

## Commission's initiatives regarding asylum

**Caption:** Press release dated 20 July 2001, following the adoption of a first Directive on asylum. This communiqué also mentions other Commission initiatives regarding asylum. Following the Amsterdam reform, provisions concerning 'visas, asylum, immigration and other policies related to free movement of persons' have been 'communitarised' - transferred from the third to the first pillar - and the Commission has been credited with a power of initiative in this field.

**Source:** RAPID. The Press and Communication Service of the European Commission. [ON-LINE]. [Brussels]: European Commission, [20.09.2001]. IP/01/1046. Disponible sur <http://europa.eu.int/rapid/start/welcome.htm>.

**Copyright:** (c) European Union, 1995-2012

**URL:** [http://www.cvce.eu/obj/commission\\_s\\_initiatives\\_regarding\\_asylum-en-de05c4c8-790c-492c-a704-6e19ba55483e.html](http://www.cvce.eu/obj/commission_s_initiatives_regarding_asylum-en-de05c4c8-790c-492c-a704-6e19ba55483e.html)

**Publication date:** 25/10/2012

## First Directive on asylum adopted

IP/01/1046

Brussels, 20 July 2001

**The Directive setting norms for temporary protection of refugees in the event of a mass influx of displaced people has been formally adopted today. Its purpose is to enable the European Union to act in situations involving a mass influx of displaced people (such as those from Kosovo two years ago or Bosnia in the mid-90's) by triggering an immediate protection mechanism; it will also give access to the financial resources of the European Refugee Fund. The deal was made on the basis of a Commission proposal dated 24 May 2000 (see IP/00/518), which went through intensive negotiations in the Council, in particular under the Swedish Presidency. The European Parliament gave its opinion on 13 March 2001. António Vitorino, the European Commissioner for Justice and Home Affairs, said: "I particularly welcome the adoption of this Directive, as it is the first in a series of initiatives with a humanitarian concern".**

### How does temporary protection work?

Temporary protection is reserved for situations involving a mass influx of displaced people. It is an exceptional mechanism, providing immediate protection for the people concerned. It is to be triggered by the Council of Ministers (voting by qualified majority) on the basis of a Commission proposal. It is valid for one year, with the possibility of an automatic extension for two further six-month periods. The Council can decide on a further extension of up to one year. If the situation in the country of origin allow it, the Council can decide to end temporary protection. The Directive also sets up some norms for cooperating with the UNHCR.

### Status of displaced persons in the temporary protection framework

Temporary protection does not prejudge recognition of refugee status under the Geneva Convention and the directive establishes access to the normal asylum procedure if the people concerned wish to apply.

Beneficiaries of temporary protection will be given residence permits, appropriate information, the right to work, accommodation, social assistance, health care, and education. At least, close family members will be able to reunite.

The Directive establishes some standards for returning people to their country of origin and for measures after the end of temporary protection.

### Solidarity between Member States

Solidarity measures among Member States include financial assistance (via the European Refugee Fund) and the actual reception of persons by Member States (on the basis of the principle of "double voluntariness", i.e. the persons concerned must be willing to go as no transfers can be made against the will of individuals - and Member States are willing to receive them). In particular, information sent by Member States on reception capacity must be inserted in the decision triggering temporary protection.

### Other asylum issues ahead

In the asylum field, the EU has already adopted the EURODAC and created the European Refugee Fund (ERF) following the entry into force of the Amsterdam Treaty. EURODAC is a system of finger printing of asylum seekers and of certain third country nationals in order to enhance the efficiency of the Dublin Convention. The ERF is a tool for financial solidarity among Member States in the field of asylum policy.

The Commission has also tabled proposals for directives on asylum procedures and asylum seekers'

reception conditions, which are under negotiation in the Council. It will soon table proposals for an instrument succeeding the Dublin Convention (setting criteria and mechanisms for identifying which EU Member States is responsible for examining an asylum claim) and for rules on the recognition and content of refugee status, complemented with measures on subsidiary forms of protection. All these instruments will constitute the first phase of the harmonisation process for the establishment of a Common European Asylum System, as committed in Tampere.

The Commission recalls that on 22 November 2000, it adopted a Communication on the long term goal for the Common European Asylum System where Community rules must lead to a common asylum procedure and a uniform status, valid throughout the Union, for those granted asylum.