

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

ROMANIA

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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:

The Law no. 122/2006, published in the Official Gazette of Romania, Part I, no. 428/18.05.2006, article 131 par. 1 and 2

Art. 131 (1) The existence of a mass influx of displaced persons shall be established by an EU Council Decision.

(2) Romania may submit to the EU Council a proposal to issue a decision establishing the existence of a mass influx of displaced persons. The proposal shall comprise a description of the specific groups of persons to be subject of temporary protection, the date when the temporary protection shall enter into force and an evaluation of the scale of movement of the displaced persons.

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 Law no. 122/2006, published in the Official Gazette of Romania, Part I, no. 428/18.05.2006, article 131 par. 3 and 4

Art. 131 (3) The aliens to whom has been granted temporary protection shall enjoy from this form of protection from the date provided under the decision of the EU Council.

(4) If the temporary protection shall be granted under decision of EU Council,

the Romanian Government, based on a proposal of the Romanian Office for Immigration, shall issue a decision providing for the specific conditions for ensuring the temporary protection of the displaced persons on the Romanian territory, as well as the sources for financing the expenses incurred with the temporary protection.

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:

The Law no. 122/2006, published in the Official Gazette of Romania, Part I, no. 428/18.05.2006, article 133 par. 1 letter a)

Art. 133 (1) During the entire period of the temporary protection the persons enjoying it shall have the following rights:

a) to have issued a document attesting the right to stay on the Romanian territory.

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:

The Law no. 122/2006, published in the Official Gazette of Romania, Part I, no. 428/18.05.2006, article 133 par. 3

Art. 133 (3) Whenever necessary, the persons to be admitted on the Romanian territory for the purposes of temporary protection shall be provided with every facility for obtaining the necessary visas, including transit visas. For such purpose, the Romanian Office for Immigration shall request the Ministry of External Affairs the issuance of the visa of entry in the shortest time, due to the emergency of the situation. The visa must be free of charge or its cost reduced to a minimum.

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:

The Law no. 122/2006, published in the Official Gazette of Romania, Part I, no. 428/18.05.2006, article 133 par. 1 letter b)

Art. 133 (1) During the entire period of the temporary protection the persons enjoying it shall have the following rights:

b) the right to be informed in writing and in a language likely to be understood by them about the provisions regarding the temporary protection.

Article 17, §1:

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

Translation:

The Law no. 122/2006, published in the Official Gazette of Romania, Part I, no. 428/18.05.2006, article 137 par. 1

Art. 137 (1) Persons enjoying temporary protection may lodge an application for asylum at any time.

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:

The Law no. 122/2006, published in the Official Gazette of Romania, Part I, no. 428/18.05.2006, article 137 par. 2

Art. 137 (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.