

University of Twente, Enschede, NL  
Universität Münster, Münster, GER  
Programme: Public Governance across Borders  
First Supervisor: Dr. Elifcan Karacan  
Second Supervisor: Dr. Ola G. El-Taliawi

BACHELOR THESIS

The EU's 2024 Asylum and Migration  
Management Regulation:  
Introducing a new conceptualisation of solidarity?

Date of Presentation: 04-07-2024

Word Count: 11951

Paula Schüder (s3071200)

## **Abstract**

This bachelor thesis examines *the way in which solidarity is conceptualised in the EU's 2024 Asylum and Migration Management Regulation (AMMR)*. Solidarity is one of the fundamental values of the European Union, however, its implementation in the field of the common asylum policy is repeatedly criticised. The reason for this is that under the current Dublin system, frontline member states are responsible for a disproportionately high number of asylum seekers. The AMMR aims to redress this imbalance by introducing a “new solidarity mechanism”. It is highly relevant to examine whether this mechanism actually leads to effective changes in the Dublin system. By conducting a directed qualitative content analysis of the text of the AMMR and related EU legislation, this study contributes to closing this knowledge gap. The analysis shows that the solidarity mechanism of the AMMR introduces a number of new procedures and bodies, leading to a greater binding effect and regularity of solidarity measures. However, the mechanism is also very flexible and only comes into play in situations where a member state is already overburdened. The main features of the Dublin system therefore remain in place and it is not justified to speak of a complete re-conceptualisation of solidarity.

**Table of Content**

- 1 Introduction ..... 5**
  - 1.1 The state of the art ..... 6
  - 1.2 Relevance of the research ..... 6
  - 1.3 Research question ..... 7
  - 1.4 Structure of the paper ..... 7
- 2 Theoretical framework ..... 8**
  - 2.1 The concept of solidarity ..... 8
  - 2.2 Historical background of the concept ..... 9
  - 2.3 Solidarity in the EU: The concept’s implementation in EU law ..... 10
  - 2.4 The EU’s common asylum system ..... 10
  - 2.5 The application of solidarity in the common asylum system ..... 11
  - 2.6 Conclusion on the theory ..... 12
- 3 Methodological framework ..... 13**
  - 3.1 Research design ..... 13
  - 3.2 Method of data collection ..... 13
  - 3.3 Method of data analysis ..... 14
- 4 Findings: A re-conceptualisation of solidarity? ..... 16**
  - 4.1 Solidarity in the common asylum system prior to the adoption of the AMMR ..... 16
  - 4.2 The “new solidarity mechanism”: What changes does it bring? ..... 21
  - 4.3 Conception of solidarity in the AMMR ..... 22
- 5 Conclusion ..... 29**
  - 5.1 Summary of the findings ..... 29
  - 5.2 Reflection and limitations of the study ..... 30
  - 5.3 Implications for future research ..... 31
- 6 Appendix ..... 32**
  - 6.1 The dataset ..... 32
  - 6.2 The coding scheme ..... 33
- 7 References ..... 36**

## **List of abbreviations**

<b>Abbreviation</b>	<b>Definition</b>
AMMR	Asylum and Migration Management Regulation
CEAS	Common European Asylum System
CJEU	Court of Justice of the European Union
EU	European Union
TCNs	Third-country nationals
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union

# 1 Introduction

Solidarity is omnipresent in contemporary discussion about the European Union. No matter which EU crisis is subject of debate – the Euro crisis, the 2015 refugee crisis or Brexit – it is always portrayed as a crisis of solidarity. Media outlets bemoan a lack of it, EU institutions appeal for its fulfilment and representatives of various political parties use it as a buzzword. But apart from its popularity in political debates, the term ‘solidarity’ can be found multiple times in primary and secondary EU law. According to Article 2 TEU<sup>1</sup>, it is even one of fundamental values of the EU. Furthermore, references to solidarity are made numerous times in relation to particular policy areas. Among these is the EU’s common asylum system (CEAS). Here it is Article 80 TFEU that most explicitly states that EU action in this area must be “governed by the principle of solidarity and fair sharing of responsibility”<sup>2</sup>. However, especially in this policy field, the practical implementation of solidarity is highly controversial. This is because central parts of the current system, such as the 2013 established Dublin III Regulation<sup>3</sup>, work in a way that leaves a small number of member states bearing the largest share of the asylum applications. The Dublin Regulation stipulates that the responsibility for processing an asylum application lies with the country that was the first point of entry. At the latest since the high influx of refugees over the Mediterranean in 2015, this leads to a disproportionate burden on the southern and eastern EU states. So naturally demands for a renewal of the system have been loud. In 2020, they resulted in a proposal by the Commission for a “New Pact on Migration and Asylum”, consisting of five different regulations. One of them is the Regulation on Asylum and Migration Management (AMMR)<sup>4</sup> that was adopted in May 2024 after four years of bargaining and decision-making between the Council and the Parliament. It claims to establish a “new solidarity mechanism” (European Council & Council of the European Union, 2024) that is supposed to replace the Dublin system. Critics, however,

---

<sup>1</sup> Consolidated Version of the Treaty on European Union, [2016] OJ C 202/13, Art. 2: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”

<sup>2</sup> Consolidated Version of the Treaty on the Functioning of the European Union [2016] OJ C 202/47.

<sup>3</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), L 180/31, (hereafter: Dublin III Regulation).

<sup>4</sup> 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, (hereafter: AMMR or the Regulation).

complain that Dublin's main features remain intact (Karageorgiou & Noll, 2022). So, what kind of solidarity is it that is to be introduced with this new EU regulation? I set out to tackle this issue by discussing the state of the art on this topic, followed by its relevance and the precise research question. The introductory chapter ends with an overview on the structure of this paper.

### **1.1 The state of the art**

European solidarity is a multifaceted concept, as it is used in a lot of different contexts. Scholars from a variety of disciplines have dealt with it in the past. Authors with a background in political or social sciences focus, for instance, on the political discourse around solidarity (Wallaschek, 2020) or on the extent of public support in the member states for European solidarity (Grasso & Lahusen, 2020). Jurists, on the other hand, engage with the term solidarity as a legal concept and the obligations arising from it (Kotzur, 2017; Sommermann, 2014). Moreover, it also appears in other disciplines such as history, although it has not yet received as much attention there (Greiner, 2017).

The EU's asylum policy has been the subject of much research as well, especially after its crisis caused by the exceptionally high inflows in 2015 (Hampshire, 2016). There is also an extensive body of literature on the connection between these two issues, or rather on the application of the solidarity principle in the field of the EU's common asylum policy (Goldner Lang, 2013; Marin et al., 2020; Tazzioli & Walters, 2019). When coming to the AMMR, however, the state of research is sparse. Although this is easily explainable with the novelty of the Regulation, it urgently requires scholarly work. Once the AMMR becomes applicable, it will inevitably have far-reaching consequences and must therefore be thoroughly examined. This is precisely the point at which this thesis aims to pick up and advance the state of research. However, its relevance is not limited to filling this research gap but extends beyond it. This is explained in the following section.

### **1.2 Relevance of the research**

The societal relevance of research on this subject arises mainly from two aspects: Firstly, solidarity can be seen as a "prerequisite for and a means of integration" (Kotzur, 2017, p. 43), meaning that the cohesion of the EU depends on it. Solidarity between the member states prevents detrimental unilateral action. This is particularly important in the area of asylum and migration policy. The internal freedom of movement in the Schengen area can only work if all member states agree on rules governing immigration from third countries. Hence, solidary behaviour is crucial for the stability of the EU and the Schengen area. The second aspect of why research on European solidarity is relevant concerns the EU's role in international politics.

It is often argued that the EU constitutes a normative power. Manners (2002) popularized this concept of the ‘Normative Power Europe’ (NPE) in the 1990s as an alternative to other concepts of power, particularly military power. Manners states that the EU differs from other global actors in the way that it places its normative stance at the centre and bases its external actions on it. According to him, “the most important factor shaping the international role of the EU is not what it does or what it says, but what it is” (Manners, 2002, p. 252). Since the principle of solidarity is part of “what it is”, i.e. part of the norms proclaimed by the EU, its implementation is essential to maintain its integrity. Otherwise, the EU not only jeopardizes its internal stability but also its influence in world politics. The significance of research in this area has thus been demonstrated. In the following, the precise research question is clarified.

### **1.3 Research question**

This thesis aims to add to the existing literature on the concept of solidarity and the EU’s common asylum policy by reviewing the most recent piece of legislation in this area. Connecting concept and policy field, it examines *the way in which solidarity is conceptualised in the EU’s 2024 Regulation on Asylum and Migration Management*. To this end, the following sub-questions are answered, using a directed qualitative content analysis:

- How has the concept of solidarity developed historically in the field of social and legal science?
- What is the significance of the concept of solidarity for the European Union?
- How is the EU’s conception of solidarity reflected in its common asylum system (CEAS) prior to the adoption of the AMMR?
- What changes does the new solidarity mechanism of the AMMR entail for the EU’s common asylum system?
- Which conception of solidarity is reflected in these changes?

