

# Displaced persons: temporary protection in the event of a mass influx, Member States' admission

2000/0127(CNS) - 24/05/2000 - Legislative proposal

**PURPOSE** : to establish minimum standards at Community level for the grant of temporary protection in the event of a mass influx of displaced persons and measures to promote a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. **CONTENT** : as envisaged by the conclusions of the Presidency at the Tampere European Council in October 1999, a common European asylum system must be based on the full and inclusive application of the Geneva Convention, maintaining the principle of non-refoulement. It is also to include, in the short term, a clear and workable determination of the State responsible for the examination of an asylum application, common standards for a fair and efficient asylum procedure, common minimum conditions of reception of asylum seekers, and the approximation of rules on the recognition and content of the refugee status. It should also be completed by measures on subsidiary forms of protection offering an appropriate status to any person in need of such protection. In the longer term, Community rules should lead to a common asylum procedure and a uniform status for those who are granted asylum valid throughout the Union. The Commission was asked to prepare a Communication on this matter in 2000. Thus, the Commission is at present proposing a draft Council Directive on temporary protection in the event of a mass influx, based on solidarity between the Member States, as indicated in the scoreboard for the evaluation of progress in the establishment of an area of freedom, security and justice in the European Union, approved by the Council on 27 March 2000. The proposal is part of a series of recent and forthcoming Commission initiatives on asylum policy under the new Treaty establishing the European Community. With this proposal for a Council Directive, the Commission is pursuing the following aims: - implementing the Treaty, the Vienna Action Plan, the Presidency conclusions of the Tampere special European Council and the scoreboard presented to the Council and the Parliament in March 2000; - avoiding a total bottleneck in national asylum systems in the event of a mass influx, which would have negative effects on Member States, the persons concerned and other persons seeking protection outside the context of the mass influx, and thereby supporting the viability of the common European asylum system; - making immediate protection and fair rights available to the persons concerned; - clarifying the link between temporary protection and the Geneva Convention, safeguarding the full application of the Convention; - contributing to achieving balance between the efforts made by the Member States to receive the persons concerned by offering coordination facilities in the event of a mass influx in the European Union and in implementing temporary protection; - to give practical expression to solidarity in the reception of the persons concerned by means of financial solidarity and the double voluntary action in reception of them. To achieve these aims the Commission is presenting a "package" in a single Directive, based on Article 63(2)(a) and (b) of the Treaty, containing definitions corresponding to the Treaty's objectives and minimum standards for temporary protection in the event of a mass influx, which should promote the balance between the efforts made by the Member States to receive persons concerned and to bear the consequences. With regard to the maximum duration of temporary protection in the event of a mass influx, this is a crucial component of the system, especially if access to the asylum procedure is temporarily postponed. In 1998, the Commission proposed a maximum period of 3 years, possibly to be extended to 5 years. But there seems to be some reluctance to accept this period in several Member States. The Commission is accordingly making a new proposal for a maximum period of 2 years, which is a reasonable and workable period. As regards the financial instruments, the draft Directive provides expressly for a financial solidarity mechanism in the simple form of a reference to the Council Decision establishing a European Refugee Fund. The Fund is to be given EUR 216 million over five years (36 for 2000, 45 each year thereafter, EUR 10 million of that for emergency measures).