



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 April 1999

7780/99

LIMITE

**CK4 21
ASIM 15**

NOTE

from :	Netherlands delegation
to :	K4 Committee
Subject :	Proposal for a Council Decision on the temporary protection of displaced persons from Kosovo

Delegations will find in the Annex a proposal drawn up by the **Netherlands delegation** for a Council Decision on the temporary protection of displaced persons from Kosovo.

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PROPOSAL FOR A DECISION OF THE COUNCIL
on temporary protection of displaced persons from Kosovo

The Council,

HAVING regard to the Treaty of the European Union, and in particular Article 63 (2) (a) thereof,

HAVING regard to the conclusions of the European Council of December 1998 in Vienna emphasizing the necessity of adopting joined measures on temporary protection of displaced persons,

CONCERNED at the continuing humanitarian crisis in Kosovo,

REAFFIRMING that protection to displaced persons should be provided as extensively as possible within the region,

RECOGNISING however that there can be cases or circumstances in which protection in the region is not sufficient,

CONVINCED that the present situation in Kosovo again underscores the vital importance of a European decision on temporary protection of displaced persons,

EMPHASIZING that such a European decision on temporary protection should reflect the principle of solidarity between the Member States of the European Union,

DECLARING their support for the work carried out both within and outside the former Yugoslavia by the United Nations High Commissioner for Refugees and by other humanitarian organizations,

TAKING into account the opinion by the European Parliament,

DECIDES:

1. The objective of this decision is to give temporary protection to displaced persons from Kosovo in the Member States of the European Union in cases and circumstances where sufficient protection in the region can not be provided for. Any reception of displaced persons under this decision will be preceded by a concrete request to the European Union by UNHCR.
2. In order to enable the Member States to meet their obligations under this decision, the Commission will make arrangements with the UNHCR to carry out identification and registration on the spot and to select displaced persons to which the decision may be applied. UNHCR will be requested to take into account the needs of particularly vulnerable groups.
3. The distribution among the Member States of displaced persons covered by this decision will be determined as soon as possible but not more than one month after the presentation of a request for reception by UNHCR. This distribution will be based *inter alia* on the size of the population of each of the Member States. If within one month no decision has been taken by the Council, the Council may, in accordance with article 64 (2), act by qualified majority on a proposal by the Commission.
4. Temporary reception under this decision in the Member States will be based on voluntary acceptance by the displaced person.
5. The Member States will take into account the principle of family unity, when admitting displaced persons under this decision.
6. Admission under this decision may, if national legislation so allows, entail the suspension of the consideration of asylum applications in the designated Member State for a maximum of three years.
7. The Member States will offer displaced persons covered by this decision at least the following benefits:
 - authorisation to reside in the designated Member State;
 - to receive accommodation;
 - to have access to compulsory education;
 - to have access to social and medical services;
 - to have access to the labour market in accordance with national legislation.

The benefit of temporary protection shall not apply to any person with respect to whom one of the grounds for exclusion held in Article 1F of the Geneva Convention applies

8. Six months after the introduction of this decision, or when the Council so requests, the Commission shall submit a report to the Council and the European Parliament on the implementation of this decision.
 9. This decision will in principle apply for three years, unless the Council decides otherwise.
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