### **1.4 Structure of the paper**

This paper is structured in the following way: First of all, the theoretical framework is set out. It includes a general overview on the complex concept of solidarity and its historical development. Furthermore, the concept’s implementation in EU law is described. The theory chapter ends with an introduction to the European asylum system prior to the adoption of the AMMR. The third chapter explains the chosen methodological approach of this research. In chapter four, the results of the analysis are discussed, and the research question is answered. The final chapter consists of an overall conclusion, a reflection on the limitations of this study and its implications for future research.

## 2 Theoretical framework

The design of the AMMR is heavily influenced by the historical development of the solidarity principle, its implementation in EU law and the existing common asylum policy. These elements form the context in which the Regulation was drafted. Its text can thus not be interpreted in isolation from them. For this reason, the following chapter is concerned with exploring the context: It begins with an introduction to the concept of solidarity and its historical genesis. The concept's significance for the EU in general and for the common asylum system in particular is then discussed.

### 2.1 The concept of solidarity

Solidarity is a multi-layered and complex concept. The term is utilised and studied in various disciplines, most extensively in sociology and law. However, this broad use leads to conceptual and terminological blurring. There is an abundance of different definitions of solidarity, each of which emphasizes certain parts of the concept. One that is suitable as an initial starting point for this analysis is that of Bayertz (1999, p. 3):

'Solidarity' is [...] a mutual attachment between individuals, encompassing two levels: a *factual* level of actual common ground between individuals and a *normative* level of mutual obligations to aid each other, as and when should be necessary.

While this definition captures some of the dimensions and ambiguities within the concept, it ignores others. So let's dismantle it! What Bayertz points out quite clearly is that solidarity is used both descriptively and normatively, i.e. prescriptively. So, while on the one hand it describes an existing state of a relationship, on the other hand it can also include a demand for a certain behaviour. Another dimension of solidarity which Bayertz only slightly touches upon concerns its character. He states that there are certain "obligations" arising from solidarity, which indicates that he understands solidarity in a legal way, entailing mandatory instructions for action. However, solidarity does not always have a binding nature but is also referred to in situations where it has a merely moral value (Kotzur, 2017). When Bayertz speaks of "a common ground between individuals" in his definition of solidarity, he opens up a third dimension of the concept. Solidarity can have a unifying effect on a group and thus create "common ground". At the same time, it can have the opposite effect on those who are not part of the community. While it brings the members of the group closer together, it can distance them from everyone outside of it, leading to unity and exclusion simultaneously. The last dimension of solidarity, not addressed by Bayertz at all, concerns the entities between which solidarity takes effect. Bayertz only speaks of individuals and most scholars refer to this form of solidarity. Most of the time, the state or society is then the framework within which citizens



should behave in a spirit of solidarity. National social security systems, for instance, are based on this notion (Sommermann, 2014). However, there may also be solidarity between groups or even countries. In the latter case, Knodt and Tews (2017) speak of “intergovernmental solidarity”.

Now that I have delved into the complex and multifaceted concept of solidarity, the next section focuses on its historical development.

## **2.2 Historical background of the concept**

Although it has terminological roots in ancient Roman law, the concept of solidarity as it is used today is comparably young (Kotzur, 2017). It did not emerge in sociology and political theory until the 19th century. It was scholars in post-revolutionary France who, in the spirit of the motto *liberté, égalité, fraternité*, began to discuss solidarity as a cohesive factor in modern society. Sociologist Émile Durkheim was the first to thoroughly elaborate social solidarity. In his famous work *De la division du travail social* (1893, *The Division of Labour in Society*), Durkheim distinguishes between two forms of solidarity on which a society’s social order is based. Firstly, there is “mechanical solidarity” which can be found in pre-industrial societies. Here, individuals are similar regarding their lifestyles, traditions, and morals. Solidarity is imposed on them via repressive laws (Merton, 1934). Durkheim introduces “organic solidarity” as a second type of solidarity, prevailing in modern pluralist societies. It arises from the division of labour, whereby individuals are interdependent and thus have to cooperate (Steinvorth, 2017). In contrast to “mechanic solidarity”, it does not require a common identity and therefore emphasizes the individuality of members of society. French Jurist Léon Duguit (1901) drew on Durkheim’s ideas on solidarity and applied them to legal theory. The concept of solidarity, until then primarily a social and political concept, was thus expanded to include a legal dimension. Duguit understood solidarity, in line with Durkheim, as a given fact for human life due to the social interdependence of individuals (Grimm, 1973; Karageorgiou & Noll, 2022). Accordingly, there must be certain rules to assert solidary behaviour; hence, it is law’s primary function to foster solidarity<sup>5</sup>.

The work of the 19th century French scholars had a considerable influence on European integration from the very beginning. Robert Schuman explicitly referred to the concept of solidarity in his famous plan to establish the European Coal and Steel Community, the

---

<sup>5</sup> Duguit writes: “*La notion de solidarité implique la conception d’une règle de conduit, suffisante pour déterminer les pouvoirs et les devoirs de l’homme social.*” (The notion of solidarity implies the conception of a rule of conduct, sufficient to determine the rights and obligations of the social human.) (1901, p. 82)

predecessor of the EU. His aim was to create interdependence between the member states and thereby achieve a “de facto solidarity”<sup>6</sup>. It is therefore Durkheim’s organic solidarity on which his idea is based. The question now arises as to what this “de facto solidarity” looks like today. So, having introduced solidarity conceptually and historically, the status of its implementation in EU law is examined below.

### **2.3 Solidarity in the EU: The concept’s implementation in EU law**

At the latest since the conclusion of the Treaty of Lisbon, solidarity is omnipresent in EU law. Article 2 TEU establishes it as one of the fundamental values of the EU and Article 21 TEU stipulates that it must guide the common external action. The most explicit expression of the concept is the so-called ‘solidarity-clause’ in Article 222 TFEU. It demands the member states to act jointly in the event of a terrorist attack or a natural or man-made disaster. Furthermore, the EU recognizes various forms of solidarity. The Treaties explicitly call for solidarity not only between member states (e.g., Art. 80 TFEU), but also between generations (Art. 3 (3) TEU), between peoples (preamble TEU) and between women and men (Art. 2 TEU).

The concept of solidarity is closely related to some other central principles of the European Union. First of all, there is the principle of loyalty between member states and towards the EU institutions. According to Article 4 (3) TEU, the member states are obliged to show “sincere cooperation” in areas where they have transferred competences to the EU. The European Court of Justice (CJEU) has recognized this principle of loyalty as an important part of solidarity (Sommermann, 2014). Another closely related concept is that of fair sharing of responsibility which is set out in Article 80 TFEU alongside the concept of solidarity. Just like the solidarity, it is not further defined here and is thus hard to grasp. It can, however, be understood as an expression of the more general, underlying concept of solidarity (Vanheule et al., 2011).

### **2.4 The EU’s common asylum system**

Asylum governance is a highly controversial policy field within the European Union in which the member states only reluctantly surrender their sovereignty (Penasa & Romeo, 2020). For this reason, asylum governance is not an exclusive competence of the EU but is shared with the member states. This means that the member states are allowed to take regulatory action wherever the EU has not yet done so. Since the treaty of Lisbon, the common asylum policy falls under the community method. This means that decisions in this area are made by the

---

<sup>6</sup> Robert Schuman postulates in his famous declaration of 9 May 1950 “Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity.” (as cited in Information Center on the European Institutions, n.d.)

European Parliament and the Council of the European Union via qualitative majority voting. The common asylum system encompasses various regulations, directives and funds (Hampshire, 2016). A cornerstone of the system is the Dublin III Regulation of 2013 which contains criteria for determining the Member State responsible for processing an asylum application. Although it also includes humanitarian criteria such as family unity, the most important criterion in practice is the point of first entry. It is precisely this rule that causes the ongoing conflicts regarding the common asylum system. With the increase in immigration over the Mediterranean, the Dublin system leads to a disproportionate burden on the southern and eastern member states. To make matters worse, these countries have a lower economic strength than the northern EU countries and therefore have comparatively greater difficulties in bearing the costs incurred (Knodt & Tews, 2017). Calls for more solidarity, especially through the relocation of asylum applicants, have thus become loud. Against this background of the flawed asylum system, the AMMR was drafted. It is supposed to address the shortcomings of the previous system by introducing a “new solidarity mechanism”. Does this mean, however, that the concept of solidarity did not play a role in the European asylum policy to date at all?

## **2.5 The application of solidarity in the common asylum system**

Although a lack of solidarity in the common asylum policy is repeatedly criticised, it is not correct to say that there is no solidarity at all. While the principle’s implementation prior to the “new mechanism” of the AMMR is discussed in more detail later, two important trends are briefly presented here.

