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From:	Presidency
To:	JHA Counsellors (Asylum) Working Party on Integration, Migration and Expulsion (Admission)
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Subject:	Proposal for a Council recommendation on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine - Presidency compromise text

Delegations will find attached the Presidency compromise text on the above mentioned proposal.

The new text in comparison to the Commission proposal is in **bold and underlined**, while the deleted text is in ~~strikethrough~~.

2025/0651 (NLE)

Proposal for a

COUNCIL RECOMMENDATION

on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 78(1) and 79(1) and Article 292 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Temporary protection for displaced persons from Ukraine who are unable to return to their country or region of origin because of the Russian military aggression as introduced by **the unanimously adopted** Council Implementing Decision (EU) 2022/382¹ and prolonged by Council Implementing Decisions (EU) 2023/2409¹, (EU) 2024/1836² and (EU) 2025/...³ **supported by all Member States** is in place until 4 March 2027. While it remains a testament to the Union's ~~unity and~~ solidarity with the people of Ukraine, temporary protection is by nature temporary. It is therefore necessary to prepare the way towards a gradual, sustainable and well-coordinated transition out of that status for the time when the conditions in Ukraine are conducive to allow temporary protection to end, while taking into account the capacity and reconstruction needs of Ukraine.

¹ 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).

² 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).

³ Council Implementing Decision (EU) 2025/... of ... extending temporary protection as introduced by Implementing Decision (EU) 2022/382 (OJ L, ..., ELI: ...).

- (2) In the context of discussions on the future **and the end** of temporary protection, Member States have called for ~~such~~ a coordinated approach at Union level. Building on the experience of the Member States following the activation of Council Directive 2001/55/EC, it is crucial to guarantee collective ownership and shared responsibility among all Member States at Union level throughout this process.
- (3) One of the objectives of activating Directive 2001/55/EC was to prevent Member States' asylum systems becoming overwhelmed and being unable to process a large number of applications for international protection without adverse effects on their efficient operation, in the interest of the persons requesting protection. The key importance of this matter remains when mapping the transition out of temporary protection. Furthermore, even in a situation of peace, Ukraine will need time to rebuild its capacity to be able to welcome back all those persons displaced by the war. In order to support Ukraine in its efforts to reintegrate the displaced persons, it is therefore important that the process is managed flexibly, gradually and considering the individual situations of the persons concerned. This transition should therefore cater for the needs of those currently benefitting from temporary protection and the needs of Ukraine, while preserving the integrity of the Member States' asylum systems.
- (4) Many ~~displaced persons who have benefitted from~~ **enjoying** temporary protection have now been in the Union for several years, and they have integrated into their host societies by learning the language, finding employment, and enrolling in education. **If provided by national law and administrative practice, Member States should make use of every possibility** ~~is therefore appropriate~~ **to offer them transition** ~~that they are offered the possibility~~ to into national legal statuses that better represent their actual situation in the Union already now, where the conditions for continuing legal residence on other grounds are met. These could be, for example, residence permits based on employment, education, research, ~~or~~ family reasons, **or a dedicated residence permit**. Member States should therefore promote and facilitate this transition including by providing clear information to help persons concerned understand the advantages and rights conferred by ~~th~~ese residence permits, in comparison to temporary protection and international protection.

