

## REFERENCES:

1. United Nations Environment Programme (UNEP). *Environmental impacts of the conflict in Ukraine*. 2022. Available at: <https://www.unep.org/resources/report/environmental-impact-conflict-ukraine>
2. Office of the United Nations High Commissioner for Human Rights (OHCHR). *Human rights and the environment*. 2020. Available at: <https://www.ohchr.org/en/special-procedures/sr-environment>
3. Internal Displacement Monitoring Centre (IDMC). *Global Report on Internal Displacement 2023*. Available at: <https://www.internal-displacement.org/global-report/grid2023/>
4. Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I), 1977. Available at: <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977>
5. Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD), 1976. Available at: <https://www.un.org/disarmament/enmod/>
6. Rome Statute of the International Criminal Court, 1998. Available at: <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>
7. United Nations General Assembly Resolution 76/300 “The human right to a clean, healthy and sustainable environment”, 2022. Available at: <https://documents.un.org/doc/undoc/gen/n22/436/72/pdf/n2243672.pdf>
8. International Committee of the Red Cross (ICRC). *Guidelines on the Protection of the Natural Environment in Armed Conflict*. 2020. Available at: <https://www.icrc.org/en/document/guidelines-protection-natural-environment-armed-conflict>

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**Hristina Georgieva**  
*Dr. at the Department of  
National and Regional Security,  
University of National and World Economy,  
Sofia, Bulgaria*

## **EU TEMPORARY PROTECTION DIRECTIVE AND ITS IMPLEMENTATION BY THE MEMBER STATES WITHIN THE CONTEXT OF THE EUROPEAN UNION AND UKRAINE**

In 2022, a week after the Russian invasion of Ukraine, the Council of the European Union unanimously activated the Temporary Protection Directive (2001/55/EC) [1] for the first time since its adoption. The Directive was adopted in 2001, in the aftermath of the large-scale displacement due to the armed conflict in the Western Balkans, in particular from Bosnia and

Herzegovina and Kosovo. The Directive has enabled more than 4 million people displaced from Ukraine to receive immediate status, access to key integration services and employment.

The EU's temporary protection law sets minimum standards of protection. The Council Implementing Decision (EU) 2022/382 of 4 March 2022 specifying how EU Member States are to apply the Directive [2], while leaving to Member States' discretion to include additional categories if they deem it appropriate. Hence, the actual level of assistance can vary from one member state to another.

Designed to last for a maximum period of three years, the Directive has provided the flexibility needed to avoid the collapse of national asylum systems amid rapid and mass displacement, enabling swift and unbureaucratic protection for those in need.

Member states had to urgently address the challenges that have emerged from the decision to activate the Directive. The paper aims to give information about the legislative approaches for implementing the Directive used by the EU Member States bordering Ukraine and Bulgaria, as well as to underline some differences in the national legislation.

People eligible for the EU Temporary Protection Directive in **Bulgaria** are: 1) Ukrainian nationals residing in Ukraine before 24 February 2022; 2) Non-Ukrainian third-country nationals and stateless persons enjoying international protection or equivalent protection in Ukraine before 24 February 2022; 3) Family members of the above two categories; 4) Non-Ukrainian third-country nationals and stateless persons with permanent residence in Ukraine before 24 February 2022 whose return to the country of origin is unsafe.

Bulgaria provided access to all core rights after granting temporary protection: access to labour market, to education, to healthcare and access to social housing. Specific support measures for unaccompanied children are also adopted.

Eligible for the EU Temporary Protection Directive in **Romania** are: 1) Ukrainian nationals (including those who arrived before 24 February 2022); 2) Non-Ukrainian third-country nationals and stateless persons enjoying international protection or equivalent national protection in Ukraine before 24 February 2022; 3) Non-Ukrainian third-country nationals and stateless persons who were permanent residents in Ukraine before 24 February 2022 and whose return to the country of origin is unsafe; 4) Family members of the above three categories as per the Council Implementing Decision (excluding unmarried partners)

Romania also provided access to all core rights after granting temporary protection: access to labour market, to education, to healthcare and access to social housing. Specific support measures for unaccompanied children are also adopted.

Eligible for the EU Temporary Protection Directive in **Poland** are: 1) Ukrainian nationals fleeing after 24 February 2022, obtaining an identification number in the electronic civil registry (PESEL number) upon registration; 2)

Non-Ukrainian third-country nationals and stateless persons enjoying international protection in Ukraine before 24 February 2022; 3) Family members (as defined in the Council Implementing decision) of the above two categories (spouses of Ukrainian nationals also obtain a PESEL number upon registration); 4) Non-Ukrainian third-country nationals with permanent residence in Ukraine before the war, whose return to the country of origin is unsafe.

Available is national protection scheme for Ukrainian nationals (and their spouses) coming from Ukraine before 24 February 2022. Other people within the meaning of Article 2 (1) (b)-(c) of the Council Implementing Decision can receive temporary protection under the 2003 Act on granting protection to foreigners

Poland provided access to all core rights after granting temporary protection as well: access to labour market, to education, to healthcare and access to social housing. Specific support measures for unaccompanied children are also adopted.

People eligible for the EU Temporary Protection Directive in **Slovakia** are: 1) Ukrainian nationals and their non-Ukrainian relatives, specifically: wife/husband of Ukrainian nationals, minor children of Ukrainian nationals or minor children of their spouse, parents of a minor child, who is a Ukrainian national, dependent members of their households; 2) Non-Ukrainian nationals who were granted: permanent residence in Ukraine before 24 February and whose return to the country of origin is unsafe, international protection in Ukraine before 24 February 2022 and their family members residing in Ukraine before 24 February 2022

As far as provision of core rights is concerned, access to them after granting temporary protection is given only to labour market, education and healthcare. Access to social housing is not allowed in Slovakia. Specific support measures for unaccompanied children are also adopted.

