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Proposal for a

COUNCIL IMPLEMENTING DECISION

**extending temporary protection, as introduced by Implementing Decision (EU)
2022/382, until 4 March 2028**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

On 4 March 2022, the Council adopted implementing Decision 2022/382¹ and activated Council Directive 2001/55/EC of 20 July 2001 (the ‘Temporary Protection Directive’)² for certain categories³ of people displaced on or after 24 February 2022, as a result of the military invasion of Ukraine by Russian armed forces that began on that date. Pursuant to Article 4(1) of the Temporary Protection Directive, the initial duration of temporary protection is one year, which may be extended automatically by six monthly periods for a maximum of one year. Temporary protection was automatically extended by one year, until 4 March 2024.

Pursuant to Article 4(2) of the Temporary Protection Directive, where reasons for temporary protection persist, the Council may decide to extend temporary protection by up to one year, by qualified majority and on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council. Temporary protection was extended by further periods of one year each, first until 4 March 2025⁴, then until 4 March 2026⁵ and later until 4 March 2027⁶.

The objective of this proposal is twofold. First, to extend further by a period of one year temporary protection as introduced by Council Implementing Decision 2022/382. This will have the effect of continuing temporary protection in respect of the categories of persons identified in Council Implementing Decision 2022/382, for the period from 5 March 2027 to 4 March 2028. Second, the proposal aims to reconcile temporary protection with Ukraine’s overall ability to defend itself against the Russian illegal war of aggression. It is therefore proposed that temporary protection is not to be granted as a rule to persons who leave Ukraine as from the date of entry into force of this Decision and who cannot demonstrate that they are authorised by the Ukrainian authorities to leave Ukraine in compliance with their military obligations.

¹ 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.

² 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.

³ Article 2 of the Council Implementing Decision 2022/382 provides that temporary protection applies to (a) Ukrainian nationals residing in Ukraine before 24 February 2022; (b) stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022; and, (c) family members of the persons referred to in points (a) and (b). Member States shall apply either this Decision or adequate protection under their national law, in respect of stateless persons, and nationals of third countries other than Ukraine, who can prove that they were legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return in safe and durable conditions to their country or region of origin.

⁴ Council Implementing Decision (EU) 2023/2409 of 19 October 2023 extending temporary protection as introduced by Implementing Decision (EU) 2022/382 (europa.eu).

⁵ [Council Implementing Decision \(EU\) 2024/1836 of 25 June 2024 extending temporary protection as introduced by Implementing Decision \(EU\) 2022/382 \(europa.eu\)](#)

⁶ [Council Implementing Decision \(EU\) 2025/1460 of 15 July 2025 extending temporary protection as introduced by Implementing Decision \(EU\) 2022/382 \(europa.eu\)](#)

The situation that led to the activation of temporary protection persists and thus a further extension is needed.

As of April 2026, almost 4.4 million persons displaced from Ukraine⁷, of whom around 58% are women, enjoy temporary protection in the EU⁸. From an age perspective, almost 30% of the total group are minors (both female and male). The number of beneficiaries of temporary protection in the EU Member States has remained relatively stable at around 4.3 million, with a slight upward trend (from 4.21 million in April 2024 to 4.26 million in March 2025 to 4.37 in April 2026). Germany, Poland and Czechia remain the Member States hosting the highest number of beneficiaries of temporary protection (almost 1.28 million in Germany, around 970 000 in Poland, and over 380 000 in Czechia). Since the activation of the Temporary Protection Directive, Member States have made significant efforts to support people displaced from Ukraine, to facilitate their integration into host societies, including in education and training systems, and the labour market. They have also continued efforts to increase reception capacity and contingency planning. The EU's response to the Russian aggression against Ukraine remains characterised by a strong solidarity component, first towards Ukraine and its people, as demonstrated by the efforts of Member States and their citizens hosting displaced persons, and second among Member States themselves.

