

ALL PACKED-UP AND READY? ASSESSMENT OF THE STATE OF PLAY ON PACT IMPLEMENTATION

ECRE'S ANALYSIS OF RECENT DEVELOPMENTS IN THE IMPLEMENTATION OF THE EU PACT ON MIGRATION AND ASYLUM.

I. INTRODUCTION

The Pact on Migration and Asylum, presented by the European Commission (henceforth, “the Commission”) in September 2020, was formally adopted in May 2024 and will become applicable in July 2026. During the current implementation phase, Member States are in the process of adapting their national legislation, reception systems, and operational capacities to align with the new common framework, with guidance and, in some cases, technical support provided by the Commission.

This policy note analyses the state of play of the implementation of the EU Pact on Migration and Asylum (the Pact) from the perspective of civil society. It concludes with policy recommendations to EU institutions and Member States to ensure that implementation of the Pact does not further erode the right to asylum at either the national or European level. The note assesses both progress and shortcomings in national implementation processes and identifies emerging challenges for the future Common European Asylum System (CEAS).

ECRE remains critical of the Pact and the reduction of standards it entails and focuses on ensuring that the safeguards included in the Pact are applied to reduce fundamental rights risk.

While it is not the focus of this analysis, the implementation of the Pact cannot be considered in isolation of the widespread practice of non-compliance with existing EU legislation on asylum which in some countries has culminated in restricting access to asylum. Poland and Greece have suspended the right to asylum at parts of their border or for certain groups of asylum seekers in direct violation of their obligations under international and EU law, both current and future provisions regulating the CEAS. Without systematic monitoring and enforcement of EU law now, there is a real risk that current violations will be perpetuated, undermining both the credibility of the reform and the rights it is supposed to guarantee.

II. ANALYSIS

STATE OF PLAY

In June 2024, the Commission issued a communication containing a [Common Implementation Plan](#) accompanied by an annexed [operational checklist](#). This document serves as guidance for Member States in drafting their national implementation plans (NIPs), outlining key actions across ten “building blocks” such as border management, reception and asylum procedures.

Several key deadlines ahead of the Pact’s entry into force in July 2026 are embedded across different legislative files, in particular the Asylum and Migration Management Regulation (AMMR), which also introduces a new annual asylum and migration policy cycle. The first milestone – the submission of national implementation plans by December 2024 - was met by most Member States, albeit with some delays.

The next steps required Member States to submit national contingency plans to the EU Agency for Asylum (EUAA) by 12 April 2025 and to present national asylum and migration management strategies by June 2025, in line with Article 7 of the AMMR. The Commission adopted an [implementing decision](#) in March 2025 setting out a common template for these strategies, intended to equip Member States to effectively implement the new system. These will serve as the foundation for the five-year European strategy due in December 2025. Another major milestone will be the launch of the first annual migration cycle in autumn 2025, centred on the Pact’s newly established mandatory solidarity mechanism under the AMMR.

On 11 June, the Commission published a [Communication on the state of play of Pact implementation](#) at Member State level. It notes that 26 Member States have engaged with the Commission on Pact implementation, and 25 submitted their National Implementation Plans. Poland only submitted a note on implementation – rather than a full implementation plan – and maintains its [opposition](#) to contributing to the solidarity mechanism set out by the AMMR. Hungary declined to submit a plan, reflecting its longstanding opposition to the Pact and unwillingness to engage in its implementation.

Twenty-two Member States presented their contingency plans to the EUAA (26 were requested, with the exception of Denmark). Three Member States - the Czech Republic, Estonia, and the Netherlands - have already finalised the drafting of their national legislation in view of Pact implementation, and most others are expected to do so by the end of 2025. The Commission’s Communication also highlights key challenges, notably regarding setting up adequate capacity and location of border procedures, reception conditions, overall preparedness, support for vulnerable applicants, and the implementation of the Dublin system.

As a first assessment of the implementation phase, it can be observed that, while formal progress is underway, there is limited evidence that national governments are taking this opportunity to strengthen their asylum systems. Rather, some implementation efforts appear focused on meeting minimum compliance requirements, are often selective and do not seem to be aimed at tackling existing gaps in national reception and asylum system. A number of specific challenges are emerging which are described below.

Lack of transparency

Civil society engagement in the development of national implementation plans have varied considerably across Member States. Positively, in some countries (such as Austria, Germany, Ireland, Luxembourg, Malta, Spain, Sweden, and Slovenia) authorities opened channels for dialogue with civil society organisations. By contrast, in other contexts (e.g., Italy, Greece), very limited engagement with national actors working on asylum and migration was reported.

Transparency is further limited by the fact that only around a third of Member States have made their national implementation plans publicly accessible (Austria, Bulgaria, the Czech Republic, Germany, Lithuania, Luxemburg, the Netherlands, Slovakia, Slovenia, and Sweden). While public disclosure is not a legal obligation, its absence hinders the possibility to scrutinise the plans, assess whether they adequately address existing gaps or set out realistic solutions for implementing the Pact. It also prevents key stakeholders - including EU Funds monitoring committees, civil society organisations, national human rights institutions, and other monitoring bodies - from planning and contributing effectively to implementation efforts.

