2024/1836

3.7.2024

COUNCIL IMPLEMENTING DECISION (EU) 2024/1836

of 25 June 2024

extending temporary protection as introduced by Implementing Decision (EU) 2022/382

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 ([1]), and in particular Article 4(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 4 March 2022, in accordance with Article 5 of Directive 2001/55/EC, the Council adopted Implementing Decision (EU) 2022/382 ([2]) 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 1 year, until 4 March 2023, and was then automatically extended for 1 additional year until 4 March 2024.

(3) On 19 October 2023, in accordance with Article 4(2) of Directive 2001/55/EC, the Council adopted Implementing Decision (EU) 2023/2409 ([3]) extending the temporary protection introduced by Implementing Decision (EU) 2022/382 until 4 March 2025.

(4) In the context of the activation of Directive 2001/55/EC, on 4 March 2022, Member States unanimously agreed in a statement not to apply Article 11 of 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 who move to another Member State without authorisation, unless Member States agree otherwise on a bilateral basis.

(5) Given that a person can benefit from the rights attached to temporary protection in only one Member State at a time, beneficiaries of temporary protection who move to another Member State to enjoy temporary protection should not benefit from social assistance in two Member States simultaneously.

(6) There are around 4,19 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 4,19 million, with a slight constant upward trend, and with few persons reporting going home to Ukraine on a permanent basis. The situation in Ukraine does not allow for the return of displaced people to Ukraine in safe and durable conditions. The International Organization for Migration estimates that, as of March 2024, 3,6 million people are internally displaced within Ukraine. 80 % of all internally displaced persons reported having been displaced for 1 year or longer. The United Nations Office for the Coordination of Humanitarian Affairs estimated that over 14,6 million people in Ukraine are in need of urgent humanitarian assistance in 2024.

(7) Moreover, further arrivals on a large 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 against civilians across the country. The risk of escalation persists. At the same time, a risk to the efficient operation of the national asylum systems also persists; that if temporary protection were soon to cease, all the beneficiaries would apply for international protection at the same time.

([1]) OJ L 212, 7.8.2001, p. 12, ELI: http://data.europa.eu/eli/dir/2001/55/oj.
([2]) 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).
([3]) 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).

(8) Since the high number of displaced persons in the Union benefitting from temporary protection is not likely to decrease while 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 2025. Temporary protection provides for immediate protection and for 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 will also help to ensure that the asylum systems of the Member States are not overwhelmed by the significant increase in the number of applications for international protection that could be lodged by persons benefitting from temporary protection until 4 March 2025, if temporary protection were to cease by then, or by persons fleeing the war in Ukraine and arriving in the Union after that date and on or before 4 March 2026.

(9) 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 2026.

(10) This Decision respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union.

(11) Ireland is bound by Directive 2001/55/EC and is therefore taking part in the adoption and application of this Implementing Decision.

(12) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on 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 Decision (EU) 2023/2409, is extended for a further period of 1 year, until 4 March 2026.

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 Luxembourg, 25 June 2024.

For the Council

The President

H. LAHBIB