

**QUESTIONNAIRE FOR THE NATIONAL REPORT ON THE IMPLEMENTATION
OF THE DIRECTIVE :**

TEMPORARY PROTECTION OF 20 JULY 2001

IN

Denmark

By

Chu Bettina Jen-Mei

11 May 2007

Senior Legal Advisor, LLM with the Danish Refugee Council, bettina.chu@drc.dk

DENMARK IS NOT BOUND BY THE DIRECTIVE

The person in the team of thematic coordination in charge of this directive that you can contact if you have a question or need help when completing this questionnaire is:

Markus Gunneflo

Telephone: +46 46 2221037 / +46 31 16 38 89

E-mail: markus.gunneflo@jur.lu.se

FIRST PART

1. NORMS OF TRANSPOSITION AND JURISPRUDENCE

Q.1.A. Identify the central norm(s) of transposition and indicate its legal nature

- This question includes even norms adopted before the adoption of the directive but ensuring its transposition (what is called a pre-existing norm in the table of correspondence).
- Quote the norm of transposition and not only the norm modified by it (the same is true in case of existence of a code of aliens law)
- About legal nature in the table below: *legislative* refers to a norm adopted in principle by the Parliament; *regulation* refers to a norm complementing the law and adopted in principle by the executive power; *circular or instructions* refer to practical rules about implementation of laws and regulations and adopted in principle by the administrative authorities

When answering this question, please use one or more of the tables below. If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

This table is about: <input checked="" type="checkbox"/> a text already adopted <input type="checkbox"/> a text which is still a project to be adopted
TITLE: Lov om ophævelse af lov om midlertidig opholdstilladelse til nødstedte fra Kosovoprovinzen i Forbundsrepublikken Jugoslavien (Kosovonødloven) og lov om ændring af udlændingeloven (Act on Repeal of the Act on Temporary Residence Permit for Distressed Persons from the Kosovo Province of the Federal Republic of Yugoslavia (the Kosovo Emergency Act) and Act on Amendment of the Aliens Act)
DATE: 31 May 2000
NUMBER: 427
DATE OF ENTRY INTO FORCE: 1 June 2000
PROVISIONS CONCERNED : The act repeals Act nr. 251 of 28 April 1999 on Temporary Residence Permit for Distressed Persons from the Kosovo Province of the Federal Republic of Yugoslavia (the Kosovo Emergency Act) but may instead provide a residence permit to an alien from the Kosovo Province of the Federal Republic of Yugoslavia holding or formerly holding a residence permit pursuant to the Act on Temporary Residence Permits for Distressed Persons from the Kosovo Province of the Federal Republic of Yugoslavia (the Kosovo Emergency Act) or being or having been registered as an asylum-seeker under the rules of section 48 e (1) on the basis of an application for a residence permit under section 7 submitted before 30 April 1999, if the alien must be assumed to need temporary protection in Denmark. (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: Lovtidende A 31 May 2000
LEGAL NATURE (please tick the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Table 2

This table is about: <input checked="" type="checkbox"/> a text already adopted <input type="checkbox"/> a text which is still a project to be adopted
TITLE: Bekendtgørelse af udlændingeloven (Aliens (Consolidation) Act)
DATE: 1 September 2006
NUMBER: 945
DATE OF ENTRY INTO FORCE: 10 June 2006
PROVISIONS CONCERNED : This is the latest Aliens Consolidation Act. The relevant provision, amended technically several times and mentioned in the table above, is section 9 e. (for example if the norm also pursues other objectives than the transposition of the concerned directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: Lovtidende A, 9 June 2006
LEGAL NATURE (please tick the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Q.1.B. Please list the others norms of transposition according to their hierarchical position in your legal system_(first laws, to be followed by regulations; and circulars or instructions):

- This question includes even norms adopted before the adoption of the directive but ensuring its transposition (what is termed a pre-existing norm in the table of correspondence).
- Quote the norm of transposition and not only the norm modified by it (the same is true in case of existence of a code of aliens law)

When answering this question, please use one or more of the tables below (one norm per table). If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

TITLE:
DATE:
NUMBER:
DATE OF ENTRY INTO FORCE:
PROVISIONS CONCERNED : (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL:
LEGAL NATURE (indicate by ticking the correct box): <input type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Q.2. This question needs to be answered only for **FEDERAL OR SIMILAR MEMBER STATES LIKE AUSTRIA, BELGIUM, GERMANY, ITALY, SPAIN**

Q.2.A. Explain which level of government is competent to adopt the norms of transposition.

