

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

by Anne Adamson
anne.adamson@sorainen.ee

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:

Under section 52 (1) of the Act Granting International Protection to Aliens the Council of the EU shall establish the existence of mass influx and the need for temporary protection of displaced aliens.

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:

Paragraph 60 section 1 of the Act Granting International Protection to Aliens the residence permit of the recipient of temporary protection and his/her family member will be entered on the identity certificate.

Paragraph 56 the Act Granting International Protection to Aliens the residence permit will be granted for the period of temporary protection, but not for longer than three years.

Under section 67 (1) of the Act for Granting International Protection of Aliens the alien, who will be transferred to another EU Member State, will be issued a travel permit by the Citizenship and Migration Board.

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:

Not transposed.

Article 17, §1:

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

Translation:

Under paragraph 69 of the Act Granting International Protection to Aliens the recipient may at all times submit the application for asylum.

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:

Paragraph 34 section 1 of the Act Granting International Protection to Aliens the applicant for asylum is obligated to live at the reception centre. Paragraph 69 section 2 of the Act Granting International Protection to Aliens the

processing of the asylum application submitted during the validity of temporary protection will be stopped and continued only upon the request of the alien when three months have been left until the expiry of the term of the temporary protection.