


# Procedure file

Basic information		
CNS - Consultation procedure	<a href="#">1997/0081(CNS)</a>	Procedure lapsed or withdrawn
Displaced persons: temporary protection		
Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties and Internal Affairs		20/03/1997
		ELDR <a href="#">WIEBENGA Jan-Kees</a>	
	Former committee responsible		
	<b>LIBE</b> Civil Liberties and Internal Affairs		20/03/1997
		ELDR <a href="#">WIEBENGA Jan-Kees</a>	
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	<b>AFET</b> Foreign Affairs, Security and Defense Policy		29/09/1998
		PPE <a href="#">OOSTLANDER Arie M.</a>	
	<b>JURI</b> Legal Affairs, Citizens' Rights		02/09/1998
		PSE <a href="#">ZIMMERMANN Wilmya</a>	
	Council configuration	Meeting	Date
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2146</a>	03/12/1998
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2008</a>	26/05/1997

Key events			
05/03/1997	Legislative proposal published	COM(1997)0093	Summary
26/05/1997	Debate in Council	<a href="#">2008</a>	
09/06/1997	Committee referral announced in Parliament		
23/09/1997	Vote in committee		Summary
23/09/1997	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0284/1997</a>	
22/10/1997	Debate in Parliament		
23/10/1997	Decision by Parliament	T4-0509/1997	Summary

24/06/1998	Amended legislative proposal for reconsultation published	COM(1998)0372	Summary
23/07/1998	Formal reconsultation of Parliament		
27/10/1998	Vote in committee		Summary
27/10/1998	Committee report tabled for plenary, reconsultation	<a href="#">A4-0399/1998</a>	
19/11/1998	Debate in Parliament		
20/11/1998	Decision by Parliament	T4-0693/1998	Summary
03/12/1998	Debate in Council	<a href="#">2146</a>	
01/05/1999	End of procedure in Parliament		
06/08/2004	Additional information		Summary

### Technical information

Procedure reference	1997/0081(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legal basis	Treaty on the European Union (after Amsterdam) M K.3-p2b
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	LIBE/4/09028

### Documentation gateway

Legislative proposal		<a href="#">COM(1997)0093</a> <a href="#">OJ C 106 04.04.1997, p. 0013</a>	05/03/1997	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0284/1997</a> <a href="#">OJ C 339 10.11.1997, p. 0005</a>	23/09/1997	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0509/1997 <a href="#">OJ C 339 10.11.1997, p. 0092-0151</a>	23/10/1997	EP	Summary
Legislative proposal		<a href="#">COM(1998)0372</a> <a href="#">OJ C 268 27.08.1998, p. 0022</a>	24/06/1998	EC	Summary
Committee final report tabled for plenary, reconsultation		<a href="#">A4-0399/1998</a> <a href="#">OJ C 379 07.12.1998, p. 0005</a>	27/10/1998	EP	
Text adopted by Parliament after reconsultation		T4-0693/1998 <a href="#">OJ C 379 07.12.1998, p. 0370-0379</a>	20/11/1998	EP	Summary

### Additional information

European Commission	<a href="#">EUR-Lex</a>
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## Displaced persons: temporary protection

**OBJECTIVE:** to bring together the existing national policies and practices with regard to the temporary protection of displaced persons in the Member States and to step up cooperation in this field through a Joint Action. **SUBSTANCE:** the proposal for a Joint Action seeks to set up a single legal framework - the temporary protection regime - which can be used in any crises occurring following the large-scale displacement of people in Europe. The aim is to encourage greater approximation of the existing national policies and practices in this field and to increase

cooperation between the Member States. A fair sharing of responsibilities between the Member States is provided for (in particular with regard to the distribution of people fleeing from regions in crisis and to the financial implications). The measure makes provision specifically that, in the case of the mass influx of persons in need of international protection, the Council decides by a qualified majority to establish a temporary protection regime setting for these persons the minimum rights enabling them to live with dignity on the territory of the Community (housing, work, access to schools, family reunification, social assistance, care) without discrimination. To this end a common procedure is provided for establishing and phasing out the temporary protection regime. The regime is reviewed each year and at least six months before its end on the basis of a Commission report to be submitted to the European Parliament and the Council. In drawing up its report the Commission will take into account the situation in the country of origin, the application of the regime in the Member States and its financial implications. If the Council decides to phase out gradually the temporary protection regime the displaced persons will be returned to their country of origin. In organizing the return priority will be given to voluntary repatriation. The proposal also makes provision that the examination of an application for asylum introduced by a beneficiary of the temporary protection regime may not be postponed for more than five years from the date of the beginning of the regime. The provision contains an exclusion clause: the temporary protection regime may be refused to anyone with respect to whom there are reasons for considering that he or she has committed a crime against peace, a war crime, a crime against humanity or other serious non-political crimes. This regime may also be refused to any person who could be regarded as a danger to the security of the Member State where the regime has been implemented. After five years of a temporary protection regime the Member States should examine whether long-term measures should be introduced for beneficiaries of this regime. ?

