



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 19 March 2001**

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### **OUTCOME OF PROCEEDINGS**

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of : Working Party on Asylum

on: 5 and 6 March 2001

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n° prev.doc.: 6552/01 ASILE 21 and 6128/01 ASILE 15

n° prop. Cion : 8871/00 ASILE 26 (COM(2000) 303 final)

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Subject : Proposal for a Council Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof

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With a view to the Working Party on Asylum on 26 March 2001, delegations will find attached the text on the above-mentioned subject with the comments made by delegations shown in footnotes.

Changes to the draft Directive in 6552/01 ASILE 21 and 6128/01 ASILE 15 are in bold.

Draft  
**COUNCIL DIRECTIVE**

**on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof**

**Chapter I**  
***General provisions***

**Article 1**

The purpose of this Directive is to establish minimum standards for giving temporary protection in the event of a mass influx of displaced persons from third countries who are unable to return to their country of origin and to promote a balance of efforts between Member States in receiving and bearing the consequences of receiving such persons.

**Article 2**

For the purposes of this Directive:

- [(a) "temporary protection in the event of a mass influx" means an emergency procedure of exceptional character to provide, in the event of a mass influx or a threat of a mass influx of displaced persons from third countries who are unable to return to their country of origin<sup>1</sup>, immediate and temporary protection to such persons, in particular if there is a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation<sup>2</sup>, in the interests of the persons concerned and other persons requesting protection; hereinafter referred to as "temporary protection";]

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<sup>1</sup> **D** : add "or where such mass influx is imminent"  
**FIN** : add "and whose need for international protection can be expected to be of short duration"

<sup>2</sup> **D, F, I, A and UK** : the risk of malfunctioning of the asylum system should not be a precondition for implementing temporary protection.

- (b) "Geneva Convention" means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;
- (c) "displaced persons from third countries who are unable to return to their country of origin" means third-country nationals or stateless persons who have had to leave their country or region of origin, or have been evacuated, in particular in response to an appeal by international organisations, and are unable to return in safe and humane conditions<sup>1</sup> because of the situation prevailing in that country, who may fall within the scope of Article 1A of the Geneva Convention or other international or national instruments giving **international** protection, in particular:
- persons who have fled areas of armed conflict or endemic violence;
  - persons at serious risk of or who have been the victims of systematic or generalised violations of their human rights;
- (d) "mass influx" means arrival in the Community of a large number of displaced persons from third countries who are unable to return to their country of origin, who come from a specific country or geographical area, **whether their arrival in the Community was spontaneous or aided, for example through an evacuation programme;**
- (e) "refugees" means third-country nationals or stateless persons within the meaning of Article 1A of the Geneva Convention;
- (f) "unaccompanied minors" means third-country nationals or stateless persons below the age of eighteen, who arrive on the territory of the Member States unaccompanied by an adult **responsible for them** whether by law or custom, and for as long as they are not effectively taken into the care of such a person, **or minors who are left unaccompanied after they have entered the territory of the Member States;**<sup>2</sup>

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<sup>1</sup> **D** : say "to return safely and durably" instead of "to return in safe and humane conditions".

<sup>2</sup> **A** : add a reference to minors who arrive in the Member States accompanied by an adult and are subsequently abandoned.

**NL** : scrutiny reservation.

- (g) "residence permit" means any permit or authorisation issued by the authorities of a Member State and taking the form provided for in that State's legislation, allowing a third-country national **or a stateless person** to reside on its territory;
- (h) "applicant for reunification" or "applicant" means a third-country **or a stateless person** national enjoying temporary protection in a Member State and applying to be joined by one or more members of his family.<sup>1</sup>

### Article 3

1. Temporary protection shall not prejudice recognition of refugee status under the Geneva Convention.
2. Member States shall apply temporary protection with due respect for human rights and fundamental freedoms **and these principles shall be applied without prejudice to their obligations regarding non-refoulement.**<sup>2</sup>
3. The establishment, implementation and termination of temporary protection shall be the subject of regular consultations with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other relevant international organisations.
4. This Directive shall not apply to persons who have been accepted under temporary protection schemes prior to its entry into force.
5. This Directive shall not affect the prerogative of the Member States to adopt or retain more favourable conditions for persons covered by temporary protection.

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<sup>1</sup> **FIN** : adapt this text to the provisions of the draft Directive on family reunification.

