

► Research Brief

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Migration cost survey among Indonesian and Filipina domestic workers in Malaysia

Background

Women's labour migration is an important contributor to the economic and social wellbeing of both Malaysia and of women's countries of origin. For Malaysia, labour migration helps rejuvenate the workforce, especially in labour intensive sectors such as domestic work. Similarly, countries of origin receive benefits of women workers' remittance flows and increased skills.

However, recruitment practices that are unfair or unethical can lead to abuses, including forced labour, debt bondage, and violence. High migration fees and costs increase a woman migrant worker's dependence on and indebtedness to recruitment agents and employers. These unequal and gendered power relationships are the systemic conditions that unfortunately drive violence against women and other abuses. The Sustainable Development Goals (SDGs) aim to address this, with States agreeing to work towards well-managed migration, measured in part by a lowered proportion of recruitment costs per monthly income. SDG indicator 10.7.1 is: "Recruitment cost borne by an employee as a proportion of monthly income earned in country of destination."

Charging recruitment fees and related costs to workers is prohibited in international law, in the Migration for Employment Convention (Revised), 1949 (No. 97) (Art. 7(2)

and Art. 4 of Annex I and Annex II); the Maritime Labour Convention, 2006 (Regulation 1.4(1) and Standard A1.4(5)); the Private Employment Agencies Convention, 1997 (No. 181), (Art. 7); and the Employment Service Convention, 1948 (No. 88) (Art. 1). Of these international conventions, the Maritime Labour Convention, 2006 is in force in Malaysia.

Migration experiences and outcomes can differ significantly between genders, starting from the decision-making process to the degree of protection against abuse, and earned incomes. Policies in the region often place gendered restrictions on women's migration, and women-specific services and redress mechanisms are largely unavailable.¹

In 2018, the International Labour Organization (ILO) commissioned a quantitative migration cost survey in Malaysia.² Data was collected from November 2018 to April 2019 with the aim of measuring migration costs borne by domestic workers from Indonesia and the Philippines. It should be noted that the Philippines prohibits recruitment fees for domestic workers though they can still be charged for related costs. This survey is guided by the ILO's 2019 General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs.³ It also builds on

¹ ILO and UN Women: *Protected or Put in Harm's Way: Bans and Restrictions on Women's Labour Migration in ASEAN Countries*, 2017. *Mapping of Existing Services and Needs Assessment for Services to Women Migrant Workers in Malaysia*.

² ILO engaged PE Research to conduct the study.

³ See: ILO: *General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs*, 2019.

previous studies conducted by the World Bank-led Global Knowledge Partnership on Migration and Development (KNOMAD).⁴

There were 129,168 documented migrant domestic workers in Malaysia as of June 2019.⁵ Referred to as ‘domestic servants’ in Malaysian labour laws, domestic workers are excluded from full labour law protections on par with workers in other sectors. Malaysia’s Employment Act excludes domestic workers from the majority of rights and benefits associated with employment, including regulated hours of work, paid holidays and rest days, annual and sick leave, as well as maternity benefits.

A total of 310 domestic workers participated in this study. A mix of quota sampling, convenience sampling and snowballing methods were used. Sampling of respondents was based on age (18-50 years old) and length of stay for the current migration to Malaysia (five years and less).⁶ Migrants’ legal status was not a sampling criterion; both documented and undocumented workers are included in the sample. Findings of this study are indicative and cannot be generalized to the entire population of domestic workers in Malaysia. Data gathered in this study can guide development of

recommendations for regulating and reducing migration costs for domestic workers in Malaysia and countries of origin.

Characteristics of domestic workers in Malaysia

The gendered nature of and women’s overwhelming participation in the domestic work sector is reflected in the survey findings. All but one of the 310 domestic workers who participated in the study were women. Of the 310 domestic workers surveyed, 35 per cent were from Indonesia, and 65 per cent were from the Philippines. Of the total, 90 per cent of respondents were live-in domestic workers, that is, they live in their employers’ accommodation. The remainder were live-out domestic workers, who have separate accommodation arrangements. The youngest respondent was 19 years old, while the oldest was 49 years old. Most respondents were married (56 per cent), while the remainder were never married (29 per cent), divorced or separated (nine per cent) or widowed (six per cent). Of domestic workers surveyed, 59 per cent were first-time migrants going abroad for work, 39 per cent had worked abroad two to three times previously, while six per cent had worked abroad four to five times before.

