COMMISSION IMPLEMENTING DECISION (EU) 2021/431

of 10 March 2021

granting derogations to certain Member States from Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection

(notified under document C(2021) 1490)

(Only the Croatian, Czech, Dutch, French, German, Greek, Italian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Spanish and Swedish texts are authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ([1]), and in particular Article 11a thereof,

Whereas:

(1) Regulation (EC) No 862/2007 requires the Member States to supply statistics on immigration to and emigration from their territories, on the citizenship and country of birth of persons usually resident in their territories and on administrative and judicial procedures and processes relating thereto.

(2) In accordance with Article 11a(1) of Regulation (EC) No 862/2007, the Commission may grant temporary derogations to Member States on the basis of requests justified by the need for major adaptations to be made to their national statistical systems in order to fully comply with that Regulation.

(3) Belgium, Czechia, Germany, Spain, France, Croatia, Italy, Cyprus, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia and Sweden have submitted requests to be granted temporary derogations.

(4) The information provided to the Commission concerning those requests indicate that they are justified by the need for major adaptations to the national statistical systems of the concerned Member States in order to comply with new statistical requirements of Regulation (EC) No 862/2007 introduced by Regulation (EU) 2020/851 of the European Parliament and of the Council ([2]).

(5) The requested derogations should therefore be granted to Belgium, Czechia, Germany, Spain, France, Croatia, Italy, Cyprus, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia and Sweden.

(6) Progress on these major adaptations in the Member States concerned would be monitored by the Commission.

(7) The measures provided for in this Decision are in accordance with the opinion of the European Statistical System Committee established by Article 7 of Regulation (EC) No 223/2009 of the European Parliament and of the Council ([3]),

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([1]) OJ L 199, 31.7.2007, p. 23.

([2]) Regulation (EU) 2020/851 of the European Parliament and of the Council of 18 June 2020 amending Regulation (EC) No 862/2007 on Community statistics on migration and international protection (OJ L 198, 22.6.2020, p. 1).

([3]) 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).

HAS ADOPTED THIS DECISION:

Article 1

The derogations from Regulation (EC) No 862/2007 set out in the Annex to this Decision are granted to the Member States listed therein.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Lithuania, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Poland, the Portuguese Republic, Romania, the Slovak Republic and the Kingdom of Sweden.

Done at Brussels, 10 March 2021.

For the Commission
Paolo GENTILONI
Member of the Commission

ANNEX

LIST OF DEROGATIONS FROM REGULATION (EC) No 862/2007

1. Member State: **Belgium**

Provision concerned	Derogation period granted	Scope of the derogation
Article 4(1)(c)	1 year (2021)	Transmission of disaggregation by explicit and implicit withdrawal.
Article (4)(1)(e)	1 year (2021)	Transmission of all elements of the dataset on applications for international protection processed under the accelerated procedure.
Article 4(3)(c) and (d)	1 year (2021)	Transmission of the disaggregation by revocation, ending, refusal to renew of the protection status.
Article 4(3), second subparagraph	1 year (2021)	Transmission of the disaggregation by unaccompanied minors for all statistics covered by Article 4(3).
Article 4(4)(f), (g), (h) and (i)	2 years (2021-2022)	Transmission of all elements covered by the provisions concerned.
Article 5(1), third subparagraph	1 year (2021)	Transmission of the disaggregations by grounds for apprehension and by place of apprehension.
Article 7(2)	1 year (2021)	Transmission of the disaggregation by unaccompanied minors.

2. Member State: **Czechia**

Provision concerned	Derogation period granted	Scope of the derogation
Article 4(4)(f), (g), (h) and (i)	3 years (2021-2023)	Transmission of all elements covered by the provisions concerned.
Article 5(1), third subparagraph	3 years (2021-2023)	Transmission of the disaggregations by grounds for apprehension and by place of apprehension.
Article 7(1)(b)	3 years (2021-2023)	Transmission of the disaggregations by the assistance received.
Article 7(2)	3 years (2021-2023)	Transmission of the disaggregation by unaccompanied minors.

3. Member State: **Germany**

Provision concerned	Derogation period granted	Scope of the derogation
Article 4(1)(g)	3 years (2021-2023)	Transmission of all elements of the dataset on persons benefiting from material reception conditions providing an adequate standard of living for applicants.

4. Member State: **Spain**

Provision concerned	Derogation period granted	Scope of the derogation
Article 4(1)(g)	3 years (2021-2023)	Transmission of all elements of the dataset on persons benefiting from material reception conditions providing an adequate standard of living for applicants.
Article 4(1), second subparagraph	2 years (2021-2022)	Transmission of the disaggregation by unaccompanied minors for all statistics covered by Article 4(1).
Article 4(2), second subparagraph	2 years (2021-2022)	Transmission of the disaggregation by unaccompanied minors for all statistics covered by Article 4(2).
Article 4(3), second subparagraph	2 years (2021-2022)	Transmission of the disaggregation by unaccompanied minors for all statistics covered by Article 4(3).
Article 4(4), second subparagraph	2 years (2021-2022)	Transmission of the disaggregation by accompanied and unaccompanied minors for all statistics covered by Article 4(4).
Article 5(1), third subparagraph	3 years (2021-2023)	Transmission of the disaggregations by grounds for apprehension and by place of apprehension.
Article 7(1)(b)	3 years (2021-2023)	Transmission of the disaggregations by the type of return and assistance received and by the country of destination.
Article 7(2)	3 years (2021-2023)	Transmission of the disaggregation by unaccompanied minors.

