (in order to, ascertain whether he/she is beneficiary of protection, student, blue card holder etc.). This will provide additional clarity to migration patterns in relation to family formation and reunification.*

## Amendment 25

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 2 – point a

Regulation (EC) No 862/2007

Article 6 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***For statistics required under points (-a), (-aa) and (a), permits issued for family reasons shall be further disaggregated by reason and by status of the sponsor of the third-country national.***

Or. en

## *Justification*

*The current regulation bundles data on residence permits issued for family formation (for example an EU citizen marrying a non-EU citizen), and family reunification, where a non-EU citizen is reunited in the EU with family already legally residing in the EU. Further disaggregation is needed in order to establish the legal status of the sponsor (in order to, ascertain whether he/she is beneficiary of protection, student, blue card holder etc.). This will provide additional clarity to migration patterns in relation to family formation and reunification.*

### **Amendment 26**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 3 – point -a (new)**

Regulation (EC) No 862/2007

Article 7 – paragraph 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

***(-a) In paragraph 1, the following point is inserted:***

***(aa) the number of third-country nationals who are subject to an administrative or judicial decision or act ordering their detention in accordance with Directive 2008/115/EC of the European Parliament and of the Council\*, during the reference period;***

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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).***

Or. en

## *Justification*

*The use of detention for the purpose of returns (the reference is to Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals, the “Returns Directive”) is a question that would be worthy of more data to inform the debate. It would be useful to know to what extent Member States resort to detention in the context of returns under the Directive, it would also enable a better monitoring of the compliance with the Returns Directive.*

## Amendment 27

### Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point -a a (new)

Regulation (EC) No 862/2007

Article 7 – paragraph 1 – point a b (new)

*Text proposed by the Commission*

*Amendment*

***(-aa) In paragraph 1, the following point is inserted:***

***(ab) the number of third-country nationals who are subject to an administrative or judicial decision or act ordering their detention in accordance with Directive 2008/115/EC at the end of the reference period, disaggregated by the month those third-country nationals were placed in detention;***

Or. en

### *Justification*

*The use of detention for the purpose of returns (the reference is to Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals, the “Returns Directive”) is a question that would be worthy of more data to inform the debate. It would be useful to know to what extent Member States resort to detention in the context of returns under the Directive, it would also enable a better monitoring of the compliance with the Returns Directive.*

## Amendment 28

### Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point b

Regulation (EC) No 862/2007

Article 7 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

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 **one** calendar **month**



reference period. The first reference period shall be January *to March* 2020.

and shall be supplied to the Commission (Eurostat) within two *weeks* of the end of the reference period. The first reference period shall be January 2020.

Or. en

#### *Justification*

*It is crucial to properly understand the use of detention made by Member States, as well as to have appropriate information on which categories of third country nationals are detained.*

#### **Amendment 29**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 4 a (new)**

Regulation (EC) No 862/2007

Article 9 a (new)

*Text proposed by the Commission*

*Amendment*

**(4a) The following Article 9a is inserted:**

##### **Article 9a**

##### **Delegated acts**

***The Commission is empowered to adopt delegated acts in accordance with Article 10a amending the definitions set out in Article 2(1).***

***The Commission is empowered to adopt delegated acts in accordance with Article 10a amending this Regulation by:***

**(a) *defining the categories of groups of country of birth, groups of country of previous and next usual residence and groups of citizenship as provided for in Article 3(1);***

**(b) *defining the categories of the reasons for the issuance of residence permits as provided for in Article 6(1)(a);***

**(c) *defining additional disaggregations;***

**(d) *laying down the rules on accuracy***

*and quality standards.*

Or. en

*Justification*

*Legally, delegated acts constitute an appropriate revision of the current regulatory procedure with scrutiny, in accordance with the proposals in the omnibus proposal currently under negotiation, and taking into account the similarities of RPS measures and delegated acts both in terms of the wording of their legal definition, as well as their nature (general application and seek to amend or supplement certain non-essential elements of the legislative instrument), and the fact that the Interinstitutional Agreement on Better Law-Making ensures the consultation of Member States experts in the preparation of delegated acts.*

**Amendment 30**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point a**

Regulation (EC) No 862/2007

Article 10 – paragraph 1

*Text proposed by the Commission*

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).

*Amendment*

1. The Commission shall adopt implementing acts laying down the rules on the appropriate formats for the transmission of data as provided for in Article 9. ***Those*** implementing acts shall be adopted in accordance with the ***examination*** procedure referred to in Article 11(2).

Or. en

*Justification*

*Implementing acts are maintained for the purpose of laying down the rules on the appropriate formats for the transmission of data, in line with the Commission proposal and with Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers according to which, any reference in existing legislation to the procedures provided for in the repealed Comitology Decision should, with the exception of the regulatory procedure with scrutiny, be understood as a reference to the corresponding procedures*

*provided for in this Regulation. The draft report also includes delegated acts. Legally, delegated acts constitute an appropriate revision of the current regulatory procedure with scrutiny, in accordance with the proposals in the Omnibus proposal currently under negotiation, and taking into account the similarities of RPS measures and delegated acts both in terms of the wording of their legal definition, as well as their nature (general application and seek to amend or supplement certain non-essential elements of the legislative instrument), and the fact that the Interinstitutional Agreement on Better Law-Making ensures the consultation of Member States experts in the preparation of delegated acts.*

## **Amendment 31**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5 – point b**

Regulation (EC) No 862/2007

Article 10 – paragraph 2 – point d

*Text proposed by the Commission*

*Amendment*

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

(b) Paragraph 2 is deleted.