► **Table 1. Distribution of domestic worker respondents by previous job before coming to Malaysia**

Previous job	Total respondents		Indonesian	Filipina
	n ¹	%	n=79	n=141
Professional	1	0.5%		1%
Technician & Associate Professional	4	2%		3%
Clerical	12	5%	1%	8%
Service and sales	59	27%	20%	30%
Skilled agricultural, forestry and fishery workers	1	0%	1%	
Craft and related trade	5	2%	4%	1%
Plant and machinery operators and assemblers	23	10%	8%	12%
Elementary occupations (including domestic and farm work)	115	52%	66%	45%
Grand total	220	100%	100%	100%

⁴ The World Bank-led Global Knowledge Partnership on Migration and Development (KNOMAD) is a platform to synthesize and generate knowledge and policy expertise on migration and development issues. See: ILO: *Recruitment Fees and Related Costs: What Migrant Workers from Cambodia, the Lao People’s Democratic Republic and Myanmar Pay to Work in Thailand*, 2020. ILO: *Worker-Paid Migration Costs in the Vietnam-Malaysia Corridor*, 2018.

⁵ Immigration Department of Malaysia: *Statistic of Active Foreign Workers by Nationality and Sector as at June 2019*, 2019.

⁶ Malaysia’s immigration regulations prescribe that a “foreign domestic helper” should be not less than 21 years old and not more than 45 years old. See: Immigration Department of Malaysia, *Foreign Domestic Helper (FDH)*, 14 July 2020.

Most domestic workers who participated in the study were employed or self-employed prior to migrating to Malaysia. Before migrating only 29 per cent were unemployed. The majority of respondents who were employed or self-employed worked in elementary occupations (52 per cent), followed by service and sales work (27 per cent) and in plant and machinery operation (10 per cent).⁷

Among those who worked in elementary occupations prior to migrating to Malaysia, 38 per cent had worked as domestic workers in their previous job, while four per cent were employed in cleaning work either as janitors, housecleaners, or clothes washers, and four per cent were employed as caregivers to children the elderly and pregnant women (midwives). These previous jobs are likely to have given the respondents experience and skills that would be useful as domestic workers in Malaysia.

Costs of migration and wages earned

Not all domestic workers paid to migrate to Malaysia for work, with 36 per cent (n=111) of domestic workers surveyed reporting that they paid zero migration costs. 40 per cent of Indonesian respondents and 33 per cent of Filipina respondents paid zero migration costs.

The average amount in migration costs paid by those surveyed was US\$ 251, and the median was US\$ 118. If respondents with zero migration costs were excluded, then average migration costs increased to US\$ 386, while the median rose to US\$ 287.

Migration costs varied between nationalities as well as between domestic workers with overseas experience and first-time migrants. Indonesian migrant domestic workers, on average, paid higher migration costs than their Filipina counterparts. The survey found that Indonesian domestic worker paid an average of US\$ 326 to migrate to Malaysia, compared to an average of US\$ 207 paid by Filipina domestic workers. When respondents who paid zero migration costs were excluded, Indonesian domestic workers paid an average of US\$ 549 in migration costs, compared to an average US\$ 311 paid by Filipina domestic workers.

From the survey, domestic workers migrating for the first time paid lower migration costs on average when compared to those with experience migrating overseas. When disaggregated by nationality, Indonesian non-first timers paid 25 per cent higher migration costs than their first-timer counterparts. As for Filipinas, non-first timers paid 42 per cent more than first timers. See Table 2 for disaggregation by nationality.

Domestic workers surveyed earned an average monthly income of US\$ 184 before migrating to Malaysia. However, a domestic worker earned an average of US\$ 355 a month, 93 per cent more in monthly wages after migrating to Malaysia. The prospects of higher earnings in Malaysia are a strong motivation for migrating. Table 3 gives further disaggregation of incomes.

