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From: General Secretariat of the Council
To: Permanent Representatives Committee/Council
Subject: Establishment of the High-Level EU Solidarity Forum: mandate and modalities
- Approval

1. The Asylum and Migration Management Regulation¹ (AMMR), which is part of the Pact on Migration and Asylum, established a new solidarity mechanism, in order to ensure a fair sharing of responsibility and solidarity as enshrined in Article 80 TFEU as well as a balance of effort between Member States. The mechanism should provide effective support to Member States under migratory pressure and ensure swift access to fair and efficient procedures for persons seeking international protection.
2. The AMMR requires the Council to set up a High-Level EU Solidarity Forum. Pursuant to Article 13(1) AMMR, the High-Level EU Solidarity Forum 'shall be established' in order 'to ensure the effective implementation of the solidarity mechanism established by the Regulation' (recital 24).

¹ Regulation (EU) 2024/1351 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013, OJ L, 22.5.2024.

3. Article 13(1) further specifies that the High-Level Forum will be composed of ‘representatives of the Member States and be chaired by the Member State holding the Presidency of the Council. Member States shall be represented at the level of responsibility and decision-making power that is appropriate in order to carry out the tasks conferred on the High-Level Forum’.
4. Without prejudice to Article 240 TFEU, the mandate of the High-Level Forum shall include the following tasks, under the authority of Coreper:
- a) consider the European Annual Asylum and Migration Report,
 - b) consider the Commission implementing decision on determining Member States under migratory pressure, at risk of migratory pressure or facing a significant migratory situation, and
 - c) consider the Commission proposal for a Council implementing act establishing the Annual Solidarity Pool;
 - d) take stock of the overall situation;
 - e) come to a conclusion regarding the solidarity measures and an overall reference number for each solidarity measure in the Annual Solidarity Pool, with a view to the adoption by the Council of the implementing act establishing the annual Solidarity Pool before the end of each year;
 - f) receive the pledges of the Member States according to their mandatory fair share on their contributions to the Annual Solidarity Pool pursuant to Articles 13, 57 and 66 of AMMR;
 - g) where deemed necessary, come to a conclusion on other migratory response measures in the areas of responsibility, preparedness and contingency, as well as on the external dimension of migration;
 - h) where the solidarity contributions to the Annual Solidarity Pool are insufficient in relation to the needs identified, to allow the Member States to provide additional solidarity contributions pursuant to Article 13(4) of AMMR.

5. The first meeting of the High-Level Forum of the annual cycle in a given year will be convened by the Presidency within 15 days following the adoption by the Commission of the European Asylum and Migration Report referred to in Article 9 of AMMR, of the Commission Implementing Decision referred to in Article 11 of AMMR and of the Commission proposal for a Council implementing act referred to in Article 12 of AMMR. The High-Level Forum shall also be convened in situations covered by Article 13(4) of AMMR. The High-Level Forum may also be convened at the initiative of the Presidency whenever it is appropriate.
6. In accordance with Article 13 (1) second subparagraph AMMR, third countries that have concluded with the Union an agreement on the criteria and mechanisms for establishing the State responsible for examining an application for international protection lodged in a Member State or in that third country may, for the purpose of contributing to solidarity on an ad hoc basis be invited to participate in the High-Level Forum as appropriate. Such invitation will be extended by the Presidency to these third countries that have indicated that they are considering to contribute to the solidarity measures under the Solidarity Pool for the upcoming year.
7. The Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) was set up by Coreper as part of a new working structure to prepare the Council's discussions with regard to immigration, frontiers and asylum following the entry into force of the Amsterdam Treaty. SCIFA continues to play a key strategic role in the field of immigration, asylum and frontiers, focusing on horizontal and/or cross cutting issues and on politically important legislative proposals and non-legislative initiatives.
8. It is for each delegation to determine how it is represented in the High-Level Forum, taking into account Article 13(1) AMMR.
9. Given the need to ensure the necessary internal coherence in the preparatory work regarding the fair sharing of responsibility and solidarity and the need to adequately implement the AMMR obligations, the meeting of the High-Level Forum as referred to in paragraph 5 could be attended at the level of SCIFA representatives and should where appropriate be organised to facilitate that level of participation.

10. The High-Level Forum will be supported by the General Secretariat of the Council.
11. The Permanent Representatives Committee is therefore invited to recommend that the Council approve the modalities for the High-Level EU Solidarity Forum and the convening of its meetings in accordance with the above mandate.