<sup>2</sup> **D** : scrutiny reservation linked to an agreement on Article 6(2).

**GR, E, F and UK** : reference to the Geneva Convention and to the European Convention for the protection of Human Rights and fundamental Freedoms should appear only in the preamble.

## Chapter II

### *Duration and implementation of temporary protection*

#### Article 4

[Without prejudice to Article 6, the duration of temporary protection shall be one year. Unless terminated under the terms of Article 6(1)(b), it may be extended automatically by six-monthly periods for a maximum of one year.<sup>1</sup>

Where reasons for temporary protection persist, the Council may decide [by qualified majority], on request of a Member State or the Commission, to extend that temporary protection by up to one year.]

#### Article 5

1. A mass influx of displaced persons shall be established by a Council decision [adopted by a qualified majority]<sup>2</sup> on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council.
2. The Commission proposal 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) **an** estimation of the scale of the movements **of displaced persons**.<sup>3</sup>

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<sup>1</sup> **D and I** : maximum duration exceeding two years or at least possibility for the Council to extend the duration beyond two years.

**NL and A** : opposed such extension, but linked this question to an acceptable solution concerning the definition under Article 2(a).

<sup>2</sup> **E, F and P** : decision to be adopted by unanimity.

<sup>3</sup> **D** : add

*"(d) modalities concerning border crossings, transit and identification of the displaced persons to be admitted."*

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) the declarations by the Member States pursuant to Article 25.<sup>1</sup>
4. The Council decision shall be based on:
- (a) an examination of the situation and the scale of the movements **of displaced persons**;
  - (b) an assessment of the advisability of establishing temporary protection, taking into account the potential for emergency aid and action on the ground or the inadequacy of such measures;
  - (c) information received from the Member States, the Commission, UNHCR and other relevant international organisations.
5. The relevant provisions of the Council's Rules of Procedure governing urgent cases may apply where appropriate.
6. The European Parliament shall be informed of the Council decision.

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<sup>1</sup> **D** : add :  
"(d) *modalities concerning border crossings, transit and identification of the displaced persons to be admitted.*"

## Article 6

1. Temporary protection shall come to an end:
  - (a) when the maximum duration has been reached;<sup>1</sup>
  - or
  - (b) at any time, by 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.
2. The Council decision shall be based on the establishment of the fact that the situation in the country of origin is such as to permit the safe and durable return of those granted temporary protection [...]. The European Parliament shall be informed of the decision.

## Article 7<sup>2</sup>

1. Member States may extend temporary protection as provided for in this Directive to additional categories of displaced persons over and above those to whom the Council Decision provided for in Article 5 applies, where they are displaced for the same reasons and from the same country **or region** of origin. They shall notify the Council and the Commission immediately.
2. The provisions of Articles 24, 25 and 26 **shall** not apply to the use of this possibility, with the exception of the structural support included in the European Refugee Fund set up by Decision 596/2000/EC, under the conditions laid down in that Decision.

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<sup>1</sup> See footnote 2 to Article 4.

<sup>2</sup> **D, I and NL** : scrutiny reservations.

## Chapter III

### *Obligations of the Member States towards persons enjoying temporary protection<sup>1</sup>*

#### Article 7A (former Article 15)<sup>2</sup>

[The Member States shall implement their obligations without discriminating between persons enjoying temporary protection on grounds of sex, race, ethnic origin, nationality, religion or convictions, or of a handicap, age or sexual orientation.]

#### 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.
2. Whatever the period of validity of the residence permits referred to in paragraph 1, the treatment granted by the Member States to persons enjoying temporary protection may not be less favourable than that set out in Articles 9 to 15.

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<sup>1</sup> **E** : add a new provision which could be placed at the beginning of this Chapter :  
*"When there is a mass influx of persons in need of temporary protection in one or more Member States, the latter shall decide on the measures to be taken to meet their immediate human needs, especially accommodation, food and medical care.  
Once the stage of emergency has passed and all those affected have been registered, an assessment shall be made of the group's situation and of the reasons why it fled, initiating the temporary protection arrangements".*

**NL, S, UK and Cion** opposed this suggestion. They considered that such a provision would be outside the scope of this Directive.

**B** : such a measure would not find its place in Chapter III. It felt that the question raised by the E delegation could be solved in Article 7.