Firstly, solidarity in the EU asylum system is mostly state-centred and does not really extend to third-country nationals (TCNs) and stateless persons<sup>7</sup> (Penasa & Romeo, 2020). As discussed above, there are different kinds of solidarity in the EU. In the area of asylum policy, two are particularly important: Solidarity can apply between the member states, i.e. intergovernmental solidarity, but also towards asylum seekers. However, the former kind of solidarity dominates in the European asylum policy. Tazzioli and Walters (2019) note that especially from 2016 onwards, references to solidarity with asylum seekers have almost completely disappeared from discourse and practice. The second tendency that can be observed when it comes to solidarity in the asylum system of the EU is that solidary action is more likely to occur in emergency

---

<sup>7</sup> In current EU legislation, the combination of these two terms is used to describe all people who are not EU citizens. For ease of reading, I will use the abbreviation ‘TCNs’ or just ‘third-country nationals’ in the following. This does not mean, however, that I am deliberately excluding stateless persons. They are always referred to as well.

situations than in everyday business. The concept seems to be reserved for crises and thus stands rather outside of the Dublin system in an “ad hoc manner” (Brouwer et al., 2021, p. 104).

The question arising from this is whether the AMMR conceptualises solidarity in a way that continues these trends or whether its “new solidarity mechanism” is actually novel. This needs to be investigated in the following.

## **2.6 Conclusion on the theory**

This chapter provided an overview of the concept of solidarity, its historical genesis, its implementation in EU law and more specifically its application in the EU’s common asylum policy. It became clear that solidarity is an incredibly complex and ambiguous concept. It does not seem to be sufficiently present in the common asylum system, where solidary action follows an emergency logic rather than being a constant pillar of the system. The following analysis shows which dimensions of solidarity come into play in the AMMR and whether it brings about effective changes in the flawed asylum system of the EU. First, however, the methodological approach of this bachelor thesis is explained.

### **3 Methodological framework**

This thesis seeks to understand the way in which solidarity is conceptualised in the AMMR. It is therefore interested in deriving the explicit and implicit meaning from the text of the Regulation, particularly in relation to the principle of solidarity. To this end, a directed qualitative content analysis according to Hsieh and Shannon (2005) was conducted. The methodological approach and its rationale are outlined in the following chapter. It begins by setting out the reasons for choosing this specific method before taking a closer look at the conduct of the data collection and analysis.

#### **3.1 Research design**

To answer the research question posed in this thesis as well as its preceding sub-questions, a directed qualitative content analysis was carried out. In contrast to quantitative forms of content analysis, it enables a deeper understanding of the textual data under study which is founded not only on the derivation of manifest but also of latent meanings (Graneheim et al., 2017; Zhang & Wildemuth, 2017). Qualitative content analysis is a method widely used in different disciplines and is carried out in various forms, hence there is no uniform definition for it. For the purpose of this research, I relied on the definition of Hsieh and Shannon (2005, p. 1278) who describe it as “a research method for the subjective interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns”. The *directed* form of such an analysis incorporates insights from existing theories in this process, while at the same time being open to the emergence of new themes (Hsieh & Shannon, 2005). The selection of documents for the analysis as well as its process is explained in more detail below.

#### **3.2 Method of data collection**

The sample for the analysis was selected purposively, i.e. based on theoretical and practical considerations. I will begin with the practical considerations. As qualitative research requires an intensive and time-consuming examination of each individual text, the dataset must be limited to a smaller number of texts. Furthermore, the texts to be included in the sample must be freely accessible. More important for the sample selection, however, are the theoretical considerations (Merriam, 2002). Those texts must be chosen from which the researcher can learn most about the phenomenon of interest, in this case the conceptualisation of solidarity in the AMMR. To determine which documents these are, the research process began by conducting an in-depth desk research. Academic articles on the concept of solidarity were scrutinised in order to gain an overview of the current state of research. In addition, articles on

the European asylum system were reviewed to identify the key legal documents in this area. The most important ones with regard to solidarity were then selected for the sample.

It goes without saying that the text of AMMR itself had to be one of them. Under the framework of the EU's "New Pact", the AMMR is closely linked to the other regulations. One of them, the Crisis Regulation<sup>8</sup>, also adopted in May 2024, is particularly important for understanding the conceptualisation of solidarity and was therefore analysed alongside the AMMR. Since the AMMR is part of the EU's secondary law, it must be understood in relation to the relevant provisions of primary EU law. For this reason, the TEU and the TFEU were included in the analysis as well. As the research is interested in the changes brought about by the supposedly "new solidarity mechanism" of the Regulation, the common asylum system and its solidarity conception prior to the adoption of the AMMR must be examined as well. For this reason, the Temporary Protection Directive of 2001<sup>9</sup>, the Dublin III Regulation of 2013, the two Relocation Decisions of 2015<sup>10</sup> and the Commission Proposal for a Crisis Relocation Regulation of 2015<sup>11</sup> were also part of the sample. Finally, it is important to consider that EU law has developed over the course of several decades, with the Court of Justice of the European Union playing a central role in this process. This also applies for the development of the solidarity principle in EU law which is why the dataset was completed by selected case law by the CJEU. An exhaustive list of the documents included in the sample can be found in Appendix a.

### **3.3 Method of data analysis**

In the next step, the selected documents were examined using a directed qualitative content analysis (Hsieh & Shannon, 2005). A qualitative content analysis goes beyond the mere

---

<sup>8</sup> Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147, OJ L, (hereafter: Crisis Regulation).

<sup>9</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212/12, (hereafter: Temporary Protection Directive).

<sup>10</sup> Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece, OJ L 239/146, (hereafter: first Relocation Decision) and Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, OJ L 248/80 (hereafter: second Relocation Decision).

<sup>11</sup> European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person, COM(2015), 450 final, (hereafter: Proposal for a Crisis Relocation Regulation).

counting of terms and concepts and thus generates more detailed knowledge than quantitative forms. To conduct such an analysis, a coding scheme was developed and then applied to the dataset. Each code reflects a certain theme or notion. In the case of a *directed* content analysis, an initial set of codes is derived a priori from existing theories, i.e. from the academic work reviewed during the desk research. Central theoretical concepts were operationalized so that they could be used as codes. For example, as discussed in the theory section, solidarity-based behaviour in the European asylum system is mainly expected in emergency situations. It is less part of the day-to-day business than a mechanism for crises (Brouwer et al., 2021). To determine whether this idea continues to prevail in the AMMR, codes were developed that capture the circumstances under which the solidarity mechanism kicks in. Is it primarily triggered in cases of exceptionally high inflows (*emergency logic*) or is it rather deployed in a permanent manner (*standard scheme*)? All key findings from the theory review were operationalized in this way, forming the initial coding scheme. However, since a directed content analysis must also be open to new insights and concepts arising from the data, new codes were created during the course of the analysis where information could not be captured by the existing codes. The complete coding scheme can be found in Appendix b. In order to ensure consistent coding, the coding process extended over two rounds. After the first round, the coded data was reviewed with the goal of discovering patterns and relationships between the codes. With these initial findings in mind, the most important segments of the data were then re-coded. Information that was overlooked in the first round could now be considered in this second stage of analysis. Finally, it must be noted that high-quality research requires a high degree of transparency, hence a systematic and clear documentation of the research process. To this end, the software Atlas.ti was used. The research tool made it possible to keep track of codes and documents and to consistently note changes.

## **4 Findings: A re-conceptualisation of solidarity?**

The application of the coding scheme to the selected legal documents has revealed a number of interesting patterns. While the AMMR breaks with some traditions in the conceptualisation of solidarity, many other trends are continued. For example, solidarity is still exclusively understood as intergovernmental solidarity between member states and not granted to third-country nationals. What is new, on the other hand, is that the solidarity principle entails more binding measures and becomes a more regular part of the EU asylum system. However, these changes are not as radical as they may appear at first glance. A closer look reveals that the Regulation's solidarity mechanism is indeed mandatory, but also so flexible that the member states can still circumvent many measures. And even though the mechanism incorporates solidarity into the permanent framework of the common asylum system, the emergency logic remains at least to a certain extent.

These insights are presented and discussed in greater detail in the following chapter. It is structured chronologically. To begin with, the conceptualisation of solidarity prior to the adoption of the AMMR is examined. The next section explains the functioning of the new solidarity mechanism and the changes it brings to the common asylum system. Finally, it is discussed what understanding of the solidarity principle is reflected in these changes.

### **4.1 Solidarity in the common asylum system prior to the adoption of the AMMR**

Its drafters claim that the AMMR introduces a “new solidarity mechanism” into the EU's common asylum policy. In order to assess whether the way in which solidarity is conceptualised here is indeed novel, the status quo prior to the adoption of the AMMR must be examined. This is the subject of the following section. It addresses in which ways the concept of solidarity is reflected in the EU's asylum system before the Regulation was adopted.

