



C/2025/1519

17.3.2025

Judgment of the Court (Grand Chamber) of 19 December 2024 (requests for a preliminary ruling from the rechtbank Den Haag, zittingsplaats Amsterdam and from the Raad van State – Netherlands) – P (C-244/24), AI, ZY, BG (C-290/24) v Staatssecretaris van Justitie en Veiligheid

(Joined Cases C-244/24 and C-290/24, ⁽¹⁾ Kaduna) ⁽²⁾

(Reference for a preliminary ruling – Asylum policy – Temporary protection in the event of a mass influx of displaced persons – Directive 2001/55/EC – Articles 4 and 7 – Invasion of Ukraine by Russian armed forces – Implementing Decision (EU) 2022/382 – Article 2(3) – Option for a Member State to apply temporary protection to displaced persons not covered by that decision – Point in time when a Member State which has granted temporary protection to such persons may terminate that protection – Return of illegally staying third-country nationals – Directive 2008/115/EC – Article 6 – Return decision – Point in time when a Member State may adopt a return decision – Illegal stay)

(C/2025/1519)

Language of the case: Dutch

Referring courts

Rechtbank Den Haag, zittingsplaats Amsterdam and Raad van State

Parties to the main proceedings

Applicants: P (C-244/24), AI, ZY, BG (C-290/24)

Defendant: Staatssecretaris van Justitie en Veiligheid

Operative part of the judgment

1. Articles 4 and 7 of 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

must be interpreted as not precluding a Member State which has granted temporary protection to categories of persons other than those referred to in Article 2(1) and (2) of 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, from depriving those categories of persons of the benefit of temporary protection during the period of that protection decided by the Council of the European Union pursuant to Article 4(2) of that directive. That Member State may withdraw the temporary protection which it granted to those categories of persons on a date preceding that on which the temporary protection decided by the Council ceases to have effect provided that that Member State does not undermine the objectives or effectiveness of Directive 2001/55 and that it respects the general principles of EU law.

2. Article 6 of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals

⁽¹⁾ OJ C C/2024/3899.

⁽²⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

must be interpreted as precluding the issuing of a return decision to a third-country national, who is legally staying in the territory of a Member State by virtue of the option exercised by that Member State to grant optional temporary protection, as provided for in Article 7 of Directive 2001/55, to that third-country national, before that protection has ended, even where it appears that that protection will cease to have effect on a date in the near future and where the effects of that decision are suspended until that date.