<sup>2</sup> **B, GR, E and F** : this Article should be deleted and its content placed in the preamble.



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 and costs<sup>1</sup> must be reduced to a minimum because of the urgency of the situation.

### Article 9

The Member States shall provide persons enjoying temporary protection with a document, in a language likely to be understood by the beneficiaries, in which the provisions relating to temporary protection **and being relevant to them** are clearly set out.

### Article 9 A

Member States shall register those persons granted temporary protection on their territory **as defined in** the Council Decision **referred to in** Article 5.<sup>2</sup>

### Article 9 B (former Article 17 A)

A Member State shall<sup>3</sup> [...] take back a person enjoying temporary protection on its territory, if the said person remains or seeks to enter without authorisation on the territory of another Member State during the period covered by the decision taken under Article 5. Member States can, on basis of a bilateral agreement, decide that this provision should not apply.

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<sup>1</sup> **D** : reservation. Wants text as in the Commission proposal : "These visas shall be free of charge".

<sup>2</sup> Reference will be added in the preamble to the rules on data protection laid down by Directive 95/46/EC.

<sup>3</sup> **I** : reference to be made to cooperation between Member States and not to Member States' obligation.

## Article 10

The Member States shall authorise persons enjoying temporary protection to engage in employed or self-employed activities and activities such as educational opportunities for adults and practical workplace experience.

## Article 11

1. The Member States shall ensure that persons enjoying temporary protection have access to suitable accommodation or, if necessary, receive the means to obtain housing.
2. The Member States shall make provision for persons enjoying temporary protection to receive the necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources, as well as for medical care. Without prejudice to paragraph 4, the assistance necessary for medical care shall include at least emergency care and the **essential** treatment of illness.<sup>1</sup>
3. Where persons enjoying temporary protection are engaged in employed or self-employed activities, account shall be taken, when fixing the proposed level of aid, of their ability to meet their own needs.
4. The Member States shall provide appropriate medical or other assistance to persons enjoying temporary protection who have special needs, such as unaccompanied minors or persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence.<sup>2</sup>

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<sup>1</sup> **FIN** : scrutiny reservation.

<sup>2</sup> **D** : scrutiny reservation regarding the financial costs of this provision.

## Article 12<sup>1</sup>

1. The Member States shall grant persons under 18 years of age enjoying temporary protection access to the education system under the same conditions as nationals of the host Member State. The Member States may stipulate that such access must be confined to the state education system.
2. The Member States **may** allow adults enjoying temporary protection access to the general education system.

## Article 13<sup>2</sup>

1. **There may be circumstances surrounding the mass influx which have led to the separation of families which already existed in the country of origin. For the purpose of this Article, the following persons are considered to be part of a family :**
  - a) **the spouse of the sponsor and his or her minor unmarried children, without distinction as to whether they were<sup>3</sup> adopted;**
  - b) **other close relatives<sup>4</sup> who lived together as part of the family unit at the time of the events leading to the mass influx, and who were wholly or mainly dependent on the sponsor at the time.**
2. **In the case of a separation of family members, Member States shall normally<sup>5</sup> reunite family members in cases where the family members are present within different Member States and fall within the scope of Article 5(1)(a).<sup>6</sup>**

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<sup>1</sup> **D and FIN** : scrutiny reservation.

<sup>2</sup> **B, D, GR, E and A** : scrutiny reservations.

<sup>3</sup> **Cion** : add "born in or out of wedlock or".

<sup>4</sup> **GR and F** : scope to be specified.

**A** : limit to core family.

<sup>5</sup> **Cion** : delete "normally". Member State where the reunification shall take place to be specified.

<sup>6</sup> **B** : draft is not clear on whether reunification is a right for displaced persons or an option for Member States.