5. Member State: **France**

Provision concerned	Derogation period granted	Scope of the derogation
Article 4(1), second subparagraph	2 years (2021-2022)	Transmission of the disaggregation by unaccompanied minors for all statistics covered by Article 4(1).
Article 4(4), second subparagraph	2 years (2021-2022)	Transmission of the disaggregation by sex and by accompanied and unaccompanied minors for all statistics covered by Article 4(4).
Article 5(1), third subparagraph	3 years (2021-2023)	Transmission of the disaggregations by grounds for apprehension and by place of apprehension.

6. Member State: **Croatia**

Provision concerned	Derogation period granted	Scope of the derogation
Article 4(1)(g)	3 years (2021-2023)	Transmission of all elements of the dataset on persons benefiting from material reception conditions providing an adequate standard of living for applicants.

7. Member State: **Italy**

Provision concerned	Derogation period granted	Scope of the derogation
Article 4(1)(c)	1 year (2021)	Transmission of disaggregation by explicit and implicit withdrawal.
Article 4(1)(e)	1 year (2021)	Transmission of all elements of the dataset on applications for international protection processed under the accelerated procedure.

8. Member State: **Cyprus**

Provision concerned	Derogation period granted	Scope of the derogation
Article 4(1)(c)	3 years (2021-2023)	Transmission of disaggregation by explicit and implicit withdrawal.
Article 4(1)(e)	3 years (2021-2023)	Transmission of all elements of the dataset on applications for international protection processed under the accelerated procedure.
Article 4(1)(f)	3 years (2021-2023)	Transmission of all elements of the dataset on subsequent applications for international protection.
Article 4(1)(g)	3 years (2021-2023)	Transmission of all elements of the dataset on persons benefiting from material reception conditions providing an adequate standard of living for applicants.
Article 4(1), second subparagraph	3 years (2021-2023)	Transmission of the disaggregation by unaccompanied minors for all statistics covered by Article 4(1).
Article 4(2)(b) and (c)	3 years (2021-2023)	Transmission of the disaggregation by revocation, ending, refusal to renew of the protection status.
Article 4(2), second subparagraph	3 years (2021-2023)	Transmission of the disaggregation by unaccompanied minors for all statistics covered by Article 4(2).

Article 4(3)(c) and (d)	3 years (2021-2023)	Transmission of the disaggregation by revocation, ending, refusal to renew of the protection status.
Article 4(3), second subparagraph	3 years (2021-2023)	Transmission of the disaggregation by unaccompanied minors for all statistics covered by Article 4(3).
Article 4(4)(f), (g), (h) and (i)	3 years (2021-2023)	Transmission of all elements covered by the provisions concerned.
Article 4(4), second subparagraph	3 years (2021-2023)	Transmission of the disaggregation by accompanied and unaccompanied minors for all statistics covered by Article 4(4).
Article 5(1), third subparagraph	3 years (2021-2023)	Transmission of the disaggregations by grounds for apprehension and by place of apprehension.
Article 7(1)(b)	3 years (2021-2023)	Transmission of the disaggregations by the type of return and assistance received and by the country of destination.
Article 7(2)	3 years (2021-2023)	Transmission of the disaggregation by unaccompanied minors.

9. Member State: **Lithuania**

Provision concerned	Derogation period granted	Scope of the derogation
Article 4(1), second subparagraph	1 year (2021)	Transmission of the disaggregation by unaccompanied minors for all statistics covered by Article 4(1).
Article 4(2), second subparagraph	1 year (2021)	Transmission of the disaggregation by unaccompanied minors for all statistics covered by Article 4(2).
Article 4(3), second subparagraph	1 year (2021)	Transmission of the disaggregation by unaccompanied minors for all statistics covered by Article 4(3).
Article 4(4)(f), (g), (h) and (i)	1 year (2021)	Transmission of all elements covered by the provisions concerned.
Article 4(4), second subparagraph	1 year (2021)	Transmission of the disaggregation by sex and by accompanied and unaccompanied minors for all statistics covered by Article 4(4).
Article 5(1), third subparagraph	1 year (2021)	Transmission of the disaggregations by grounds for apprehension and by place of apprehension.
Article 7(1)(b)	1 year (2021)	Transmission of the disaggregations by the type of return and assistance received and by the country of destination.
Article 7(2)	1 year (2021)	Transmission of the disaggregation by unaccompanied minors.