- (5) In view of supporting the transition of persons enjoying temporary protection to other legal statuses and presenting ~~of offering them~~ with alternative options in these exceptional unprecedented circumstances, and to ensure continuity and avoid situations of illegal stay, Member States should allow persons enjoying temporary protection, particularly where access to national statuses may not be possible, and who would otherwise qualify for another status based on EU law, to apply for authorisations regulated under ~~the~~ Directives (EU) 2016/801⁴, (EU) 2021/1883⁵ and (EU) 2024/1233⁶ of the European Parliament and of the Council. This is possible provided that they would not concurrently hold their temporary protection status and an authorisation granted under those Directives. Consequently, Member States should inform persons enjoying temporary protection, as soon as possible and at the latest at the time of the application for an authorisation, of the difference between the rights conferred under the temporary protection status and under those Directives. ~~They~~ Member States should also inform them, as soon as possible and at the latest at the time of the application, that they cannot concurrently benefit from temporary protection and be granted an authorisation under ~~those~~ Directives.
- (6) For Member States to be ready for the eventual phasing out of temporary protection, it is essential to ensure that going back home to Ukraine with a view to ~~and reintegrating in Ukraine~~ takes place in an orderly and humane manner, and considers the varying individual circumstances of displaced persons, supporting those who are willing and able to return to Ukraine. While some persons may already intend to go back home in the short term, others may require more time, given their specific circumstances. It is also important to consider the capacity of Ukraine to reintegrate in a sustainable manner all those displaced by the war. Therefore, Member States should ~~adopt~~ take measures that pave the way for a smooth and sustainable reintegration in Ukraine, taking all these considerations into account, by making full use and

⁴ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21, ELI: <http://data.europa.eu/eli/dir/2016/801/oj>).

⁵ Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC (OJ L 382, 28.10.2021, p. 1, ELI: <http://data.europa.eu/eli/dir/2021/1883/oj>).

⁶ Directive (EU) 2024/1233 of the European Parliament and of the Council of 24 April 2024 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ L, 2024/1233, 30.4.2024, ELI: <http://data.europa.eu/eli/dir/2024/1233/oj>).

expanding the tools already provided for in Articles 21 and 23 of Council Directive 2001/55/EC.

- (6a) **The Union, notably through the Ukraine Facility, provides comprehensive support to Ukraine to address the social, economic and environmental consequences of Russia’s war of aggression, contributing to recovery, reconstruction and modernisation of the country and to the post-war recovery of Ukrainian society, including by creating the social and economic conditions for internally displaced persons and persons under temporary protection for going back home, once the conditions allow or they choose so.**
- (7) Those considering going back home to Ukraine should be able to make informed decisions, which would also support the sustainability of their return. In the context of a smooth transition out of temporary protection, Member States should set up a more structured approach to promote self-funded exploratory visits, as provided for in Article 21(1) of Directive 2001/55/EC. ~~Th~~ese visits could serve as confidence-building measure for persons enjoying temporary protection as it would allow them to check on family or property, or assess the level of destruction in their communities, and in general the overall conditions in Ukraine. To increase the effectiveness of these visits and to prevent abuses, Member States should set up the parameters, conditions and requirements for such visits. Any such requirements should be coordinated with other Member States and established and communicated in a transparent manner. For the latter purpose, Member States should set up contact points. ~~It is important to consider that there might be persons who will not able to carry out exploratory visits by themselves. Member States may consider in such cases organising and supporting such exploratory visits.~~
- (8) Member States are required to take the measures necessary to make the voluntary return of persons whose temporary protection has ended possible. For this purpose, Member States should ~~set up~~ **provide for dedicated** voluntary return programmes, **for which they may rely on the support provided by international organisations.** To ensure their effectiveness and avoid risks of misuse, these programmes should be carefully designed, comprehensive and well communicated, taking into account the needs and capacity of Ukraine, as well as the need of displaced persons within the Union and the situation of those who remained in Ukraine in order to uphold social cohesion. For this reason, any such programme should prioritise support for

reintegration in the communities, for which Union funding will be available in Ukraine, instead of individual packages. The conditions for eligibility for such programmes should be clearly established, and the persons who intend to benefit from them be required to enrol. Member States could consider, as part of those programmes, to assist in the organisation of departures, for example ~~where large numbers of displaced persons are returning~~ to the same area in Ukraine. **Frontex could assist Member States with logistical support within the limits of its mandate.**

