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COEST 442  
SOC 391

**NOTE**

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From:	Presidency
To:	Permanent Representatives Committee/Council
No. prev. doc.:	9422/25
Subject:	Proposal for a Council Implementing Decision extending temporary protection, as introduced by Implementing Decision (EU) 2022/382, until 4 March 2027 - <i>Presidency compromise text</i>

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As compared to the Commission's proposal (9422/25), the Presidency's additions appear in **bold** **underlined**; while deletions appear in ~~strikethrough~~.

**Proposal for a**  
**COUNCIL IMPLEMENTING DECISION**  
**extending temporary protection, as introduced by Implementing Decision (EU) 2022/382,**  
**until 4 March 2027**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2001/55/EC of 20 July 2001 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<sup>1</sup>, and in particular Article 4(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 4 March 2022, the Council adopted Implementing Decision (EU) 2022/382<sup>2</sup> establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC with the effect of introducing temporary protection.
- (2) In accordance with Article 4(1) of Directive 2001/55/EC, temporary protection first applied for an initial period of one year, until 4 March 2023, and was then automatically extended for one additional year until 4 March 2024.

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<sup>1</sup> OJ L 212, 7.8.2001, p.12, ELI : <http://data.europa.eu/eli/dir/2001/55/oj>.

<sup>2</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection (OJ L 71, 4.3.2022, p. 1, ELI: [http://data.europa.eu/eli/dec\\_impl/2022/382/oj](http://data.europa.eu/eli/dec_impl/2022/382/oj)).

- (3) On 19 October 2023, the Council adopted Implementing Decision (EU) 2023/2409<sup>1</sup> extending the temporary protection as introduced by Implementing Decision (EU) 2022/382 until 4 March 2025. On 11 June 2024, the Council adopted Implementing Decision (EU) 2024/1836<sup>2</sup> extending the temporary protection as introduced by Implementing Decision (EU) 2022/382 until 4 March 2026.
- (4) ~~In the context of the activation of Directive 2001/55/EC, Member States agreed unanimously in a statement<sup>3</sup> not to apply Article 11 of that Directive {Directive 2001/55/EC} in relation to persons who enjoy temporary protection in a given Member State in accordance with Implementing Decision (EU) 2022/382, and moving to another Member State without authorisation, unless on a bilateral basis Member States agree otherwise.~~
- (5)(4) Given that a person can benefit from the rights attached to temporary protection in only one Member State at a time, to ensure that this is the case, and to avoid multiple registrations for temporary protection, Member States should reject residence permit requests made on the basis of Article 8(1) of Directive 2001/55/EC when it is apparent that the person concerned has already obtained a residence permit on that basis in another Member State ~~and therefore is enjoying the rights attached to temporary protection therein, including social assistance.~~ This would be coherent with the judgment of the Court of Justice of the European Union in case C-753/23 and in particular its paragraph 30.

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<sup>1</sup> Council Implementing Decision (EU) 2023/2409 of 19 October 2023 extending temporary protection as introduced by Implementing Decision (EU) 2022/382 (OJ L, 2023/2409, 24.10.2023, ELI: [http://data.europa.eu/eli/dec\\_impl/2023/2409/oj](http://data.europa.eu/eli/dec_impl/2023/2409/oj)).

<sup>2</sup> Council Implementing Decision (EU) 2024/1836 of 25 June 2024 extending temporary protection as introduced by Implementing Decision (EU) 2022/382 (OJ L, 2024/1836, 3.7.2024, ELI: [http://data.europa.eu/eli/dec\\_impl/2024/1836/oj](http://data.europa.eu/eli/dec_impl/2024/1836/oj)).

<sup>3</sup> Statement of the Member States.

(4)(5) In the context of the activation of Directive 2001/55/EC, Member States agreed unanimously in a statement<sup>1</sup> not to apply Article 11 of that Directive {Directive 2001/55/EC} in relation to persons who enjoy temporary protection in a given Member State in accordance with Implementing Decision (EU) 2022/382, and moving to another Member State without authorisation, unless on a bilateral basis Member States agree otherwise.

**(5a) In that overall context, nothing should be construed as implying an obligation for a Member State to issue a residence permit for temporary protection to a person who received a residence permit for temporary protection in another Member State.**

- (6) To ensure a timely situational picture for operational purposes, coherent administration and oversight of the issuance of residence permits, Member States should regularly upload accurate and timely data in the Temporary Protection Registration Platform, including figures regarding inactive registrations.
- (7) There are almost 4.3 million displaced persons from Ukraine currently benefitting from temporary protection in the Union. The overall number of registrations of persons enjoying temporary protection has remained stable at around 4.3 million, with a slight constant upward trend and with few persons reporting going home back to Ukraine on a permanent basis. The situation in Ukraine does not allow for the majority of displaced people's return to Ukraine in safe and durable conditions. The International Organization for Migration estimates that, as of April 2025, 3 757 000 people are internally displaced within Ukraine. Two-thirds (66%) of internally displaced persons had been displaced for over two years, and 79% had been displaced for over a year. The share of internally displaced persons who had been displaced for more than two years was highest among internally displaced persons who resided in the West of the country (78%). The United Nations Office for the Coordination of Humanitarian Affairs estimated that over 12.7 million people in Ukraine are in need of urgent humanitarian assistance in 2025.

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<sup>1</sup> Statement of the Member States.

- (8) Moreover, further arrivals at scale cannot be excluded due to the difficult humanitarian conditions, broader volatility and the uncertainty of the situation in Ukraine as a result of Russia's war of aggression, including intensified repeated air attacks across the country against civilians. The risk of escalation remains. At the same time, the risk to the efficient operation of the national asylum systems remains if temporary protection were to cease soon with all beneficiaries applying for international protection at the same time.
- (9) Since the high number of displaced persons in the Union benefitting from temporary protection is not likely to decrease as long as the war against Ukraine continues, extending temporary protection is necessary to address the situation of persons currently benefitting from temporary protection in the Union or who will need such protection as from 5 March 2026, as it provides for immediate protection and access to a harmonised set of rights, while reducing formalities to a minimum in a situation of mass influx to the Union. Extending temporary protection should also help in ensuring that the asylum systems of the Member States are not overwhelmed by a significant increase in the number of applications for international protection that could be lodged by persons benefitting from temporary protection until 4 March 2026, were temporary protection to cease by then, or by persons fleeing the war in Ukraine and arriving in the Union after that date and before 4 March 2027.
- (10) Therefore, considering that the reasons for temporary protection persist, temporary protection for the categories of displaced persons referred to in Implementing Decision (EU) 2022/382 should be extended until 4 March 2027.
- (11) This Decision respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union.

- (12) The Council reconfirms its commitment to providing support to Ukraine and its people as long as it takes and reiterates its support for a comprehensive, just and lasting peace, based on the principles of the UN Charter and international law and in the event of a sustainable ceasefire, the Council stands ready to act in accordance with Article 6(1)(b) of Directive 2001/55/EC.
- (13) Ireland is bound by Directive 2001/55/EC and is therefore taking part in the adoption and application of this Decision.
- (14) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Implementing Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

*Article 1*

The temporary protection given to persons displaced from Ukraine referred to in Article 2 of Implementing Decision (EU) 2022/382 and extended by Implementing Decisions (EU) 2023/2409 and (EU) 2024/1836 shall be extended for a further period of one year until 4 March 2027.

*Article 2*

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

Done at Brussels,

*For the Council  
The President*

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