First of all, it should be noted that the main pillar of the EU asylum system, the Dublin III Regulation of 2013, covers the concept of solidarity only sparsely. Direct references to solidarity are mostly found in the recitals of this regulation. For example, in recital 22 it is stated that „[in] accordance with Article 80 TFEU, Union acts should, whenever necessary, contain appropriate measures to give effect to the principle of solidarity“. The recitals are part of the preamble of any EU legislative act, whether it is a regulation, a directive, or a decision. Their purpose is to provide the context for the provisions that follow, and despite being frequently used by courts to interpret the legislative act in question, they have no legal effect in themselves. It is thus very telling that the principle of solidarity is repeatedly invoked here, only to be barely mentioned in the so-called enacting terms, i.e. the actual normative part of the act. The only



time that solidarity is explicitly referred to in the enacting terms is in Article 33 (4) on early warning, preparedness, and crisis management. It appears that, in the framework of the Dublin III Regulation, solidarity measures are only considered appropriate in such exceptional cases. Of course, however, the EU's asylum system does not only consist of the Dublin III Regulation and therefore, there are other legislative acts that deal more directly with solidarity. What is striking is that almost all of them are based on voluntary contributions on the part of the member states. The Temporary Protection Directive of 2001, for instance, lists both financial aid and the transfer of asylum seekers as possible solidarity measures but does not oblige the member states to actually implement them (see e.g., Art. 25 (1), Temporary Protection Directive). Instead, it relies on their voluntary cooperation in doing so. The first Relocation Decision of 14 September 2015 worked in the same way. While the decision set out a specific number of persons to be relocated from the member states affected by high inflows, namely Greece and Italy, it did not specify how many of them each other member state must receive<sup>12</sup>. The second Relocation Decision, which was adopted just a few days later on 22 September 2015, represents a first exception to the voluntary nature of solidarity measures in the asylum system. In contrast to the first decision, it contained a specific number of applicants that each member state must accept from Greece and Italy and was thus more mandatory in nature. The more binding character of the second decision's relocation mechanism is also reflected in the judgements of the CJEU in two cases concerning this mechanism. In the *Slovakia and Hungary v Council* case (2017)<sup>13</sup>, the Slovak Republic and Hungary sought annulment of the second Relocation Decision, as they considered it a disproportionate measure to resolve the situation in Greece and Italy. However, the Court did not uphold them. The opinion of Advocate General Bot<sup>14</sup> on which the judgement was based states:

*In fact, unlike the mechanism provided for in Directive 2001/55 [Temporary Protection Directive], the temporary relocation mechanism put in place by the contested decision [second Relocation Decision] entails a mandatory allocation of a specific number of applicants for international protection among the Member States. Given the emergency context in which the contested decision was adopted and the fact that it was impossible to obtain commitments from the Member States to take specific numbers of the applicants for international protection, the Council in my view made the appropriate choice by opting for a rapid and binding response*

---

<sup>12</sup> In Article 4 of the first Relocation Decision, it is determined that 24.000 applicants from Italy and 16.000 applicants from Greece shall be relocated to the territory of the other member states.

<sup>13</sup> CJEU, Joined Cases C-643/15 and C-647/15, *Slovak Republic and Hungary v Council of the European Union*, 6 September 2017.

<sup>14</sup> Opinion of Advocate General Bot, delivered on 26 July 2017, Cases C-643/15 and C-647/15 *Slovak Republic, Hungary v Council of the European Union*.

in order to deal with the migration crisis confronting the Union. *In any event, such a choice cannot be described as manifestly inappropriate.* (Opinion of Advocate General Bot on Slovakia and Hungary v Council, 2017, para 258)<sup>15</sup>

This short extract from the opinion clearly confirms, firstly, that the measures of the Temporary Protection Directive were indeed voluntary and, secondly, that the relocations set out in the second Relocation Decision were, by contrast, mandatory. Moreover, against the claimants' assertion, the Advocate, and consequently the Court, ruled that mandatory relocations were an appropriate measure to implement the concept of solidarity as laid out in Article 80 TFEU. From this, the Advocate even concluded that the non-application of the contested decision by Hungary and Slovakia constituted a breach of their solidarity obligations (para 242). In the case of *European Commission v Republic of Poland and Others* (2020)<sup>16</sup>, the binding effect of the second Relocation Decision was confirmed as well. Here, it was the Commission that accused Poland, Hungary, and the Czech Republic of not having carried out the relocations as stipulated in the decision. The Court ruled in favour of the Commission, once again emphasizing the binding nature of the solidarity measures of the second Relocation Decision. Nevertheless – especially since the Relocation Decisions were only temporarily applicable - it must be noted that solidarity in the EU's common asylum policy prior to the adoption of the AMMR was in large parts based on voluntary contributions by the member states and thus dependent on their cooperation.

Another feature of the asylum system's solidarity approach was that it mostly followed an emergency logic, i.e. solidarity measures were primarily triggered in cases of exceptionally high inflows. Looking at the Relocation Decisions this pattern becomes quite clear, since they were a direct reaction to increased migration over the Mediterranean in 2015. Already the legal basis on which the decisions were adopted makes this abundantly clear. It is Article 78 (3) TFEU which allows the Council to adopt provisional measures in case of an "emergency situation characterised by the sudden inflow of third-country nationals". In line with this provision, both decisions were only designed for a period of two years, thus not introducing any long-term solidarity measures. In addition, it is repeatedly emphasized in both recitals and enacting terms of the decisions that they are intended to provide a quick fix for the crisis situation at hand. For example, recital 18 of the first Relocation Decision states that its measures

---

<sup>15</sup> Italics indicate my own emphasis.

<sup>16</sup> CJEU, Joined Cases C-715/17, C-718/17 and C-719/17, *European Commission v Republic of Poland and Others*, 2 April 2020.

“entail a temporary derogation from the rule” as it is laid down in the Dublin III Regulation. The Dublin system is thus understood as the normal case, while the relocation measures represent a mere exception that is necessary due to a situation of crisis. Despite it being less obvious, the solidarity measures of the Temporary Protection Directive also function according to an “ad-hoc manner” (Brouwer et al., 2021, p. 104). According to Article 1, the directive is supposed to take effect when there is a situation of “mass influx”, hence an “arrival [...] of a large number of displaced persons” (Art.2 (d)). So, although the terms “emergency” and “crisis” are not used as directly as in the Relocation Decisions, the directive operates according to a similar logic. Interestingly, this emergency logic in the EU’s common asylum system applies less for some kinds of solidarity measures than for others. Overall, financial support as well as alternative measures such as operational support are rooted a little more in the everyday business of the common asylum policy than “people solidarity” (Bast, 2014), i.e. relocations. This is conveyed, for instance, when looking at the context of the Relocation Decisions. Although they added transfers of applicants to the package of solidarity measures received by Greece and Italy, it is not as if there had been no previous support for the two countries. The two member states were, for instance, the second and third largest beneficiaries of funding under the General Programme ‘Solidarity and Management of Migration Flows’ (SOLID) which ran from 2007 to 2013 (recital 12, first Relocation Decision). It can be concluded from this that the more drastic the solidarity measures are, the less they are part of the standard procedures in the asylum system. It was only with the Commission’s 2015 Proposal for a Crisis Relocation Regulation that such rather drastic solidarity measures were to become part of a more regular scheme. Interestingly, the proposal still stresses the temporary character of its solidary relocation measures and that they are reserved for deployment in crisis situations. However, at the same time it also makes clear that the proposed mechanism should be part of the permanent framework of the common asylum system. Even though a change of direction towards more permanent solidarity measures was proposed here, it ultimately failed to gain a majority amongst the member states. The emergency logic of the EU’s common asylum policy – at least concerning more invasive solidarity measures entailing ‘people solidarity’ – thus remained in place.

The analysis of the most important legal acts on solidarity in the EU’s asylum policy moreover revealed interesting relationships to other concepts. First of all, there is the concept of sovereignty, acting as an opposition to solidarity. This becomes evident when reading the case law of the CJEU on the Relocation Decisions. As already mentioned above, in *Slovakia and Hungary v Council* (2017), the plaintiffs of Hungary and the Slovak Republic claimed that the

second Relocation Decision constituted a disproportionate measure which encroached too far on the sovereignty of the member states. They put forward the argument that “the objective [...] could be achieved just as effectively by other measures which [...] would have been less restrictive for member states” (Slovakia and Hungary v Council, 2017, para 225). Even though the Court rejected this claim, the case shows that member states who are unwilling to contribute to solidarity measures utilise the concept of sovereignty in conjunction with the principle of proportionality to circumvent their solidarity obligations. Secondly, there is the concept of fair sharing of responsibility. The analysis demonstrates that it is almost always mentioned alongside the concept of solidarity. This is easily explainable with Article 80 TFEU which serves as the primary legal basis for solidarity in the common asylum system. It demands in addition to solidarity a “fair sharing of responsibility [...] between the member states” which is why they subsequently also appear together in secondary EU law. Remains the question as to why this is mentioned separately and what exactly the difference is to the concept of solidarity. As discussed in the theory chapter, solidarity can be understood as the underlying notion and sharing of responsibilities as one expression of it (Vanheule et al., 2011). This understanding fits with the opinion of Advocate General Bot on *Slovakia and Hungary v Council* who argues that a *fair* sharing of responsibility entails that not every member states has to contribute in the exact same way (para 311). While the solidarity principle requires that all member states engage in the support of overburdened countries, the concept of fair sharing of responsibility allows that their contribution is adjusted to their particular needs. In a situation where migratory flows constantly evolve and change, this can be seen as an important addition to the concept of solidarity.