3. In cases where persons who fall within the scope of Article 5(1)(a) are not yet in a Member State and are due to be evacuated to the EU, they shall as far as possible be reunited with family members already present within a Member State.<sup>1</sup>
4. An application for reunification may be lodged at any time during the period of temporary protection. When the period of temporary protection ends,<sup>2</sup> any outstanding applications for reunification under the provision of this Article shall lapse.<sup>3</sup>
5. The application for reunification shall be lodged either by the sponsor in the Member State where he or she resides or by the family member(s) in the country where that or those family member(s) reside. The application shall be submitted in accordance with the procedural rules laid down in national legislation. The Member States concerned shall decide, taking account of Article 25(1), whether and in which Member State the reunification shall take place.<sup>4</sup>
6. For the purpose of any decision made under paragraph 5, the applicants shall demonstrate the family relationship, preferably by documentary evidence or, in cases involving a non-rebuttable lack of documentary evidence, by plausible statements. Member States shall take account of all the facts and specific circumstances in assessing the validity of the evidence submitted and the credibility of the statements given by the interested parties.
7. The Member States concerned shall examine the application for reunification as quickly as possible. Any decision rejecting the application shall be accompanied by a statement of reasons and shall be open to legal challenge in the Member State concerned. When examining applications, the best interests of the child shall be taken into consideration by the Member States.

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<sup>1</sup> **B** : draft is not clear on whether reunification is a right for displaced persons or an option for Member States.

<sup>2</sup> **I and P** : add the following words : "Families may be reunited at any time during the period of temporary protection until two months before its end".

<sup>3</sup> **E** : this draft would be acceptable only if under Article 4 the duration of temporary protection were sufficiently limited.

<sup>4</sup> **F and Cion** : draft must ensure real double voluntary action. Text should take into account ongoing work concerning draft Directive on family reunification.

8. **Reunited family members shall be granted residence permits under the temporary protection scheme. Documents or other equivalent evidence shall be issued for that purpose.**
9. The practical implementation of this Article may involve cooperation with the international organisations concerned.
10. **A Member State shall, at the request of another Member State, provide information, as contained in Annex II, on an individual foreign national which is needed to process a matter under this Article.**

#### Article 14

1. The Member States shall take the necessary measures as soon as possible to ensure the appropriate<sup>1</sup> representation of unaccompanied minors enjoying temporary protection by legal guardianship, or, where necessary, representation by an organisation which is responsible for the care and well-being of minors, or by any other appropriate representation.
2. During the period of temporary protection Member States shall provide for unaccompanied minors to be placed:
  - (a) with adult relatives;
  - (b) with a foster-family;
  - (c) in reception centres with special provisions for minors, or in other accommodation suitable for minors.
  - (d) **with the person who looked after the child when fleeing. The Member States shall take the necessary steps to enable this placement. Agreement by the unaccompanied minor and the person or persons concerned shall be established by the Member States.**
3. Deleted.

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<sup>1</sup> **D** : scrutiny reservation.

(Article 15 : see Article 7A)

## **Chapter IV**

### ***Access to the asylum procedure in the context of temporary protection***

#### **Article 16**

- [1. Persons enjoying temporary protection must be able to lodge an application for asylum at any time.**
- 2. With respect to any such application, not or not entirely processed before the end of the period of temporary protection, that processing shall be completed as soon as possible after the end of that period.]**

#### **Article 17**

The criteria and mechanisms for deciding which Member State is responsible for considering an asylum application shall apply.

#### **Article 17 A (see Article 9 A)**

#### **Article 18**

1. The Member States may provide that temporary protection may not be enjoyed concurrently with the status of asylum seeker while applications are under consideration.
2. Where, after an asylum application has been examined, refugee status or, where applicable, other kind of protection is not granted to a person eligible for or enjoying temporary protection, the Member States shall, without prejudice to Article 29, provide for that person to enjoy or to continue to enjoy temporary protection for the remainder of the period of protection.<sup>1</sup>

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<sup>1</sup> **D, GR and IRL** : scrutiny reservation.

## Chapter V

### *Return and measures after temporary protection*

#### Article 19

When the temporary protection ends, the ordinary law on **[international]** protection and entry and residence of aliens in the Member States shall apply, **without prejudice to Articles 20 to 23.**<sup>1</sup>

#### Article 20 (see Article 22(1))

#### Article 21

1. **The Member States shall take the measures necessary to make possible the voluntary return of persons enjoying temporary protection or whose temporary protection has ended. The Member States shall ensure that the provisions governing the return of persons enjoying temporary protection facilitate their return with respect for human dignity.**<sup>2</sup>

**The Member State shall ensure that the decision of those persons to return is taken in full knowledge of the facts. The Member States may provide for exploratory visits.**

2. For as long as the temporary protection has not ended, the Member States shall, 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 voluntary return.

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<sup>1</sup> **D and A** : add "as well as in cases of return".