► **Table 2. Comparison of net migration costs (US\$) between domestic workers with overseas experience and first timers by nationality when zero migration is excluded**

Excludes zero migration cost respondents	Total		Indonesian		Filipina	
	Non-first timer n=101	First timer n=97	Non-first timer n=36	First timer n=27	Non-first timer n=65	First timer n=70
Mean	413	359	533	570	346	278
Minimum (US\$)	8	21	8	70	17	21
Maximum (US\$)	1 913	2 242	1 681	2 242	1 913	1 261

⁷ The Malaysian Standard Classification of Occupations (MASCO) 2008 defines elementary occupations as those performing single and routine tasks which mainly require the use of handheld tools and in some cases considerable physical effort. Most occupations in this major group require skills at the first level.

Also, per Table 3, promised and actual wages are fairly close in number, suggesting little contract substitution - or changing of the agreed terms of payment - upon arrival among the surveyed domestic workers.

Filipina respondents had higher levels of monthly income before they came to Malaysia, as well as higher monthly wages earned compared to their Indonesian counterparts. On average, Filipina respondents earned a monthly income that was 72 per cent higher than their Indonesian counterparts before coming to Malaysia. As for the average monthly wages earned in Malaysia, Filipina respondents earned 52 per cent higher incomes than Indonesian respondents. Filipina domestic workers earned a median of US\$ 406, while Indonesian domestic workers earn a median of US\$ 251 (See Table 3).

The average monthly wage earned by respondents was 41 per cent higher than the average cost of migration. Thus, 0.7 months of wages would be sufficient to recover migration expenditures. If calculating for only the 64 per cent who did pay migration costs, the average number of months to pay migration expenditures was 1.1 months.

Source of payment for migration costs

Of domestic worker respondents, 30 per cent borrowed money to migrate to Malaysia for work.

Stratifying by nationality, a higher percentage of Filipina respondents took loans (33 per cent) compared to their Indonesian counterparts (24 per cent) to pay for migration costs. The average amount borrowed was US\$ 470.

Domestic workers who borrowed relied on personal networks and informal sources to meet the cost of migration. Among the borrowers, the most common source for borrowings was family (61 per cent), followed by agent or broker (22 per cent). Other sources included friends, neighbours, employers in Malaysia, banks and moneylenders.

The majority of domestic workers did not make informal payments to migrate to Malaysia.⁸ 16 per cent did not know if they made such payments, and five per cent of respondents reported making informal payments either themselves or through a third party. Among those who reported these payments, 67 per cent did so to expedite the process for applying for a passport, followed by payments to local government to expedite a visa or work permit or to falsify official documents for migration.

Almost one fifth of domestic workers received advanced money pre-migration, as an incentive to take up employment in Malaysia. Unlike loans from various sources, 'advanced money' is unsolicited money that is offered to migrant workers. Of recipients, 73 per cent reported that they were incentivised by agents to migrate. Domestic workers also received advanced money from sponsors (19 per cent) and employers (8 per cent). On average, respondents received US\$ 200 of advanced money, although the range was between US\$ 10 and US\$ 380. Half of the recipients said that they needed to repay the advanced money.

► **Table 3. Comparison of income before, wage promised and wage earned in USD between Indonesian and Filipina respondents**

	Indonesian			Filipina		
	Income before (USD) n=79	Wages promised (USD) n=91	Wages earned (USD) n=106	Income before (USD) n=140	Wages promised (USD) n=197	Wages earned (USD) n=203
Mean	126	256	264	217	405	402
Minimum	5	103	103	22	193	193
Maximum	374	734	734	1 200	604	676
Median	112	248	251	179	406	406

⁸ Informal payments are any illegitimate, undisclosed or unreasonable costs, including payments to expedite administrative processes, to get an introduction by the village head or tributes to obtain certain documents.

