



2023/2409

24.10.2023

COUNCIL IMPLEMENTING DECISION (EU) 2023/2409
of 19 October 2023
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) Directive 2001/55/EC establishes minimum standards for giving temporary protection in the event of a mass influx of displaced persons from third countries who are unable to return to their country of origin, and promotes a balance of efforts between Member States in receiving and in bearing the consequences of receiving such persons.
- (2) On 4 March 2022, 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.
- (3) In accordance with 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.
- (4) In the context of its activation, Member States agreed not to apply Article 11 of the Directive 2001/55/EC in relation to persons that enjoy temporary protection in a given Member State in accordance with Implementing Decision (EU) 2022/382, and that move to another Member State without authorisation, unless otherwise agreed by Member States on a bilateral basis.
- (5) There are approximately 4,1 million displaced persons that currently benefit from temporary protection in the Union. The situation in Ukraine does not allow for their return to Ukraine under safe and durable conditions. The International Organization for Migration estimates that, as of 25 May 2023, 5,1 million people are internally displaced within Ukraine. More than half of all internally displaced persons reported having been displaced for one year or longer. The United Nations High Commissioner for Refugees estimated that more than 5 million people are displaced inside Ukraine and that over 17 million people are in need of urgent humanitarian assistance. In June 2023, in view of the current situation in Ukraine, the United Nations High Commissioner for Refugees reiterated its previous position on returns to Ukraine, which called upon States not to forcibly return nationals and former habitual residents of Ukraine, including those who have had their asylum claims rejected.
- (6) The overall number of registrations of persons that enjoy temporary protection has remained stable at around 4,1 million, with low numbers of persons reporting having returned to Ukraine on a permanent basis. Moreover, the risk of a future mass influx and displacement of more persons fleeing from Ukraine to the Union continues to exist due to the volatility and the uncertainty of the situation in Ukraine as a result of hostile actions by Russia. Heavy fighting continues in many areas and the risk of escalation remains. This, combined with the difficult humanitarian

⁽¹⁾ OJ L 212, 7.8.2001, p. 12.

⁽²⁾ Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of 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).

situation in Ukraine could lead to a sudden and further increase of arrivals into the Union that could reach the level of a mass influx. At the same time, the risk to the efficient operation of the national asylum systems would remain if temporary protection were to cease soon and all those persons were to apply for international protection at once.

- (7) The high number of displaced persons in the Union that benefit from temporary protection is not likely to decrease as long as the war against Ukraine continues. Extending temporary protection is therefore necessary to address the situation of persons that currently benefit from temporary protection in the Union or who will need such protection as of 4 March 2024, as it provides for immediate protection and access to a harmonised set of rights whilst keeping 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 a significant increase in the number of applications for international protection that could be lodged by persons that benefit from temporary protection until 4 March 2024, if temporary protection were to cease by then or by persons fleeing the war in Ukraine that arrive in the Union after that date and before 4 March 2025.
- (8) 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 2025.
- (9) This Decision respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union.
- (10) Ireland is bound by Directive 2001/55/EC and is therefore taking part in the adoption of this Implementing Decision.
- (11) 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 is extended for a period of one year until 4 March 2025.

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, 19 October 2023.

For the Council

The President

F. GRANDE-MARLASKA GÓMEZ