Selective implementation and ‘frontloading’

Different national implementation efforts reflect selective priorities rather than a comprehensive approach to building fair and rights-based asylum systems. In various contexts, implementation is unbalanced, with disproportionate attention devoted to border control and limiting arrivals, or to pursuing policies aimed at reducing the ‘attractiveness’ of national asylum and reception systems. Issues such as access to protection, the quality of asylum procedures, inclusion, and the development of complementary pathways receive little focus. Notably, the Commission’s Communication devotes comparatively little attention to challenges regarding access to fair asylum procedures, and most Member States have yet to clarify the composition or functioning of the monitoring mechanisms they are expected to establish for the screening and border procedures. EU resettlement remains extremely limited, 15 Member States did not carry out resettlement in 2024 and fewer than 14,000 people were resettled overall, despite resettlement being one of the building blocks indicated in the European Commission Common Implementation plan. Moreover, some core elements of the current asylum acquis - such as, inter alia, access to the territory and the asylum procedure, access to reception conditions - that remain unchanged under the Pact are already subject matter of identified violations and ongoing proceedings.

In other cases, countries sought to anticipate (‘frontload’) particular elements on the Pact. Belgium - which has faced a persistent ‘reception crisis’ since September 2021 - started excluding applicants who have received international protection in another EU Member State from reception. This practice continues, despite a judgment by the Brussels Labour Court which found it unlawful. Italy tried to frontload elements of the Pact related to safe countries of origin, and the ability to designate countries as safe with exceptions for certain parts of the territory, which is not currently allowed under EU law, as recalled by national courts in appeals on the matter and the CJEU in August 2025.

De-harmonisation

One of the central aims of the Pact is to achieve greater convergence among national asylum systems, but the implementation process so far risks producing the opposite effect. Several Member States are unlikely to have the necessary legislation, systems, or infrastructure in place by the July 2026 deadline. As highlighted in the Commission’s Communication, several countries may face challenges in establishing the “adequate capacity” required for border procedures, primarily due to the need to create new facilities at the borders. Significant funding will be needed to ensure that key guarantees under the new legislation - such as representatives for unaccompanied children, multi-disciplinary age assessments, vulnerability checks within the screening, and monitoring mechanisms for screening and border procedures - are properly implemented. Should these delays materialize, this would not only undermine the coherence of the Common European Asylum System but also risk further fragmentation in practice.

An uneven pace of implementation could lead to diverging approaches across the Union. This creates the potential for disparities in access to protection, reception conditions, and procedural safeguards, which in turn may reinforce existing imbalances in responsibility-sharing. Ultimately, rather than fostering convergence and mutual trust, the current trajectory risks creating further imbalances between Member States, weakening the credibility of the system as a whole.

Potential challenges in implementing the solidarity mechanism

As previously mentioned, the AMMR introduced a mandatory but “flexible” solidarity mechanism in EU law. The mechanism – a “solidarity pool” of different solidarity measures – is intended to help Member States face situations of migratory pressure, with the possibility for countries in this situation to benefit from solidarity measures in the pool. However, the Regulation leaves considerable room for interpretation, particularly in defining what constitutes “migratory pressure” and how it is assessed. The European Commission will play a central role in this process through the European Annual Asylum and Migration Report, which will serve as the basis for determining which Member States are eligible to benefit from solidarity measures and which are required to contribute. The methodology and findings of the first European Annual Asylum and Migration Report, due by 15 October 2025, are already the subject of significant debate among Member States. There are also concerns that the mechanism may not adequately respond to existing needs. Moreover, tensions persist between groups of Member States: some insist that solidarity should be conditional on strict compliance with Dublin rules, while others argue that the significant concessions made during the Pact negotiations (notably on screening and border procedures) entitle them to solidarity in return.

The piloting of the solidarity mechanism will be a crucial test for the Pact as a whole and whether it can deliver a balance between responsibility and solidarity. It will also reveal the impact of the mechanism on the individuals concerned.

III. RECOMMENDATIONS

In conclusion, implementation is advancing, but in several cases in letter more than in spirit. Few Member States use the momentum of the Pact implementation to strengthen their asylum and reception systems. Instead, it is taking place in the context of a trend to lower standards, externalise responsibilities for asylum seekers, increase border control efforts, and outsource migration control to third countries. Against this background, ECRE puts forward the following recommendations:

Member States should:

- » Ensure transparency by publishing national implementation plans, asylum and migration strategies, and contingency plans to allow meaningful scrutiny and accountability.
- » Establish structured and regular dialogue with civil society in planning and implementing the Pact, replicating positive engagement practices and ensuring systematic participation.
- » Prioritise investment in functional asylum systems, including reception infrastructure, fair and efficient procedures, staffing, training, and socio-economic inclusion measures.
- » Implement the solidarity mechanism in a meaningful way, ensuring predictable, fair, and effective solidarity measures that support both states at the EU external borders and asylum applicants. Solidarity should focus primarily on relocations, rather than relying solely on financial contributions or capacity building on extra-EU projects.
- » Refrain from reforms that erode procedural safeguards or reduce protection standards. Instead, they must prioritise a coherent, balanced, and rights-based implementation of the Pact, ensuring that national asylum systems are both efficient and capable of delivering fair and effective protection.

The European Commission should:

- » Closely monitor implementation gaps and divergences in Member States' application of the Pact, producing evaluation reports and guidance to ensure compliance and consistency.
- » Ensure the solidarity mechanism functions effectively by producing the European Annual Asylum and Migration Report in a timely, transparent, and methodologically sound manner, clearly identifying which MS are considered under migratory pressure.
- » Initiate enforcement actions where necessary to ensure that Member States comply with the legal obligations of the Pact, including both procedural and substantive requirements, as well as in cases of identified violations of elements of the current *acquis* that will remain applicable after Pact implementation.