- (9) While such voluntary return programmes should be of limited and fixed duration, they should allow for sufficient time to ensure appropriate coordination with the Ukrainian authorities with a view to facilitating the gradual and adequate integration of returning persons in their communities, including access to basic services and facilities, such as accommodation, housing or medical care. For this reason, and to ensure the initial duration of the voluntary return programme is coordinated with all Member States and the Ukrainian authorities, voluntary return programmes should provide for a period of departure that allows these objectives to be attained, namely a period of **in principle possibly up to one year.** **Support for Member States is available under the Asylum, Migration and Integration Fund (AMIF) to address financial needs relating to displaced persons from Ukraine enjoying temporary protection and may also contribute to the funding of voluntary return programmes.** During ~~this~~ **the duration of the voluntary return programme** period, persons should be allowed to continue legally residing in the Member State. As the circumstances on the ground may evolve between ~~now~~ **the date of adoption of this Recommendation** and the end of temporary protection, if the time foreseen is not sufficient to ensure a gradual and sustainable reintegration in Ukraine, Member States should coordinate among themselves and with the Ukrainian authorities **on the to-setting out of** a different or extended period for voluntary departure under the voluntary return programmes. **The measures mentioned in this recital are without prejudice to the Directive 2008/115/EC.**

- (10) To reduce administrative burdens related to possible individual ~~ease-by-case~~ issuance of residence permits to those enrolled in voluntary return programmes, Member States should use the possibility provided for under Article 21(3) of Directive 2001/55/EC to allow persons who enjoyed temporary protection and benefit from a voluntary return programme to extend ~~the~~ **all applicable** rights attached to temporary protection laid down in Chapter III of Directive 2001/55/EC to those persons who have enjoyed temporary protection beyond the duration of temporary protection until the return date to Ukraine or the end of the period for voluntary departures under the voluntary return programme. In addition, to ensure continuity and avoid situations ~~in which the persons will be of~~ illegally staying immediately after the end of temporary protection, Member States should ensure that persons who benefitted from temporary protection can legally reside in the territory of the Member State in the period between the end of temporary protection and the timeframe in which persons can enrol in the voluntary return programme.
- (11) It is possible that ~~right~~ **at the precise date of** ~~at~~ the end of temporary protection, Ukraine would not be in a position to cater for the needs of persons with some ~~specific vulnerabilities~~ **special needs** also beyond health. To ensure a sustainable return home that takes account of the capacity of Ukraine to cater for the needs of specific groups, Member States should also apply **the provisions of national law transposing** Article 23(1) of Directive 2001/55/EC to persons **with special needs** ~~subject to vulnerabilities~~ other than those related to health conditions and take the necessary measures concerning conditions for continuing their legal residence. Where relevant, Member States should ensure that the conditions of residence take into account the special needs of the persons concerned. **Such residence should end as soon as Ukraine is able to provide for the special needs of the person concerned.**
- (12) Member States should use the possibilities provided for under Article 23(2) of Directive 2001/55/EC to allow persons to reside on their territory beyond the duration of temporary protection, namely for families whose children are minors and attend school in a Member State **in order to complete the current school period, usually school year.**

- (13) To guarantee proper information provision and help persons enjoying temporary protection to make informed choices in full knowledge of the facts, it is important to maximise the use of the existing tools and channels and to avoid a duplication of efforts. For this purpose, where Unity Hubs are set up in Member States, they should be used to provide information on transition to other legal statuses, exploratory visits and voluntary return programmes **or where such an information can be obtained**. In order to support the Unity Hubs, Member States may use the funds under Asylum, Migration and Integration Fund established under Regulation (EU) 2021/1147 of the European Parliament and of the Council⁷, including the additional allocations stemming from the Multi-annual Financial Framework mid-term revision and the mid-term review of the Member States' programmes under the Asylum, Migration and Integration Fund. Support from international organisations and third countries could be also received for this purpose. In order to streamline the efforts, Member States should **are encouraged to** incorporate the knowledge, capacities and networks offered by international organisations into their individual plans to set up the Unity Hubs. **In addition, information campaigns could be set up in alignment with Union communication**.
- (14) To ensure a coordinated approach among Member States and with the Ukrainian authorities regarding the implementation of this Recommendation, Member States should **continue to** coordinate, exchange information and monitor the situation on the ground in various relevant fora, including in the Solidarity Platform, **to which the Ukrainian authorities may be invited and the relevant Council preparatory bodies within the limit of their respective mandates and responsibilities**~~to which the Ukrainian authorities will be invited, as needed.~~
- (15) As the transition out of temporary protection will lead to significant changes in the status of displaced persons, it is essential to have an accurate picture of the evolving situation. **Taking also into account the judgment of the Court of Justice of the European Union in case C-753/23 and in particular its paragraph 30**, Member States should therefore **reinforce their efforts to** regularly and timely update their

