

Procedure file

Basic information		
CNS - Consultation procedure Directive	2000/0127(CNS)	Procedure completed
Displaced persons: temporary protection in the event of a mass influx, Member States' admission		
Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs		29/08/2000
		ELDR WIEBENGA Jan-Kees	
	Committee for opinion	Rapporteur for opinion	Appointed
	BUDG Budgets	The committee decided not to give an opinion.	
	EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Budget	2368	20/07/2001
	Justice and Home Affairs (JHA)	2350	28/05/2001
	Justice and Home Affairs (JHA)	2337	15/03/2001
European Commission	Commission DG	Commissioner	
	Justice and Consumers		

Key events			
24/05/2000	Legislative proposal published	COM(2000)0303	Summary
04/09/2000	Committee referral announced in Parliament		
27/02/2001	Vote in committee		Summary
27/02/2001	Committee report tabled for plenary, 1st reading/single reading	A5-0077/2001	
13/03/2001	Debate in Parliament		
13/03/2001	Decision by Parliament	T5-0123/2001	Summary
15/03/2001	Debate in Council	2337	

20/07/2001	Act adopted by Council after consultation of Parliament		
20/07/2001	End of procedure in Parliament		
07/08/2001	Final act published in Official Journal		

Technical information

Procedure reference	2000/0127(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 063-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/13433

Documentation gateway

Legislative proposal	COM(2000)0303 OJ C 311 31.10.2000, p. 0251 E	24/05/2000	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A5-0077/2001	27/02/2001	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0123/2001 OJ C 343 05.12.2001, p. 0022-0082	13/03/2001	EP	Summary
Economic and Social Committee: opinion, report	CES0402/2001 OJ C 155 29.05.2001, p. 0021	28/03/2001	ESC	
Committee of the Regions: opinion	CDR0420/2000 OJ C 357 14.12.2001, p. 0006	13/06/2001	CofR	

Additional information

European Commission	EUR-Lex
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Final act

Directive 2001/55 OJ L 212 07.08.2001, p. 0012 Summary

Displaced persons: temporary protection in the event of a mass influx, Member States' admission

PURPOSE : to establish minimum standards at Community level for the grant of temporary protection in the event of a mass influx of displaced persons and measures to promote a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. **CONTENT** : as envisaged by the conclusions of the Presidency at the Tampere European Council in October 1999, a common European asylum system must be based on the full and inclusive application of the Geneva Convention, maintaining the principle of non-refoulement. It is also to include, in the short term, a clear and workable determination of the State responsible for the examination of an asylum application, common standards for a fair and efficient asylum procedure, common minimum conditions of reception of asylum seekers, and the approximation of rules on the recognition and content of the refugee status. It should also be completed by measures on subsidiary forms of protection offering an appropriate status to any person in need of such protection. In the longer term, Community rules should lead to a common asylum procedure and a uniform status for those who are granted asylum valid throughout the Union. The Commission was asked to prepare a Communication on this matter in 2000. Thus, the Commission is at present proposing a draft Council Directive on temporary protection in the event of a mass influx, based on solidarity between the Member States, as indicated in the scoreboard for the evaluation of progress in the establishment of an area of freedom, security and justice in the European Union, approved by the Council on 27 March 2000. The proposal is part of a series of recent and forthcoming Commission initiatives on asylum policy under the new Treaty establishing the European Community. With this proposal for a Council Directive, the Commission is pursuing the following aims: - implementing the Treaty,

the Vienna Action Plan, the Presidency conclusions of the Tampere special European Council and the scoreboard presented to the Council and the Parliament in March 2000; - avoiding a total bottleneck in national asylum systems in the event of a mass influx, which would have negative effects on Member States, the persons concerned and other persons seeking protection outside the context of the mass influx, and thereby supporting the viability of the common European asylum system; - making immediate protection and fair rights available to the persons concerned; - clarifying the link between temporary protection and the Geneva Convention, safeguarding the full application of the Convention; - contributing to achieving balance between the efforts made by the Member States to receive the persons concerned by offering coordination facilities in the event of a mass influx in the European Union and in implementing temporary protection; - to give practical expression to solidarity in the reception of the persons concerned by means of financial solidarity and the double voluntary action in reception of them. To achieve these aims the Commission is presenting a "package" in a single Directive, based on Article 63(2)(a) and (b) of the Treaty, containing definitions corresponding to the Treaty's objectives and minimum standards for temporary protection in the event of a mass influx, which should promote the balance between the efforts made by the Member States to receive persons concerned and to bear the consequences. With regard to the maximum duration of temporary protection in the event of a mass influx, this is a crucial component of the system, especially if access to the asylum procedure is temporarily postponed. In 1998, the Commission proposed a maximum period of 3 years, possibly to be extended to 5 years. But there seems to be some reluctance to accept this period in several Member States. The Commission is accordingly making a new proposal for a maximum period of 2 years, which is a reasonable and workable period. As regards the financial instruments, the draft Directive provides expressly for a financial solidarity mechanism in the simple form of a reference to the Council Decision establishing a European Refugee Fund. The Fund is to be given EUR 216 million over five years (36 for 2000, 45 each year thereafter, EUR 10 million of that for emergency measures).?