Eligible for the EU Temporary Protection Directive in **Hungary** are: 1) Ukrainian nationals fleeing after 24 February 2022 (including Hungarian-Ukrainian dual nationals mainly living in Zakarpatska Oblast); 2) Non-Ukrainian third-country nationals and stateless persons enjoying international protection or equivalent national protection in Ukraine before 24 February 2022; 3) Family members (as defined in the Council Implementing Decision) of the above two categories

Non - Ukrainian third-country nationals with permanent residence in Ukraine before the war only receive a 'certificate for temporary stay', valid for 30 days and subject to prolongation up until six months.

As far as provision of core rights is concerned, access to them after granting temporary protection is given only to education, social housing and healthcare. Access to labour market is not allowed in Hungary. Specific support measures for unaccompanied children are also adopted.

Information about all national implementing measures adopted by the 16 EU Member States with the most significant number of displaced

persons fleeing the Russian war of aggression in Ukraine (as of October 2022) is available on the Internet page of European Union Agency for Fundamental Rights [3].

The EU Temporary Protection Directive (TPD) for people fleeing Ukraine has been extended four times beyond its initial one-year activation in March 2022 (until 4<sup>th</sup> of March 2023). The Council of the European Union has decided to extend the Temporary protection under the TPD firstly by 4<sup>th</sup> of March 2024, then by 4<sup>th</sup> of March 2025, by 4<sup>th</sup> of March 2026, and lastly until 4<sup>th</sup> of March 2027. This will allow refugees from Ukraine to remain in EU Member States for one year longer. The TPD can essentially be extended by the Council as long as the situation in Ukraine remains unsafe for return. If the circumstances change in Ukraine, allowing for a gradual return and sustainable reintegration, the Commission can make a proposal to the Council to suspend the temporary protection earlier than its foreseen end date [4].

Within the EU, refugee protection is enshrined in a variety of legal instruments that harmonize the efforts of EU Member States: the Common European Asylum System (CEAS), the Qualification Directive (2011/95/EU), the Asylum Procedures Directive (2013/32/EU). The TPD has proven to be an essential instrument to provide immediate protection in the EU and the Commission considers that it should remain part of the toolbox available to the European Union in the future.

The TPD complements not only the existing EU law but also other international legal instruments by offering protection to those who may not meet the refugee definition under the 1951 Refugee Convention, yet are in dire need of shelter and safety. Its role in responding to the Ukraine crisis has highlighted its capacity to act as a flexible and rapid tool for addressing large-scale displacement, particularly in instances where returning to the country of origin is not an option in the foreseeable future. [5]

#### **REGERENCES:**

1. 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, available at <https://eur-lex.europa.eu/eli/dir/2001/55/oj/eng>;

2. Council Implementing Decision (EU) 2022/382 of 4 March 2022, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32022D0382>;

3. <https://fra.europa.eu/en/publication/2022/national-legislation-implementing-eu-temporary-protection-directive-selected-eu-0>;

4. <https://www.consilium.europa.eu/en/press/press-releases/2025/06/13/eu-member-states-agree-to-extend-temporary-protection-for-refugees-from-ukraine/#:~:text=Temporary%20protection%20is%20due%20to%20run%20u>

ntil,now%20be%20extended%20until%204%20March%202027;

5. Bondarenko Y., International and temporary protection in EU Law: Legal frameworks and challenges of practical implementation, *Visegrad Journal on Human Rights*, P. 20 - 28;

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**Марценко Н. С.**

*к.ю.н., доцент, доцент кафедри  
цивільного права і процесу,*

*Західноукраїнський національний університет*

## **ПРАВА ЛЮДИНИ В УМОВАХ ВІЙНИ ТА ВИМУШЕНОГО ПЕРЕМІЩЕННЯ**

Сучасні збройні конфлікти характеризуються не лише високим рівнем інтенсивності бойових дій, але й також істотним впливом на систему міжнародного захисту прав людини. Війна виступає одним із ключових факторів трансформації правового регулювання, оскільки вона одночасно торкається як змісту прав людини, так і механізмів їх реалізації та захисту.

На сьогодні нормативну основу захисту прав людини становлять Загальна декларація прав людини 1948 р., Міжнародний пакт про громадянські і політичні права 1966 р. (МПГПП), Європейська конвенція з прав людини 1950 р. (ЄКПЛ), а також Женевські конвенції 1949 р. та даткові протоколи 1977 р.. Вказані акти формують комплексну систему, яка поєднує міжнародне право прав людини та міжнародне гуманітарне право, що є основою міжнародно-правового регулювання захисту прав людини під час збройних конфліктів.

Водночас, умови збройного конфлікту допускають можливість тимчасового відступу держав від окремих зобов'язань. Так, відповідно до ст. 4 МПГПП та ст. 15 ЄКПЛ, дерогація можлива лише у разі надзвичайного стану, який загрожує життю нації [1; 2]. При цьому міжнародне право встановлює жорсткі умови допустимості таких відступів, що передбачає такі умови як: будь-які дерогаційні заходи повинні бути строго обумовлені вимогами ситуації, тобто відповідати принципу необхідності (держава може обмежувати права людини лише в тій мірі, в якій це є об'єктивно необхідним для подолання загрози); такі заходи мають відповідати принципу пропорційності, що вимагає збереження розумного балансу між інтересами національної безпеки та захистом фундаментальних прав людини; дерогація не може мати дискримінаційного характеру за ознаками раси, статі, мови, релігії чи інших статусів, що прямо впливає з міжнародних стандартів рівності та