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► **B** 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

(Text with EEA relevance)

(OJ L 199, 31.7.2007, p. 23)

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▼B**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****(Text with EEA relevance)***Article 1***Subject matter**

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

- (a) 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;
- (b) the citizenship and country of birth of persons usually resident in the territory of the Member States;

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

▼B*Article 2***Definitions**

1. For the purposes of this Regulation, the following definitions shall apply:

- (a) ‘usual residence’ means the place at which a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage or, in default, the place of legal or registered residence;
- (b) ‘immigration’ means the action by which a person establishes his or her usual residence in the territory of a Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another Member State or a third country;
- (c) ‘emigration’ means the action by which a person, having previously been usually resident in the territory of a Member State, ceases to have his or her usual residence in that Member State for a period that is, or is expected to be, of at least 12 months;
- (d) ‘citizenship’ means the particular legal bond between an individual and his or her State, acquired by birth or naturalisation, whether by declaration, choice, marriage or other means according to national legislation;

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- (e) ‘country of birth’ means the country of residence (in its current borders, if the information is available) of the mother at the time of the birth or, in default, the country (in its current borders, if the information is available) in which the birth took place;
- (f) ‘immigrant’ means a person undertaking an immigration;
- (g) ‘emigrant’ means a person undertaking an emigration;
- (h) ‘long-term resident’ means long-term resident as defined in Article 2(b) of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents ⁽¹⁾;
- (i) ‘third-country national’ means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty, including stateless persons;

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- (j) ‘application for international protection’ means an application for international protection as defined in point (h) of Article 2 of Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted ⁽²⁾;
- (k) ‘refugee status’ means refugee status as defined in point (e) of Article 2 of Directive 2011/95/EU;
- (l) ‘subsidiary protection status’ means subsidiary protection status as defined in point (g) of Article 2 of Directive 2011/95/EU;
- (m) ‘family members’ means family members as defined in point (g) of Article 2 of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person ⁽³⁾;

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- (n) ‘temporary protection’ means temporary protection as defined in Article 2(a) of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof ⁽⁴⁾;

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

⁽¹⁾ OJ L 16, 23.1.2004, p. 44.

⁽²⁾ OJ L 337, 20.12.2011, p. 9.

⁽³⁾ OJ L 180, 29.6.2013, p. 31.

⁽⁴⁾ OJ L 212, 7.8.2001, p. 12.

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- (p) ‘external borders’ means external borders as defined in point 2 of Article 2 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) ⁽¹⁾;
- (q) ‘third-country nationals refused entry’ means third-country nationals who are refused entry at the external border because they do not fulfil all the entry conditions laid down in Article 6(1) of Regulation (EU) 2016/399 and do not belong to any of the categories of persons referred to in Article 6(5) of that Regulation;

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- (r) ‘third-country nationals found to be illegally present’ means third-country nationals who are officially found to be on the territory of a Member State and who do not fulfil, or no longer fulfil, the conditions for stay or residence in that Member State;
- (s) ‘resettlement’ means the transfer of third-country nationals or stateless persons on the basis of an assessment of their need for international protection and a durable solution, to a Member State, where they are permitted to reside with a secure legal status.

2. 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 set out in paragraph 1.

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4. If a Member State is not bound by one or more of the legal texts referred to in the definitions in paragraph 1, statistics comparable with those required under this Regulation should be provided by that Member State where they can be provided under existing legislative and/or administrative procedures.

*Article 3***Statistics on international migration, usually resident population and acquisition of citizenship**

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

- (a) immigrants moving to the territory of the Member State, disaggregated as follows:
 - (i) groups of citizenship by age and sex;
 - (ii) groups of country of birth by age and sex;
 - (iii) groups of country of previous usual residence by age and sex;
- (b) emigrants moving from the territory of the Member State disaggregated as follows:
 - (i) groups of citizenships;

⁽¹⁾ OJ L 77, 23.3.2016, p. 1.

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- (ii) age;
 - (iii) sex;
 - (iv) groups of countries of next usual residence;
- (c) persons having their usual residence in the Member State at the end of the reference period, disaggregated as follows:
- (i) groups of citizenship by age and sex;
 - (ii) groups of country of birth by age and sex;
- (d) persons having their usual residence in the territory of the Member State and having acquired during the reference year the citizenship of the Member State and having formerly held the citizenship of another Member State or a third country or having formerly been stateless, disaggregated by age and sex, and by the former citizenship of the persons concerned and by whether the person was formerly stateless.

2. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within 12 months of the end of the reference year. The first reference year shall be 2008.