Please include your answer in the tables below

LEGISLATIVE RULES
COMPETENCES OF THE FEDERAL/CENTRAL LEVEL:
COMPETENCES OF THE COMPONENTS:
EXPLANATIONS IF NECESSARY:

REGULATIONS
COMPETENCES OF THE FEDERAL/CENTRAL LEVEL:
COMPETENCES OF THE COMPONENTS:
EXPLANATIONS IF NECESSARY:

CIRCULAR OR INSTRUCTIONS
COMPETENCES OF THE FEDERAL/CENTRAL LEVEL:
COMPETENCES OF THE COMPONENTS:
EXPLANATIONS IF NECESSARY:

Q.2.B. Where appropriate, please explain if the federal structure and the distribution of competences between the different levels creates any problem or difficulty regarding the transposition and/or the implementation of the directive.

Q.3. Explain which authorities are competent for the practical implementation of the norm of transposition by taking the decisions in individual cases.

When answering this question, please use one or more of the tables below (one table per competence concerned). If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

COMPETENCE CONCERNED:	Aliens Act 9 e
CENTRAL MINISTRY OF:	Ministry of Refugee, Immigration and Integration Affairs
DIRECTION OR SERVICE WITHIN THE ABOVE MINISTRY:	The Danish Immigration Service
OTHER LEVEL OF ADMINISTRATION:	Ministry of Refugee, Immigration and Integration Affairs
IF NECESSARY, COMMENT ABOUT THE NATURE OF THE AUTHORITY (for instance if it is independent of the competent minister)	

Q.4.A. Has the central regulation foreseen by the central norm of transposition already been adopted?

YES NO

Q.4.B. If the central norm(s) of transposition foresee(s) the adoption of one or several regulations, indicate if they have all been adopted:

YES NO

If NO, please indicate the missing text(s) in the table below. Where necessary, please add further explanations (specify in particular if the missing texts are at least under preparation or foreseen in the very near future):

When answering this question, please use one or more of the tables below (one table per missing text). If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

MISSING TEXTS
<i>INDICATE HERE THE MISSING TEXTS</i>

SECOND PART

Duration and implementation of temporary protection

Q.5.

According to article 5(1) in the Directive 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. According to 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 in the Directive.

Do the national norms of transposition in your Member State mandate the Council to decide about the existence of a mass influx of displaced person, with the effect of introducing temporary protection for the displaced persons to which it refers in your Member State?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes

No

Explanation (if the answer is "no", how is a Council decision transposed ad hoc into national law?)

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Denmark has dealt with the mass influx of Bosnians and Kosovars in the 1990s by introducing ad hoc special legislation providing temporary protection to these groups of refugees. The "Kosovo Emergency Act" was abolished in 2000 and the special legislation providing temporary protection to Bosnians, the "Yugoslav Emergency Act" was abolished in 2002.

Section 9 e of the Aliens Act provides for the possibility of granting a residence permit to persons from the Kosovo Province holding or formerly holding a residence permit pursuant to the "Kosovo Emergency Act" if the person must be assumed to be in need of temporary protection. The scope of section 9 e is strictly humanitarian and in principle limited to persons considered by UNHCR to be in a particular vulnerable situation if they were to return to Kosovo.

Please see the attached Annex I for more information.

Q.6. According to article 6 in the Directive, temporary protection shall come to an end when the maximum duration has been reached or at any time by Council Decision on a proposal from the Commission. *See article 6 (1-2).*

Do the national norms of transposition mandate the Council to decide when temporary protection in your Member State shall come to an end?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (if the answer is 'no', how is a Council decision transposed ad hoc into national law?)

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.7. According to article 7, a Member States may extend temporary protection, as provided for in the Directive, to additional categories of displaced persons over and above those to whom a Council decision applies, where they are displaced for the same reasons and from the same country or region of origin. *See optional provision in article 7 (1-2).*

Do the national norms of transposition allow your Member State to extend temporary protection to additional categories of displaced persons?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If the answer is "yes", if any, what are the criteria for extending protection to additional categories of displaced persons)?

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Obligations of the Member States towards persons enjoying temporary protection

Q.8. Questions regarding obligations of the Member States towards persons enjoying temporary protection. *See article 8(1-3):*

Q.8.A. Does your Member State provide persons enjoying temporary protection with a residence permit? *See mandatory provision in article 8(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (if the answer is 'no', what are the practical Consequences for the individual?)