Summing up this first part of the analysis, it can be said that the concept of solidarity played a rather minor role in the framework of the EU’s common asylum system. Less drastic solidarity measures such as financial support were favoured, while more ambitious measures such as the relocation of applicants were reserved for crisis situations. Furthermore, solidary action was mostly dependent on the voluntary cooperation of member states. More binding obligations again only arose in cases of emergency situations, such as the exceptionally high inflows in 2015. However, the more mandatory the solidarity measures were, the more they were met with resistance by some member states. They invoked the concept of proportionality in conjunction with the concept of sovereignty in order to evade their solidarity obligations. This is in spite of the fact that almost all of the EU’s solidarity measures come with adjustment mechanisms anyways that are based on the closely related concept of fair sharing of responsibility.

Having examined the solidarity concept of the EU's asylum policy to date, it is now necessary to analyse whether the "new solidarity mechanism" of the AMMR actually brings about a change in this concept. To this end, the following section outlines the functioning of the AMMR's solidarity mechanism before it is analysed with regard to the concept of solidarity in the final section.

#### **4.2 The "new solidarity mechanism": What changes does it bring?**

In April 2024, the European Parliament passed the AMMR with a narrow majority of 322 votes in favour and 266 against (European Council on Refugees and Exiles, 2024). The Regulation was then formally adopted by the Council one month later, in May 2024. However, it will only apply from 1 July 2026, giving the competent authorities two years to prepare for compliance with its rules (Art. 85 AMMR). As this legal act is a regulation, it is binding in its entirety and does not require translation into the member states' national law. But what rules does the AMMR actually contain? How is its solidarity mechanism supposed to function? These questions are addressed in the following. The changes for the EU's common asylum system brought about by the new solidarity mechanism of the AMMR are therefore demonstrated in this section.

To begin with, it must be noted that the Regulation officially replaces the Dublin III Regulation (Art. 83 AMMR). However, the provisions of the Dublin III Regulation on determining the member state responsible for processing an asylum application can be found almost unchanged in Part III of the new AMMR. Even the disputed first-entry rule essentially remains in place. Article 16 (2) AMMR reads as follows:

*Without prejudice to the rules set out in Part IV of this Regulation, where no Member State can be determined responsible for examining the application for international protection on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was registered shall be responsible for examining it.*

In terms of content, this provision does not differ significantly from Article 3 (2) of the Dublin III Regulation which contained the original first-entry rule. The only thing that really changes here is the first part of the sentence, according to which "the rules set out in Part IV of this Regulation" still take precedence over the first-entry rule. And this is crucial, because that is the part of the AMMR in which its solidarity mechanism is set out. The mechanism functions as follows:

Its centrepiece is the annual solidarity pool. Member states that are under migratory pressure can draw from this pool. Each year, the Commission makes a decision on which member states are eligible to benefit from it (Art. 11 (1) AMMR). The solidarity pool is made up of compulsory contributions from all other member states. A reference key based on population size and gross domestic product (GDP) determines the share of each contributing member state (Art. 66 AMMR). However, the member states enjoy discretion regarding the kind of solidarity contributions they want to implement. They are free to choose between the relocation of applicants, financial support, and alternative measures such as the provision of operational or personnel support (Art. 57 (4) AMMR). Representatives of the member states pledge their country's specific contributions at the annual meeting of the high-level solidarity forum. The Council then adopts, by qualified majority, an implementing act to establish the solidarity pool, made up of the member states' pledges (Art. 57 (1) AMMR). As a secondary solidarity measure, member states may also implement so-called responsibility offsets, i.e. take over the processing of an application from a person that is already on their territory but should normally be returned to the responsible member state. If that member state is under migratory pressure, processing of the application in its place can alleviate the burden on it. Responsibility offsets are therefore another form of 'people solidarity' alongside relocations. In cases where the relocation pledges of the contributing member states are insufficient to cover a minimum of the actual relocation needs, these responsibility offsets can become mandatory (Art. 63 (3) AMMR).

The solidarity mechanism of the Regulation as just outlined increases the binding nature of solidarity measures in the common asylum system. It also establishes new bodies such as the high-level solidarity forum. Moreover, it brings a kind of regularity to the solidarity approach in the common asylum system by stipulating an annual reassessment of migratory flows into the EU and the resulting solidarity needs. But do these changes mean that the principle of solidarity is being fundamentally re-conceptualised? The following section takes a closer look at the AMMR's solidarity conception.

### **4.3 Conception of solidarity in the AMMR**

The AMMR brings changes to the way solidarity is applied in practice in the common asylum system. So, in a sense, it does indeed introduce a new solidarity mechanism. Yet, it remains questionable whether the changes in practices and procedures actually reflect a new conceptualisation of solidarity. This is addressed in the following section of the analysis. When examining the concept of solidarity in the AMMR, four main themes emerged: (1) the absence of a declaration of solidarity with third-country nationals, (2) the mandatory but flexible nature of solidarity measures, (3) the increased regularity of the solidarity regime, and (4) the

appearance of related concepts, namely the concept of fair sharing of responsibility and the concept of sovereignty.

(1) The first main finding regarding the AMMR's conceptualisation of solidarity is fairly obvious, but no less important for that. In the Regulation, solidarity is only referred to when it comes to the relations between member states. The code "solidarity with third-country nationals", on the other hand, could never be applied to the text of the Regulation. The only expression in the Regulation that comes close to it is that of the first recital which reads as following:

The Union, in constituting an area of freedom, security and justice, should ensure the absence of internal border controls for persons and frame *a common policy on asylum*, immigration and management of the external borders of Member States, based on solidarity and fair sharing of responsibility between Member States, *which is fair towards third-country nationals and stateless persons* and in compliance with international and Union law, including fundamental rights.

It is thus fairness and not solidarity that governs the relationship with third-country nationals. This is not surprising since it is consistent with EU primary law. The relevant provision here is Article 67 TFEU, which states that there should be a common asylum policy "based on solidarity between member states, which is fair towards third-country nationals". It is therefore obvious where the drafters of the AMMR have taken its wording from. Nevertheless, it is telling for the climate in the EU towards asylum seekers that solidarity with third-country nationals is not part of the most recent legislation.

The way in which asylum seekers are framed in the Regulation fits in with this. Their protection needs are less emphasized than the burden they place on the EU states, or even the security risk they pose. For instance, in Article 2 (24) of the AMMR, "migratory pressure" is defined as "a situation brought about by arrivals by land, sea or air or applications of third-country nationals or stateless persons, that are of such scale that they create disproportionate obligations on a Member State [...]". The phrasing of this provision portrays asylum seekers as flood of people whose arrival puts an unbearable burden on the member states. Furthermore, the text of the AMMR repeatedly speaks of the "effective management" of migration and asylum. This expression also suggests that there is this influx of people, this burden, which must be effectively handled by the member states. The fact that these arrivals are people in serious need of protection is mentioned much less frequently. When the protection needs of asylum seekers are mentioned, it is almost always in connection with legal immigration and in distinction to illegal immigration (e.g., Art. 5a AMMR). The joint appearance of these expressions means

that asylum seekers are never just positively connoted. Rather, there is always this reminder that there are arrivals who enter EU territory illegally. In this framing, arrivals are never just people seeking protection but also always a potential a security risk. This possibility finds much mention in the text of the Regulation. For instance, Article 10 (2) c AMMR warns that there might be “situations of instrumentalization of migrants” which are harmful to the EU. And Article 16 (4) AMMR stipulates that applicants must undergo a mandatory “security check” when they first submit their application.

This framing of asylum seekers as a burden or even a security risk is nothing new in the asylum policy of the EU. Earlier pieces of legislation, such as the Relocation Decisions of 2015, speak in a similar language. It was only at the beginning of the millennium that third-country nationals were framed more positively. The 2001 Temporary Protection Directive still places their need for protection and the EU’s ability to provide it more in the centre. It therefore appears that with the increase in migration to the EU, especially in 2015, the climate towards asylum seekers has deteriorated. The AMMR is no exception to this. To put it bluntly, solidarity in the AMMR is not something that is granted to asylum seekers. Rather, it governs the relations between the member states in order to balance the “burdens” they have to bear as a result of immigration. The Regulation’s concept of solidarity is thus strongly focused on intergovernmental solidarity.