*Article 4***Statistics on international protection**

1. Member States shall supply to the Commission (Eurostat) statistics on the numbers of:
- (a) persons having submitted an application for international protection or having been included in such an application as a family member during the reference period;
 - (b) persons who are the subject of applications for international protection under consideration by the responsible national authority at the end of the reference period;
 - (c) applications for international protection having been withdrawn during the reference period.

These statistics shall be disaggregated by age and sex, and by the citizenship of the persons concerned. They shall relate to reference periods of one calendar month and shall be supplied to the Commission (Eurostat) within two months of the end of the reference month. The first reference month shall be January 2008.

2. Member States shall supply to the Commission (Eurostat) statistics on the numbers of:
- (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;
 - (b) persons covered by first instance decisions granting or withdrawing refugee status, taken by administrative or judicial bodies during the reference period;

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- (c) persons covered by first instance decisions granting or withdrawing subsidiary protection status, taken by administrative or judicial bodies during the reference period;
- (d) persons covered by first instance decisions granting or withdrawing temporary protection, taken by administrative or judicial bodies during the reference period;
- (e) persons covered by other first instance decisions granting or withdrawing authorisation to stay for humanitarian reasons under national law concerning international protection, taken by administrative or judicial bodies during the reference period.

These statistics shall be disaggregated by age and sex, and by the citizenship of the persons concerned. They shall relate to reference periods of three calendar months and shall be supplied to the Commission (Eurostat) within two months of the end of the reference period. The first reference period shall be January to March 2008.

3. Member States shall supply to the Commission (Eurostat) statistics on the numbers of:

- (a) applicants for international protection who are considered by the responsible national authority to be unaccompanied minors during the reference period;
- (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;
- (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;
- (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;
- (e) persons covered by final decisions granting or withdrawing temporary protection taken by administrative or judicial bodies in appeal or review during the reference period;
- (f) persons covered by other final decisions, taken by administrative or judicial bodies in appeal or review, granting or withdrawing authorisations to stay for humanitarian reasons under national law concerning international protection during the reference period;

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- (g) persons who have been granted an authorisation to reside in a Member State within the framework of a national or Community resettlement scheme during the reference period, where such a scheme is implemented in that Member State.

These statistics shall be disaggregated by age and sex, and by the citizenship of the persons concerned. They shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within three months of the end of the reference year. The first reference year shall be 2008.

4. Member States shall supply to the Commission (Eurostat) the following statistics on the application of Regulation (EC) No 343/2003 and Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 ⁽¹⁾:

- (a) the numbers of requests for taking back or taking charge of an asylum seeker;
- (b) the provisions on which the requests referred to in point (a) are based;
- (c) the decisions taken in response to the requests referred to in point (a);
- (d) the numbers of transfers to which the decisions referred to in point (c) lead;
- (e) the number of requests for information.

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 2008.

*Article 5***Statistics on the prevention of illegal entry and stay**

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

- (a) third-country nationals refused entry to the Member State's territory at the external border;
- (b) third-country nationals found to be illegally present in the Member State's territory under national laws relating to immigration.

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

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

⁽¹⁾ OJ L 222, 5.9.2003, p. 3.

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2. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within three months of the end of the reference year. The first reference year shall be 2008.

*Article 6***Statistics on residence permits and residence of third-country nationals**

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

- (a) the number of residence permits issued to persons who are third-country nationals, disaggregated as follows:
 - (i) permits issued during the reference period whereby the person is being granted permission to reside for the first time, disaggregated by citizenship, by the reason for the permit being issued and by the length of validity of the permit;
 - (ii) permits issued during the reference period and granted on the occasion of a person changing immigration status or reason for stay, disaggregated by citizenship, by the reason for the permit being issued and by the length of validity of the permit;
 - (iii) valid permits at the end of the reference period (number of permits issued, not withdrawn and not expired), disaggregated by citizenship, by the reason for the issue of the permit and by the length of validity of the permit;
- (b) the number of long-term residents at the end of the reference period, disaggregated by citizenship.

2. Where the national laws and administrative practices of a Member State allow for specific categories of long-term visa or immigration status to be granted instead of residence permits, counts of such visas and grants of status are to be included in the statistics required under paragraph 1.

3. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within six months of the end of the reference year. The first reference year shall be 2008.

*Article 7***Statistics on returns**

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

- (a) the number of third-country nationals found to be illegally present in the territory of the Member State who are subject to an administrative or judicial decision or act stating or declaring that their stay is illegal and imposing an obligation to leave the territory of the Member State, disaggregated by citizenship of the persons concerned;
- (b) the number of third-country nationals who have in fact left the territory of the Member State, following an administrative or judicial decision or act, as referred to in point (a), disaggregated by the citizenship of the persons returned.