Alongside providing beneficiaries of temporary protection access to a set of harmonised rights, the activation of the Temporary Protection Directive continues to mitigate the risk that the Member States' asylum systems would be unable to process the inflow without adverse effects for their efficient operation. Between February 2022 and March 2026, 94 390 applications for international protection (compared to 75 850 between February 2022 and March 2025) were lodged by Ukrainian nationals in the EU. Between January and March 2026, applications for international protection lodged by Ukrainian nationals decreased by 57%, compared to the January-March period in 2025, with France and Poland ranking first and second, respectively, as the main receiving countries of these applications. Nevertheless, the limited overall numbers continue to show that temporary protection has delivered on its purpose, including preventing Member States' asylum systems from being overwhelmed.

According to the United Nations High Commissioner for Refugees (UNHCR) intentions survey of July 2025⁹, the proportion of displaced persons planning or hoping to return to Ukraine in the future had decreased compared to six months before (from 65% in January-February 2024 to 61% in July-August 2024), while the share of those who are undecided about returning had increased (24% to 27%), as well as those who reported no hope to return (11% to 12%). The International Organization for Migration (IOM) had reported¹⁰ a large majority of persons it has surveyed (70 %) intending to return to Ukraine if and when it is safe.

Furthermore, according to the survey¹¹ of the European Union Agency for Asylum (EUAA), about one fifth was determined not to return to Ukraine, while 22% were leaning towards not returning and 31% were uncertain. In contrast, only 14% respondents in 2025 were determined to return and 13% leaning towards returning. The proportion of those determined

⁷ Over 4.54 million, including EU Member States, Iceland, Liechtenstein, Norway, Switzerland.

⁸ Unless otherwise specified, all figures on temporary and international protection are sourced from Eurostat (Database -Eurostat).

⁹ [Policy brief Forecasting Refugee Return to Ukraine amid ongoing war and uncertainty.](#)

¹⁰ Ukraine Regional Response: Needs, Intentions, and Border Crossings | Displacement Tracking Matrix

¹¹ Ad Hoc Report: Situation in Ukraine and Displacement to the EU+: Trends, Drivers and Future Prospects (September 2025).

not to return increased steadily over time from 5% to 12% and later to 20%. Conversely, the share of those leaning not to return increased from 12% to 15% and then to 22%.

These surveys confirm that the majority of displaced persons from Ukraine consider that they are still unable to return to Ukraine in safe and durable conditions.

In Ukraine, Russia's war of aggression continues unabated. Russia persists in its deliberate and systematic targeting of civilian infrastructure and populated areas. According to the United Nations Human Rights Monitoring Mission in Ukraine, the number of civilian casualties in May 2026 rose by 93% compared to the same month in 2025. This represents a significant escalation and underscores the sustained toll of the war on civilians.

Unpredictable air and drone strikes by Russian forces continue to pose a serious threat across the country, reaching regions far beyond the front lines. These attacks highlight the broad geographical scope and indiscriminate nature of the ongoing aggression. The air attacks have severely impaired access to reliable electricity, heating, and water supply, and millions of people were affected by repeated long-duration power outages in late 2025.

As of December 2025, the IOM estimates that there are 3 712 000 internally displaced persons (IDPs)¹² in Ukraine. Three-fourths (71%) of IDPs had been displaced for over two years, and 82% had been displaced for over a year. The share of IDPs who had been displaced for more than two years was highest among IDPs who resided in the West of the country. According to the information provided in the fifth Rapid Damage and Needs Assessment (RDNA5) report¹³, 4 618 666 people were officially registered as internally displaced persons by the Ministry of Social Policy in December 2025. Poverty was reported to have further increased in 2025. The impacts of war remains uneven, with the greatest effects felt by women, including on employment and in households' critical needs, persons with disabilities, children and youth, IDPs, and the older persons. Over 15 000 people have been killed, more than 40 600 have been injured, and millions have lost their homes.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimates in January 2026 that approximately 10.8 million people are in need of urgent humanitarian assistance in Ukraine¹⁴.

The volatile situation, combined with the difficult humanitarian situation in Ukraine, could also lead to further arrivals at large scale into the Union resulting in the need to provide protection to an additional number of displaced persons.

The current uncertainty and volatility of the situation within Ukraine do not allow for the termination of temporary protection for beneficiaries currently present in the EU Member States and for those who might still be in need. These persons need to continue being protected within the Union. By the same token, were temporary protection to cease soon and all these persons to request international protection at the same time, the risk posed to the efficient operation of the national asylum systems remains.

