

Immigration
and Asylum Law of the EU :
current debates

Actualité
du droit européen
de l'immigration
et de l'asile

UNDER THE SUPERVISION OF/SOUS LA DIRECTION DE

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EXTRAIT
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PORTUGAL
REPORT ON THE TRANSPOSITION
OF THE DIRECTIVE ON TEMPORARY PROTECTION (*)

BY

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(Translation by Gary Mullender)

Pursuant to Article 112 (9) of the Constitution of the Portuguese Republic, the transposition of Community directives into Portuguese legal framework shall be effected by a way of a law or decree-law. Both are legislative acts⁽¹⁾. A law is a legislative act approved by the Assembly of the Republic (*Assembleia da República* – the Portuguese Parliament)⁽²⁾ whereas a decree-law is a legislative act passed by the Government. The Government may legislate by adopting decree-laws in those areas for which it has exclusive competence, on matters not within the exclusive power of the Assembly of the Republic or on matters within the partially exclusive powers of the Assembly of the Republic, when it authorises the Government to do so (delegated legislative powers)⁽³⁾.

The Directive on temporary protection was transposed by a Law of the Assembly of the Republic.

1. – THE TRANSPOSITION ACT

The Council Directive 2001/55/EC of 20 July 2001 on temporary protection⁽⁴⁾ was transposed into the Portuguese legal order by

(*) Information valid on 15 June 2004.

(¹) Article 112(1) of the Constitution.

(²) Article 166 of the Constitution.

(³) Article 198 of the Constitution.

(⁴) Hereinafter, the Directive.