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2. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within three months of the end of the reference year. The first reference year shall be 2008.

3. The statistics referred to in paragraph 1 shall not include third-country nationals who are transferred from one Member State to another Member State under the mechanism established by Regulations (EC) No 343/2003 and (EC) No 1560/2003.

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1. The statistics shall be based on the following data sources according to their availability in the Member State and in accordance with national laws and practices:

- (a) records of administrative and judicial actions;
- (b) registers relating to administrative actions;
- (c) registers of the population of persons or of a particular sub-group of that population;
- (d) censuses;
- (e) sample surveys;
- (f) other appropriate sources.

As part of the statistics process, scientifically based and well documented statistical estimation methods may be used.

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1a. Member States shall take the measures necessary to ensure the quality of the data and metadata transmitted under this Regulation.

1b. The quality criteria listed in Article 12(1) of Regulation (EC) No 223/2009 of the European Parliament and of the Council ⁽¹⁾ shall apply for the purposes of this Regulation.

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

⁽¹⁾ 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).

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3. At the request of the Commission (Eurostat), Member States shall provide it with the necessary additional clarification to evaluate the quality of the statistical information.

4. Member States shall inform the Commission (Eurostat) without delay of any revisions or corrections to the statistics supplied under this Regulation, of any changes in the methods and data sources used, and of any relevant information or change with regard to the implementation of this Regulation that could influence the quality of the data transmitted.

5. The Commission may adopt implementing acts:

- (a) setting out the practical arrangements for, and the content of, the quality reports referred to in paragraph 2 of this Article;
- (b) regarding the measures relating to the definition of appropriate formats for the transmission of data under this Regulation.

The acts referred to in point (a) shall not impose significant additional burdens or costs on the Member States.

The implementing acts referred to in this paragraph shall be adopted in accordance with the examination procedure referred to in Article 11(2).

Article 9a

Pilot studies

1. In accordance with the objectives of this Regulation, the Commission (Eurostat) shall establish pilot studies, to be carried out on a voluntary basis by the Member States, in order to test the feasibility of new data collections or disaggregations within the scope of this Regulation, including the availability of appropriate data sources and production techniques, statistical quality and comparability and the costs and burdens involved. Member States shall, together with the Commission (Eurostat), ensure the representativeness of those pilot studies at Union level.

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

3. The pilot studies referred to in this Article shall relate to the following matters:

- (a) for statistics required under Article 4 as a whole, disaggregations by month of submission of the application for international protection;
- (b) for statistics required under Article 4(1):

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- (i) the number of persons having submitted an application for international protection or having been included in such an application as a family member and who:
 - were exempted from an accelerated procedure or a border procedure or had their applications for international protection processed under such border procedure,
 - were not registered in Eurodac,
 - presented documentary evidence which could aid in the establishment of their identity,
 - were in detention, disaggregated by duration of stay in detention and by the grounds for detention, or were subject to an administrative or judicial decision or act ordering their detention or an alternative to detention, disaggregated by type of alternative and by the month such decision or act was issued,
 - benefited from free legal assistance,
 - benefited from material reception conditions as specified under point (g) of Article 4(1), disaggregated by age, by sex, by citizenship and by unaccompanied minors, and the possibility to relate these statistics to reference periods of one month,
 - were unaccompanied minors to whom a representative was appointed, were unaccompanied minors who were granted access to the education system or were unaccompanied minors who were placed in accordance with Article 31(3) of Directive 2011/95/EU,
 - underwent an age assessment, including the results of such assessments;
 - (ii) the average number of unaccompanied minors having submitted an application for international protection per representative;
- (c) for statistics required under Article 4(2) and (3):
- (i) for persons covered by point (a) of Article 4(2) or point (b) of Article 4(3), disaggregations by decisions rejecting applications for international protection:
 - as inadmissible, by ground for inadmissibility,
 - as unfounded,
 - as manifestly unfounded under the regular procedure, by grounds for rejection,
 - as manifestly unfounded under an accelerated procedure, by grounds for rejection and acceleration,
 - on the ground that the applicant is eligible for protection within his or her country of origin;
 - (ii) for persons covered by points (b) and (c) of Article 4(2) and points (c) and (d) of Article 4(3), disaggregations by decisions on cessation or exclusion, further disaggregated by ground for cessation or exclusion;

