


Procedure file

Basic information		
CNS - Consultation procedure	1998/0222(CNS)	Procedure lapsed or withdrawn
Displaced persons: solidarity in the admission and residence of beneficiaries of the temporary protection		
Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)		

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

Key events			
24/06/1998	Legislative proposal published	COM(1998)0372	Summary
18/09/1998	Committee referral announced in Parliament		
27/10/1998	Vote in committee		Summary
27/10/1998	Committee report tabled for plenary, reconsultation	A4-0399/1998	
19/11/1998	Debate in Parliament		
20/11/1998	Decision by Parliament	T4-0694/1998	Summary
03/12/1998	Debate in Council	2146	
01/05/1999	End of procedure in Parliament		
06/08/2004	Additional information		Summary

Technical information	
Procedure reference	1998/0222(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Stage reached in procedure	Procedure lapsed or withdrawn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/4/10372

Documentation gateway					
Legislative proposal		COM(1998)0372 OJ C 268 27.08.1998, p. 0022	24/06/1998	EC	Summary
Committee final report tabled for plenary, reconsultation		A4-0399/1998 OJ C 379 07.12.1998, p. 0005	27/10/1998	EP	
Text adopted by Parliament after reconsultation		T4-0694/1998 OJ C 379 07.12.1998, p. 0371-0383	20/11/1998	EP	Summary

Additional information	
European Commission	EUR-Lex

Displaced persons: solidarity in the admission and residence of beneficiaries of the temporary protection

OBJECTIVE: to submit a new proposal completing the arrangements for temporary protection of displaced persons and on the admission and residence of beneficiaries of this scheme. **SUBSTANCE:** On 5 March 1997 the Commission presented a proposal for a joint action concerning the temporary protection of displaced persons (CNS97081). Part of the initial text was concerned with sharing responsibilities between the Member States in applying the temporary protection scheme, i.e. sharing the burden of temporary refugees and also the financial burden. This point had the effect of blocking further discussions on the initial text. For this reason the Commission has decided to separate this part of the text so that the temporary protection scheme can be adopted more easily. However, to maintain a clear political link with the initial text, the Commission proposes that this text come into force simultaneously with the text of the temporary protection scheme. The new text is therefore presented as a framework decision with effects which are linked to application of the temporary protection scheme. Its main provisions are as follows: - implementation of the 'solidarity principle' to assist Member States which are particularly affected by admission onto their territory of beneficiaries of the temporary protection scheme; this solidarity will mainly be expressed through financial aid from the Community budget: 1) to contribute to emergency measures (temporary accommodation, means of subsistence and emergency medical aid) during the first three months of the temporary protection scheme, in the form of flat-rate financial aid; 2) to promote reception projects in the longer term (housing costs, social assistance, education); this aid would involve a scale for distribution between the Member States; - as a subsidiary measure, burden-sharing: this implies a possible redistribution of beneficiaries of temporary protection between Member States before or on arrival on the territory of the Member States. This last, particularly ambitious, provision would be difficult to implement and in reality only applicable in the event of a serious crisis, and it should not be allowed to conflict with the principles of the Dublin Convention on determination of the Member State responsible for examining an asylum application. The financial statement annexed to the proposal provides for the creation of a Community budget heading to cover emergency aid for the first three months of temporary protection. It also includes use of an existing budget heading (B5-803: ECU 3.75 million in 1998, EUR 5 million for 1999) on policy on asylum seekers and other displaced persons for longer term projects. ?

Displaced persons: solidarity in the admission and residence of beneficiaries of the temporary protection

The Committee adopted the report by Jan WIEBENGA (ELDR, NL) on the temporary protection of displaced persons. The Commission has proposed a Joint Action of the Council to provide immediate humanitarian aid, in certain circumstances, for large groups of people who have been forced to flee their homes and their country. Temporary protection is to be limited to the period in which the situation in the country of origin prevents the individuals concerned returning in adequate conditions of safety and dignity. However, temporary protection within the EU differs from one Member State to another. In particular, there are differences in the legal situations and rights offered to displaced persons. National policies and practices need to be harmonised in order to limit the consequences of these differences. Increased cooperation between Member States is also needed to ensure a fairer division of responsibilities. The amendments adopted by MEPs include the following: -the Joint Action should be regarded as supplementing the Geneva Convention on refugees and should be invoked only in the event of a mass influx into the EU of refugees requiring international protection; -priority should be given, when organising the return of displaced persons, to voluntary repatriation, in strict conformity with human dignity and in close cooperation with the international organisations concerned, in

particular the UN High Commissioner for Refugees; -a distinction should be made between the concept of "a balance between the efforts of the Member States" and "solidarity" (according to the committee, the European Refugee Fund should be the financial instrument used to give effect to this solidarity); -more precise terms for the adoption by the Council of long-term protection measures should be established, on the basis of the Commission's report on the consequences of the automatic expiry of a temporary protection regime; -Parliament should be consulted on implementing measures for the Joint Action. ?

Displaced persons: solidarity in the admission and residence of beneficiaries of the temporary protection

In adopting the report by Mr Jan WIEBENGA (ELDR, NL) concerning solidarity in the admission and residence of beneficiaries of the temporary protection of displaced persons, the European Parliament called for the joint action to relate to Community aid measures. It recalled that under the Amsterdam Treaty, the Council was required to adopt measures promoting a balance of effort between Member States in receiving and bearing the consequences of receiving refugees and displaced persons. It pointed out that once this Treaty had entered into force, the proposal would have to be based on the future Article 63 rather than Article K.3. It suggested that a Member State's specific quota should be based not only on the number of displaced persons received but also on the financially assessable contributions by the Member States. It once again proposed the idea of a European Refugee Fund as a financial instrument for the display of ad hoc solidarity. It wished implementing decisions concerning solidarity measures to be adopted by a qualified majority rather than unanimously, and called for people in need of international protection to be distributed among the Member States in accordance with an allocation formula which took account of the economic situation and reception capacity of the Member States, before or after their arrival within the territory of the Member States concerned. However, the distribution rules must be without prejudice to the principle of the 'unity of the family' and the rights of unaccompanied refugee children. It must also not affect the rules of the Dublin Convention. Parliament asked to be fully consulted about application measures arising from the joint action.?

Displaced persons: solidarity in the admission and residence of beneficiaries of the temporary protection

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