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.8.B. Answer this question if the answer on Q.8.A is 'yes': **Is the residence permit valid for the entire period of temporary protection?** *See mandatory provision in article 8(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (if the answer is 'no', what are the practical Consequences for the individual?)

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.8.C. Will documents or other equivalent evidence for the residence permit be issued? *See mandatory provision in article 8(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.8.D. Will your Member State 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, is clearly set out? See mandatory provision in article 9.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.8.E. Will the personal data of the persons enjoying temporary protection (name, nationality, date and place of birth, marital status, and family relationship) be registered? See mandatory provision in article 10.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.8.F. Will your Member State provide facilities for obtaining the necessary visas, including transit visas, to persons which will be admitted to the territory for the purposes of temporary protection? See mandatory provision in article 8(3).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.8.G. According to the national law of your Member State: Will the visas referred to in Q.8.F, be free of charge? See mandatory provision in article 8(3).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (if the answer is “no”, please indicate the amount charged and indicate amounts charged for other types of visas)

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.9. **According to national law of transposition, is your Member State responsible to take back a person enjoying temporary protection on its territory if that person seeks to enter onto or remains on the territory of another Member State without authorisation during the period of temporary protection? See mandatory provision in article 11.**

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.10. **Has your Member State concluded bilateral agreements with other Member States regulating the responsibility for persons enjoying temporary protection under the Directive? See optional provision in article 11, final sentence.**

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If the answer is “yes”, please specify with which country)

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.11. **Questions regarding work and other activities during temporary protection: See mandatory provision in article 12.**

Q.11.A. **Are the persons enjoying temporary protection allowed to engage in:**

Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

- | | | |
|--|------------------------------|-----------------------------|
| Employed activities? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Self-employed activities? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Educational opportunities for adults? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Vocational training? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Practical workplace experience? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.11.B. According to optional provision in article 12, Member States may, for reasons of labour market policies, give priority to EU citizens and citizens of States bound by the Agreement on the European Economic Area and also to legally resident third-country nationals who receive unemployment benefit.

Do the national norms of transposition in your Member State give priority, or allow giving priority, to:

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

- | | | |
|---|------------------------------|-----------------------------|
| EU citizens? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Citizens of the European Economic Area? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Legally resident third-country nationals who receives unemployment benefits? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Question to be answered only if persons enjoying temporary protection are allowed to work:

Q.11.C. According to article 12, final sentence, the general law in force in the Member States applicable to remuneration, access to social security systems

relating to employed or self-employed activities and other conditions of employment shall apply if persons enjoying temporary protection are allowed to work.

If persons enjoying temporary protection are allowed to work: Will your country's general laws be applicable regarding:

Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Remuneration? Yes No

Access to social security systems relating to employed or self-employed activities and other conditions of employment? Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.12. Questions regarding the Member States obligation towards the temporary protected regarding accommodation, subsidies, medical care etc. *See article 13(1-4).*

Q.12.A. Is your Member State obliged under national law to provide the persons enjoying temporary protection with suitable accommodation or means in order to obtain housing? *See mandatory provision in article 13(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation :

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.12.B. Will your Member State, according to national law, be obliged to provide the persons enjoying temporary protection with economic assistance such as social welfare and means of subsistence? *See mandatory provision in article 13(2).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.12.C. Do the persons enjoying temporary protection have access to emergency medical care and essential treatment of illness? *See mandatory provision in article 13 (2).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If the answer is “yes”, please provide details whether persons enjoying temporary protection have access to *general medical care* or if it is restricted to *emergency care and essential treatment of illness*?)

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.12.D. Will your Member State, according to national law, be obligated to provide for necessary medical or other assistance to persons enjoying temporary protection who have special needs such as unaccompanied minors, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence? *See mandatory provision in article 13(4).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If the answer is “yes”, please provide details about the assistance given to different groups of persons with special needs, for example psychological help for persons who have undergone torture).

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.13. Questions regarding access to education. *See article 14 (1-2):*

Q.13.A. Do persons who are under 18 years of age and enjoying temporary protection have access to the education system under the same conditions as nationals of your Member State? *See mandatory provision in article 14(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.13.B. If the answer on Q.13.A is ‘yes’: **Is access to education confined to the state education system or does it cover all kinds of educational institutions?**

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.13.C. **Do adults enjoying temporary protection have access to the general education system?** *See optional provision in article 14(2).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.14. Questions regarding right to family reunification. *See article 15:*

Q.14.A. **Do the national norms of transposition in your Member State allow separated family members, which enjoy temporary protection in different Member States, to reunite?** *See mandatory provision in article 15(2).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.14.B. Do the national norms of transposition in your Member State allow family members who are not yet in a Member State to reunite with a person enjoying temporary protection in your Member State? See mandatory provision in article 15(3).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.14.C. For the application of the rules regarding family reunification: Whom does your Member State consider a “family member”? See article 15(1)(a)(b).