(2) Having established what form solidarity takes in the AMMR, it is now essential to consider how binding it is. To recall, the solidarity measures of the asylum system prior to the adoption of the Regulation were largely based on the voluntary cooperation of the member states and thus had a rather non-binding character. Examining the AMMR, the first thing to stand out is that solidarity is explicitly mentioned more than 40 times and there is even an entire part of the Regulation titled after it (Part IV). It is thus obvious that the concept plays a central role here. However, the term’s frequent mention does not say much about its binding effect. Solidarity was already repeatedly invoked in some earlier pieces of legislation such as the first Relocation Decision of 2015, but ultimately these were often more declarations of intent. So let us take a closer look! The drafters of the Regulation claim that its solidarity mechanism is mandatory for the member states, and at first glance they are correct. Firstly, there is a fixed minimum of 30,000 relocations and 600 million Euro that the annual solidarity pool must contain (Art. 12 (2) AMMR). The combined contributions of all member states may not fall below this threshold. Secondly, all member states are obliged to make a contribution to the pool that corresponds to their fair share, which is determined by the reference key. The extent to which they must participate in the solidarity measures is therefore fixed. The only exceptions to this rule are countries that are themselves exposed to migratory pressure or significant migratory



situations (Art. 61 and Art. 62 AMMR). Upon request and after assessment by the Commission, they may be granted a partial or full deduction of their pledged contributions by the Council. However, if solidarity is understood as burden-sharing, this exception does not impair the concept's effective implementation. After all, in this case, a deduction is not about the unwillingness of member states to contribute but about the very equalization of the burdens to be borne. So far, the Regulation's solidarity mechanism appears to impose more binding obligations on the member states than preceding versions. Yet, it is also characterised by a high degree of flexibility. Not only are member states entirely free to choose the solidarity contribution they wish to provide, but there is also a wide range of measures from which they can pick. According to Article 56 (2) AMMR, the relocation of applicants counts the same as, for example, the financial support for return programmes or the provision of technical assistance for anti-trafficking programmes. This means that member states that are not willing to accept applicants on their territory can essentially "buy their way out". This in turn means that member states receiving a disproportionate number of asylum seekers would not really be helped. After all, the problem of overcrowded arrival camps in the southern and eastern EU states cannot be solved with money. However, the AMMR does contain a safeguard against the non-implementation of 'people solidarity' which restricts the Regulation's flexibility to a certain extent. And that is that responsibility offsets can become obligatory. If a minimum of 60 percent of the relocation needs identified by the Council decision (or 30,000 relocations if that number is higher) are not covered, the contributing member states must carry out responsibility offsets in accordance with their fair share (Art. 63 (3) AMMR). This is intended to ensure that overburdened member states are actually alleviated. Whilst mandatory responsibility offsets clearly give the solidarity mechanism more binding force, they are not necessarily feasible. Responsibility offsets only work, if the Member State applying the offset actually has applicants on its territory. If this is not the case, it cannot be required to carry out the offsets.

It can be concluded that the AMMR's solidarity mechanism is overall more binding than previous legislation providing for intergovernmental solidarity. However, because it is so flexible, it cannot ensure that more drastic but also more effective solidarity measures, i.e. 'people solidarity', will be implemented by all member states. Unlike, for instance, the second Relocation Decision of 2015, the AMMR does not set a specific number of applicants to be relocated by each Member State. While the introduction of mandatory responsibility offsets has the potential to actually reduce the pressure on affected member states, its functioning is not guaranteed. The AMMR's solidarity mechanism is thus mandatory - but not in relation to

relocations. And this is exactly what a mechanism for effective burden-sharing would have needed.

(3) The next important finding of the analysis concerns the regularity of the solidarity mechanism of the AMMR. As discussed in chapter 4.a, prior to adopting the Regulation, the solidarity regime of the EU's asylum system, and within it relocations in particular, operated according to an emergency logic. The Commission Proposal for a Crisis Relocation Regulation of 2015 attempted to change this and establish solidarity measures as a more permanent pillar of the common asylum policy but failed due to the resistance of the member states. Has this endeavour now succeeded with the adoption of the AMMR?

Several aspects speak in favour of this: First of all, there is the fact that the Regulation has no time limit on its validity. This is a clear difference to earlier solidarity legislation such as the Relocation Decisions, which were only in force for a certain period of time. In addition, the AMMR lays down a number of specific procedures, the order and timing of which are precisely defined. Every five years, the Commission draws up an overall migration strategy, every year it decides which member states are under migratory pressure, every year the high-level solidarity forum meets to discuss the solidarity pool, and so on. There is even a fixed date for most steps in these procedures. For instance, Article 12 (6) AMMR stipulates that the Commission's proposal for the annual solidarity pool must be adopted by 15 October each year. The specificity with which the Regulation defines its solidarity mechanism makes the concept more commonplace in the common asylum system than before. Furthermore, the AMMR creates several new bodies in the EU system whose sole task is to implement the solidarity mechanism. Most important, of course, is the high-level solidarity forum but there is also a technical-level solidarity forum which ensures the smooth functioning of the mechanism (Art. 14 AMMR), and a solidarity coordinator who chairs it (Art. 15 AMMR). The Regulation thus establishes permanent structures that make solidarity an integral part of the architecture of the EU's asylum system. The final aspect speaking for the regularity of solidarity in the AMMR is the Crisis Regulation, which was adopted alongside it. Its objective is – as the name suggests – to lay down rules in the event of a crisis. In such cases, the regulation serves as a legal basis for temporary measures that “enhance[...] solidarity and support” (Art. 1 (1) Crisis Regulation). The fact that the Crisis Regulation clearly covers emergency situations implies that the AMMR governs standard cases in contrast. The very existence of special arrangements for crises makes the normal solidarity mechanism of the AMMR part of the day-to-day business of the asylum system.

On the other hand, the AMMR continues to deploy a vocabulary that is reminiscent of an emergency logic. The central term of “migratory pressure” is a good example of this. According to Article 2 (24) AMMR, migratory pressure refers to situations in which member states receive such a large number of arrivals that their asylum system is disproportionately burdened, even if it is well-prepared. There must thus be an exceptional situation in a Member State for it to receive support. As long as the state is still able to cope with the arriving asylum applicants, solidarity measures do not come into play. However, an EU asylum system that places the concept of solidarity at its centre should distribute any number of arrivals fairly - before extremely high numbers can occur in some countries.

Overall, it can be said that the AMMR ensures a greater normalisation of solidarity measures in the EU’s common asylum policy. With this new legal framework, solidary behaviour becomes a more regular and permanent part of the system. While this can definitely be seen as an advance in the implementation of Article 80 TFEU, some of the emergency logic still remains. If, again, solidarity is understood as burden-sharing, the entire “burden” of processing the asylum applications should be shared in a fair manner. This is not yet the case, even with the new solidarity mechanism of the AMMR.

(4) In chapter 4.a, it was discussed that there are concepts which are closely linked to the principle of solidarity. The concept of sovereignty and the concept of fair sharing of responsibility proved to be particularly important here. It remains to be analysed whether this is also reflected in the text of the AMMR. Beginning with the concept of fair sharing of responsibility, it can be said that it is still of great significance in shaping the concept of solidarity. Recital 31 of the Regulation, for example, states:

A reference key based on the size of the population and of the GDP of the Member States should be applied in accordance with the mandatory *fair share principle* for the operation of the solidarity mechanism enabling the determination of the overall contribution of each Member State. [...]

The provision shows that the concept has the same function as in previous legal acts. It specifies the solidarity principle by stipulating that not everyone has to contribute in the exact same way. Rather, solidarity contributions must be adapted to what everyone can afford. In the case of the reference key described here, this is achieved via the two factors of population size and GDP. Apart from that, the concept of fair sharing of responsibility is also reflected in the rule that member states affected by exceptional migratory situations can be granted deductions from their pledged contributions (Art. 61 and 62 AMMR). This also ensures that each state only

participates to the extent possible in its specific situation. It can therefore be concluded that the concept of fair sharing of responsibility is indeed retained in the new Regulation.

As far as the concept of sovereignty is concerned, it should be recalled that it has been used in the past by member states to challenge solidarity measures that they did not wish to implement. In doing so, they argued that the solidarity measure in question constituted a disproportionate interference with their sovereign rights (e.g., *Hungary and Slovakia v Council*, para 235). According to recital 88 of the AMMR, the measures of the Regulation, like all EU legislation, should comply with the principle of proportionality. This provides a starting point for unwilling member states to contest the Regulation on the same basis. It is therefore not unlikely that those member states that have opposed the adoption of the Regulation and its solidarity mechanism will seek to overturn it by legal means. Sovereignty in conjunction with proportionality thus remain important counterparts to the concept of solidarity.

## 5 Conclusion

### 5.1 Summary of the findings

The analysis conducted has shown that solidarity in the 2024 Asylum and Migration Management Regulation is a highly nuanced concept that requires detailed examination. Official publications on this regulation proudly claim that it establishes a “new solidarity mechanism”, reforming the unfair Dublin system (European Council & Council of the European Union, 2024). And while the Regulation does indeed create novel procedures, this is not entirely true. The in-depth analysis of its text, as well as of other related legal documents, revealed the following:

Compared to the past, where solidarity measures, particularly in connection with relocations, were voluntary in nature, the mechanism of the AMMR has a more binding effect. Member states are obliged to contribute in proportion to their “fair share”. However, as they enjoy full discretion in picking the kind of measures they want to implement, member states do not have to partake in relocations. They can “buy their way out” and avoid actually taking on applicants from frontline member states. And although the mandatory responsibility offsets are intended to compensate for unmet relocation needs, they are not necessarily feasible. As for the emergency logic of solidarity measures that has prevailed to date, the Regulation brings a clear change. By establishing new bodies and specific procedures for implementation of the solidarity mechanism, it places the concept more firmly at the centre of the common asylum policy. Instead of being reserved for crises, solidary behaviour becomes part of a permanent framework. Nevertheless, part of the emergency logic remains. Member states must be under migratory pressure in order to benefit from the solidarity pool, i.e. there must first be a situation of overburdening before the solidarity mechanism takes effect. As long as a member state is still able to cope with the number of applicants arriving on its territory, the Dublin system essentially stays in place. So, although there have been changes, it would be inaccurate to speak of a complete re-conceptualisation of solidarity.