⁷ Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/1147/oj>).

temporary protection data in the Temporary Protection Registration Platform, including figures regarding inactive registrations, **and within the mechanism for preparedness and management of crises related to migration (Blueprint Network)**.

- (16) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of ...], its wish to take part in the adoption and application of this Recommendation.]

OR

[In accordance with Articles 1, 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this [act] and is not bound by it or subject to its application.]

- (17) 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 Recommendation and is not subject to its application,

HAS ADOPTED THIS RECOMMENDATION~~HEREBY RECOMMENDS:~~

A. Measures to promote the transition into other legal statuses already before the end of temporary protection

1. Member States should promote and facilitate ~~the~~ access to national legal statuses ~~for~~ **by** persons enjoying temporary protection. **The residence permits issued for this purpose could be, for example, who are engaged in based on** employment, self-employment, professional training or education and research, **family or other reasons, or a dedicated residence permit,** ~~in a Member State, or who would qualify for national legal statuses due to family or other reasons, and who would~~ **provided that these persons** meet the conditions set out in national law.

2. Member States should allow persons enjoying temporary protection, particularly where access to national legal statuses is not possible, and who ~~would otherwise~~ qualify for another status ~~based on established in Union EU law~~, to apply for authorisations regulated under ~~the Directives~~ (EU) 2016/801, (EU) 2021/1883 and (EU) 2024/1233, provided that they would not concurrently hold **temporary protection status** ~~this status~~ with an authorisation granted **pursuant to** ~~under those Directives~~. Member States should inform persons enjoying temporary protection, as soon as possible and at the latest at the time of the application for an authorisation, of the difference between the rights conferred under the temporary protection status and under those Directives **and**. ~~They should also inform them, as soon as possible and at the latest at the time of the application, that they cannot concurrently benefit from temporary protection and be granted an authorisation under these Directives.~~

B. Measures to pave the way for a smooth and sustainable reintegration in Ukraine

3. Member States should allow **persons enjoying temporary protection** for exploratory visits **to Ukraine** on a self-funded basis ~~to Ukraine~~ **duly considering** ~~in accordance with Article 21(1) of Directive 2001/55/EC. In that~~ context, Member States should:
- (a) set up and coordinate with the other Member States the parameters or conditions for exploratory visits;
 - (b) inform persons who may want to carry out such visits about the parameters or conditions. Contact points should be set up for that purpose.
 - e) ~~consider, in cases where the persons concerned will not be able to organise and fund the exploratory visit by themselves, organising and supporting such exploratory visits.~~
4. **Member States should** ~~establish~~ **provide for** a **dedicated** voluntary return programmes in accordance with Article 21(1) of Council Directive 2001/55/EC, to be used once temporary protection has ended. In this context, Member States should:
- (a) ensure coordination with the Ukrainian authorities to facilitate reintegration in the communities in Ukraine, such as the identification of accommodation or housing, or access to basic services and infrastructures, including medical care;