Given the developments above, the Commission considers that currently the reasons for temporary protection persist and that temporary protection should therefore be prolonged as a necessary and appropriate response to the current situation. The prolongation should be adopted as soon as possible and for another year, i.e. for the period from 5 March 2027 to 4 March 2028, in accordance with Article 4(2) of the Temporary Protection Directive. This is to

¹² [Ukraine internal displacement report, General population survey, Round 22, January 2026](#)

¹³ Ukraine - Fifth Rapid Damage and Needs Assessment (RDNA5) : February 2022 - December 2025.

¹⁴ Ukraine Humanitarian Needs and Response Plan 2026 (January 2026) [EN/UK].

ensure that persons displaced from Ukraine and hosted in the EU Member States are provided with as much stability and prospects as possible under the current circumstances.

This is in line with the Union's commitment to provide support to Ukraine and its people for as long as it takes and its support for a comprehensive, just and lasting peace, based on the principles of the Charter of the United Nations and international law. If the circumstances that led to the activation of the Temporary Protection Directive cease to exist before 4 March 2028, the European Commission may in such a case submit to the Council a proposal pursuant to Article 6 of the Temporary Protection Directive. This provision allows the Council to bring temporary protection to an end by a Decision adopted by a qualified majority on a proposal from the Commission, which must also examine any request by a Member State that it submit a proposal to the Council. Such a Council Decision would have to be based on the establishment of the fact that the situation in the country of origin is such as to permit the safe and durable return of those granted temporary protection, with due respect for human and fundamental rights and freedoms and Member States' obligations regarding *non-refoulement*.

Furthermore, Member States should be given the possibility to undertake in a timely manner the necessary administrative and legal steps (such as renewal of residence permits) to prepare for the prolongation of temporary protection.

The further extension of temporary protection should not undermine the legitimate overall ability of Ukraine to defend itself.

The Union's support to Ukraine has been underlined consistently on several occasions by the European Council, reaffirming its continued firm and unwavering support for Ukraine's independence, sovereignty and territorial integrity within its internationally recognised borders, as well as the Union's commitment to continue to provide, in coordination with like-minded partners and allies, comprehensive political, financial, economic, humanitarian, military and diplomatic support to Ukraine and its people. The European Council supported a comprehensive, just and lasting peace in Ukraine based on the principles of the United Nations Charter and international law and underpinned by robust and credible security guarantees for Ukraine, underlying that it is critical to ensure that Ukraine has the budgetary and military means to continue to exercise its inherent right of self-defence and counter and deter Russia's aggression.

As part of the Union response to the crisis, temporary protection was introduced. Temporary protection, however, is not absolute. It is a procedure of exceptional character that may apply to specific groups of persons identified in a Council Decision in accordance with Article 5 of the Directive. At the same time, the Directive provides for the possibility to exclude persons from temporary protection, based on determined objective criteria.

In this context, the military needs of Ukraine to defend itself against the Russian illegal war of aggression and notably the conscription obligations as legitimately defined by Ukraine in its legal order should be fully taken into account while providing, at the same time, full support to displaced persons from Ukraine by means of the temporary protection. It is therefore essential that the Union applies the temporary protection in a way that ensures Ukraine's overall ability to best defend itself against the Russian illegal war of aggression and to decide freely on the organisation of its defence forces.

Therefore, while protecting displaced people from Ukraine who are in need remains a priority, temporary protection is not to be granted as a rule to persons who leave Ukraine as from the date of entry into force of this Decision and who cannot provide evidence to national authorities that they are authorised by Ukrainian authorities to leave Ukraine in compliance with their military obligations.

One of the reasons to activate temporary protection was to preserve the asylum system of Member States by reducing formalities to a minimum in the face of a mass influx of displaced persons. It is important to preserve a system of temporary protection that is easy to apply and whereby a swift verification is possible of persons being authorised to leave Ukraine in compliance with their military obligations. In this context, for example, the Ukrainian authorities are developing a dedicated application Reserv+ that would allow downloading and printing documents exempting from military obligations.