**UK** : opposed to this addition.

**NL** : this Article is superfluous and could be deleted.

<sup>2</sup> **D** : add at the beginning of this paragraph : "Voluntary return shall take precedence over enforced expulsion".

3. At the end of the temporary protection, the Member States may provide for the obligations laid down in Chapter III to be extended individually to persons who have been covered by temporary protection and are benefiting from a voluntary return programme. The extension shall have effect until the date of return.

## Article 22

1. **The Member States shall take the measures necessary to ensure that the return of persons whose temporary protection has ended and who are not eligible for admission is conducted in a secure and dignified manner.**
2. In cases of return, Member States shall consider any compelling humanitarian reasons which may make return impossible or unreasonable in specific cases. (former Article 20)<sup>1</sup>

## Article 23

1. **The Member States shall take the necessary measures concerning the conditions of residence of persons who have enjoyed temporary protection and, in view of their state of health, cannot reasonably be expected to travel. So long as that situation continues, they shall not be expelled.**
2. The Member States **may** ensure that families whose children are minors and attend school in a Member State can, if they so wish and in case where harm would be otherwise inflicted on the child's well-being, benefit from residence conditions allowing the children concerned to complete the current school period.

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<sup>1</sup> **D** : alternative text :  
*"The Member States shall consider any compelling humanitarian circumstances, especially the grounds mentioned in Article 1 C no. 5 of the Geneva Convention, which may take enforced expulsion impossible."*



## Chapter VI

### *Solidarity*

#### Article 24

The measures provided for in this Directive shall benefit from the European Refugee Fund set up by Decision 596/2000 <sup>1</sup>, under the **terms** laid down in that Decision.

#### Article 25

- [1. The Member States shall receive persons who are eligible for temporary protection in a spirit of Community solidarity. They shall [...] indicate – in figures or in general terms – their capacity to receive such persons [...]. This information shall be set out in a declaration by the Member States to be annexed to the decision provided for in Article 5. After that decision has been adopted, the Member States may indicate additional reception capacity by notifying the Council and the Commission. This information shall be passed on swiftly to UNHCR.
2. The Member States, acting in cooperation with the competent international organisations, shall ensure that the beneficiaries defined in the decision provided for in Article 5, who are not yet on their territory, are willing to be received on their territory.
3. When the number of those entitled to temporary protection following a sudden and massive influx exceeds the reception capacity referred to in paragraph 1, the Council will, as a matter of urgency, examine the situation and take appropriate action.]<sup>2</sup>

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<sup>1</sup> OJ L 252, 6.10.2000.

<sup>2</sup> **D** : alternative text :

"3. *If the mass influx continues after the adoption of the Council Decision under Article 5 of the Directive, the Commission shall submit a proposal for another Council Decision. The procedure and the content of the Commission proposal and of the Council Decision shall be governed by the provisions of Article 5 as well as the other provisions of the Directive*".

## Article 26

- [1. For the duration of the temporary protection, the Member States shall cooperate with each other, where appropriate, with a view to transferring the residence of persons enjoying temporary protection from one Member State to another. The beneficiaries' consent shall be obtained.<sup>1</sup>
2. A Member State shall communicate its requests for transfers to the other Member States and notify the Commission and UNHCR. The Member States shall inform the requesting Member State of their capacity for receiving transferees.<sup>2</sup>
3. **A Member State shall, at the request of another Member State, provide information, as contained in Annex II, on an individual foreign national which is needed to process a matter under this Article.**
4. Where a transfer is made from one Member State to another, the residence permit in the Member State of departure shall expire and the obligations towards the persons concerned relating to temporary protection in the Member State of departure shall come to an end. The new host Member State shall grant temporary protection to the persons concerned.
5. The Member States shall use the model pass set out in Annex I for transfers between Member States of persons enjoying temporary protection.]

## Article 27

(deleted).

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<sup>1</sup> **F** : alternative text :  
*"For the duration of the temporary protection, the Member States shall cooperate with each other with a view to transferring the residence of persons enjoying temporary protection, at their request, from one Member State to another, where appropriate, for reasons relating in particular to the preservation of the family unit".*

<sup>2</sup> **F** : alternative text :  
*"The Member States shall if necessary communicate changes in residence thus effected to the organisations involved in receiving these persons".*

## **Chapter VII**

### ***Administrative cooperation***

#### **Article 28**

1. With a view to the administrative cooperation required to implement the temporary protection scheme, the Member States shall each appoint a national contact point, whose address they shall communicate to each other and to the Commission. The Member States shall, in liaison with the Commission, take all the appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.
2. The Member States shall, regularly and as quickly as possible, communicate the data concerning the number of persons covered by temporary protection and full information on the national laws, regulations and administrative provisions relating to the implementation of temporary protection.