(Please indicate by ticking the correct box/boxes and **EXPLAIN YOUR ANSWER**)

- The spouse of the person enjoying temporary protection.**
- The unmarried partner in a stable relationship to the person enjoying temporary protection.**
- The minor unmarried children of the person enjoying temporary protection or of his/her spouse, without distinction as to whether they were born in or out of wedlock or adopted.**
- Other close relatives who lived as part of the family unit with the person enjoying temporary protection at the time of the events leading to the mass influx, and who were wholly or mainly dependent on him/her at the time.**

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.14.D. What means of proof is needed in your Member State to verify family membership, is for example documentary evidence needed?

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.14.E. Explain which measures have been taken in your Member State to ensure that ‘the best interest of the child’ is accounted for when applying the provisions on family reunification in the national norms of transposition? See mandatory provision in article 15(4).

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.14.F. According to article 15(5), Member States shall decide in which Member State the reunification shall take place. Please indicate which authority possesses the competency to take such decisions?

Name and function of the Authority:

Q.14.G. If there is a formal procedure foreseen for such decisions, please describe it briefly:

Q.14.H. Are reunited family members in your Member State granted residence permits under temporary protection?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.14.I. Are documents or other equivalent evidence issued for persons who comes to your Member State and receives temporary protection under the provisions regarding family reunification?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.14.J. Does the national norms of transposition in your Member State comply with the provision in article 15(8) stating that a Member State shall at the request of another Member State, provide information on a person receiving temporary protection which is needed to process a matter of family reunification? See mandatory provision in article 15(8).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.15. Questions regarding unaccompanied minors: *See article 16:*

Q.15.A. Explain how the representation of unaccompanied minors enjoying temporary protection in your Member State is arranged according to national law. See mandatory provision in article 16(1).

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.15.B. Does your Member State provide for unaccompanied minors to be placed with: See mandatory provision in article 16(2).

(Please indicate by ticking the correct box/boxes and **EXPLAIN YOUR ANSWER**)

- Adult relatives ?
- A foster-family ?
- In reception centres with special provisions for minors, or in other accomodation suitable for minors ?
- With the person who looked after the child when fleeing ?

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.15.C. Do the national norms of transposition in your Member State meet the requirement that the views of the child shall be taken into account when arranging placement for the minor? See mandatory provision in article 16(2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Access to the asylum procedure in the context of temporary protection

Q.16. Questions regarding access to the asylum procedure. *See article 3 and 17-19:*

According to mandatory provision in article 3(1) temporary protection shall not prejudice recognition of refugee status under the Geneva Convention.

Q.16.A. Does temporary protection in any way prejudice recognition of refugee status under the Geneva Convention in your Member State?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.16.B. Does your Member State allow persons enjoying temporary protection to apply for asylum at any time during the period of temporary protection? See mandatory provision in article 17(1).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.16.C. Does your Member State allow persons enjoying temporary protection to stay in the Member State during the examination of their asylum claim, even though the period of temporary protection has ended? See mandatory provision in article 17(2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.16.D. What criteria are provided by the norms of transposition in your Member State to determine the responsibility amongst Member States for examining an asylum application submitted by a person enjoying temporary protection in another Member State? See mandatory provision in article 18.

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.16.E. Has your Member State decided that temporary protection may not be enjoyed concurrently with the status of asylum seeker while applications are under consideration? See optional provision in article 19.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation: If the answer is “yes”, please provide details concerning differences between the reception conditions for asylum seekers and persons enjoying temporary protection in your Member State which might lead to withdrawal or reduction of rights for a temporary protected who lodges an application for asylum.

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.16.F. If refugee status or, where applicable, other kind of protection is not granted to a person who is eligible for or already enjoys temporary protection is that person allowed to enjoy or continue to enjoy temporary protection in your Member State? See mandatory provision in article 19(2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Return and measures after temporary protection has ended

Q.17. Questions regarding the voluntary return of persons enjoying temporary protection:

Q.17.A. According to mandatory provision in article 21(1) the Member States *shall* ensure that the provisions governing voluntary return of persons enjoying temporary protection facilitate their return with respect for human dignity. How is that reflected in the national norms of transposition in your Member State?