With the view to ensure legal certainty, the verification of such requirements should only apply to newcomers seeking temporary protection as from the entry into force of this Decision. Many displaced persons who have benefitted from temporary protection have now been in the EU for several years and have integrated into their host societies by learning the language, finding employment, and enrolling in education. It is therefore appropriate that these persons retain the temporary protection status and its ensuing rights.

The Commission recalls that the Temporary Protection Directive implies that a person can benefit from the rights attached to the status only in one Member State at a time; therefore, Member States should reject residence permit requests made on the basis of Article 8(1) of Directive 2001/55 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 (see in this regard point 30 of the judgment of the Court (Tenth Chamber), case C-753/23 [Krasiliva], 27 February 2025).

To this end, as also recalled in the Council Recommendation on a coordinated approach on the transition out of temporary protection¹⁵, it remains important to regularly upload data in the Temporary Protection Platform, including figures of inactive registrations, and to carry out a swift follow up, where needed, in case of double registrations.

The need to continue providing protection, coupled with the possibility for beneficiaries of temporary protection to enjoy temporary protection in the Member State of their choice, has impacted the reception systems of Member States, especially those hosting large numbers of persons benefitting from temporary protection, combined also with the impact of having to cope simultaneously with a large number of applicants for international protection or with housing shortages. In this regard, going forward, it is important to continue working towards ensuring a greater balance of efforts among Member States. Ensuring the self-reliance of displaced persons and their transition to long-term accommodation from reception systems remains a priority.

In addition, in parallel to the extension of the temporary protection in line with this proposed Council Decision, Member States should, as a matter of priority, step up the implementation of the Council Recommendation on a coordinated approach to transition out of temporary protection, implementing long-term and sustainable solutions. Member States should in particular focus on transitioning the beneficiaries of temporary protection to other legal statuses as well as support facilitating voluntary returns and sustainable reintegration within Ukraine, once the situation allows for it.

- **Consistency with existing policy provisions in the policy area**

This proposal is fully consistent with the EU asylum *acquis*, as the Temporary Protection Directive forms an integral part of the Common European Asylum System and was foreseen to face an extraordinary situation of mass influx of displaced persons, as is still currently the

¹⁵ [Council Recommendation of 16 September 2025 on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine](#)

case due to the full-scale invasion of Ukraine by Russia. The proposal is also fully consistent with the European Union's objective of establishing an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the European Union.

The elements of the proposal are also consistent with the legal acts composing the Pact on Migration and Asylum adopted in May 2024 and entered into application in June 2026. The Parliament and the Council have agreed to preserve the Temporary Protection Directive as part of the toolbox available to the EU for situations of mass arrivals. The Temporary Protection Directive has proven to be an essential instrument to provide immediate protection in the EU. At this stage, it continues to be the most appropriate instrument to address the displacement caused by the Russian war of aggression against Ukraine.

- **Consistency with other Union policies**

This proposal is fully consistent with the need to allow Member States to process potential applications for international protection in an orderly manner without overwhelming their asylum systems and to continue providing for the necessary measures in case of a mass influx of displaced persons from Ukraine that would avoid the overwhelming of the Member States' asylum systems. It is also consistent with the Union's external actions. This proposal is also in line with EU restrictive measures and other actions adopted also in response to the Russian aggression against Ukraine. This proposal is part of a comprehensive set of EU actions responding to the Russian war of aggression against Ukraine.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for the proposal is Article 4(2) 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, considering that the reasons for temporary protection persist. That provision provides that where reasons for temporary protection persist, the Council may decide by qualified majority, on a proposal from the Commission, to extend that temporary protection by up to one year.

- **Subsidiarity (for non-exclusive competence)**

Title V of the TFEU on the Area of Freedom, Security and Justice confers certain powers on these matters on the European Union. These powers must be exercised in accordance with Article 5 of the Treaty on the European Union, i.e. if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States alone and can, therefore, by reason of the scale or effects of the proposed action, be better achieved by the European Union.

