

TRANSLATION OF THE CRUCIAL PROVISIONS
OF THE DIRECTIVE TEMPORARY PROTECTION 2001/55/EC

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Article 5, §1: The existence of a mass influx of displaced persons shall be established by a Council Decision adopted by a qualified majority on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council.

Translation:

Article 2 of the Law on Asylum and Refugees (LAR): ‘The Council of Ministers grants temporary protection introduced with a decision of the Council of the European Union.’

Art. 80 (1) of LAR, p. 1: ‘The Council of Ministers shall make a request to the European Commission for introduction of temporary protection.’

Article 5, §3: The Council Decision shall have the effect of introducing temporary protection for the displaced persons to which it refers, in all the Member States, in accordance with the provisions of this Directive. The Decision shall include at least:

- (a) a description of the specific groups of persons to whom the temporary protection applies;
- (b) the date on which the temporary protection will take effect;
- (c) information received from Member States on their reception capacity;
- (d) information from the Commission, UNHCR and other relevant international organisations.

Translation: The content of the Council Decision is not discussed in the LAR.

Article 8, §1: The Member States shall adopt the necessary measures to provide persons enjoying temporary protection with residence permits for the entire duration of the protection. Documents or other equivalent evidence shall be issued for that purpose.

Translation:

Art. 41 (1), p. 5 of the LAR: ‘The State Agency for Refugees issues a registration card to a foreigner who has been granted temporary protection – for the duration of the protection.’

Article 8, §3: The Member States shall, if necessary, provide persons to be admitted to their territory for the purposes of temporary protection with every facility for obtaining the necessary visas, including transit visas. Formalities must be reduced to a minimum because of the urgency of the situation. Visas should be free of charge or their cost reduced to a minimum.

Translation: Not transposed.

Article 9: The Member States shall provide persons enjoying temporary protection with a document, in a language likely to be understood by them, in which the provisions relating to temporary protection and which are relevant to them are clearly set out.

Translation:

Art. 39 (2) of LAR: ‘Persons enjoying temporary protection shall be provided with written information in a language understood by them regarding the rules of temporary protection.’

Article 17, §1:

1. Persons enjoying temporary protection must be able to lodge an application for asylum at any time.

Translation:

Art. 58 (5) of LAR: ‘A foreigner enjoying temporary protection shall be entitled to lodge an application for refugee status or humanitarian status.’

Article 17, §2:

2. The examination of any asylum application not processed before the end of the period of temporary protection shall be completed after the end of that period.

Translation:

Art. 72 (1), p. 3: ‘A general procedure shall be initiated for a foreigner who has lodged a status application during temporary protection – with the registration of the foreigner after the termination/withdrawal of the temporary protection.’