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REV 1

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ASILE
JAI
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COMMUNICATION

WRITTEN PROCEDURE

Contact:	jai.migration@consilium.europa.eu
Tel./Fax:	+32 2 281 6418
Subject:	Council Implementing Decision on the establishment of the Annual Solidarity Pool for 2026 - End of written procedure

Delegations are informed that the written procedure initiated by CM 5555/25 on 19 December 2025 was completed on 22 December 2025 **at 12h00** CET (time in Brussels) and that all delegations voted in favour of, except for Hungary and Slovakia which voted against and Cyprus, Latvia, Portugal and Spain which abstained, the adoption of the Council Implementing Decision on the establishment of the Annual Solidarity Pool for 2026, as set out in document 16574/1/25 REV1.

The required qualified majority has been reached. Therefore, the above Council Implementing Decision is adopted.

The statements by Latvia, Slovakia and Spain, are reproduced in Annex to the CM and will be included in the summary of the acts adopted by the written procedure as statements to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

STATEMENT BY LATVIA

on

Council Implementing Decision on the establishment of the Annual Solidarity Pool for 2026

Latvia fully reaffirms that principles of solidarity and fair sharing of responsibility are core elements of sustainable common migration policy. In this spirit, we are committed to implement the new Pact on Migration and Asylum.

At the same time, we regret that the Commission's methodology regarding the assessment and consequently Council Implementing Decision on the establishment of the Annual Solidarity Pool for 2026, relied heavily on quantitative indicators, which did not fully reflect the actual situation on the ground nor provided a clear and comprehensive picture for all Member States. For instance, geographical location, security risks encountered, as well as efforts to strengthen our external borders due to the hostile neighbouring countries were not sufficiently taken into account.

We believe that future assessments must better integrate qualitative factors, i.e., regional specificities, and evolving security realities, ensuring that solidarity measures are both fair and workable.

Latvia strongly considers itself as facing a significant migratory situation in accordance with the Article 62 of the Regulation (EU) 2024/1351 and thus has requested for a full deduction of its pledged contributions to the Solidarity Pool for 2026.

We will continue constructive dialogue with the European Commission to ensure that challenges in safeguarding the EU's external borders are fully and accurately reflected in future assessments.

In light of these circumstances, Latvia will abstain from the vote on the Council Implementing Decision.

STATEMENT BY THE SLOVAK REPUBLIC

on

Council Implementing Decision on the establishment of the Annual Solidarity Pool for

2026

The Slovak Republic expresses its respect for the dedication and efforts of the Danish Presidency and the European Commission in launching the first Annual Migration Management Cycle. We remain committed to supporting initiatives that foster a managed, fair, and sustainable EU migration policy.

Since March 2022, over 175 000 Ukrainians have been granted temporary protection in Slovakia. This has placed a significant strain on the capacities of the Slovak Republic, including its social, health, and educational systems, as well as its ability to provide adequate accommodation. Additionally, the Slovak Republic has faced a substantial challenge from secondary migration on the Western Balkans route between 2022 and 2023. During this period, the number of illegal entries by third-country nationals exceeded 59 000. The fact that the Slovak Republic was not included on the list of countries facing a significant migration situation, despite its population and GDP, is concerning. Consequently, and in accordance with Article 62, paragraph 3 of Regulation (EU) 2024/1351 on Asylum and Migration Management, the Slovak Republic formally requested a full deduction of the solidarity contribution for 2026 through a ministerial letter at the end of November 2025.

During the JHA Council meeting on December 8, 2025 the Slovak Republic expressed several objections regarding the Council Decision establishing the annual solidarity pool. These concerns include: disagreement with the reference number and the argument that migration flows increase more in the second half of the year, the conflict with the requirement of the AMMR and the fact that the Council is required to decide on deductions, which can only occur after the decision on the solidarity pool has been adopted, and the concept of "legacy solidarity" or renamed "other forms of solidarity support", which lacks a basis in the AMMR.

In light of the aforementioned reasons, the Slovak Republic cannot support the Council decision and votes against it.

Statement by the Kingdom of Spain, to be entered into the Council minutes

**Council Implementing Decision on the establishment of the annual solidarity pool for 2026
(16575/1/25 REV1)**

1. Spain is committed to the implementation of the European Pact on Migration and Asylum, agreed under the Spanish Presidency of the Council in 2023. This Pact represents a historic milestone in the development of a comprehensive EU policy and legal framework for asylum and migration management. The Pact is based on the balance enshrined in the principle of solidarity and fair sharing of responsibility.
2. The mandatory solidarity mechanism aims to address the needs of countries that have shouldered greater responsibility in matters of migration, to the benefit of the Union as a whole. The European Commission has determined that Spain is in such a situation of migratory pressure, based on the data collected between July 2024 and June 2025. Spain recognises the specificities of the migratory situation in the different Member States, and the need to ensure that the mandatory solidarity mechanism serves all countries effectively within the agreed legal framework.
3. To ensure that this responsibility is shared fairly, the Commission has identified that the Union's solidarity needs amount to 30 000 relocations or EUR 600 million in financial contributions for the year 2026. These amounts constitute the minimum threshold set in Article 12 of Regulation 2024/1351 of 14 May 2024 on asylum and migration management (AMMR).
4. However, the annual solidarity pool included in this Council Decision deviates from the provisions of the AMMR. Firstly, the reference key is lower than that minimum threshold. In addition, the Decision states that several Member States have not fulfilled their obligation to pledge their solidarity contributions. Furthermore, a number of countries have seen their contribution automatically reduced wholly or partially, without the Council having decided on these deductions. Finally, the Council Decision provides for the possibility for Member States to contribute directly through other solidarity measures that should only be used in a second phase of the solidarity mechanism. As a result, actual solidarity amounts to 962 relocations and EUR 74.66 million, compared to the 30 000 relocations or EUR 600 million originally identified by the Commission.

The extraordinary discrepancy between, on the one hand, the identified needs and legal obligations and, on the other, the final content of the Decision does not guarantee effective solidarity that addresses the needs of Member States under migratory pressure or the fulfilment of the obligations on all countries to contribute.

5. It should be emphasised that the reference to an indicative percentage of 42 % made in Article 1(6) of the Decision must be understood as a minimum share. On the basis of the data for the reference period and the identified needs, Spain estimates that the percentage of the pool to be allocated to countries under migratory pressure due to the high number of disembarkations following search and rescue operations should be significantly increased.

6. Spain is concerned that this Decision sets a negative precedent, not only for the solidarity pillar, but also for the Migration and Asylum Pact as a whole and for the balance between responsibility and solidarity, with just six months remaining before all its provisions take full effect.

Spain therefore emphasises that the exceptional nature of this Decision for the first solidarity cycle should be avoided at all costs when establishing solidarity pools in future cycles.

7. In view of the above, Spain is not able to support this Decision. However, given its commitment to the European Pact on Migration and Asylum, the Spanish delegation states that it is ABSTAINING from adopting the Decision.