The situation in Ukraine as a result of the Russian war of aggression continues to impact the EU as a whole. It has been met with an unprecedented and unified response by the European Union. This shows that it still requires EU solutions and EU support, as well as strong coordination at EU level, as there is a continuous need for all Member States to effectively respond to the situation together and to ensure the same standards and a harmonised set of rights are applied across the Union for the almost 4.4 million people currently hosted in the Union. In addition to the existing mass influx that remains, further arrivals at scale cannot be excluded because of the ongoing volatility of the situation in Ukraine. It is clear that actions taken by individual Member States cannot satisfactorily address the need for a common EU approach to what clearly constitutes a challenge common to the whole of the EU.

Such a common approach cannot be sufficiently achieved by the Member States individually and can, by reason of the scale and effects of this proposed Council Implementing Decision, be better achieved and coordinated at Union level, as also indicated by Member States themselves. The Union must therefore act and may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5(3) of the Treaty on European Union.

Temporary protection is a process of an exceptional and immediate nature with harmonised rights across the Union. There is no application process for temporary protection or adequate protection under national law. Therefore, the person concerned, when presenting him/herself to the authorities to avail the rights attached to temporary protection or adequate protection, would only have to demonstrate his/her nationality, his/her international protection or equivalent protection status, residence in Ukraine or family link as appropriate. The right to temporary protection is immediate but not absolute as several provisions of the Temporary Protection Directive indicate. It is thus appropriate to establish at Union level a common verification requirement that ensures that Member States follow a coordinated operational approach when assessing new requests to avail of rights associated to temporary protection, thereby preventing fragmentation and preserving the integrity of the temporary protection regime.

With a view to allow for a process that brings formalities to a minimum and not to create administrative burden on national administration, the verification, where applicable in Ukrainian law, that the persons concerned are granted an authorisation by the Ukrainian authorities confirming that they leave Ukraine in compliance with their military obligations should be considered as sufficient evidence to demonstrate the entitlement to temporary protection.

- **Proportionality**

In accordance with the principle of proportionality, as set out in Article 5(4) of the Treaty on the European Union, the proposed Council Implementing Decision provides for an extension of temporary protection for a limited period of time, i.e. for one year for the specific group of persons to whom it already applies.

The proposed measure is limited to what is necessary, given the scale and gravity of the situation in Ukraine, as a result of which around 4.4 million displaced persons currently present in the EU Member States are not able to return to Ukraine in safe and durable conditions. In addition, this extension also constitutes a proportionate response in view of the current situation, as temporary protection has protected the asylum system of the Member States from being overwhelmed by a significant number of applications from persons arriving to the EU Member States.

The requirement to verify that the persons concerned are granted an authorisation by the Ukrainian authorities confirming that they leave Ukraine in compliance with their military obligations is proportionate. It is limited to what is strictly necessary to avoid that the continued need to provide temporary protection undermines Ukraine's overall ability to defend itself in view of its evolving military needs. It is legitimate for Ukraine to establish in its legal order its conscription obligations, including exclusions thereof, that prevent well-defined groups leaving Ukraine¹⁶.

¹⁶ Under Ukrainian law, Ukrainian men in conscription age (25-60 years old) and Ukrainian men who are on the reserve list (23-25 years old) are not allowed to leave Ukraine. Ukrainian men aged 18-22 years, are, after the relaxation of the Ukrainian military law of August 2025, allowed to leave Ukraine, with the exception of those men (and women) who voluntarily decided to join military forces.

The verification that the person could leave Ukraine without being in breach of military obligations is designed as a prospective measure aimed at future requests. It aims to strike an appropriate balance between the need to take into account the defence needs of Ukraine and the need for legal certainty and the preservation of the rights and legitimate expectations of persons already enjoying protection in the Union.

Furthermore, the verification of such requirement does not affect the decision making powers of the authorities for a specific case nor does it affect the right of any person to seek international protection in the Union. Whilst the right of persons arriving from Ukraine to seek asylum would remain intact as such, refusing to serve is not alone a valid ground for international protection – see in this context the EUAA Practical Guide on Political Opinion.

