

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

by Michał Kowalski
(*kowalsma@ists.pl*)

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 107.1 APA: Temporary protection shall be provided on the basis and within the limits specified in the decision of the Council of the European Union, for the period specified every time in the decision.

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:

Article 107.1 APA: Temporary protection shall be provided on the basis and within the limits specified in the decision of the Council of the European Union, for the period specified every time in the decision.

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. 110.2. APA : Head of Aliens Office shall grant the residence permit for a specified period for a period of a one year and shall issue the residence card to

an alien enjoying temporary protection after his or her arrival on the territory of the Republic of Poland.

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. 110.1. APA: An alien enjoying temporary protection shall be issued a visa if it is required for his or her entry on the territory of the Republic of Poland.

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. 111. APA: An alien enjoying temporary protection, after his or her arrival on the territory of the Republic of Poland, shall be informed, in a language understandable to him or her about the procedure and principles of the proceedings on temporary protection as well as about rights vested to him or her and obligations imposed on him or her.

Article 17, §1:

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

Translation: -

Clarification: The transposition was ensured through the legislative framework as such. As clarified in the Questionnaire, persons enjoying temporary protection may apply for refugee status on general basis regulated in the APA. No exclusions or limitations in this respect have been provided for and refugee status determination procedure is not to be suspended during the period of temporary 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: -

Clarification: Again, the transposition was ensured through the legislative framework as such. As clarified in the Questionnaire, general rules for granting refugee status apply which allow persons concerned to stay within the territory of Poland until the relevant decision is taken.