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.17.B. Please explain how your Member State ensures that a decision of persons enjoying temporary protection, or whose temporary protection has ended, to return voluntarily is taken in full knowledge of the facts. *See mandatory provision in article 21(1).*

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.17.C. Is it possible for the temporary protected in your Member State to make exploratory visits to the home country? *See optional provision in article 21(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.17.D. Please explain if and how your Member State has transposed article 21(2) stating that Member States shall, for such time as the temporary protection has not ended and on the basis of the circumstances prevailing in the country of origin, give favourable consideration to requests for return to the host Member State from persons who have enjoyed temporary protection and exercised their right to a voluntary return?

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.17.E. Is it possible, under the national norms of transposition in your Member State, for persons enjoying temporary protection to continue receive their benefits as temporary protected after the period of temporary protection has ended, if they benefit from a voluntary return programme? See optional provision in article 21.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation: (If the answer is “yes”, for how long is that possible).

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.18. Questions concerning enforced return of persons who have enjoyed temporary protection. *See articles 22:*

Q.18.A. Explain if and how the laws of your Member State comply with the mandatory provision in article 22(1), obliging Member States to ensure that the enforced return of persons whose temporary protection has ended and who are not eligible for admission shall be conducted with due respect for human dignity.

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.18.B. Explain if and how the laws of your Member State comply with the mandatory provision in article 22(2) obliging Member States to consider any compelling humanitarian reasons which may make return impossible or unreasonable in specific cases.

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.18.C. In the national law of your Member State, are there any other grounds (except for the one referred to in Q.18.B) for allowing persons who have enjoyed temporary protection to stay in your Member State?

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.19. Questions concerning forcible return of persons who have enjoyed temporary protection. *See article 23:*

Q.19.A. Does the national law and practice of your Member State comply with the mandatory provision in article 23, providing that persons who have enjoyed temporary protection and who cannot, in view of their state of health reasonably be expected to travel, are not expelled as long as that situation continues? The provision exemplifies with persons who would suffer serious negative effects if their treatment was interrupted.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.19.B. Does your Member State allow families whose children attend school in a Member State, to benefit from residence conditions allowing the children concerned to complete the current school period before return? *See optional provision in article 23.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Solidarity

Q.20. Please describe how your Member State ensures that persons eligible for temporary protection defined in a Council Decision under article 5 and who have not arrived in the Community have expressed their will to be received on their territory? *See mandatory provision in article 25(2).*

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.21. Questions concerning the transferral between Member States of persons enjoying temporary protection. *See article 26:*

Q.21.A. According to mandatory provision in article 26(1) the Member States shall cooperate with each other with regard to transferral of the residence of persons enjoying temporary protection from one Member State to another, subject to the *consent* of the persons concerned to such transferral.

Does the national law of your Member State comply with article 26(1) regarding the *consent* of the person who are about to be transferred?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.21.B. Do the national norms of transposition in your Member State comply with article 26(2) stating that a Member State shall communicate requests for transfers to the other Member States and notify the Commission and UNHCR?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.21.C. According to the national norms of transposition, is your Member State obliged to, at the request of another Member State, provide information as set out in Annex II of the Directive, on a person enjoying temporary protection, which is needed to process a matter of transferral? (*See mandatory provision in article 26(3).*)

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.21.D. According to the national law in your Member State, will the residence permit of a person who is transferred, from your Member State to another Member State, expire? See mandatory provision in article 26(4)

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.21.E. When a person, who has been enjoying temporary protection in your Member State is transferred to another Member State, will the obligations relating to temporary protection in your Member State come to an end upon the transferral? See mandatory provision in article 26(4)

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.21.F. If a person, who previously has enjoyed temporary protection in another Member State, is transferred to your Member State, will your Member State grant temporary protection to that person? See mandatory provision in article 26(4), last sentence.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.21.G. Will the ‘model pass’ set out in annex I of the Directive be used in a foreseen transferral procedure?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.22. What authority in your Member State is appointed as national contact point according to the mandatory provision in article 27?

The name and function of the authority is: Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.23. Questions regarding exclusion from temporary protection:

Q.23.A. Are there any criteria for exclusion from temporary protection in your Member State? See optional provision in article 28.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If yes, specify the criteria).

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.23.B. If the answer to A. is “yes”, please indicate whether they in any way exceed the exhaustive list of criteria in article 28(1)(a) and (b).