10. Member State: **Malta**

Provision concerned	Derogation period granted	Scope of the derogation
Article 4(1)(e)	2 years (2021-2022)	Transmission of all elements of the dataset on applications for international protection processed under the accelerated procedure.
Article 4(4), second subparagraph	2 years (2021-2022)	Transmission of the disaggregation by sex for all statistics covered by Article 4(4).
Article 6(1)(a)(i), (ii) and (iii), (b) and (c)	3 years (2021-2023)	Transmission of the disaggregation by age and sex.

11. Member State: **the Netherlands**

Provision concerned	Derogation period granted	Scope of the derogation
Article 7(1)(b)	2 years (2021-2022)	Transmission of the disaggregations by the country of destination.
Article 7(2)	3 years (2021-2023)	Transmission of the disaggregation by unaccompanied minors.

12. Member State: **Poland**

Provision concerned	Derogation period granted	Scope of the derogation
Article 4(1)(e)	3 years (2021-2023)	Transmission of all elements of the dataset on applications for international protection processed under the accelerated procedure.
Article 4(1)(f)	3 years (2021-2023)	Transmission of all elements of the dataset on subsequent applications for international protection.
Article 4(1)(g)	3 years (2021-2023)	Transmission of all elements of the dataset on persons benefiting from material reception conditions providing an adequate standard of living for applicants.
Article 4(1), second subparagraph	3 years (2021-2023)	Transmission of the disaggregation by unaccompanied minors for all statistics covered by Article 4(1).
Article 4(2), second subparagraph	3 years (2021-2023)	Transmission of the disaggregation by unaccompanied minors for all statistics covered by Article 4(2).
Article 4(3), second subparagraph	3 years (2021-2023)	Transmission of the disaggregation by unaccompanied minors for all statistics covered by Article 4(3).

Article 4(4), second subparagraph	3 years (2021-2023)	Transmission of the disaggregation by accompanied and unaccompanied minors for all statistics covered by Article 4(4).
Article 6(1)(a)(ii)	3 years (2021-2023)	Transmission of the disaggregation by age and sex.

13. Member State: **Portugal**

Provision concerned	Derogation period granted	Scope of the derogation
Article 5(1), third subparagraph	1 year (2021)	Transmission of the disaggregations by grounds for apprehension and by place of apprehension.
Article 7(2)	1 year (2021)	Transmission of the disaggregation by unaccompanied minors.

14. Member State: **Romania**

Provision concerned	Derogation period granted	Scope of the derogation
Article 4(1)(c)	3 years (2021-2023)	Transmission of disaggregation by explicit and implicit withdrawal.
Article 4(1)(e)	3 years (2021-2023)	Transmission of all elements of the dataset on applications for international protection processed under the accelerated procedure.
Article 4(1)(g)	3 years (2021-2023)	Transmission of all elements of the dataset on persons benefiting from material reception conditions providing an adequate standard of living for applicants.
Article 5(1), third subparagraph	3 years (2021-2023)	Transmission of the disaggregations by grounds for apprehension.
Article 7(2)	3 years (2021-2023)	Transmission of the disaggregation by unaccompanied minors.

15. Member State: **Slovakia**

Provision concerned	Derogation period granted	Scope of the derogation
Article 6(1)(a)(i), (ii) and (iii), (b) and (c)	3 years (2021-2023)	Transmission of the disaggregation by age and sex.

16. Member State: **Sweden**

Provision concerned	Derogation period granted	Scope of the derogation
Article 4(1)(e)	3 years (2021-2023)	Transmission of all elements of the dataset on applications for international protection processed under the accelerated procedure.
Article 4(1)(f)	3 years (2021-2023)	Transmission of all elements of the dataset on subsequent applications for international protection.
Article 4(1), second subparagraph	3 years (2021-2023)	Transmission of the disaggregation by unaccompanied minors for statistics covered by Article 4(1)(d).
Article 4(2)(b) and (c)	3 years (2021-2023)	Transmission of the disaggregation by revocation, ending, refusal to renew of the protection status.
Article 4(3)(c) and (d)	3 years (2021-2023)	Transmission of the disaggregation by revocation, ending, refusal to renew of the protection status.
Article 4(4), second subparagraph	3 years (2021-2023)	Transmission of the disaggregation by accompanied and unaccompanied minors for statistics covered by Article 4(4)(f), (g) and (h).
Article 5(1), third subparagraph	3 years (2021-2023)	Transmission of the disaggregations by grounds for apprehension and by place of apprehension.
Article 6(1)(a)(i), (ii) and (iii), (b) and (c)	3 years (2021-2023)	Transmission of the disaggregation by age and sex.
Article 7(1)(b)	3 years (2021-2023)	Transmission of the disaggregations by the type of return and assistance received and by the country of destination.
Article 9	3 years (2021-2023)	Compliance with the requirements of the Article 9 related to data quality.