Both the flexibility of the AMMR’s solidarity mechanism and its ongoing emergency logic stand in the way of an effective implementation of Article 80 TFEU. The AMMR can be clearly seen as an improvement in this regard, but it is a small step. Solidarity, or more specifically the fair sharing of responsibility, does not mean that every member state must contribute in the exact same way. But, if applied consistently, it would mean that each state takes on as much responsibility as it can bear. Looking at the design of the solidarity mechanism just discussed, this is not given. This becomes even more critical when considering that this is merely the

intended, ideal functioning of the mechanism. In practice, however, it does not necessarily have to work that way. The past has shown that member states unwilling to contribute will not hesitate to override the solidarity measures through legal action. Non-compliance is therefore to be expected, which means that in practice the solidarity mechanism will take even less pressure from frontline member states than intended.

In all the discussion about the functioning of the solidarity mechanism, it is easy to lose sight of the fact that one particularly vulnerable group is not even covered by it: Third-country nationals seeking protection in the EU. Relocations, discussed in this paper as the non-plus-ultra of solidarity measures, represent a drastic encroachment on their agency. This is because applicants have no right to choose the member state to which they wish to be relocated. They are merely subject to the procedure. A solidarity mechanism that is “fair towards third-country nationals” should, however, take this into account as well.

## **5.2 Reflection and limitations of the study**

The directed qualitative content analysis conducted for this thesis revealed a number of interesting insights into the conceptualisation of solidarity in the AMMR. However, not all parts of the analysis worked as intended. Some of the codes developed in advance proved to be useless. For example, a prominent observation in the theoretical articles on solidarity – as discussed in chapter 2.a - was that the term is used both descriptively and normatively, i.e. prescriptively. Consequently, I included a pair of codes in my coding scheme that reflected these different usages. However, it quickly became clear that these two codes are not very meaningful when applied to legal texts. The function of law is to tell its addressees what they should and should not do. Whenever the concept of solidarity appears in legal documents, it is therefore something that the member states and EU institutions should implement. Hence, the concept’s use in legal texts is always prescriptive. If I had also analysed, for instance, the implementation of EU solidarity legislation and included relevant documents such as reports by executive agencies, the codes would have been useful. For this analysis, however, they were not. This does not have to be seen as problematic though. Rather, it was expected to happen. A directed content analysis is open to the themes that arise from the data and therefore has no fixed coding scheme. It is intended that codes are discarded or added as the analysis progresses. And indeed, as I discarded codes, I also drew a number of new ones from the data. For example, it soon became apparent that the two codes relating to the binding nature of solidarity measures were not sufficient. Originally, I only had one code for specific, binding measures and one for non-binding declarations. However, these two extremes did not cover everything. For this reason, I have introduced two more nuanced codes here: one that captured binding but general

provisions and one that represented flexibility in the implementation of solidarity measures. All these changes in the coding scheme were accurately documented with the help of Atlas.ti and therefore do not pose a problem for the trustworthiness of the study.

The reflection on the research process, however, also yielded aspects that constitute actual weaknesses of the approach. The first flaw arises from the fact that I was the only person involved in the coding process, so the coding could not be cross-checked. Especially since I carried out an extensive desk research at the beginning of the research process, I probably tended to assign codes in a way that confirmed my preconceived notions. So, to a certain point, there certainly is researcher bias here. The second flaw concerns the body of data. Due to time constraints, it was only possible to code a relatively limited number of texts. However, the quality of the study could have been improved by analysing a larger text corpus. The body of EU law, including now obsolete provisions, and the case law of the court would have contained more than enough other documents to expand the study.

### **5.3 Implications for future research**

The application of the solidarity principle to the EU's common asylum policy has received much scholarly attention in the past. As discussed in chapter 1.a, researchers from various disciplines have explored different facets of the concept and its implementation. The analysis of the 2024 Regulation on Asylum and Migration Management conducted in this thesis has built on theoretical and empirical insights from this research, for example by Kotzur (2017) who approaches solidarity from a legal viewpoint, or Goldner Lang (2013) who covers the sociological perspective. By applying these insights to the most recent piece of EU legislation, the understanding of the concept of solidarity in relation to the EU asylum policy could be advanced. However, as the Regulation has such far-reaching consequences for the member states, but also for asylum seekers, it clearly requires further examination. For example, future research should be conducted on the implications of the AMMR for asylum seekers. Since they are not covered by the solidarity principle, this thesis has certainly highlighted this fact, but then focused primarily on solidarity between the member states. However, the AMMR, especially in connection with the other laws of the "New Pact", contains some not insignificant changes to the asylum application procedures. It is therefore essential to analyse what this new piece of legislation means for asylum seekers.

## 6 Appendix

### 6.1 The dataset

Doc- No.	Short title	Full title	Date
1	AMMR	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	14 May 2024
2	Crisis Regulation	Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147, OJ L	14 May 2024
3	TEU	Treaty on European Union (Consolidated Version 2016), OJ C 202/13	7 June 2016
4	TFEU	Treaty on the Functioning of the European Union (Consolidated Version 2016), OJ C 202/47	7 June 2016
5	Temporary Protection Directive	Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212/12	20 July 2001
6	Dublin III Regulation	Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), L 180/31	26 June 2013
7	Proposal for a Crisis Relocation Regulation	Proposal for a Regulation of the European Parliament and the Council establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person (COM(2015) 450 final)	9 Sep 2015
8	First Relocation Decision	Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece, OJ L 239/146	14 Sep 2015
9	Second Relocation Decision	Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece, OJ L 248/80	22 Sep 2015



10	Case law/ Judicial opinion	Opinion of Advocate General Bot, delivered on 26 July 2017, Cases C-643/15 and C-647/15 Slovak Republic and Hungary v Council of the European Union	26 July 2017
11	Case law/ Judicial opinion	CJEU - Joined Cases C-643/15 and C-647/15 Slovak Republic and Hungary v Council of the European Union	6 Sep 2017
12	Case law/ Judicial opinion	CJEU – Joined Cases C-715/17, C-718/17 and C-719/17 European Commission v Republic of Poland and Others	2 Apr 2020

## 6.2 The coding scheme<sup>17</sup>

Category	Code	Description	Example of use
Use of the solidarity term	Normative/ prescriptive use	Solidarity as something to strive for	“The Member States shall work together to enhance and develop their mutual political solidarity.” (Art. 24(3) TEU)
	Descriptive use	Solidarity as something that is there	“Solidarity, which is a pivotal element in the CEAS, goes hand in hand with mutual trust.” (recital 22, Dublin III Regulation)
Relationship governed by solidarity	Solidarity between member States	Intergovernmental solidarity	“The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity [...]” (Art. 24(3) TEU)
	Solidarity with TCNs		“It [...] shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals.” (Art. 67(2) TFEU)
Nature of solidarity measure	Non-binding declaration	Declaration of intend, based on voluntary compliance	“In the Stockholm Programme, the European Council reiterated its commitment to the objective of establishing a common area of protection and solidarity [...]” (recital 7, Dublin III Regulation)
	Flexibility*	Free choice of means, variety of measures to choose from	“In implementing paragraph 3 of this Article, Member States shall have full discretion in choosing between the types of solidarity measures listed in Article 56(2), or a combination thereof.” (Art. 57(4) AMMR)
	General, binding provision*	Vague, no specific measures mentioned	“The common actions taken by the Union and the Member States in the field of asylum and migration management, within their respective competences, shall be based on the principle of solidarity and fair sharing of responsibility [...]” (Art. 3(1) AMMR)
	Specific, binding obligation	Clear and detailed rules with specific addressee and objective	“15 600 applicants shall be relocated from Italy to the territory of the other Member States in accordance with the table set out in Annex I;” (Art. 4(1)a, second Relocation Decision)

<sup>17</sup> The codes marked with \* were added inductively in the course of the analysis.