- **Choice of the instrument**

Article 4(2) of the Temporary Protection Directive requires a Council Implementing Decision to extend temporary protection by up to one year where reasons for temporary protection persist.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Evidence-based policy making**

The EU Migration Preparedness and Crisis Blueprint Network with a focus on Ukraine and the Solidarity Platform Ukraine¹⁷ continue their operations with the aim to provide, respectively, a common situational awareness of the migratory implications of the Russian full-scale invasion of Ukraine and the EU's and Member States' preparedness and coordinated response to the crisis through regular exchanges. In this context, increasing the overall preparedness at EU level, including contingency planning, has been discussed in both fora. Information and data on the current situation and on the movements of people are constantly being collected. The parties continue discussing in the Temporary Protection Registration Platform meetings on an ad-hoc basis how to better ensure the proper exchange of information on beneficiaries of temporary protection and of adequate protection available under national law among Member States, while detecting double registrations within the same Member State and across EU Member States. In light of the significant number of displaced children and young people, these efforts increasingly take into account data on integration in education and training systems.

Over the past months, the European Commission has been in regular exchanges with the Ukrainian counterparts on how to reconcile protection given to the people of Ukraine with the defence needs of the country.

In addition, the European Commission, organisations such as the World Bank and the United Nations, as well as the Government of Ukraine, are regularly assessing the situation in

¹⁷ The Platform was set up by the Commission with a view to coordinating the operational response among Member States as per Article 3(2) of the Council Decision 2022/382. Among others, it collects information and examines the needs identified in the Member States and coordinate the operational follow-up in response to these needs.

Ukraine. The World Bank publishes reports on the Ukraine Rapid Damage and Needs Assessment¹⁸.

Since the outbreak of the war, the IOM has worked to provide a better understanding of the situation of displaced persons and to track internal displacement in Ukraine and mobility flows, in addition to monitoring through surveys the intentions of those fleeing the war and of those crossing the border back to Ukraine, and the assessment of conditions of return. The UNHCR has been regularly publishing information on intentions and perspectives of (also internally) displaced persons from Ukraine. Surveys and papers from the abovementioned international organisations indicate that the current situation is still volatile and uncertain, therefore not allowing for return under safe and durable conditions. As of February 2026, UNHCR estimates that 5.9 million persons fleeing Ukraine are recorded worldwide¹⁹.

- **Stakeholder consultations and collection and use of expertise**

To gather evidence-based information, the Commission regularly consulted, through the Migration Preparedness and Crisis Management Network and the Solidarity Platform, Member States' authorities, the European External Action Service, and relevant EU Agencies, Ukrainian authorities and international organisations, while maintaining exchanges with non-governmental and civil society organisations.

The Commission, in cooperation with the rotating presidencies of the Council of the European Union consulted Member States on the future of temporary protection beyond March 2027 at Ministerial level, as well as through a series of meetings in March and May 2026 in the Council's Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) and Justice and Home Affairs Counsellors, where the Member States underlined the need for temporary protection to be prolonged as soon as possible for an additional year to maintain a common European response.

In the latest SCIFA meeting in April 2026, Member States acknowledged that the current volatile situation does not allow for the end of temporary protection. Member States also discussed potential new modalities for the scope of temporary protection with a view to better reflect the evolving situation and reconcile temporary protection with Ukraine's evolving defence needs. In the latest JHA Counsellors meeting in May 2026, Member States discussed options for new modalities related to the scope of temporary protection, emphasising the need for an easy application and for a decision to be taken as soon as possible.

Parallel and complementary discussions took place in the Solidarity Platform, where most Member States expressed the need to extend temporary protection for an additional year to maintain a common European response, provide clarity to beneficiaries and enable Member States to undertake the necessary administrative and legal steps at national level (such as renewal of residence permits). Member States also expressed the need to maintain an easy administrative process for the eligibility of temporary protection and the need to avoid the asylum systems from being overwhelmed. Interior Ministers also showed overall support to further extending temporary protection for one additional year and to consider adjustments to fully take into account Ukraine's evolving defence needs at the Informal Home Affairs Council of 4 June.

¹⁸ World Bank Group, "Ukraine Fifth Rapid Damage and Needs Assessment (RDNA5) (February 2022 – December 2025).

¹⁹ Ukraine Refugee Situation.

The Commission also held regular contacts with the Ukrainian authorities to gather information on the situation on the ground. In addition, in accordance with Article 3 of the Temporary Protection Directive, the Commission consulted the UNHCR, which has been assessing the situation and provided relevant input, and conducting surveys on the intentions of displaced persons.

