

Brussels, 4 June 2025
(OR. en)

9363/25

LIMITE

JAI 673
ASILE 49
MIGR 187

NOTE

From:	Presidency
To:	Delegations
Subject:	Implementation of solidarity contributions - discussion paper

At national level, preparations are underway for Member States to participate in the solidarity mechanism and the exercise which will consist in submitting a declaration regarding the preferred form of contributions as part of the new mandatory solidarity mechanism. In order for Member States to be able to take an informed decision in this regard and effectively plan their contributions, also taking into account possible challenges on their budget, they must be well informed about the implementation rules of individual solidarity measures.

By 15 October, the Commission will adopt and present to the Council and the European Parliament the first European Asylum and Migration Report and will adopt an implementing decision determining the Member States under migratory pressure, at risk thereof or facing a significant migratory situation. The Commission will also make a proposal for a Council implementing act establishing the Solidarity Pool, which will identify the total annual numbers of required solidarity contributions in the form of relocations and financial contributions. The Commission may also identify other forms of solidarity – alternative solidarity contributions referred to in Article 56(2)(c), if there is a need for such measures, linked to specific challenges of a particular Member State. The Commission proposal will also determine indicative contributions for each Member State by applying the reference key set out in Article 66 of AMMR.

The pledging will be carried out in the **High-Level Solidarity Forum**, and before the end of the year, the Council will be required to adopt an **implementing act establishing the Solidarity Pool**, which will be composed of the solidarity contributions of Member States. Member States will have full discretion in choosing between the different types of solidarity measures - relocations, financial contributions, alternative measures or a combination thereof.

As regards **relocation** and **responsibility offsets** (a second-level solidarity measure), work is ongoing in the EUAA on the development of practical guidance for Member States, which will focus on their implementation. In addition, uniform methods for the exchange of information for the purpose of relocation have been discussed with Member States and will be included in the omnibus Implementing Regulation currently under preparation by the Commission. The Commission presentation and first discussion on the responsibility offsets took place in the AMMR Contact Group on 14 February 2025 and Solidarity Platform ‘Pact’ meeting on 28 April 2025.

Therefore the present note aims to focus on financial contributions and alternative solidarity measures that have not yet been discussed in detail.

In line with Articles 56(2)(b), 56(3) and 64 of AMMR, **financial contributions** are mainly intended to support actions in the benefitting Member States in the area of migration, reception, asylum, pre-departure reintegration, border management and operational support. However, they can also be used for projects in or in relation to third countries that might have a direct impact on the migratory flows at the external borders or improve the asylum and migration situation in the third country concerned. These projects need to be implemented with specific safeguards and only within the framework and objectives of AMIF.

The contributions will consist of financial transfers to the Union budget and will be recovered from the contributing Member States at the beginning of the year (in the first quarter) following each annual solidarity cycle, using recovery orders. They will subsequently be transferred to the benefitting Member States through amendments of their national programmes under the AMIF and BMVI. Member States contributing to and benefiting from solidarity will have to ensure an appropriate decision-making and planning process at national level. Considering the fact that the work is currently underway to amend national programmes in the context of the implementation of the Pact, these issues seem even more relevant. At the same time, it is worth emphasising that participation in solidarity measures other than relocation cannot be financed or co-financed from the EU funds.

Moreover it is to be born in mind that the amounts of financial contributions as set out in the Council implementing act establishing the Solidarity Pool **may be increased** if the alternative solidarity measures were not requested by the benefitting Member States, or if the actual value of the alternative measures agreed between the two Member States concerned was different than initially foreseen in the Council implementing act. Similarly, the amount of financial contributions **can be reduced** in case deductions are applied in accordance with Articles 61 (Member State under migratory pressure) or 62 AMMR (Member State facing a significant migratory situation) or in case the mandatory responsibility offsets are triggered. Relevant rules on the functioning of financial contributions have already been provided and will be included in the Commission omnibus implementing act.

Contributing Member States also have the option to pledge **alternative solidarity measures** (e.g. capacity building, technical equipment, operational or staff support) but these have to be linked to specific needs of the benefitting Member State. They will be monetised for the purpose of calculating the solidarity contributions and ensuring compliance with the fair share, and their financial value will need to be agreed between the contributing and benefitting Member States in a realistic manner. While the Commission will be able to identify alternative measures in its annual proposal for solidarity, the contributing Member States will be allowed to pledge such measures even if they are not identified. If such measures are not requested by benefitting Member States in a given year, they will be converted into financial contributions by the end of that year, on the basis of the financial value of the pledged measures. It should be highlighted that alternative measures cannot duplicate the support provided by agencies or by EU funding and should be offered in addition to what contributing Member States already provide.

Contributing Member States that wish to pledge financial contributions or alternative measures should be prepared to allocate in their annual budgets the amounts covering all the contributions foreseen, as well as the possible increases, as specified above.

Benefitting Member States should be able to identify the specific actions for support through the financial contributions or in-kind support and ensure that the allocated funds can be effectively absorbed. The distribution of the amounts transferred to the EU budget will be coordinated in the Technical-Level Solidarity Forum by the EU Solidarity Coordinator. In case the amount of financial contributions is not fully allocated, the Commission will have the possibility to allocate the remaining funds to the AMIF thematic facility.

In light of the above considerations and due to the need of Member States to prepare themselves for contribution in solidarity, decision-making process and budgetary planning at national level, in addition to what has already been presented or discussed, the Polish Presidency invites delegations to reflect upon the following **questions**:

1. *How will the decision-making process regarding solidarity contributions be organised in your Member State?*
 2. *What will be the most challenging in planning, pledging and implementing your potential financial contributions and alternative solidarity measures and how will you ensure that solidarity contributions are used in the most effective manner?*
-