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REV 1

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ASILE
JAI
MIGR
FRONT
RELEX
PROCED

COMMUNICATION

WRITTEN PROCEDURE

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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.

Declaración del Reino de España para su incorporación a las actas del Consejo

Decisión de ejecución del Consejo por la que se establece el contingente anual de solidaridad para 2026 (documento 16575/1/25 REV1)

1. España está comprometida con la implementación del Pacto Europeo de Migración y Asilo, acordado bajo la Presidencia española del Consejo en 2023. Dicho Pacto constituye un hito histórico en el desarrollo de una política y un marco jurídico integral de la UE para la gestión del asilo y la migración. El Pacto se funda en el equilibrio que consagra el principio de solidaridad y reparto equitativo de la responsabilidad.
2. El mecanismo obligatorio de solidaridad tiene como objetivo responder a las necesidades de los países que han soportado una mayor responsabilidad migratoria en beneficio del conjunto de la Unión. Así, la Comisión Europea ha determinado que España se encuentra en dicha situación de presión migratoria de conformidad con los datos recopilados entre julio de 2024 y junio de 2025. España reconoce las particularidades de la situación migratoria en los diferentes Estados miembros y la necesidad de que el mecanismo obligatorio de solidaridad sea efectivo para todos los países dentro del marco jurídico acordado.
3. Para realizar un reparto equitativo de dicha responsabilidad, la Comisión ha identificado que las necesidades de solidaridad de la Unión alcanzan 30.000 reubicaciones ó 600 millones de euros en contribuciones financieras para el año 2026. Estas cuantías constituyen el umbral mínimo que se determinó en el artículo 12 del Reglamento 2024/1351, de 14 de mayo, sobre gestión del asilo y la migración (AMMR).
4. Sin embargo, el contingente anual de solidaridad que se incorpora en esta decisión del Consejo se aparta de lo recogido en el AMMR. Por un lado, la clave de referencia es inferior a ese umbral mínimo. Además, dicha decisión recoge que varios Estados miembros no han cumplido con su obligación de ofertar sus contribuciones de solidaridad. Adicionalmente, un conjunto de países ha visto reducida su contribución total o parcialmente de forma automática, sin que el Consejo haya decidido sobre dichas deducciones. Finalmente, la decisión del Consejo contempla la posibilidad de que los Estados miembros contribuyan directamente mediante otras medidas de solidaridad que sólo podrían utilizarse en una segunda fase del mecanismo de solidaridad. En consecuencia, la

solidaridad real se traduce en 962 reubicaciones y 74,66 millones de euros, frente a las 30.000 reubicaciones ó 600 millones de euros identificados originariamente por la Comisión.

El extraordinario desvío entre, por un lado, las necesidades identificadas y las obligaciones legales, y, por el otro, el contenido final de la decisión no garantiza una solidaridad efectiva que responda a las necesidades de los Estados bajo presión migratoria ni el cumplimiento de las obligaciones de contribuir de todos los países.

5. Cabe enfatizar que la referencia a un porcentaje indicativo del 42%, recogido en el apartado 6 del artículo 1 de la Decisión, debe entenderse como una cuota mínima. En virtud de los datos del período de referencia y de las necesidades identificadas, España estima que el porcentaje del contingente que deberá destinarse a los países bajo presión migratoria debido al elevado de desembarcos tras operaciones de búsqueda y rescate deberá incrementarse notablemente.

6. España muestra su preocupación por que esta decisión sienta un precedente negativo, no sólo para el pilar de solidaridad, sino para el conjunto del Pacto de migración y asilo y para el equilibrio entre responsabilidad y solidaridad cuando faltan apenas seis meses para la plena aplicación de todas las disposiciones del mismo.

En este sentido, España resalta que la excepcionalidad que recoge esta decisión para el primer ciclo de solidaridad debería evitarse a toda costa en el establecimiento de contingentes de solidaridad en futuros ciclos.

7. Por todo lo anterior, España no está en disposición de apoyar esta Decisión. No obstante, habida cuenta de su compromiso con el Pacto Europeo de Migración y Asilo, la delegación española manifiesta que se ABSTIENE en la adopción de la misma.

Statement by the Kingdom of Spain to be entered in the Council minutes

Council Implementing Decision establishing the Annual Solidarity Pool for 2026 (document 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 constitutes a historic milestone in the development of a comprehensive EU policy and legal framework for the management of asylum and migration. The Pact is founded on the balance enshrined in the principle of solidarity and fair sharing of responsibility.
2. The mandatory solidarity mechanism aims to respond to the needs of countries that have borne a greater responsibility on migration for the benefit of the Union as a whole. In this regard, the European Commission has determined that Spain is in such a situation of migratory pressure, in accordance with 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 for the mandatory solidarity mechanism to be effective for all countries within the agreed legal framework.
3. In order to ensure a fair sharing of this responsibility, 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 numbers constitute the minimum threshold laid down in Article 12 of Regulation (EU) 2024/1351 of 14 May on asylum and migration management (AMMR).
4. However, the annual solidarity pool included in this Council Decision departs from what is provided for in the AMMR. On the one hand, the reference key is below that minimum threshold. Moreover, the Decision notes that several Member States have failed to comply with their obligation to pledge solidarity contributions. In addition, a number of countries have seen their contributions partially or fully reduced automatically, without the Council having decided on such deductions. Finally, the Council Decision provides for the possibility for Member States to contribute directly through other solidarity support measures that should only be used at a second stage of the solidarity mechanism. As a result, real solidarity amounts to 962 relocations and EUR

74.66 million, compared with 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 the legal obligations and, on the other, the final content of the Decision does not ensure effective solidarity that addresses the needs of Member States under migratory pressure, nor does it guarantee compliance with the obligation of all countries to contribute. 2

5. It should be emphasised that the reference to an indicative percentage of 42%, set out in Article 1(6) of the Decision, must be understood as a minimum share. In light of the data for the reference period and the identified needs, Spain considers that the percentage of the pool to be made to Member States under migratory pressure because of the high number of disembarkations after search and rescue operations should be significantly increased.

6. Spain expresses its concern that this Decision may set a negative precedent, not only for the solidarity pillar, but for the Pact on Migration and Asylum as a whole and for the balance between responsibility and solidarity, at a time when fewer than six months remain before the full application of all its provisions.

In this regard, Spain stresses that the exceptional nature reflected in this Decision for the first solidarity cycle should be avoided at all costs when establishing solidarity pools in future cycles.

7. In light of the above, Spain is not in position to support this Decision. However, in view of its commitment to the European Pact on Migration and Asylum, the Spanish delegation **ABSTAINS** from the adoption thereof.