

EN
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Answer given by Mr Brunner
on behalf of the European Commission
(17.1.2025)

Poland is bound by all the legislative instruments forming part of the Pact on Migration and Asylum, which were adopted in line with the EU obligation to develop a common policy on asylum¹, and in full respect of the principle of shared competence in the area of freedom, security in justice². Under the EU law, there are no legal possibilities to exempt Poland from the implementation of any elements of the Pact.

The Asylum and Migration Management Regulation³ foresees mandatory solidarity and each Member State has full discretion to choose between the various forms of solidarity, namely relocation, financial contributions and alternative measures (in-kind support).

The number of persons benefitting from temporary protection in the Member State concerned is among the factors determining whether a Member State is under migratory pressure or facing a significant migratory situation, which allows for full or partial reductions of solidarity contributions.

The assessment of which Member State will be under migratory pressure, at risk of migratory pressure or facing a significant migratory situation for the first annual migration management cycle, starting in mid-2026, will be made by the Commission in October 2025. Poland has not yet presented any information to the Commission in the framework of the first cycle.

¹ Article 78 of the Treaty on the Functioning of the European Union; OJ C 326, 26.10.2012, p. 47–390.

² Article 4(2)(j) of the Treaty on the Functioning of the European Union; OJ C 326, 26.10.2012, p. 47–390.

³ Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013; OJ L, 2024/1351, 22.5.2024.