Salary deductions related and unrelated to migration costs

A significant proportion of migrant domestic workers experienced salary deductions during the course of employment in Malaysia. Domestic workers experienced salary deductions not only for migration-related costs, but also for day-to-day costs such as electricity and water bills at worker accommodation, medication, mobile phones, advanced salary requests and other items which are not part of the recruitment process. Thus, deduction amounts are not a good indicator of migration costs alone.

Nonetheless, the most common cost deducted from domestic workers' salaries was a fee for agents, brokers or recruiters, as reported by 56 per cent of respondents who experienced salary deductions. This is reflective of the central role labour intermediaries play in labour migration. This also suggests that a majority of workers were not able to completely pay the migration cost from borrowings prior to arriving in Malaysia and had to pay through salary deductions (See Table 4).

From the survey, **40 per cent of domestic workers reported salary deductions, while 60 per cent said they did not.** Indonesian domestic workers were more likely to experience salary deductions, with 60 per cent reporting

deductions, compared to 29 per cent of Filipina respondents. The average amount of salary deducted was US\$ 656 while the median was US\$ 587. On a monthly basis, domestic workers experienced salary deductions of between US\$ 10 and US\$ 513. The average monthly salary deduction was US\$ 208, and the median monthly salary deducted was US\$ 205.

Importantly, close to one in five domestic workers surveyed did not know the reason for the deductions.

Among the 119 respondents who experienced salary deductions, an overwhelming majority (95 per cent) said they had salaries deducted for a period of one year or less.

Salary deductions experienced by domestic workers represent a sizable portion of wages earned over the entire employment period. Of the 119 respondents who experienced salary deductions, 45 per cent said deductions represented less than ten per cent of total wages earned over the employment period. However, 24 per cent said total salary deductions amounted to between 10-20 per cent of their total wages earned, and 20 per cent said they had more than 40 per cent of their total wages deducted.

► **Table 4. Items for which migrant domestic workers' salary deductions were made**

Items that salary was deducted for	n	%
Fees for agent, broker or recruiter	69	56%
Deductions were made but did not know the reason	23	19%
Payback advanced	21	17%
Others	11	9%
Visa	10	8%
Work permit	10	8%
Passport	9	7%
Medical exam in origin country	9	7%
Medical exam in Malaysia	4	3%
International transportation	4	3%
Domestic transportation	3	2%
Language training	2	2%
Pre-departure training/briefing	2	2%
Cost of accommodation	2	2%
Health/life insurance/social security	1	1%
Cost for food	1	1%

The majority of domestic workers with salary deductions had more than 50 per cent of their salaries deducted for a certain period during employment. Out of 119 respondents, 47 experienced periods when their full salaries were deducted, and two respondents experienced periods when 91 per cent of their salaries were deducted. Of the remaining respondents with salary deductions, 23 respondents had 51-90 per cent of their salary deducted for a period of time.

Among the 47 migrant domestic workers who had 100 per cent of their monthly salary deducted for a time, most (62 per cent) experienced two to three months of salary deductions, while a smaller yet significant number (28 per cent) experienced four to six months of deductions.

Migrant domestic workers are significant remittance contributors

Migrant domestic workers make significant contributions to household incomes through remittances. Most respondents (60 per cent) were the sole person in their family currently working outside of their home country. About 32 per cent had one to two other family members working overseas while six per cent had three to four family members doing so. Only a very small percentage had more than five other family members working overseas.

94 per cent of migrant domestic workers surveyed in this study sent money home on a regular basis to support dependents. Among them, 86 per cent said they remitted on a monthly basis, while six per cent sent money back every two months, and three per cent did so every quarter. 18 respondents said they did not send money home.

On average, remitting respondents sent an average of US\$ 236 per month. The minimum amount of money sent back per month was US\$ 41, while the maximum was US\$642 per month. Based on the average remittance and the average wage earned, this translates to approximately 66 per cent of monthly wages being remitted. On an annual basis, this would translate to respondents sending back an average of US\$ 2,828 or a median of US\$ 2,846.

