

Memorandum of Understanding between
the National Statistics Office and the International Protection Agency



List of abbreviations

EC – European Commission

IPA– International Protection Agency

NSO – National Statistics Office

MOU – Memorandum of Understanding

MSA – Malta Statistics Authority

ONA – Other National Authority



Memorandum of Understanding entered into agreement on the 6/8/20 between the National Statistics Office hereinafter referred to as 'NSO' and represented by Mr Etienne Caruana; and the International Protection Agency hereinafter referred to as 'IPA' and represented by Mr Mauro Farrugia. This Memorandum of Understanding is not intended to create legally binding obligations but reflects the good faith cooperation between the Parties, except where explicitly stated otherwise.

Preamble

Official Statistics in Malta are regulated by the MSA Act and a number of EU Regulations in the field of Statistics. The NSO is set up by the MSA (Chapter 422 of the laws of Malta) and is responsible for the preparation of methodological and technical bases, data collection, compilation, publishing, and dissemination of data on a national basis and to Eurostat.

The NSO coordinates the statistical activities of all other national authorities that develop, produce and disseminate European statistics. They act in this regard as the main contact point for Eurostat on statistical matters. Legislation and well defined and established procedures are in place for implementing the coordination role at both national and European levels.

In collecting data, NSO relies heavily on administrative data sources. Regulation (EC) No 223/2009 on European statistics gives National Statistical Institutes and 'Other National Authorities' (ONAs) the right of access to administrative data, promptly and free of charge for the production of official statistics. This introduction puts greater emphasis on the importance that administrative data is made available for statistical purposes. The efficient access to administrative data ensures that the production of statistics is relevant, reliable, comparable, and less burdensome on respondents.

. The IPA is the main agency responsible to receive, process and determine applications for international protection that are lodged in Malta. It processes applications in accordance with the obligations assumed by Malta under the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol, as well as applicable European Union legislation forming part of the Common European Asylum System, including the Asylum Procedures Regulation (Regulation (EU) 2024/1348), the Qualification Regulation (Regulation (EU) 2024/1347), the Asylum and Migration Management Regulation (Regulation (EU) 2024/1351

), and related instruments under the EU Pact on Migration and Asylum, as may be amended from time to time.

In implementing this set of EU legislation, the IPA also transmits administrative data to the European Union Agency for Asylum.

The close and well-functioning cooperation between NSO and IPA is essential for the effective use of administrative data and for the continuous quality assurance of data to be used for the production of official statistics. Therefore, in line with article 4 of Regulation (EC) 223/2009, the IPA is recognised, in

accordance with applicable national law and designation procedures, as an Other National Authority (ONA)

The IPA will lead the collection, analysis and delivery of asylum-related statistics in Malta as per Article 2 of this agreement.

Data Protection and Confidentiality

The Parties shall comply with confidentiality principles as prescribed in applicable data protection legislation, including Regulation (EU) 2016/679 (GDPR), EU Regulations on statistics and national laws. Each Party shall act as an independent data controller with respect to the data it processes under this MoU, unless otherwise agreed in writing.

Responsibilities and Functions of the IPA as an ONA

1. The IPA is part of the National Statistical System, and for the statistics used directly by Eurostat for the production of official statistics, listed in Article 2, is bound by Regulation (EC) 223/2009 and by the European Statistics Code of Practice.
2. The IPA shall collect and transmit the following official statistics related to international protection in accordance with Regulation (EU) 2021/2303:

Dataset	Indicators
Asylum applications (registered)	Applicants for international protection First time asylum applicants Applicants for international protection having their applications processed under the accelerated procedure Subsequent applicants for international protection
First instant decisions	Rejected applicants for international protection at first instance Persons granted refugee status at first instance Persons granted subsidiary protection at first instance Persons granted authorisation to stay for humanitarian reasons at first instance
Withdrawn asylum applications (first instance)	Applications for international protection withdrawn

Pending cases at all instances	Applicants with pending asylum applications at the end of the month, limited to applications pending at first instance (IPA) and excluding cases under the jurisdiction of the International Protection Appeals Tribunal.
Persons effectively admitted or resettled	Resettled persons

3. The data listed in Article 2, gathered by the EUAA under Regulation (EU) 2021/2023, will be used for compiling European statistics on international protection under Regulation (EC) No 862/2007.
4. The IPA shall inform NSO of changes that transpire from revisions, updates and reviewing of the data listed in Article 2 being provided to the EUAA and/or NSO when such changes are significant and may affect the quality of the data being produced.
5. Should the IPA change the compilation procedures and/or relevant definitions, wherever material, to the extent that they affect the quality or relevance of the data listed in Article 2, this should be communicated, in writing, to NSO within the shortest reasonable time.
6. The IPA commits itself to provide clear definitions for the variables used, and time dimensions, whenever these are not comparable with definitions of the NSO and/or the definitions laid in Regulation (EC) No 862/2007, and in any accompanying Commission Regulation, and inform the NSO accordingly.
7. . The NSO may, in consultation with the IPA and subject to reasonable notice, review the processes used to generate the aggregated results relating solely to the data and statistics listed in Article 2 for the purposes of assessing data quality and statistical production. Without prejudice to any other arrangements between the NSO and IPA under separate MoUs, such reviews shall not include access to operational, case-level, or decision-making systems, unless otherwise expressly agreed in writing by the IPA.
8. The NSO shall continue assisting the IPA with improving the quality of its statistics covered by this agreement in so far as resources permit.
9. The IPA recognises its obligations under the MSA Act, to provide the NSO with information as requested.
10. This MOU does not preclude collaboration between the NSO and the IPA on topics that fall outside the scope of this agreement.




Coordination

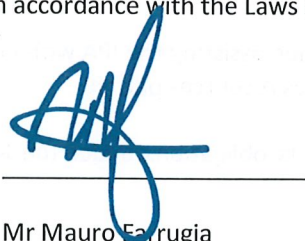
11. While this MOU specifies some key coordinating procedures, it presumes continuing inter-institutional cooperation to complement these efforts. Therefore, the Parties agree to cooperation and coordinate their efforts to the greatest extent possible to ensure the implementation of this MOU.
12. The contact point at NSO is Ms Isabel Sultana Cassar, Head of Unit Population and Migration Statistics, email: population.nso@gov.mt, Tel: 2599 7855.
13. The contact point at the IPA is James Pace, email: james.pace@ipa.gov.mt Tel: +356 21255257
14. Notification of any change in contact points may be made in writing without the necessity of amending this MOU, but records shall be kept of the change in nominee and effective date so as to ensure the smooth running of this MOU.

General

15. This MOU shall be valid for a period of one (1) year from the date of its signing and shall be automatically renewed for successive periods of one (1) year unless either Party notifies the other in writing, at least three (3) months before expiry, of its intention not to renew the MOU or to review its terms.
16. The Parties agree that changes to this MOU may be needed to respond to emerging issues. This MOU can be updated, revised, or amended in writing as needed and subject to the mutual written consent of both Parties. Any update, revision or amendment shall be made by virtue of a written addendum that shall be annexed to this MOU.
17. Without prejudice to the obligations of both Parties to fulfil their obligations in particular the reporting obligations under both the National and EU legislation, this MOU may be terminated by the appropriate authority of either Party. Notice of termination of this MOU shall be made in writing and is to be received by the other Party at least ten (10) working days prior to the termination of the MOU.
18. The MOU shall be governed and construed in accordance with the Laws of Malta.



Mr Etienne Caruana
Director General
National Statistics Office



Mr Mauro Farrugia
CEO
International Protection Agency