

Article 1

Subject matter

The existence of a mass influx into the Union of displaced persons who have had to leave Ukraine as a consequence of an armed conflict is established.

Article 2

The persons to whom the temporary protection applies

1. This Decision applies to the following categories of persons displaced as of 24 February 2022 following the military invasion by Russian armed forces on that date:
 - (a) Ukrainian nationals residing in Ukraine **before 24 February 2022** ;
 - (b) **Non-Ukrainian third-country nationals or stateless persons who benefit from international protection or equivalent national protection in Ukraine before 24 February 2022**
 - (c) family members of the persons referred to in points (a) and (b), regardless of whether the family member could return in safe and durable conditions to his or her country or region of origin.
2. For **non-Ukrainian** third-country nationals or **stateless persons who can prove that they are** legally residing in Ukraine **on the basis of a valid permanent residence permit granted in accordance with the Ukrainian law and** who are unable to return in safe and durable conditions to their country or region of origin, **Member States shall apply, either this decision, or an adequate status under their national law.**
- ~~The requirement of inability to return in safe and durable conditions to their country or region of origin shall not apply to third-country nationals or stateless persons who have been legally residing on a long-term basis in Ukraine.~~
3. **Member States may apply this Decision also to other persons including other third country nationals residing legally in Ukraine who are unable to return in safe and durable conditions to their country or region of origin or stateless persons.**
4. For the purposes of paragraph 1, point (c), the following persons shall be considered to be part of a family, in so far as the family already existed in Ukraine at the time of the circumstances surrounding the mass influx:
 - (a) the spouse of a person referred to in points (a) or (b) of paragraph 1 or their unmarried partner in a stable relationship, where the legislation or practice of the

Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to aliens;

- (b) the minor unmarried children of a person referred to in points (a) or (b) of paragraph 1 or of his or her spouse, without distinction as to whether they were born in or out wedlock or adopted;
- (c) other close relatives who lived together as part of the family unit at the time of the circumstances surrounding the mass influx, and who were wholly or mainly dependent on a person referred to in points (a) or (b) of paragraph 1 at the time.

Article 3

Cooperation and monitoring

1. For the purposes of Article 27 of Directive 2001/55/EC, the Member States shall use the Migration Preparedness and Crisis Management Network in accordance with Recommendation (EU) 2020/1366. Member States should also contribute to a Union common situational awareness through sharing of relevant information through the Integrated Political Crisis Response.
2. The Commission shall coordinate cooperation and exchange of information among Member States, in particular in relation to monitoring the reception capacities in each Member State and identifying any need for additional support.

For that purpose, the Commission, in cooperation with the Member States, the European Border and Coast Guard Agency (Frontex), the European Union Asylum Agency and the European Union Agency for Law Enforcement Cooperation (Europol) shall keep the situation under constant monitoring and review while using the Migration Preparedness and Crisis Management Network referred to in paragraph 1 above.

In addition, the European Border and Coast Guard Agency (Frontex), the European Asylum Agency (EUAA) and Europol shall provide operational support to the Member States who requested their assistance to help them cope with the situation including for the purposes of applying this implementing Decision.

Article 4

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

Done at Brussels,

For the Council
The President