- **Fundamental rights**

This proposal respects fundamental rights and observes the principles recognised, in particular, by the Charter of Fundamental Rights of the European Union, as well as the obligations stemming from international law, including the Geneva Convention of 28 July 1951 on the status of refugees, as amended by the New York Protocol of 31 January 1967.

4. BUDGETARY IMPLICATIONS

Since the start of the Russian war of aggression against Ukraine, funding needs linked to the application of the Temporary Protection Directive have been accommodated within the budget of the existing EU funding instruments under the period 2014-2020 and 2021-2027, in particular under the relevant HOME Affairs and Cohesion Policy²⁰.

5. OTHER ELEMENTS

- **Detailed explanation of the specific provisions of the proposal**

Article 1 establishes the extension of temporary protection for one year (from 5 March 2027 to 4 March 2028) for displaced persons referred to in Article 2 of the Council Decision, as amended by Article 1 of this Decision.

Article 2 establishes that temporary protection is not to be granted as a rule to persons who leave Ukraine as from the date of entry into force of this Decision and who cannot provide evidence to national authorities that they are authorised by Ukrainian authorities to leave Ukraine in compliance with their military obligations.

Article 3 establishes the dates of the entry into force and application of this Decision.

²⁰ Cohesion's Action for Refugees in Europe, the so called 'CARE' package (CARE, CARE-plus and Fast-CARE).

Proposal for a

COUNCIL IMPLEMENTING DECISION

extending temporary protection, as introduced by Implementing Decision (EU) 2022/382, until 4 March 2028

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 thereof¹, 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) 2022/382² 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.
- (3) On 19 October 2023, the Council adopted Implementing Decision (EU) 2023/2409³ extending the temporary protection as introduced by Implementing Decision (EU) 2022/382 until 4 March 2025. On 25 June 2024, the Council adopted Implementing Decision (EU) 2024/1836⁴ extending the temporary protection as introduced by Implementing Decision (EU) 2022/382 until 4 March 2026. On 15 July 2025, the Council adopted Implementing Decision (EU) 2025/1460⁵, extending the temporary

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).

⁴ 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).

⁵ [Council Implementing Decision \(EU\) 2025/1460 of 15 July 2025 extending temporary protection as introduced by Implementing Decision \(EU\) 2022/382 \(OJ L, 2025/1460, 24.7.2025, ELI: http://data.europa.eu/eli/dec_impl/2025/1460/oj\).](http://data.europa.eu/eli/dec_impl/2025/1460/oj)

protection as introduced by Implementing Decision (EU) 2022/382 until 4 March 2027.

- (4) In the context of the activation of Directive 2001/55/EC, Member States agreed unanimously in a statement⁶ made on 4 March 2022 not to apply Article 11 of that Directive 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, 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-753/23⁷ and in particular paragraph 30 thereof.
- (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 4.4 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 relatively stable at around 4.3 million, with a slight overall 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. As of December 2025, the IOM estimates that there are 3 712 000 internally displaced persons (IDPs)⁸ in Ukraine. Three-fourths (71%) of IDPs had been displaced for over two years, and 82% 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. The United Nations Office for the Coordination of Humanitarian Affairs estimates that approximately 10.8 million people are in need of urgent humanitarian assistance in Ukraine in 2026.
- (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

⁶ Proposal for a COUNCIL IMPLEMENTING DECISION establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Council Directive 2001/55/EC of 20 July 2001, and having the effect of introducing temporary protection - Statement of the Member States .

⁷ Judgement of the Court of Justice of 27 February 2025, A. N. v Ministerstvo vnitra, C-753/23, ECLI:EU:C:2025:133

⁸ Ukraine Internal Displacement Report - Round 22 (January 2026).

