

---

**ADiM BLOG**  
**June 2023**  
**ANALYSES & OPINIONS**

---

*The Solidarity Platform:  
Re-designing Operational Cooperation within the EU Migration Policy*

*Marco Gerbaudo*

Dottorando in Legal Studies – Curriculum “International and European Law”  
Università Bocconi

*Parole Chiave*

*Solidarity Platform – Temporary Protection – Ukraine – Operational Solidarity – Soft Law*

*Abstract*

*Operational cooperation is a key element of the EU migration policy. It is thanks to the databases and mechanisms set up by EU institutions that Member States can exchange valuable data and information to tailor their migration strategies. After the Russian full-scale invasion of Ukraine, the EU launched the Solidarity Platform to support the Member States in the uniform implementation of the Temporary Protection Directive. In the first year since its launch, the platform has grown in the number of activities and objectives tackled, thanks to the political will of the Member States and its legal flexibility. Given the success of the Solidarity Platform in filling the gaps in the EU operational crisis response, it is worth questioning whether the mechanism can become a permanent tool of the EU migration policy.*

## 1. *Introduction*

Operational cooperation is a form of intra-EU assistance which, albeit less studied or known to the public than [financial assistance](#) or [relocation](#), has gained increased relevance in the EU migration policy, especially after the 2015 “migration crisis”.

[Operational cooperation](#) consists of the creation of networks and interlinks between EU and national actors for multiple purposes: information-sharing, data collection and operational support (more information [here](#) and [here](#)). The role of EU institutions in making operational cooperation in the field of migration effective is twofold. First, two EU Agencies are responsible for supporting Member States in managing migration flows: [Frontex](#) aids national border and coast guards in monitoring border crossings and addressing migratory challenges, while the [European Union Agency for Asylum](#) (EUAA) helps Member States to uniformly and efficiently apply asylum procedures. Second, the EU is the forum where Member States gather to share information and requests: under the coordination of EU institutions, several platforms have been designed to set up coordination efforts to collectively manage a common challenge such as migration.

This blogpost focuses on the latest developments in the use of data and information exchange platforms as vehicles of intra-EU operational cooperation. The focus of the analysis is the Solidarity Platform, a recently established mechanism supporting the EU coordinated response to the Ukrainian humanitarian crisis and the uniform implementation of the [Temporary Protection Directive](#) (TPD). Can the Solidarity Platform be the blueprint for a more effective and rounded model of operational coordination within the EU migration policy?

## 2. *The Solidarity Platform*

When Russia [launched](#) the full-scale invasion of Ukraine on 24<sup>th</sup> February 2022, a mass influx of people escaping violence crossed the EU external borders, with [over 3.6 million](#) border crossings in the first month of the war. Faced with an unprecedented migratory situation, the EU took swift action, [activating](#) the TPD within days since the beginning of the war.

On top of the [unprecedented activation](#) of the Directive, providing Ukrainian refugees with immediate protection and *de facto* freedom of movement within the Union, the EU launched the [Solidarity Platform](#). The platform aimed at facilitating cooperation between national authorities and relevant stakeholders to ensure the smooth implementation of temporary protection across Europe.

The platform’s legal basis is Article 27 TPD, which requires Member States «to take all the

appropriate measures to establish direct cooperation and an exchange of information between the competent authorities». To fulfil this task, recital 20 of the [Council Implementing Decision](#) announced the creation of a Solidarity Platform, where Member States, coordinated by the Commission, could «exchange information regarding their reception capacities and number of persons enjoying temporary protection in their territories». The Platform was not conceived as a standalone, independent mechanism, but rather as an overseeing mechanism grouping data and information gathered on other platforms, as the [EU Migration Preparedness and Crisis Management Network \(Blueprint Network\)](#) and the [integrated political crisis response \(IPCR\)](#) arrangements.

Recital 20 of the Implementing Decision is the only hard law reference to the Solidarity Platform. The functioning of the platform, whose details are restricted to the public, is regulated entirely by soft law. The soft law nature of the mechanism is key in ensuring Member States' support in its operations, given the well-known reluctance of national governments to limit their discretionary powers in a sensitive area such as migration (see the never-ending quest to reform the [Dublin System](#)). However, much information on its main features was outlined by the Commission in the [Communication](#) published one year after the activation of the TPD.