Yes **No**

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.23.C. Do the national norms of transposition in your Member State meet the terms in article 28(2) stating that the grounds for exclusion shall be based solely on the personal conduct of the person concerned?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.23.D. Do the national norms of transposition in your Member State meet the terms of article 28(2) stating that exclusion decisions or measures shall be based on the principle of proportionality?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.24. Questions concerning the right to legal challenge:

Q.24.A. Do the laws of your Member State allow a person to mount a legal challenge if he/she has been: *See mandatory provision in article 29.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

**excluded from the benefit
of temporary protection** **Yes** **No**

denied family reunification **Yes** **No**

Explanation:

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.24.B. If the answer on any of the questions in Q.24.A is “yes”, please describe the applicable legal procedures for challenging the decision, in your Member State.

Q.25. Questions regarding penalties applicable to infringements of the national provisions.

Q.25.A. Are there penalties applicable to infringements of the national provisions in your Member State? *See mandatory provision in article 30.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes

No

Explanation: (If yes, specify the penalties).

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Q.25.B. Explain if the penalties, according to your opinion, comply with the Directive concerning them being effective, proportionate and dissuasive? *See mandatory provision in article 30.*

Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.

Please see Q.5 and the attached Annex I for more information.

Final questions

Q.26. Can you refer us to any study, report or research by any source on the practice of granting temporary protection in the event of a mass influx in your Member State?

No.

Q.27. Has there been a political or public debate on the implementation of the Directive? If so, please summarize the main issues of the debate

Temporary protection was politically debated in the mid-1990s, and a committee was asked to explore the issue against the background of the ad hoc legislation introduced in 1992 in order to provide for temporary protection to Bosnian refugees. The reform contemplations were suspended in 1998, in connection with the increasingly

restrictive asylum and immigration policy then introduced, and in 1999 yet another ad hoc legislation was introduced providing temporary protection to refugees from Kosovo.

Q.28. Are there any problems of legislation or practice in your Member State which relate to temporary protection and have not been covered in preceding questions?

THIRD PART

IMPACT OF THE DIRECTIVE ON NATIONAL LAW

Q.29 Question regarding the evolution of national law: **Did the transposition of the Directive make the rules related to the protection of third country nationals in cases of a mass influx become, from the point of view of the third-country national concerned, more favourable or less favourable. Please make also a comparison with the standard of the directive in the last column of the table below**

OBJECTIVE <i>To enhance the protection of displaced persons in cases of a mass influx</i>		EVALUATION REGARDING THE EVOLUTION OF NATIONAL LAW	EVALUATION IN COMPARISON WITH THE STANDARD OF THE DIRECTIVE
<p>Explain the situation <u>before</u> transposition</p> <p>Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.</p>	<p>Explain the situation <u>after</u> transposition</p> <p>(To evaluate the impact of the directive, please consider also national norms which were adopted before the deadline for transposition or even before the adoption of the directive, in cases of Member States having amended their national legislation in advance in accordance with the directive. Please indicate the precise date of adoption of the change)</p>	<p><input type="checkbox"/> <i>Less favourable than previous national rules</i></p> <p><input type="checkbox"/> <i>Status quo</i></p> <p><input type="checkbox"/> <i>More favourable than previous national rules</i></p>	<p><input type="checkbox"/> <i>Less favourable than the Directive</i></p> <p><input type="checkbox"/> <i>In line with the directive</i></p> <p><input type="checkbox"/> <i>More favourable than the directive</i></p>

Q. 30. **From your point of view, did the transposition of the directive imply other interesting changes for the third country national concerned regarding other elements than the ones mentioned in the previous question? Please make also a comparison with the standard of the directive in the last column of the table below**

When answering this question, please use one or more of the tables below. If the 3 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

OBJECTIVE (to be indicated by the national rapporteur)		EVALUATION REGARDING THE EVOLUTION OF NATIONAL LAW	EVALUATION IN COMPARISON WITH THE STANDARD OF THE DIRECTIVE
<p>Explain the situation before transposition</p> <p>Directive 2001/55/EC is not binding upon or applicable in Denmark due to the Danish reservations under the 1997 Protocol. Denmark has not taken any measures to implement the Directive.</p>	<p>Explain the situation after transposition</p> <p>(To evaluate the impact of the directive, please consider also national norms which were adopted before the deadline for transposition or even before the adoption of the directive, in cases of Member States having amended their national legislation in advance in accordance with the directive. Please indicate the precise date of adoption of the change)</p>	<p><input type="checkbox"/> <i>Less favourable than previous national rules</i></p> <p><input type="checkbox"/> <i>Status quo</i></p> <p><input type="checkbox"/> <i>More favourable than previous national rules</i></p>	<p><input type="checkbox"/> <i>Less favourable than the Directive</i></p> <p><input type="checkbox"/> <i>In line with the directive</i></p> <p><input type="checkbox"/> <i>More favourable than the directive</i></p>