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 2027, 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 2027, 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 2028.
- (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 2028.
- (11) Notwithstanding the need to extend temporary protection for a further temporary period of one year, it is important that a common Union approach considers Ukraine's evolving defence needs.
- (12) In its conclusions, the European Council reaffirmed its continued firm and unwavering support for Ukraine's independence, sovereignty and territorial integrity within its internationally recognised borders, as well as the Union's commitment to continue to provide comprehensive political, financial, economic, humanitarian, military and diplomatic support to Ukraine and its people. The European Council supported a comprehensive, just and lasting peace in Ukraine based on the principles of the United Nations Charter and international law and underpinned by robust and credible security guarantees for Ukraine, underlying that it is critical to ensure that Ukraine has the budgetary and military means to continue to exercise its inherent right of self-defence and counter and deter Russia's aggression.
- (13) Pursuant to Council Directive 2001/55/EC, the temporary protection regime in the event of a mass influx of displaced persons represents a procedure of exceptional character, which may apply to specific groups of persons and which, at the same time, may also determine objective criteria for exclusion, in full respect of obligations stemming from international law, Union law and fundamental rights. In particular, a person should not be admitted to temporary protection if he or she is not authorised by the Ukrainian authorities to leave Ukraine because of the need to comply with his/her military obligations.
- (14) The evolving military needs of Ukraine to defend itself against the Russian illegal war of aggression and notably the conscription obligations as legitimately defined by Ukraine in its legal order require Union's full support. In that respect, these needs should be fully taken into account by Member States while providing, at the same time, full support to displaced persons from Ukraine by means of the temporary protection. It is therefore essential that the Union does not continue applying the temporary protection in a way that, while benefitting displaced persons, may negatively affect Ukraine's overall ability to best defend itself against the Russian illegal war of aggression and to decide freely on the organisation of its defence forces.

- (15) To this end, without prejudice to Union law and fundamental rights, temporary protection is not to be granted as a rule to persons who cannot provide evidence to national authorities that they are authorised by Ukrainian authorities, where applicable in Ukrainian law, to leave Ukraine in compliance with their military obligations. Considering the need to take into account the current defence needs as defined by Ukraine, while not affecting the situation of the persons to which the temporary protection already applies, the verification of such requirement should start applying to the persons displaced from Ukraine from the day after the publication of this Decision in the Official Journal.
- (16) The right to temporary protection is immediate. While in order to ensure proper administration and registration of the individual concerned, the Member State may decide for the fulfilment of certain requirements such as a registration form and presenting evidence as provided for in the Council Decision (EU) 2022/382, one of the objectives of temporary protection is to ensure a rapid and easy to apply process by reducing formalities to a minimum. It is therefore important that Member State authorities are able to swiftly verify that the person concerned is authorised to leave the territory of Ukraine in compliance with their military obligations. In this context, Member States could for example have at their disposal the document that the Ukrainian authorities provide through the dedicated application Reserv+ that is being developed by Ukraine, confirming such authorisation.
- (17) On 16 September 2025, the Council adopted its Recommendation⁹ on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine. This extension is without prejudice to the continuation of the implementation of the measures provided for therein, which should remain a priority. In that regard, Member States should step up, in a coordinated manner, the transition of persons enjoying temporary protection to other legal statuses as well as voluntary returns and reintegration when the situation allows for it.
- (18) This Decision respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union.
- (19) 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.
- (20) Ireland is bound by Directive 2001/55/EC and is therefore taking part in the adoption and application of this Decision.
- (21) 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.

⁹ [Council Recommendation of 16 September 2025 on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine, \(OJ C, C/2025/5129, 23.9.2025, ELI: http://data.europa.eu/eli/C/2025/5129/oj\)](http://data.europa.eu/eli/C/2025/5129/oj)

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, (EU) 2024/1836 and (EU) 2025/1460 is extended for a further period of one year until 4 March 2028.

Article 2

Without prejudice to Union law and fundamental rights, the temporary protection in accordance with Article 1 of Implementing Decision (EU) 2025/1460 or as extended in accordance with Article 1 shall not be granted to persons that are not in compliance with their military obligations as provided for in Ukrainian law, and for that reason are not authorised by Ukrainian authorities to leave Ukraine.

This Article does not apply to persons already enjoying temporary protection at the date of entry into force of this Decision.

Article 3

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

It shall apply from 5 March 2027, with the exception of Article 2 which shall apply from the date of the entry into force of this Decision.

Done at Brussels,

For the Council
The President