The Communication lists the actors participating in the platform: The Commission (in charge of setting up and hosting the platform), the Council Secretariat, the European External Action Service, EU Member States and Schengen Associated Countries, EU Agencies, international organisations such as (UNHCR) and the International Organization for Migration (IOM), as well as Ukrainian and Moldovan authorities. The Solidarity Platform has two general objectives: one, to provide «a framework for regular exchanges and [to] ensure coherence between existing fora at EU level». Second, to increase «the overall preparedness at EU level by developing contingency measures in case of increased arrivals from Ukraine».

To achieve such objectives, the platform is organised into sub-groups. The first and main sub-group concerns the collection of accurate data, achieved with the interplay of several actions. First, the Solidarity Platform oversees the activities of the already existing migration-related databases. These databases work in full complementarity, with the Solidarity Platform ensuring coherence between them. Second, the Platform is the forum where relevant EU Agencies share their data and information: [EUAA](#) is responsible for collecting data on daily registrations for temporary protection; [Frontex](#) provides timely information on the situation at the border and supports frontline Member States in managing border-crossing; and the [Fundamental Rights Agency](#) provides information on the implementation of the Temporary Protection Directive in several Member States. The interagency cooperation is a model already introduced by the [“hotspot approach”](#) during the 2015 “migration crisis”: there, the EU agencies had not only information sharing functions, but they supported Italy and Greece by

deploying their staff in the hotspots. Also, international organisations such as UNHCR and IOM contribute to the data collection on the Solidarity Platform. Lastly, a [Temporary Protection Registration Form](#) was launched on 31<sup>st</sup> May 2022, enabling 25 Member States to exchange information on beneficiaries of temporary protection, making real-time data available and detecting double registrations within the same Member State and across the EU.

Another sub-group of the Solidarity Platform is the resettlement and cooperation with third countries. Resettlement from Moldavia, whose reception capacity is constantly overstretched due to its proximity to Ukraine, has been a priority of the Solidarity Platform since the [beginning](#). According to data published in the Communication and updated to mid-February 2023, «12 EU Member States, as well as Norway, Liechtenstein, Switzerland, and Iceland made pledges to welcome 17 870 people transiting through the Republic of Moldova. [...] A total of 2 377 persons have been transferred». These numbers are encouraging, even though they reflect the well-known discrepancy between pledges and effective transfers already witnessed in [past relocation plans](#). Concerning cooperation with other third countries, an “international leg” of the Solidarity Platform, involving the United States, Canada and the United Kingdom, was created. This international dimension of the platform is aimed at exchanging information on the different protection schemes in place and at discussing contingency planning and assistance.

Within the Solidarity Platform, further sub-groups targeting a wide range of issues have been designed, from anti-trafficking to border management, the protection of minors, access to education and work, voluntary returns to Ukraine and onward movements within the EU.

The Commission’s assessment of the overall functioning of the Solidarity Platform was extremely positive: the institution indeed shared the consensus of Member States and stakeholders in considering the Solidarity Platform a good practice to replicate in the future.

### ***3. The political will and legal and operational flexibility behind the Solidarity Platform***

The combination of legislative and operational mechanisms allowed the EU to efficiently manage the mass influx of persons fleeing Ukraine. Thanks to the TPD, [almost 4 million](#) residence permits for temporary protection have been issued, granting immediate access to the EU territory and the enjoyment of a set of rights and guarantees to its beneficiaries. In addition, the Solidarity Platform became the control room where the implementation of the TPD is constantly monitored, and all relevant actors are gathered to address arising challenges via cooperation and exchange of information and data. Two elements made it possible for the Solidarity Platform to successfully emerge as the vehicle of operational coordination behind the TPD: the political will of the Member States to act together and the legal and operational flexibility of the mechanism.

The collective political will to fully implement the TPD via cooperation is the key behind the solidaristic features of the mechanism: Member States are brought together within the Solidarity Platform to abide by the principle of solidarity, stemming from [article 80 TFEU](#). The platform is an expression of operational solidarity, where coordination at EU level is conceived as a way for the EU to grant immediate and direct support to Member States in need. The Solidarity Platform not only implements such a model of solidarity, but it expands its scope.