43 per cent of the surveyed domestic workers supported three to four persons in their countries of

origin with the remittance. Of respondents, 22 per cent supported one to two persons, and another 22 per cent supported five to six persons. Stratifying by nationality, 42 per cent Filipina respondents supported five or more persons. In comparison, 17 per cent of Indonesian respondents supported five or more persons with their remitted income.

Working conditions of migrant domestic workers in Malaysia

This survey confirmed that the weakly regulated nature of the domestic worker sector in Malaysia translates to substandard work conditions for migrant domestic workers, evidenced in long working hours and a lack of access to a paid rest day. Of migrant domestic workers surveyed, 46 per cent said they faced some difficult situation (many amounting to rights violations) while working for their employer in Malaysia.

The most common issue faced was the withholding of passports or travel documents by employers, as reported by 41 per cent of respondents (See Table 5).⁹ This was followed by seven per cent of respondents each mentioning that their salary was not paid on time, and that they were unable to communicate with people outside the work site. Indonesian domestic workers were more likely to report retention of passports by employers (48 per cent), salaries that were not paid on time (16 per cent), inability to practice their religion (15 per cent), inability to communicate with people outside the job site (15 per cent) and inability to express their views freely (eight per cent).

31 per cent of domestic workers did not have a paid rest day. However, country of origin differences were significant, with 59 per cent of Indonesian respondents having no rest day while 17 per cent of Filipina respondents had no rest day.

Most domestic workers who did not have a paid rest day were live-in domestic workers. 89 per cent of Indonesian domestic workers and all of Filipina domestic workers who reported not having a paid rest day were live-in domestic workers.

Most domestic workers are subject to working hours longer than are allowed by Malaysia's Employment Act 1955.¹⁰ An overwhelming 89 per cent of those surveyed

⁹ This is a violation of Passport Act of Malaysia and also one of the indicators of forced labour according to the ILO.

¹⁰ See section 60A of Employment Act 1955.

► **Table 5. Migrant domestic worker respondents who encountered specific issues at work**

Issues faced	All respondents (n=310)		Indonesian (n=107)	Filipina (n=203)
Passport/travel documents held by employers	127	41%	48%	37%
Unable to change employers	16	5%	7%	4%
Salary is not paid on time	22	7%	16%	2%
Cannot practice own religion	20	6%	15%	2%
Unable to communicate with people outside the job site	23	7%	15%	3%
Unable to express views freely	11	4%	8%	1%
Not entitled to the same wages as national workers	6	2%	3%	1%
Restricted from remitting earnings	5	2%	5%	-

* Multiple answer question

reported that they work in excess of the eight hours per day or 48 hours per week (for a six day week) prescribed by the law for workers generally. However, domestic workers are specifically excluded from the legal limitation on hours of work as well as legal protections related to rest days, holidays and annual and sick leave prescribed by the Employment Act 1955.¹¹

Filipina domestic workers worked longer hours when compared to their Indonesian counterparts. Almost a quarter of Indonesian domestic workers surveyed work eight and less hours a day in line with legal limitations on hours of work for other sectors but only three per cent of Filipina domestic workers did. Significantly, there were 74 per cent of Filipinas who worked more than 12 hours as compared to 52 per cent by Indonesians as shown in Table 6.

Recommendations

► **Mainstream migration cost issues in agreements between countries of origin and destination:**

Countries of origin and destination should put in place effective laws and policies that prohibit recruitment costs and fees in line with international labour standards. This should be more widely replicated, including in Malaysia and Indonesia (the Philippines has this provision for domestic workers). Bilateral agreements should also provide clear commitments by both countries of origin and Malaysia on regulating labour recruiters and agencies.

► **Provide guidance from the government on definitions of recruitment fees and associated costs:**

Building on a global comparative research of national laws and policies and other codes on recruitment fees and related costs, an ILO tripartite experts meeting has adopted a definition of recruitment fees and related costs in November 2018. Promoting the review and development of laws in line with the ILO definition, including development of implementing rules and regulations, is strongly recommended. Meanwhile, compliance with current laws - that workers pay only what they are legally obligated to pay and that caps are strictly adhered to, is important in the immediate term.