## Chapter VIII

### *Special provisions*

#### Article 29

1. The Member States may exclude a person from temporary protection with respect to whom :
  - there are serious reasons for considering that :
    - (a) he/**she** has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
    - (b) he/**she** has committed a serious non-political crime outside the **Member State** of **reception** prior to his admission to that **Member State** as a **beneficiary of temporary protection**;
    - (c) he/**she** has been guilty of acts contrary to the purposes and principles of the United Nations.
  - **there are reasonable grounds regarding as a danger to the national security or, having been convicted by a final judgment of a particular serious crime, is a danger to their community.**

**Particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes. This applies both to the participants in the crime and to its instigators.**

2. These grounds for exclusion shall be based solely on the personal conduct of the person concerned. Exclusion decisions or measures shall be based on the principle of proportionality. The persons concerned shall be entitled to seek redress in the courts of the Member State concerned.

## **Chapter IX**

### ***Final provisions***

#### **Article 30**

The Member States shall lay down the penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

#### **Article 31**

1. No later than two years after the date specified in Article 32, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments that are necessary. The Member States shall send the Commission all the information that is appropriate for drawing up this report.
2. After presenting the report referred to at paragraph 1, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every five years.

#### **Article 32**

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [31 December 2002] at the latest. They shall forthwith inform the Commission thereof.

When the Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

### Article 33

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

### Article 34

This Directive is addressed to the Member States.

Done at Brussels,

*For the Council*  
*The President*

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**Model pass for the transfer of persons under temporary protection****PASS**

Reference number (\*):

Issued under Article 26 of Directive EC No ... of ... on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

Valid only for the transfer **from** .....(1) to .....(2). The person in question must present himself/herself at ..... (3) by .....(4)

Issued at: .....

SURNAME:

.....

FORENAMES:

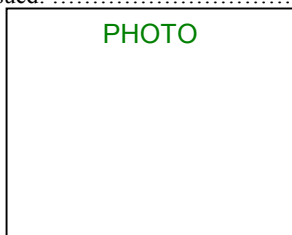
.....

PLACE AND DATE OF BIRTH: .....

NATIONALITY:

.....

Date issued: .....



SEAL

For the Home Secretary/Minister for the Interior .....

\_\_\_\_\_

The pass-holder has been identified by the authorities ..... (5)(6)

This document is issued only pursuant to Article 26 of Directive EC No ... of ... and in no way constitutes a document which can be assimilated to a travel document authorising the crossing of the external border or a document proving the individual's identity.

- (\*) The reference number is allocated by the country from which the transfer to another Member State is made.
- (<sup>1</sup>) Member State from which the transfer is being made.
- (<sup>2</sup>) Member State to which the transfer is being made.
- (<sup>3</sup>) Place where the person must present himself/herself on arrival in the second Member State.
- (<sup>4</sup>) Deadline by which the person must present himself/herself on arrival in the second Member State.
- (<sup>5</sup>) On the basis of the following travel or identity documents, presented to the authorities.
- (<sup>6</sup>) On the basis of documents other than a travel or identity document.

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<sup>1</sup> **Delegations** are kindly requested to send any written comment by 27 March 2001 at the latest to the General Secretariat of the Council  
(e-mail : guillermo.troncosogonzalez@consilium.eu.int)

**The information referred to in Articles 13 and 26 may relate to :**

- personal data on the person concerned (name, nationality, date and place of birth, marital status, family relationship, etc.),**
- identity documents and travel documents of the person concerned,**
- documents concerning evidence of family ties (marriage certificate, birth certificate, certificate of adoption, etc.),**
- other information essential to establish the person's identity or family relationship,**
- residence permits or residence permit refusal decisions issued to the person concerned by the Member State, and documents forming the basis of decisions,**
- residence permit applications lodged by the person concerned and pending in the Member State, and the stage reached in the processing of these,**

**The providing Member State shall notify any corrected information to the requesting Member State.**

\_\_\_\_\_