The Platform reunites EU institutions and Member States together with third countries (Schengen Associated countries, Ukraine and Moldova) and international organizations (UNHCR, IOM). Through the platform, third countries are involved in the decision-making process on how to react to the Ukrainian humanitarian crisis. This level of involvement is a *unicum* in the EU framework, allowing the Solidarity Platform to take advantage of the close contacts with other actors involved in the Ukrainian humanitarian crisis to tailor the response to the ever-changing migratory situation. In particular, the platform is a vehicle of solidarity allowing for Ukrainian resettlements both from and to third countries. On one side, on the Solidarity Platform the Moldavian authorities can signal the Ukrainian refugees in the most urgent need for resettlement and the EU can launch a pool to identify the Member States eligible for resettlement. On the other side, the international leg of the platform facilitates the establishment of secure pathways towards non-EU countries such as Canada and the United Kingdom, where Ukrainian refugees can reunite with their families and communities. By [diversifying the stakeholders](#) involved, the Solidarity Platform merges intra and extra-EU operational solidarity, improving information exchange and allowing quick decision-making.

Furthermore, the operational solidarity performed by the Solidarity Platform is multipurposed, stretching far beyond the sole emergency response. The cooperation and exchange of information enabled by the mechanism were originally purposed to support the Member States in better equipping their reception systems to sustain the increased arrivals from Ukraine. With the prolongation of the conflict, the platform adopted new initiatives building upon crisis control. First, the platform facilitates the fair share of responsibilities among Member States, identifying the areas where a rebalancing action is required: while the [“free choice”](#) model introduced by the TPD helped the migratory pressure Member States to be more equally distributed, the platform is the forum where any eventual disequilibrium can be addressed. The Solidarity Platform was indeed designed also to [help organise](#) «the transfers from Member States under most pressure to those with suitable reception capacity». While there is no information on such intra-EU relocations taking place, the platform has for sure [supported](#) «the coordination of the [intra-EU] transfer of unaccompanied children to family and community-based care as needed». Second, the Security Platform has coupled the emergency response with a more forward-looking objective, aiming at increasing the overall

preparedness of the EU to face not only the current situation but also future increased arrivals. This way, the mechanism not only mitigates the unbalanced effects of the humanitarian emergency, but it strives to prevent the emergence of future critical situations by improving the EU response mechanisms.

What allowed the Solidarity Platform to showcase such transformative operational solidarity is its legal flexibility. Its soft law nature equipped the platform with the flexibility necessary to quickly adapt to better respond to the challenges it faces. The Solidarity Platform, therefore, resulted in a comprehensive network where solutions are found operatively rather than discussed politically. In particular, the platform is praised for its ability to take advantage of the already existing EU mechanisms of cooperation and information exchange and avoid duplications: the platform does not produce its own reports, but instead puts together the data provided by the IPCR and the Crisis Management Blueprint Network. The IPCR is indeed [fully activated](#) on Russia's invasion of Ukraine and on migration matters and provides [daily reports](#) of the migratory situation at the Eastern European external border. Thanks to the platform, the [Blueprint Network](#) is for the first time fully activated since its introduction with the [New Pact on Migration and Asylum](#) in 2020, monitoring Member States' reception capacities and providing data for designing joint responses.

The EU Solidarity Platform is considered one of the most innovative features of the EU temporary protection scheme due to its broad scope and flexible design. However, it lacks accountability, which aligns with recent developments in the field of migration. The soft law nature of the platform makes it challenging to monitor and ensure compliance with fundamental rights, particularly concerning resettlement decisions taken within it. The Commission's overseeing role is in line with the centralisation of the coordination powers upon the institution proposed in the New Pact. These centralisation efforts however worsen the accountability issues of the EU action in migration matters. Without proper accountability checks, there is indeed a risk that the platform could lead to an excessive concentration of power in the hands of the Commission, without sufficient checks and balances. While the platform has functioned smoothly so far due to the political backing of all stakeholders involved, addressing its lack of accountability is crucial to make it a sustainable tool for EU operational cooperation.

#### ***4. Conclusion: is there a future for the Solidarity Platform?***

The Ukrainian humanitarian crisis exposed a gap in the EU operational crisis response, despite the recent changes implemented by the New Pact. The Solidarity Platform proved to be extremely efficient in filling this gap. The EU migration policy has been targeted by an overload of legislative reforms in the past years. The platform demonstrates that also soft law can play a crucial role in increasing EU's readiness to manage migration crises and its

preparedness to prevent future emergencies to grow out of control.

