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COMMUNICATION TO THE COMMISSION

Approval of the content of a draft for a Communication from the Commission on 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 4 March 2022, the Council adopted Council Implementing Decision (EU) 2022/382 establishing the existence of a mass arrivals of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection (the Council Decision)¹. It entered into force on the same day.

Based on the recent questions from Member States on the implementation of the Council Decision and the Temporary Protection Directive, the Commission has identified a number of issues on which it finds it useful to provide guidance to Member States. These issues are covered by the annexed guidelines, such as the scope (persons covered/not covered by the Council Decision, family members), and how to handle children, including unaccompanied minors. The guidelines also cover the question of the right to move freely between Member States, registration and provision of information.

This is a situation which is highly challenging for Member States. The scale of the challenge is very large with close to 3 million persons having already arrived. This situation is evolving on a daily basis. This guidance needs to be able to keep pace with developments and will therefore require updates in the light of Member States' experiences as they emerge.

The guidelines are therefore intended as a living document and will have to be updated regularly based on new questions received from Member States, to reflect the situation on the ground and take due account of Member States' evolving needs. These guidelines may be followed by more specific recommendations on particular topics. The Commission also intends to regularly update the dedicated webpage on information for people fleeing the war in Ukraine with any additional guidance that might be required by the Member States. Similarly, the Commission intends to meet Member States on a monthly basis to discuss issues related to the interpretation of the Council Decision and Directive 2001/55/EC.

A 'Solidarity Platform' has been 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. It will work alongside the EU Migration Preparedness and Crisis Management Network (the Blueprint) referred to in Article 3(1) of the Council Decision, taking account of situational information received in that Network. The Solidarity Platform will collect information and examine the needs identified in the Member States and coordinate the operational follow-up in response to these needs.

The Solidarity Platform will facilitate the mobilisation of relevant EU instruments, coordinate the matching of offers for solidarity with the needs identified and coordinate the transfer of persons on a general level between Member States and, where appropriate, to third countries, in cooperation with EU agencies and other relevant actors.

The Member States appointed two persons, one who will be the national contact point with decision making ability and another one at operational level. All information in relation to the Solidarity Platform as well as any additional questions in relation to the implementation of the Council Decision on these Guidelines should be sent to the dedicated functional mailbox already communicated to Member States.

The Commission adopted in 2020, as an integral part of the Pact proposals, a recommendation for an EU Migration Preparedness and Crisis Blueprint. Its objective is to provide an operational framework for monitoring and anticipating migration flows and migration

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.

situations, building resilience, as well as organising a situational response to a migration crisis.

Starting early January 2022, the Commission has been working very closely with the European External Action Service, relevant EU agencies and Member States under the framework of the Migration Preparedness and Crisis Blueprint Network to establish an overview of the level of preparedness for a potential crisis. Since the beginning of the war in Ukraine, the Network has been meeting twice a week and communicating continuously on daily, shared situational awareness reports, so as to ensure a coordinated contingency response to the migration challenges triggered by such events.

This work is fully coordinated with the Integrated Political Crisis Response (IPCR) and the Blueprint report is included in the weekly ISAA report.

The Blueprint will continue to share situational information and consolidate all relevant information on migration management related to the Russian invasion on Ukraine including on the implementation of Directive 2001/55/EC.

These guidelines intend to assist the Member States in applying the Council Decision and Directive 2001/55/EC² (the Temporary Protection Directive) and other applicable EU law. They complement the Commission Communication of 2 March 2022 which provides operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders³.

The Commission is therefore called upon to approve the content of a draft for a Communication from the Commission on operational guidelines for the implementation of the 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.

The Communication from the Commission on operational guidelines for the implementation of the 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 will be formally adopted by the Commission later, when all languages are available. It is only from that moment that the guidelines will be applicable.

The draft for a Communication from the Commission on operational guidelines for the implementation of the 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, is attached as Annex to this Communication.

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, OJ L 212 , 07.08.2001 p.12 – 23.

³ Communication from the Commission providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders, C(2022)1404, OJ C 104I , 4.3.2022, p. 1–6.