



2026/1912

4.8.2026

COUNCIL IMPLEMENTING DECISION (EU) 2026/1912

of 30 July 2026

extending the temporary protection 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 Articles 4(2) and 5(3), point (a), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) 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.
- (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) 2023/2409 ⁽³⁾ 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) 2024/1836 ⁽⁴⁾ extending the temporary protection as introduced by Implementing Decision (EU) 2022/382, and extended by Implementing Decision (EU) 2023/2409, until 4 March 2026. On 15 July 2025, the Council adopted Implementing Decision (EU) 2025/1460 ⁽⁵⁾, extending the temporary protection as introduced by Implementing Decision (EU) 2022/382, and extended by Implementing Decisions (EU) 2023/2409 and (EU) 2024/1836, until 4 March 2027.
- (4) In the context of the activation of temporary protection under Directive 2001/55/EC, Member States agreed unanimously, in a statement 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.

⁽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 the temporary protection 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).

- (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 principle is respected 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. This would be coherent with the judgment of the Court of Justice of the European Union in case C-753/23 ⁽⁶⁾ and in particular paragraph 30 thereof.
- (6) In that overall context, nothing should be construed as implying an obligation for a Member State to issue a residence permit for temporary protection to a person who received a residence permit for temporary protection in another Member State.
- (7) To ensure an up-to-date situational picture for operational purposes, coherent administration and oversight of the issuance of residence permits, Member States should regularly upload accurate data in a timely manner in the Temporary Protection Registration Platform, including data on inactive registrations.
- (8) Acknowledging that temporary protection does not prejudice the EU *acquis* on international protection and recognition of refugee status under the Geneva Convention referred to in Article 2, point (b), of Directive 2001/55/EC, it is recalled that, in accordance with international standards, desertion and draft evasion are not considered, by themselves, to be grounds for international protection.
- (9) Currently, there are almost 4,4 million displaced persons from Ukraine who benefit from temporary protection in the Union. The overall number of registrations of persons enjoying temporary protection has remained relatively stable at approximately 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 to return to Ukraine in safe and durable conditions. The International Organization for Migration estimates that, as of December 2025, 3 712 000 people are internally displaced within Ukraine, of which 71 % 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 in Ukraine are in need of urgent humanitarian assistance in 2026.
- (10) 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 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 were to cease soon with all beneficiaries applying for international protection at the same time.
- (11) 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.

⁽⁶⁾ Judgment of the Court of Justice of 27 February 2025, *A. N. v Ministerstvo vnitra*, C-753/23, ECLI:EU:C:2025:133.

- (12) 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.
- (13) 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.
- (14) In its recent conclusions, the European Council has 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. 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.
- (15) Pursuant to Directive 2001/55/EC, temporary protection in the event of a mass influx of displaced persons is a procedure of exceptional character, which applies to the specific categories of persons the Council referred to, without prejudice to Article 7 of that Directive. The specific categories of persons are determined on the basis of objective criteria, in full respect of obligations stemming from international law, Union law and fundamental rights. The criteria are applied in compliance with Article 15 of that Directive, where applicable. When determining the specific categories of persons to whom temporary protection applies, the Council takes into account, inter alia, the situation pertaining to the existence of a mass influx of displaced persons, including the situation of the country of origin of those persons.
- (16) The evolving military needs of Ukraine in defending itself against Russia's war of aggression and in particular the conscription obligations as legitimately defined by Ukraine in its legal order require the Union's full support. Therefore, those needs should be fully taken into account by the Union and Member States while providing full support to displaced persons from Ukraine by means of temporary protection. It is therefore essential that the Union continue to apply temporary protection in a way that, while benefitting displaced persons, does not negatively affect Ukraine's overall ability to best defend itself against Russia's war of aggression and to decide freely on the organisation of its defence forces.
- (17) To this end, without prejudice to Union law and fundamental rights, temporary protection should only be granted to individuals who can provide proof to Member State authorities that they are, where applicable, in compliance with their military obligations. Considering the need to take into account the current defence needs as determined by Ukraine, and without affecting the situation of persons who already benefit from temporary protection in a given Member State before or on the date of the entry into force of this Decision and who retain such status in that Member State continuously after that date, the requirement that individuals provide proof that they are in compliance with their military obligations should apply from the entry into force of this Decision, which should be the day after its publication in the *Official Journal of the European Union*.
- (18) The right of persons to enjoy temporary protection is immediate once the existence of a mass influx of displaced persons has been established by the Council. While, for the purposes of proper administration and the registration of the individual concerned, the Member State can require certain formalities to be met, such as the completion of a registration form and the presentation of evidence, as provided for in the Implementing 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 individuals were authorised to leave the territory of Ukraine legally, and in particular, that they are in compliance with their military obligations. In that context, either the legal crossing of the border when leaving the territory of Ukraine or an exit stamp in the passport would constitute evidence of such authorisation. In cases where such a legal departure cannot be confirmed, in order to benefit from temporary protection, the individual concerned should be required to present to the Member State authorities an easily verifiable official document, in paper or electronic form, such as in the Reserv+ application, confirming that individual's exemption from, or compliance with, military obligations. The person requesting temporary protection should bear the burden of proof.

- (19) In the interest of a coordinated approach, the Commission will update the Operational Guidelines set in its communication of 21 March 2021 entitled ‘Operational guidelines for the implementation of Council implementing Decision 2022/382 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’ on the different aspects related to the implementation of this Decision.
- (20) It is possible that Ukrainian nationals who are not subject to conscription have military obligations, irrespective of their age or gender, because they enlisted or otherwise due to responsibilities related to military activities.
- (21) On 16 September 2025, the Council adopted its Recommendation ⁽⁷⁾ 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 referred to in that Recommendation, which remain a priority. In that regard, Member States should accelerate, 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.
- (22) This Decision respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union.
- (23) 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 Charter of the United Nations and international law and in the event of a sustainable ceasefire, the Council stands ready to act in accordance with Article 6(1), point (b), of Directive 2001/55/EC.
- (24) Ireland is bound by Directive 2001/55/EC and is therefore taking part in the adoption and application of this Decision.
- (25) 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,

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 referred to in Article 2 of Implementing Decision (EU) 2022/382 and as extended, where applicable, by Article 1 of Implementing Decision (EU) 2025/1460 or by Article 1 of this Decision, shall only be granted to those who satisfy their military obligations in Ukraine, upon presenting, where applicable, proof thereof.

This Article does not apply to persons enjoying temporary protection in a given Member State before or on 30 July 2026 and continuously retaining such status in that given Member State after this date.

⁽⁷⁾ 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>).

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 31 July 2026.

Done at Brussels, 30 July 2026.

For the Council

The President

T. BYRNE