Is there a possibility for the Solidarity Platform to become a permanent tool of the EU migration policy? The [Commission](#) flagged the platform as a good practice that Member States and other stakeholders deemed replicable in the future. There are good reasons to advocate for the transformation of the Solidarity Platform into a general mechanism of operational solidarity. The platform proved to be extremely useful in coordinating the potentially overlapping actions of the existing databases. This oversight role would be even more crucial if the most recent reform proposals on [asylum and migration management](#) and on [Asylum Common Procedures](#) will be adopted. The [mandatory flexible solidarity](#) model envisaged would indeed introduce a cluster of byzantine rules with many new actors and mechanisms: from the EU Migration Forum to the Solidarity Pool and the Permanent EU Migration Support Toolbox (more information on the main points of the Council position on these proposals: [here](#)). While this plethora of mechanisms is designed to respond to crisis situations, the Solidarity Platform could become an umbrella-platform under which grouping all the migration-related databases, constantly monitoring them, avoiding the dispersion of knowledge, and maximising the efficiency of each mechanism. Such a platform, if equipped with appropriate accountability rules, would turn into the reference point for EU operational coordination, always activated and ensuring a stable and streamlined flow of data and information.

It is too early to assess whether the Solidarity Platform is going to be a one-off successful experiment, or if it will pave the way for the redesign of operational cooperation within the EU migration policy. In the meantime, the Solidarity Platform will maintain its role in backing the implementation of the TPD and allowing the EU to elaborate collective and quick responses to the Ukrainian humanitarian crisis.

#### SUGGESTED READINGS

M. CZAİKA, H. BOHNET, F. ZARDO, J. BIJAK, *European migration governance in the context of uncertainty*, in *QuantMig Project Deliverable 1.5*, 2022

E. DI NAPOLI and D. RUSSO, *Solidarity in the European Union in Times of Crisis: Towards "European Solidarity"?*, in V. FEDERICO and C. LAHUSEN (eds), *Solidarity as a Public Virtue?*, 1st ed, Nomos Verlagsgesellschaft mbH, 2018

ECRE, [Editorial: Asylum Reforms: Ukraine Stimulates a Rethink at the Restart | European Council on Refugees and Exiles](#), 9.09.22

D. FERNÁNDEZ-ROJO, *EU Migration Agencies: The Operation and Cooperation of FRONTEX, EASO and EUROPOL*, Edward Elgar Publishing, 2021

M. GERBAUDO, [Temporary Protection: Which Future in The EU Migration Policy?](#), in *Blog AISDUE*, 03.05.2023

H. HAHN, *Keeping a Cool Head: How to Improve the EU Migration Crisis Response*, European Policy Centre – Discussion Paper, 2022

F. MAIANI, [A “Fresh Start” or One More Clunker? Dublin and Solidarity in the New Pact](#), in *EU Immigration and Asylum Law and Policy*, 28.06.2023

S. NICOLOSI, *Addressing a Crisis through Law: EU Emergency Legislation and Its Limits in the Field of Asylum Special Issue: Mobility in a European Post-Crisis Scenario: Legislative Dynamics and Enforcement Challenges: Introduction*, in *Utrecht Law Review*, vol 17, 19, 2021

S. PEERS, [EU Law Analysis: The Odd Couple: Free Choice of Asylum and Temporary Protection](#), in *EU Law Analysis*, 16.05.2022

M. STĘPKA, *In Anticipation of New Migration Crises: Resilience and Anticipatory Governance in the EU's Migration Management Framework*, 2022, VOL. 4, Politeja, 19;

G. TERRANOVA, [La crisi umanitaria ucraina tra geopolitica e nuove frontiere dell'asilo](#), in *ADiM Blog, Editoriale*, marzo 2022

E. TSOURDI, [Hotspots and EU Agencies: Towards an Integrated European Administration? – EU Immigration and Asylum Law and Policy](#), in *EU migration law blog*, 26.01.2017,

JS. VARA, *Flexible Solidarity in the New Pact on Migration and Asylum: A New Form of Differentiated Integration?*, in *European Papers - A Journal on Law and Integration*, vol. 7, 3, 2023.

To cite this contribution: M. GERBAUDO, *The Solidarity Platform: Re-designing Operational Cooperation Within the EU Migration Policy*, ADiM Blog, Analyses & Opinions, June 2023.