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- (iii) the number of persons in respect of whom decisions were taken following a personal interview;
 - (iv) the number of persons in respect of whom first instance decisions or final decisions reducing or withdrawing material reception conditions were taken;
- (d) for statistics required under Article 4(3), the duration of appeals;
- (e) for statistics required under Article 4(4), disaggregations by age and by citizenship;
- (f) for statistics required under Article 6, the number of:
- (i) applications and rejected applications for first-time residence permits made by third-country nationals during the reference period, disaggregated by citizenship, by the reason for the permit being requested, by age and by sex;
 - (ii) rejected applications for residence permits on the occasion of a third-country national changing immigration status or reason for stay;
 - (iii) residence permits issued for family reasons, disaggregated by the reason for the issue of the permit and by status of the sponsor of the third-country national;
- (g) for statistics required under Article 7, disaggregations by:
- (i) the reasons for the decisions or acts referred to in point (a) of paragraph 1 of that Article;
 - (ii) the number of persons referred to in point (a) of paragraph 1 of that Article who were subject to an entry ban;
 - (iii) the number of persons in return procedures subject to an administrative or judicial decision or act ordering their detention, further disaggregated by duration of stay in detention, or an alternative to detention, disaggregated by type of alternative, and by the month such decision or act was issued;
 - (iv) the number of persons returned, further disaggregated by country of destination and by the type of decision or act as follows:
 - in accordance with a formal Union readmission agreement,
 - in accordance with an informal Union readmission arrangement,
 - in accordance with a national readmission agreement.

4. The Commission (Eurostat) shall evaluate the results of the pilot studies in close cooperation with the Member States and shall make the results publicly available. The evaluation shall include an assessment of the added value of the new data collections under the pilot studies at Union level and a cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs in accordance with Article 14(3) of Regulation (EC) No 223/2009.

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5. Taking account of the positive evaluation of the results of the pilot studies, the Commission may adopt implementing acts regarding the matters referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

6. In order to facilitate the carrying out of the pilot studies referred to in this Article, the Commission (Eurostat) shall provide the appropriate financing in accordance with Article 9b to Member States that carry out those pilot studies.

7. By 13 July 2022 and every two years thereafter, the Commission (Eurostat) shall report on the overall progress made regarding the matters referred to in paragraph 3. The report shall be made publicly available.

*Article 9b***Financing**

1. For the implementation of this Regulation, financial contributions shall be provided from the general budget of the Union to the national statistical institutes and other relevant national authorities referred to in Article 5(2) of Regulation (EC) No 223/2009 for:

- (a) the development of new methodologies for statistics under this Regulation, including the participation of the Member States in pilot studies as referred to in Article 9a;
- (b) the development or implementation of new data collections and disaggregations within the scope of this Regulation, including upgrading of data sources and IT systems, for a period of up to five years.

2. Union financial contributions as referred to in paragraph 1 of this Article shall be provided in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽¹⁾.

*Article 10***Implementing acts for specifying disaggregations**

The Commission is empowered to adopt implementing acts for the purpose of specifying disaggregations in accordance with Articles 4 to 7. When adopting such implementing acts, the Commission shall justify the need for the disaggregations concerned for the purposes of developing and monitoring Union policies on migration and asylum and shall ensure that such implementing acts do not impose significant additional costs or burdens on the Member States.

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

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Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2) no later than 18 months before the end of the reference period, where the data refer to a calendar year, and no later than six months before the end of the reference period, where the data refer to a period of less than a year.

*Article 11***Committee procedure**

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

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

*Article 11a***Derogations**

1. Where the application of this Regulation, or the implementing acts adopted thereunder, would require major adaptations to be made to the national statistical system of a Member State, the Commission may grant, by means of implementing acts, a derogation for a period of time requested by the Member State concerned, provided that that period does not exceed three years. In doing so, the Commission shall ensure the comparability of Member States' data and the timely calculation of the required representative and reliable European aggregates and shall take into account the burden on Member States and respondents.

2. Where a derogation pursuant to paragraph 1 is still justified by sufficient evidence at the end of the period for which it was granted, the Commission may grant, by means of implementing acts, a derogation for a further period of time requested by the Member State concerned, provided that that period does not exceed two years.

3. For the purposes of paragraphs 1 and 2, a Member State shall submit a duly justified request to the Commission by 13 October 2020 or within three months of the date of entry into force of the implementing act concerned, or six months before the end of the period for which the current derogation was granted, as appropriate.

4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

⁽¹⁾ 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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Article 12

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 this Regulation and on their quality.

Article 13

Repeal

Regulation (EEC) No 311/76 is hereby repealed.

Article 14

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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