Displaced persons: temporary protection in the event of a mass influx, Member States' admission

The committee adopted the report by Jan-Kees WIEBENGA (ELDR, NL) broadly approving the proposal under the consultation procedure, subject to a number of amendments. While it felt that the draft directive amounted to a substantial improvement on earlier proposals, the committee nevertheless wanted to improve the sharing of responsibility between Member States and the actual protection granted. It called for any decision by Council on providing temporary protection for a specific influx of refugees to ensure a balanced allocation between Member States, having regard to their capacity to absorb the refugees. The committee also argued that, where the Commission or a Member State submitted a proposal for putting a temporary protection regime into place, the Council should then take a decision within three months, given the urgency and seriousness of such situations. Residence permits should be issued without delay, and the committee amended the text to ensure that minors were granted unrestricted and immediate access to the education system in the host country. It also wanted the host Member State to take a decision within three months on any application for family reunification. The committee emphasised that Member States should apply the directive on temporary protection with due regard for the fundamental rights laid down in the Geneva Convention, in particular the principle of "non-refoulement", under which refugees may not simply be sent back where they came from. In connection with the right of persons enjoying temporary protection to apply for asylum status, the committee stipulated that it should be the host country that considered the application for asylum, not the country of first entry as laid down in the Dublin Convention. In addition, it modified the provision enabling Member States to decide that those under temporary protection could lose their rights if they applied for asylum, arguing that this would act as a disincentive to apply for asylum and that the text of the original proposal could be open to abuse by Member States.?

Displaced persons: temporary protection in the event of a mass influx, Member States' admission

The European Parliament adopted the report by Mr Jan-Kees WIEBENGA (ELDR, NL) by 276 votes in favour, 200 votes against and 27 abstentions. This resolution approves the draft directive on the temporary protection in the event of a mass influx of displaced persons. Although Parliament considered this draft directive to be a substantial improvement on earlier proposals on temporary protection, it nevertheless adopted a number of amendments in order to improve responsibility-sharing between Member States and to improve the actual protection granted. (Please refer to the previous text).?

Displaced persons: temporary protection in the event of a mass influx, Member States' admission

PURPOSE : to establish minimum standards for giving temporary protection in the event of a mass influx of displaced persons from third countries who are unable to return to their country of origin and to promote a balance of effort between Member States in receiving and bearing the consequences of receiving such persons. **COMMUNITY MEASURE** : Council Directive 2001/55/EC. **CONTENT** : This Directive: - establishes minimum standards to ensure a balance in the efforts of the Member States in receiving refugees and displaced persons; - establishes a maximum duration for the temporary protection arrangements. The text provides for a duration of one year with the possibility of an automatic extension by two six-monthly periods. Where reasons for temporary protection persist, the Council may decide a further extension of up to one year; - provides for the protection to be granted immediately, once the Council has decided by qualified majority that a mass influx has occurred; a Council decision extending the duration of temporary protection shall also be adopted by qualified majority; - lays down the obligations of the Member States with regard to: the rights to be granted to beneficiaries of temporary protection, in particular the right to work, housing, emergency health care, maintenance support, education and the right to family reunification; mechanisms for access to the asylum procedure; measures relating to return following the end of temporary protection measures; - establish a solidarity mechanism based on the principle of double voluntary actions (requiring the consent of both the person benefiting from temporary protection and the host Member State). **ENTRY INTO FORCE** : 07/08/2001. **IMPLEMENTATION** : 31/12/2002.?