Effects of solidarity	Exclusionary	Demarcation from those outside the community	<i>Not used</i>
	Unifying	(aspired) unity is stressed, integrating effect	“It shall promote economic, social and territorial cohesion, and solidarity among Member States.” (Art. 3(3) TEU)
Framing of asylum seekers	Framing as people in need of protection	Rather positive connotation, stressing the vulnerability of asylum seekers	“Cases of mass influx of displaced persons who cannot return to their country of origin have become more substantial in Europe in recent years. In these cases it may be necessary to set up exceptional schemes to offer them immediate temporary protection.” (recital 2, Temporary Protection Directive)
	Framing as burden	Rather negative connotation, emphasis on the challenges for receiving countries	“Among the Member States witnessing situations of considerable pressure and in light of the recent tragic events in the Mediterranean, Italy and Greece in particular have experienced unprecedented flows of migrants [...]” ( <i>Slovakia and Hungary v Council</i> , para 10)
	Framing as security risk*	Negative connotation, emphasis on (national) security that must be preserved	“Where there is a risk of absconding or where the protection of national security or public order so requires, Member States may detain the person concerned [...]” (Art. 44(2) AMMR)
	Agency of asylum seekers*	Provisions that either emphasize or weaken the rights of asylum seekers	“That opportunity shall not imply a right to choose a specific Member State of relocation pursuant to this Article.” (Art. 67(3) AMMR)
Application case for solidarity measures	Emergency logic	Ad-hoc manner, exceptional situations, causing short-term measures	“In a situation of crisis, the solidarity measures to address such a situation should go beyond those provided for in Regulation (EU) 2024/1351.” (recital 27, Crisis Regulation)
	Standard scheme	Business as usual, causing long-term measures, part of a permanent framework	“[The EU Solidarity Coordinator shall] organise, at regular intervals, meetings between the authorities of the Member States to ensure the effective and efficient operationalisation of the Annual Solidarity Pool [...]” (Art. 15(2)d AMMR)

Related concepts	Loyalty	Principle of sincere cooperation	“Sincere cooperation between Member States is essential for the proper functioning of the Common European Asylum System.” (recital 67, AMMR)
	Fair sharing of responsibility		“This Regulation ensures the effective application of the principle of solidarity and fair sharing of responsibility between Member States [...]” (recital 6, Crisis Regulation)
	Sovereignty		“The Slovak Republic [...] maintains, first of all, that the objective pursued by means of the contested decision could be achieved just as effectively by other measures which [...] would have been less restrictive for Member States and impinged less on the ‘sovereign’ right of each Member State [...]” ( <i>Slovakia and Hungary v Council</i> , para 225)
	Proportionality*		“In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.” (recital 63, Crisis Regulation)
	Fairness*		“[...] the necessity of ensuring a fair distribution of those applicants among Member States.” (recital 28, first Relocation Decision)
Kinds of solidarity measures	Financial support	Funds, payments, donations	“Financial contributions shall consist of transfers of amounts from the contributing Member States to the Union [...]” (Art. 64(1) AMMR)
	Relocation/ (mandatory) allocation	Asylum seekers are moved from one EU state to another	“[...] a total of 40 000 applicants in clear need of international protection should be relocated from Italy and from Greece.” (recital 21, Relocation Decision 1)
	Alternative measures*	Capacity build-ing measures, human resources, material/ operational support etc.	“alternative solidarity measures in the field of migration, reception, asylum, return and reintegration and border management, focusing on operational support, capacity building, services staff support, facilities and technical equipment [...]” (Art. 56(2)c AMMR)
Without category	Non-compliance*	Incidents where actors do not comply with solidarity provisions	“It must be pointed out, in that regard, that [...] Hungary has not relocated any person from Italy and Greece, while the Slovak Republic has relocated only 16 persons from Greece and none from Italy.” (Opinion of Advocate General Bot, para 240)

## 7 References

- Bast, J. (2014). Solidarität im europäischen Einwanderungs- und Asylrecht. In S. Kadelbach (Ed.), *Schriften zur Europäischen Integration und Internationalen Wirtschaftsordnung - Veröffentlichungen des Wilhelm-Merton-Zentrums für Europäische Integration und Internationale Wirtschaftsordnung: Vol. 32. Solidarität als Europäisches Rechtsprinzip?* (1st ed., pp. 19–32). Nomos.
- Bayertz, K. (1999). Four Uses of “Solidarity”. In K. Bayertz (Ed.), *Solidarity: Theory and Practice* (pp. 3–28). Springer Netherlands.
- Brouwer, E., Campesi, G., Carrera, S., Cortinovis, R., Karageorgiou, E., Vested-Hansen, J., & Vosyliute, L. (2021). *The European Commission's legislative proposals in the New Pact on Migration and Asylum: Study requested by the LIBE committee* (PE 697.130). [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/697130/IPOL\\_STU\(2021\)697130\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/697130/IPOL_STU(2021)697130_EN.pdf)
- Duguit, L. (1901). *L'état: Le droit objectif et la loi positive. Études de droit public*. Ancienne librairie Thorin et fils.
- European Council, & Council of the European Union. (2024, April 16). *A new asylum and migration management regulation*. <https://www.consilium.europa.eu/en/policies/eu-migration-policy/eu-migration-asylum-reform-pact/asylum-migration-management/>
- European Council on Refugees and Exiles. (2024, April 12). *Adoption of EU Pact on Migration and Asylum*. <https://ecre.org/adoption-of-eu-pact-on-migration-and-asylum/>
- Goldner Lang, I. (2013). Is There Solidarity on Asylum and Migration in the EU? *Croatian Yearbook of European Law & Policy*, 9(1), 1–14.
- Graneheim, U. H., Lindgren, B.-M., & Lundman, B. (2017). Methodological challenges in qualitative content analysis: A discussion paper. *Nurse Education Today*, 56, 29–34.
- Grasso, M., & Lahusen, C. (2020). Solidarity in Europe: a comparative account of citizens' attitudes and practices. In C. Lahusen (Ed.), *Citizens' Solidarity in Europe* (pp. 29–54). Edward Elgar Publishing.
- Greiner, F. (2017). Introduction: Writing the contemporary history of European solidarity. *European Review of History: Revue Européenne D'histoire*, 24(6), 837–853.
- Grimm, D. (1973). *Solidarität als Rechtsprinzip: Die Rechts- und Staatslehre Léon Duguits in ihrer Zeit. Studien und Texte zur Theorie und Methodologie des Rechts: Vol. 11*. Athenäum-Verlag.
- Hampshire, J. (2016). European migration governance since the Lisbon treaty: Introduction to the special issue. *Journal of Ethnic and Migration Studies*, 42(4), 537–553.
- Hsieh, H.-F., & Shannon, S. E. (2005). Three Approaches to Qualitative Content Analysis. *Qualitative Health Research*, 15(9), 1277–1288.
- Information Center on the European Institutions. (n.d.). *The Schuman Declaration*. Retrieved July 1, 2024, from <https://www.strasbourg-europe.eu/the-schuman-declaration/>
- Karageorgiou, E., & Noll, G. (2022). What Is Wrong with Solidarity in EU Asylum and Migration Law? *Jus Cogens*, 4(2), 131–154.
- Knodt, M., & Tews, A. (2017). European Solidarity and Its Limits: Insights from Current Political Challenges. In A. Grimmel & S. M. Giang (Eds.), *Solidarity in the European Union: A fundamental value in crisis* (1st ed., pp. 47–64). Springer International Publishing.

- Kotzur, M. (2017). Solidarity as a Legal Concept. In A. Grimmel & S. M. Giang (Eds.), *Solidarity in the European Union: A fundamental value in crisis* (1st ed., pp. 37–45). Springer International Publishing.
- Manners, I. (2002). Normative Power Europe: A Contradiction in Terms? *Journal of Common Market Studies*, 40(2), 235–258.
- Marin, L., Penasa, S., & Romeo, G. (2020). Migration Crises and the Principle of Solidarity in Times of Sovereignism: Challenges for EU Law and Polity. *European Journal of Migration and Law*, 22(1), 1–10.
- Merriam, S. B. (2002). Introduction to qualitative research. In S. B. Merriam (Ed.), *Qualitative research in practice: Examples for discussion and analysis* (1st ed., pp. 1–17). Jossey-Bass.
- Merton, R. K. (1934). Durkheim's Division of Labor in Society. *American Journal of Sociology*, 40(3), 319–328.
- Penasa, S., & Romeo, G. (2020). Sovereignty-based Arguments and the European Asylum System: Searching for a European Constitutional Moment? *European Journal of Migration and Law*, 22(1), 1–10.
- Sommermann, K.-P. (2014). Some Reflections on the Concept of Solidarity and its Transformation into a Legal Principle. *Archiv des Völkerrechts*, 52(1), 10.
- Steinvorth, U. (2017). Applying the Idea of Solidarity to Europe. In A. Grimmel & S. M. Giang (Eds.), *Solidarity in the European Union: A fundamental value in crisis* (1st ed., pp. 9–19). Springer International Publishing.
- Tazzioli, M., & Walters, W. (2019). Migration, solidarity and the limits of Europe. *Global Discourse*, 9(1), 175–190.
- Vanheule, D., van Selm, J., Boswell, C., & Ardittis, S. (2011). *The Implementation of Article 80 TFEU on the Principle of Solidarity and Fair Sharing of Responsibility, Including its Financial Implications, Between Member States in the Field of Border Checks, Asylum and Immigration* (European Parliament Study PE 453.167). [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453167/IPOL-LIBE\\_ET\(2011\)453167\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453167/IPOL-LIBE_ET(2011)453167_EN.pdf)
- Wallaschek, S. (2020). Contested solidarity in the Euro crisis and Europe's migration crisis: A discourse network analysis. *Journal of European Public Policy*, 27(7), 1034–1053.
- Zhang, Y., & Wildemuth, B. M. (2017). Qualitative Analysis of Content. In B. M. Wildemuth (Ed.), *Applications of Social Research Methods to Questions in Information and Library Science* (2nd ed., pp. 318–329). Libraries Unlimited.