

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:

Art. 1 § 4 TPA: "This Act is applicable when the temporary protection of aliens is pronounced by the decision of the Council of the EU." (footnote omitted)¹

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: Not transposed

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. 2 § 1 letter c) TPA: "If during a border control² an alien indicates his/her intention to ask in the Czech Republic for temporary protection, the Police shall ... c) issue a special border card under special legal regulation³ if the alien

¹ Footnote explicitly refers to the TPD.

² Art. 3, para 3 of the Act No. 326/1999 Coll.

³ Act No. 326/1999 Coll. as amended by later regulations.

is unable to provide a travel document and mark into this document the admission permit to the territory.”

Art. 34 § 1 TPA: “The Police shall issue to the applicant for temporary protection a card of an applicant for temporary protection (further only “card of the applicant”)...”

Art. 35 § 1 TPA: “An alien who was granted temporary protection shall be issued by the Police a card of an alien on temporary protection (further only “alien’s card”) valid for the period of validity of the entitlement to reside for the purpose of temporary protection under this Act. The validity of the card is extended if a decision on the extension of temporary protection provision is made. An alien on temporary protection is obliged to come without delay for the extension of the validity of his/her alien’s card.”

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:

Art. 2 § 1 letter c) TPA: “If during a border control⁴ an alien indicates his/her intention to ask in the Czech Republic for temporary protection, the Police shall

- a) allow the alien admission to the Territory in order to enable him/her to submit an application for temporary protection and shall mark this fact into his/her travel document⁵;
- b) ...;
- c) issue a special border card under special legal regulation⁶ if the alien is unable to provide a travel document and mark into this document the admission permit to the territory;...”

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. 2 § 1 letter b) TPA: “If during a border control⁷ an alien indicates his/her intention to ask in the Czech Republic for temporary protection, the Police

⁴ Art. 3, para 3 of the Act No. 326/1999 Coll.

⁵ Art. 108 of the Act No. 326/1999 Coll., on the Stay of Aliens on the territory of the Czech Republic as amended by the Act No. 140/2001 and Act No. 217/2002 Coll.

⁶ Act No. 326/1999 Coll. as amended by later regulations.

shall ... b) inform the alien on his/her rights and duties in the context of provision of temporary protection in his/her mother tongue or in a language he/she is able to understand;...”

Art. 58 § 1 TPA: “The Ministry shall inform an applicant for temporary protection or a beneficiary of temporary protection status about his/her rights and obligations related to the procedure on temporary protection and temporary protection status ... in his/her mother tongue or in a language in which he/she is able to communicate.”

Article 17, §1:

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

Translation:

This provision has not been literally transposed, but there are no restrictions whatsoever (neither in the TPA nor in the Asylum Act) on the time period when a person enjoying temporary protection may lodge an application for international protection.

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:

This provision has not been literally transposed, but since the status of persons enjoying temporary protection who lodged an application for international protection is governed by the Asylum Act, these persons are allowed to stay even though the period of temporary protection has ended.

⁷ Art. 3, para 3 of the Act No. 326/1999 Coll.