Displaced persons: temporary protection

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The Commission has presented an amended proposal for joint action concerning temporary protection of displaced persons to take account of discussions and exchanges of views in the Council on this question and Parliament's opinion of 23 October 1997. Firstly, in the light of discussions in the Council, it seems appropriate to divide the proposal into two sections to enable the Council to continue its work and to move forward from a major point which is currently blocking the proposal, the principle of solidarity of joint action involving sharing the burden (including the financial burden) of temporary refugees between Member States. The controversial matter of sharing the burden of the temporary protection mechanism has been separated from this revised version and is contained in a new proposal (CNS98222) with the two sections of the same text normally coming into force simultaneously. Among the major amendments to the initial text (apart from division of the text with regard to the financial provisions) are: - more precise definitions of the field of application: the temporary protection regime will apply 'in the event of a mass flight of persons' and will not prejudice possible recognition of refugee status in future, - some subsidiarity elements (the Member States are free to take national measures as long as the Council has decided to apply joint action; they also have to decide whether to authorise beneficiaries to remain on their territory or to grant them a temporary work permit), - more details on review and phasing out of the temporary protection scheme, - some derogations (in particular with regard to authorisation to remain on the territory of a Member State: this may be refused on grounds of public security and public order), - the link with refugee status (another controversial point in the proposal): if a beneficiary under the scheme applies for asylum, the application must be examined in accordance with the national law and pursuant to the Dublin Convention on determination of the Member State responsible for an asylum applications; Member States are authorised to suspend examination of an asylum application for five years; if asylum is not granted on completion of the procedure, the applicant is nevertheless still covered by the temporary protection scheme as long as the situation is in line with that described in the joint action; an asylum seeker may not combine the advantages of the two systems (they are either refugees or beneficiaries of temporary protection); - limitation of benefit: financial support is to be granted to beneficiaries under this scheme where they have no income. The Commission has also incorporated, either in letter or in spirit, ten of the 22 amendments adopted by Parliament: - geographical region and place of origin of displaced persons: this must correspond to the area adjacent to the geographical region from which the displaced persons come; - reference to the European Convention of Human Rights; - duration of temporary protection: five years at most; - content of reports presented by the Commission (these must include the social implications of temporary protection in the Member States); - specific measures with regard to unaccompanied minors; - information to be submitted to Parliament.