## Displaced persons: temporary protection

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The Committee has adopted the draft report by Jan WIEBENGA (ELDR, NI) on a joint action to provide temporary protection in the event of a mass influx of displaced people, particularly if they are in need of international protection. The protection takes the form of looking after the people concerned and of their being granted a number of rights. In principle the accommodation should be temporary. On the other hand, Mr WIEBENGA thinks that this policy is inappropriate if there is only a small number of people in need of protection, in which case the Member States should apply the normal asylum procedures based on the Geneva Convention. One of the central aspects of the joint action is harmonization of the basic rights to which displaced persons are entitled (residence permits, family reunification, means of subsistence, medical care, education and work). The other is the duration of the temporary protection period. Harmonization is desirable to ensure that refugees will be equally well received in all Member States. At present the differences are sometimes considerable. Minimum rights can also be affected. The committee has proposed that the benefit of temporary protection should not be applied to those suspected of:- committing a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; - committing a serious non-political crime outside the country of refuge prior to his or her arrival on the territory of one of the Member States; or - guilty of acts contrary to the purposes and principles of the United Nations. The committee also takes the view that a Member State may refuse the benefit of temporary protection to any person considered a threat to the security of that Member State. ?

## Displaced persons: temporary protection

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In adopting the report by Mr Jan Kees WIEBENGA (ELDR, NL) on the protection of displaced persons, Parliament approved the proposal for a Joint Action with the following amendments: - the granting of financial compensation for countries assuming the heaviest responsibility in the event of a mass influx of persons into their territory, with a view to a better sharing of the burden between Member States. Should this not be sufficient, Parliament proposed that persons in need of international protection before or on arrival in the Union should be allocated to the Member States on the basis of the distribution key to be defined, - a maximum of five years for the duration of the protection regime, - application of the provisions of the Joint Action in strict compliance with the European Convention for the Protection of Human Rights of 1950. The Joint Action is moreover a complement of the Geneva Convention. - the prior consultation of Parliament on the implementation measures under the Joint Action. - the provision to beneficiaries of the temporary protection regime of information on their rights and obligations in their own language and in the language of the host country. With regard to rights Parliament stipulated that, as far as possible, the beneficiaries should obtain the right to family reunification for their spouses and under-age children (Parliament also proposed specific assistance for that). -the return of displaced persons to their country of origin, on condition that their safety and respect for their fundamental rights are guaranteed, - refusal of the temporary protection regime for the same reasons as those given in the Geneva Convention on refugees (the Commission confined itself to a list of crimes such as crimes against humanity and serious non-political crimes).?

## Displaced persons: temporary protection

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In adopting the report by Mr Jan WIEBENGA (ELDR, NL) on the second consultation of Parliament on temporary protection of displaced persons, Parliament particularly stressed the following points: -the joint action must be regarded as supplementing the Geneva Convention and be invoked only in emergencies where there was a sudden mass influx into the European Union of refugees requiring international protection; -the duration and extent of temporary protection would be geared to the situation (as regards duration, Parliament particularly suggested that it should not exceed a total of 5 years); -priority would be assigned to voluntary repatriation, when it came to organising the return of displaced persons, in strict conformity with human dignity and in close cooperation with the international organisations concerned, and in particular the United Nations High Commissioner for Refugees; -a distinction was to be made between the concept of 'a balance between the efforts of the Member States' and 'solidarity' (Parliament saw the European Refugee Fund as the instrument of this Community solidarity); -the Council was called upon to provide a more precise definition for the adoption of long-term protection measures based on the report by the Commission on the consequences of the automatic expiry of a temporary protection regime; -those to be afforded temporary protection would be distributed in accordance with a formula determined between the Member States, taking account of their economic situation, area and reception capacity; -Parliament would be consulted on measures to apply the joint action. Parliament stressed that beneficiaries of temporary protection must be duly informed in their language and in the language of the host country. Nobody could be returned to a country where he might be tortured or subjected to other inhumane treatment.?

## Displaced persons: temporary protection

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As this proposal is no longer of topical interest, it has been withdrawn by the Commission.