- (b) ensure that support under voluntary return programmes prioritises support for reintegration into communities in Ukraine, instead of individual packages;
- (c) set up the eligibility conditions for benefitting from the voluntary return programme **in coordination with other Member States and the Commission;**
- (d) require those persons who want to benefit from the voluntary return programme to enrol in such a programme to be able to benefit from it;
- (e) set up a concrete period of possibly up to **in principle** one year after temporary protection has ended for voluntary departure under the programme. Coordinate with the other Member States and Ukrainian authorities, and in accordance with point 8, where, in view of the developments on the ground, a different or extended period for voluntary departure would be needed under the programme, if the time foreseen **does not appear** is not sufficient to ~~ensure~~ **allow for** the gradual and sustainable reintegration of persons in Ukraine;
- (f) use the possibility under Article 21(3) of Directive 2001/55/EC to extend **all applicable** the rights attached to temporary protection laid down in Chapter III of Directive 2001/55 to those persons who have enjoyed temporary protection and are benefitting from a voluntary return programme until the date of return to Ukraine or until the end of the period for voluntary departure under the programme. Ensure the continuation of legal residence between the date when temporary protection ends and the period in which the person can enrol in that programme;
- (g) consider **providing** the possibility of assisting with the organisation of departures, particularly where large groups of displaced persons return to the same area in Ukraine. **Frontex could assist Member States with logistical support within the limits of its mandate.**

5. With due respect for human dignity, Member States should take the necessary measures concerning the conditions of residence of persons not meeting the requirements to access other statuses and having **special needs** vulnerabilities other than those covered under Article 23(1) of Directive 2001/55/EC, **which Ukraine cannot cater for at the end of temporary protection** until it is possible for Ukraine to provide for the special needs of such persons. Where relevant, Member States

should ensure that the conditions of residence take into account their special needs. **Such residence should end as soon as Ukraine is able to provide for the special needs of the person concerned.**

6. Member States should, in accordance with Article 23(2) of Directive 2001/55/EC, allow families whose children are minors and attend school in a Member State to benefit from residence conditions allowing the children concerned to complete the current school period where the date of the end of temporary protection established by the Council Decision taken in accordance with Article 6 of Council Directive 2001/55/EC is not aligned with the end of the **current school period, usually** school year.

C. Measures to ensure information provision to displaced persons

7. Member States should ensure that displaced persons **enjoying temporary protection** are properly informed regarding the **available** possibilities to transition to other legal statuses, including the advantages and rights ~~when~~ **related to** transitioning to these statuses, as well as about the situation in Ukraine, the requirements for exploratory visits and the support for going back home available in the Union and in Ukraine, **in particular in relation to voluntary return programme**. In this regard, Member States should:
- (a) set up swift national communication systems and procedures, such as contact points, or an information campaign **in alignment with Union communication**.
 - (b) for those Member States intending to set up a Unity Hub on their territory in collaboration with the Ukrainian authorities, make use of ~~that~~ **these** Unity Hubs to provide the relevant information to displaced persons. **Member States are encouraged to** ~~incorporate~~ incorporate the knowledge, capacities and networks offered by international organisations into the national plan to set up Unity Hubs.
 - (c) consider making use of the Asylum, Migration and Integration Fund programme, including the additional allocations stemming from the Multi-annual Financial Framework revision and the mid-term review of national programmes, to support the Unity Hubs.

D. Measures to ensure coordination, monitoring and exchange of information among Member States and with the Ukrainian authorities

8. Member States should **continue to** coordinate and exchange information on relevant developments as well on the implementation of this Recommendation, **notably in the context of Solidarity Platform and the relevant Council preparatory bodies within the limit of their respective mandates and responsibilities. The Commission liaises for this purpose with Member States** and with the Ukrainian authorities, including **at technical level** within the framework of the Solidarity Platform to which the Ukrainian authorities will **may** be invited, ~~as needed,~~ **and at political level through the Special Envoy for Ukrainians in the EU.**
9. Member States should **reinforce their efforts to** monitor the developments and update timely and regularly the relevant information regarding the status of displaced persons in the relevant databases, including in the Temporary Protection Registration Platform, in particular regarding the number of beneficiaries of temporary protection or of adequate protection under national law in the Member State territory, number of persons who transitioned to other statuses and no longer benefit from temporary protection or adequate protection under national law, and number of persons, whose registrations are inactive. **Moreover, Member States should ensure that they share timely, complete, and accurate data on all relevant aspects concerning beneficiaries of temporary protection or adequate protection under national law within the mechanism for preparedness and management of crises related to migration (Blueprint Network).**

Done at Brussels,

For the Council

The President