Table 2

OBJECTIVE (to be indicated by the national rapporteur)		EVALUATION REGARDING THE EVOLUTION OF NATIONAL LAW	EVALUATION IN COMPARISON WITH THE STANDARD OF THE DIRECTIVE
<p>Explain the situation before transposition</p>	<p>Explain the situation after transposition</p> <p>(To evaluate the impact of the directive, please consider also national norms which were adopted before the deadline for transposition or even before the adoption of the directive, in cases of Member States having amended their national legislation in advance in accordance with the directive. Please indicate the precise date of adoption of the change)</p>	<p><input type="checkbox"/> <i>Less favourable than previous national rules</i></p> <p><input type="checkbox"/> <i>Status quo</i></p> <p><input type="checkbox"/> <i>More favourable than previous national rules</i></p>	<p><input type="checkbox"/> <i>Less favourable than the Directive</i></p> <p><input type="checkbox"/> <i>In line with the directive</i></p> <p><input type="checkbox"/> <i>More favourable than the directive</i></p>

Table 3

OBJECTIVE (to be indicated by the national rapporteur)		EVALUATION REGARDING THE EVOLUTION OF NATIONAL LAW	EVALUATION IN COMPARISON WITH THE STANDARD OF THE DIRECTIVE
Explain the situation before transposition	<p>Explain the situation after transposition</p> <p>(To evaluate the impact of the directive, please consider also national norms which were adopted before the deadline for transposition or even before the adoption of the directive, in cases of Member States having amended their national legislation in advance in accordance with the directive. Please indicate the precise date of adoption of the change)</p>	<p><input type="checkbox"/> <i>Less favourable than previous national rules</i></p> <p><input type="checkbox"/> <i>Status quo</i></p> <p><input type="checkbox"/> <i>More favourable than previous national rules</i></p>	<p><input type="checkbox"/> <i>Less favourable than the Directive</i></p> <p><input type="checkbox"/> <i>In line with the directive</i></p> <p><input type="checkbox"/> <i>More favourable than the directive</i></p>

Q.31.A. Question regarding the method of transposition: **Did your Member State copy the provisions of the directive into national legislation without any redrafting or adaptation to national circumstances.**

YES NO

Q.31.B. **If yes, did this method of transposition create any problems (for example difficulties of implementation, risk that a provision remain unapplied).**

YES NO

Q.31.C. **If yes, give some of examples:**

Q.31.D. **If only some provisions of the directive have been copied and if this may create any problem, please quote them and explain the problem.**

Q.32. Quote interesting decisions of jurisprudence related to the directive, its transposition or implementation (this question concerns in principle decisions after the national norms of transposition entered into force, but decisions prior to that may be quoted if relevant). Quote in particular decisions of supreme Courts; limit yourself to the appeal Courts and ignore the first resort if there are too many decisions at this level, unless there is a certain jurisprudence made of a group of decisions.

When answering this question, please use one or more of the tables below. If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

DECISION OF SUPREME COURTS	<u>DATE:</u>	<u>REFERENCE OF PUBLICATIONS:</u>	<u>SUMMARY OF CONTENT:</u>
DECISION OF APPEAL COURTS	<u>DATE:</u>	<u>REFERENCE OF PUBLICATIONS:</u>	<u>SUMMARY OF CONTENT:</u>
DECISION(S) IN FIRST RESORT	<u>DATE:</u>	<u>REFERENCE OF PUBLICATIONS:</u>	<u>SUMMARY OF CONTENT:</u>

ANY SUPPLEMENTARY COMMENT ABOUT THE TREND OF THE JURISPRUDENCE:

Q.33. Are there any problems with the translation of the text of the directive in the official language of your Member State and give in case a list of the worst examples of provisions which have been badly translated.

There are no problems with the translation of the directive.

There are some problems with the translation of the directive.

Explanation: (If there are such problems, please specify the most problematic provisions in the Directive when it comes to translation).

Explain the difficulties that this could create:

ANY OTHER INTERESTING ELEMENT

Q.34. Following your personal point of view, mention from the point of view of third country nationals and/or from the Member State any interesting or innovative practice in your Member State

When answering this question, please use one or more of the tables below. If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

OBJECTIVE OF THE PRACTICE	EXPLANATION

Q.35. Please add here any other interesting element in your Member State which you did not have the opportunity to mention in your previous answers.