Or. en

### *Justification*

*Legally, delegated acts constitute an appropriate revision of the current regulatory procedure with scrutiny, in accordance with the proposals in the omnibus proposal currently under negotiation, and taking into account the similarities of RPS measures and delegated acts both in terms of the wording of their legal definition, as well as their nature (general application and seek to amend or supplement certain non-essential elements of the legislative instrument), and the fact that the Interinstitutional Agreement on Better Law-Making ensures the consultation of Member States experts in the preparation of delegated acts.*

## **Amendment 32**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5 a (new)**

Regulation (EC) No 862/2007

Article 10 a (new)

*Text proposed by the Commission*

*Amendment*

**(5a) *The following is inserted:***

***Article 10a***

***Exercise of the delegation***

**1. *The power to adopt delegated acts***

*is conferred on the Commission subject to the conditions laid down in this Article.*

*2. The power to adopt delegated acts referred to in Article 9a shall be conferred on the Commission for an indeterminate period of time from ... [date of entry into force of this amending Regulation].*

*3. The delegation of power referred to in Article 9a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.*

*5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*6. A delegated act adopted pursuant to Article 9a shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

Or. en

### *Justification*

*Legally, delegated acts constitute an appropriate revision of the current regulatory procedure with scrutiny, in accordance with the proposals in the omnibus proposal currently under negotiation, and taking into account the similarities of RPS measures and delegated acts both in terms of the wording of their legal definition, as well as their nature (general application and seek to amend or supplement certain non-essential elements of the legislative instrument), and the fact that the Interinstitutional Agreement on Better Law-Making ensures the consultation of Member States experts in the preparation of delegated acts.*

### **Amendment 33**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5 b – point a (new)**

Regulation (EC) No 862/2007

Article 11 – title

*Present text*

*Amendment*

**(5b) Article 11 is amended as follows:**

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

Committee

Committee ***procedure***

Or. en

### *Justification*

*Legally, delegated acts constitute an appropriate revision of the current regulatory procedure with scrutiny, in accordance with the proposals in the omnibus proposal currently under negotiation, and taking into account the similarities of RPS measures and delegated acts both in terms of the wording of their legal definition, as well as their nature (general application and seek to amend or supplement certain non-essential elements of the legislative instrument), and the fact that the Interinstitutional Agreement on Better Law-Making ensures the consultation of Member States experts in the preparation of delegated acts.*

### **Amendment 34**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5 b – point b (new)**

Regulation (EC) No 862/2007

Article 11 – paragraph 1

*Present text*

*Amendment*

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

**1. In adopting the implementing measures, the Commission shall be assisted by the Statistical Programme Committee, established by Decision 89/382/EEC, Euratom.**

*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.**

Or. en

#### *Justification*

*Legally, delegated acts constitute an appropriate revision of the current regulatory procedure with scrutiny, in accordance with the proposals in the omnibus proposal currently under negotiation, and taking into account the similarities of RPS measures and delegated acts both in terms of the wording of their legal definition, as well as their nature (general application and seek to amend or supplement certain non-essential elements of the legislative instrument), and the fact that the Interinstitutional Agreement on Better Law-Making ensures the consultation of Member States experts in the preparation of delegated acts.*

#### **Amendment 35**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 5 b – point c (new)**

Regulation (EC) No 862/2007

Article 11 – paragraph 2

#### *Present text*

2. Where reference is made to this paragraph, Article 5 and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

***The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.***

#### *Amendment*

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

2. Where reference is made to this paragraph, Article 5 and ***Article 10 of Regulation (EU) No 182/2011*** shall apply, having regard to the provisions of ***Article 11*** thereof.

Or. en

#### *Justification*

*Legally, delegated acts constitute an appropriate revision of the current regulatory procedure with scrutiny, in accordance with the proposals in the omnibus proposal currently under*

*negotiation, and taking into account the similarities of RPS measures and delegated acts both in terms of the wording of their legal definition, as well as their nature (general application and seek to amend or supplement certain non-essential elements of the legislative instrument), and the fact that the Interinstitutional Agreement on Better Law-Making ensures the consultation of Member States experts in the preparation of delegated acts.*

## **Amendment 36**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5 b – point d (new)**

Regulation (EC) No 862/2007

Article 11

*Text proposed by the Commission*

*Amendment*

**(d) *paragraph 3 is deleted.***

Or. en

#### *Justification*

*Legally, delegated acts constitute an appropriate revision of the current regulatory procedure with scrutiny, in accordance with the proposals in the omnibus proposal currently under negotiation, and taking into account the similarities of RPS measures and delegated acts both in terms of the wording of their legal definition, as well as their nature (general application and seek to amend or supplement certain non-essential elements of the legislative instrument), and the fact that the Interinstitutional Agreement on Better Law-Making ensures the consultation of Member States experts in the preparation of delegated acts.*