► **Strengthen regulations to avoid passing on migration costs to workers:**

Safeguards need to be implemented to ensure that no migration costs are passed on by recruiters and employers to the workers through for example, salary deductions. Workers should be informed about the importance of documenting migration costs. Recruiters/agents should be required to issue receipts for payments made by migrant workers, and employers should issue pay slips with breakdown of deductions included. Digitised payments are encouraged, as it is extremely challenging to monitor payments made to workers in order to ensure that they are not being subjected to illegal deductions.

► **Improve government administrative processes for labour migration:**

Some workers reported paying informal payments to expedite processing of required

¹¹ See First Schedule of Employment Act 1955.

documentation. This can be avoided by making the current administrative processes less bureaucratic, more transparent, efficient, cheaper and less time-consuming.

► **Popularise existing labour laws that protect the rights of workers:**

The Employment Act has a provision on lawful deductions of wages, but the government may wish to popularise this law and provide further guidance as to what are the lawful deductions as authorized by law.¹² The Employment Act Section 24 (8) states that the total deductions shall not exceed 50 per cent of the employee's wages earned in that month. The ILO further recommends that employers should provide migrant workers with employment contracts in their own language and individual payslips that have the various headings in the home language with detail as to deductions. Both workers and employers should be informed about the labour and immigration laws and legal protection afforded by relevant legislation and policies against abuse, violence and harassment.

► **Recognise domestic work as work and domestic workers as workers through legislation:**

Working and living conditions of domestic workers are largely unregulated in Malaysia, with domestic workers being excluded from the majority of labour rights protections under the Employment Act 1955. There is a need to recognise domestic work as work and domestic workers as workers by legislating working and living conditions of domestic workers consistent with international labour standards, especially the Domestic Workers Convention, 2011 (No.189). There is an urgent need to set legal standards and enforce protections that prevent abuse, violence and harassment against domestic workers, including limitations for hours of work, minimum rest periods, paid-days off, and sick leave.

► **Increase access to information for domestic workers and their employers:**

Both workers and employers

should be informed about labour laws and other relevant legislation and policies related to labour migration and domestic work. Migrant workers should receive a post-arrival orientation based on a standard curriculum. Employers of domestic workers will also benefit from an orientation programme based on a standard curriculum that provides information on their roles and responsibilities when employing a domestic worker. The programme may be conducted online or in person. In Singapore, all first-time employers of domestic workers and those who have changed domestic workers frequently have to complete a three-hour Employers' Orientation Programme before submitting a work permit application for a domestic worker.

► **Strengthen access to support services for domestic workers to protect them from abuse, violence and harassment:**

Given that the domestic work sector is largely unregulated, the government should establish mechanisms to protect domestic workers subjected to abuse, harassment and violence. As the survey found that the majority of migrant domestic workers live with their employers, services including the provision of temporary accommodation and health care are critical to ensuring that domestic workers are able to escape situations of abuse, violence and harassment.

► **Strengthen access to grievance mechanisms for domestic workers:**

The government should strengthen its grievance mechanisms so that domestic workers, irrespective of their nationality and migration status, are able to report and have access to legal remedies and compensation for unfair and illegal recruitment, as well as other abuses amounting to forced labour, abuse, violence and harassment. Availability of interpretation services is crucial to ensuring access to justice for women recruited to the domestic work sector in Malaysia.

¹² According to the Employment Act 1955, the following deductions shall not be made except at the request in writing of the employee and with the prior permission in writing of the Director General: (a) deductions in respect of payments into any superannuation scheme, provident fund, employer's welfare scheme or insurance scheme established for the benefit of the employee; (b) deductions in respect of repayments of advances of wages made to an employee under section 22 where interest is levied on the advances and deductions in respect of the payments of the interest so levied; (c) deductions in respect of payments to a third party on behalf of the employee; (d) deductions in respect of payments for the purchase by the employee of any goods of the employer's business offered for sale by the employer; and (e) deductions in respect of the rental for accommodation and the cost of services, food and meals provided by the employer to the employee at the employee's request or under the terms of the employee's contract of service. More details available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=48055

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