Annex I to Table of Correspondence and Questionnaire for the National Report on the Implementation of the Directive : “Temporary Protection” of 20 July 2001

Preamble no. 26 of Directive 2001/55/EC states that “In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on the European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this Directive, and is therefore not bound by it nor subject to its application.”

Denmark has not taken any measures to implement Directive 2001/55/EC to date. If Denmark were to participate in this part of the EU harmonization, the Directive would require amendments of domestic legislation. No general legislative reform concerning temporary protection or similar asylum schemes seems to be contemplated by the Danish government, at present.

Denmark has previously introduced ad hoc “special” legislation in order to deal with mass influx of Bosnians and Kosovars. The legislation provided for the granting of temporary residence permits to refugees from Bosnia and Kosovo, in need of international protection, initially without allowing access to the asylum procedure and with a view to avoiding refugee rights being fully provided to the persons concerned. The presumption was that the persons benefiting from such temporary protection would be able to return to their places of origin within reasonably short time after arrival in Denmark.

The special legislation introduced in 1992 providing temporary protection to Bosnian refugees was abolished in December 2002. In April 1999, the Kosovo Emergency Act⁸ was introduced

⁸ Act nr. 251 of 28 April 1999 on Temporary Residence Permit for Distressed Persons from the Kosovo Province of the Federal Republic of Yugoslavia

after appeal from UNHCR to offer temporary protection to displaced persons from Kosovo. The Kosovo Emergency Act was repealed in May 2000⁹ when most displaced persons from Kosovo, according to UNHCR, no longer needed temporary protection. Some particularly vulnerable Kosovars, however, were still in need of temporary protection and this group of persons were granted a residence permit according to section 9 e of the Aliens Act.

According to section 9 e of the Aliens Act “A residence permit may be issued to an alien from the Kosovo Province of the Federal Republic of Yugoslavia holding or formerly holding a residence permit pursuant to the Act on Temporary Residence Permits for Distressed Persons from the Kosovo Province of the Federal Republic of Yugoslavia (the Kosovo Emergency Act) or being or having been registered as an asylum seeker under the rules of section 48 e (1) on the basis of an application for a residence permit under section 7 submitted before 30 April 1999, if the alien must be assumed to need temporary protection in Denmark.”

In spite of the wording “temporary protection“ in section 9 e, the scope of the legislation is strictly humanitarian. According to the preparatory works of the law, a residence permit pursuant to section 9 e may be issued to persons considered by UNHCR to be in a particularly vulnerable situation if they were to return to Kosovo. During the past years UNHCR has published several Position Papers on the need for international protection of individuals from Kosovo describing which humanitarian categories, though not in need of international protection, should have their special needs taken into account in the context of return, particularly bearing in mind the limitations of health care and social welfare institutions in Kosovo. In a note from April 2006, the Ministry for Refugee, Immigration and Integration Affairs has described the practice for issuing residence permits pursuant to section 9 e listing the recommendations given by UNHCR in March 2005. UNHCR’s position on the scope of the humanitarian categories has been amended in 2006 limiting the scope of the groups in need of humanitarian “protection” to : 1) Unaccompanied elderly persons who have no relatives or any other form of societal support in Kosovo, and 2) Separated children without relatives or caregivers in Kosovo, and for whom it is found not to be in their best interest to return to Kosovo.

According to information from the Ministry for Refugee, Immigration and Integration Affairs there are no longer any persons residing in Denmark holding a residence permit pursuant to the “Kosovo Emergency Act”. Persons formerly holding a residence permit pursuant to the “Kosovo Emergency Act” have either had their permits withdrawn based on the ceased-circumstances clause or have been “channelled” into the Aliens Act-system by way of section 9 e or section 9 b (1) which provides for humanitarian residency to applicants in such a situation that substantial consideration of a humanitarian character fundamentally suggests the granting of a residence permit.

Decisions pursuant to section 9 e of the Aliens Act are made by the Danish Immigration Service. The decision may be appealed to the Minister for Refugee, Immigration and Integration Affairs. The Ministry’s ruling is final.

A residence permit pursuant to section 9 e of the Aliens Act may be issued with a possibility of permanent residence or for the purpose of a temporary stay in Denmark.

⁹ Act nr. 427 on Repeal of the Act on Temporary Residence Permit for Distressed Persons from the Kosovo Province of the Federal Republic of Yugoslavia (the Kosovo Emergency Act) and Act on Amendment of the Aliens Act introduced 31 May 2000.