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STATISTICAL
UPDATE

**THE IMPLEMENTATION OF THE DUBLIN III
REGULATION IN 2023**

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Please note that for countries covered by the AIDA database, unless otherwise specified this study uses the information provided in the AIDA reports. For countries not covered by the AIDA database (CZ, DK, EE, FI, IC, LI, LU, LV, LT, NO, SK), this study uses the statistical information available on [Eurostat](#). Unless specified otherwise, data based on AIDA reports refers to total requests and decisions,¹ i.e. including re-examinations. All calculations are that of the authors. Percentages are rounded to the nearest whole number.

¹ AIDA requests information on total requests (i.e. first time and re-examination requests) for its country reports, and compares it with Eurostat data on total requests. Where large discrepancies are observed, explanations are sought through desk research and requests to the authorities. However, it is possible that in some cases, by default, authorities provide AIDA with information on first time requests rather than total requests. Efforts are made to identify such cases and ensure that information compared between countries is consistent. In any case, throughout the report, when discrepancies are observed, they are flagged to the attention of the reader with likely or confirmed explanations.

Key Findings

The use of the Dublin system in 2023

- 2023 saw the highest number of Dublin transfer decisions and requests since at least 2014, with 193,971 decisions taken on 201,868 outgoing requests.
- The main users of the Dublin system are Germany and France, confirming the trend observed in previous years. The two countries issued 74,622 and 49,925 Dublin requests respectively, accounting for 21% and 30% of the asylum applications lodged in each country, and jointly accounting for 64% of all outgoing requests.
- Among the main users, Belgium issued the highest number of Dublin requests when related to the total number of asylum applications, with 40% of the registered asylum applications channelled into a Dublin procedure.

Application of the hierarchy of criteria for determining responsibility

- Most outgoing requests are take-back requests, concerning applicants who have already applied for asylum in another Member State. In 2023, 68% of Dublin transfer requests were take back requests and 32% were take charge requests.
- The vast majority (90%) of take-charge requests are based on the issuing of a visa or residence document (Article 12) or on the irregular entry criteria (Article 13(1)).
- Very limited numbers of transfer requests – around 1.2% of all outgoing Dublin requests – are based on the family unity and best interests of the child criteria, even though these provisions are at the top of the hierarchy of responsibility and should thus be prioritised.
- The sovereignty clause (Article 17(1)) which allows a Member State to use their discretion to take responsibility for an application is rarely used, with around 7,786 cases in which it was invoked in 2023. Nevertheless, this constitutes a significant increase compared to 2022 (4,808) and good practices continue to be observed in Belgium, which leads the field in the application of this clause (4,292 of the 7,786 EU+ decisions on this ground, i.e. 55%).
- Despite the significant issues in access to the asylum procedure and in reception conditions reported in multiple Member States, the unilateral clause of Article 3(2) of the Dublin Regulation is seldomly used – only 618 uses reported in 2023 –, with States preferring to have applicants wait out the transfer period before acknowledging responsibility for the asylum claim.
- The humanitarian clause whereby a request to take charge is based on humanitarian grounds is barely used, accounting for only 1.8% of outgoing requests. However, certain countries are expanding the use of these grounds in requests, including Cyprus and Greece, notably for relocation purposes.

Transfer rates in 2023 (transfers implemented compared to requests)

- The vast majority of Dublin requests do not result in a transfer: in 2023, only 9% of Dublin transfer requests issued culminated in the transfer of the applicant, with 18,919 outgoing transfers reported in 2023.
- For the main users of the Dublin system, the percentage of transfers achieved is sometimes even lower: in Germany 7% of transfer requests culminated in the transfer of the applicant; in France, 5%; in Belgium and Austria 9%.
- The main recipients of incoming Dublin requests to either take back or take charge of an applicant are Italy, Croatia, Austria. Most of these requests did not result in a transfer of the applicant.
- Only four states received more than 1,000 Dublin returnees: (Germany (4,269), Austria (2,166), France (1,682) and the Netherlands (1,034)).

- Italy maintained its policy of suspending incoming transfers, initiated end of 2022 due to the “saturation” of its reception system. Despite it, other Member States continued to send requests.

Legal challenges related to Dublin in 2023

- The Dublin Regulation remains a major source of asylum litigation in Europe, with numerous legal challenges before domestic courts, and major cases going before both European Courts.
- Jurisprudence is inconsistent between as well as within the countries applying the Dublin Regulation, with some courts blocking transfers to certain countries for reasons including the risk of (chain) *refoulement*; poor reception conditions; lack of access to reception conditions for Dublin returnees; deficiencies in asylum procedures; lack of access to the asylum procedure; poor treatment of beneficiaries of international protection; and excessive, automatic or otherwise unlawful use of detention. On the risk of indirect *refoulement*, the CJEU established that the principle of mutual trust remains applicable, unless it is found that systemic flaws affect a country’s asylum system.
- However, Courts continue to differ on whether systemic deficiencies exist in certain countries. Asylum systems in Bulgaria, Greece, Hungary, and Italy have been found by some national courts to demonstrate systemic deficiencies; in other cases, courts did not find that deficiencies in these countries were systemic.
- Where systemic deficiencies have not been found, courts often continue to require individual guarantees concerning the treatment of an applicant before a transfer can go ahead. The requirement of individual guarantees may also be a formal policy in certain countries.
- Even where systemic deficiencies are found or where there are regular and consistent court decisions blocking transfers in individual cases, states are reluctant to introduce policies that formally suspend transfers. Thus, individual cases continue to be litigated.
- In early 2024, the CJEU ruled that despite the practice of pushbacks and detention at the border control posts by the Member State responsible, applicants can still be transferred to that Member State. However, the Court emphasised that, before transferring an applicant, the Member State must consider all information provided by the applicant, especially regarding the risk of inhuman or degrading treatment under Article 4 of the Charter, and cooperate in verifying the accuracy of this information.
- For one or more of the reasons listed, only 6 Dublin transfers were made to Greece in 2023; very few transfers were also made to Hungary, Italy, or Malta.

Introduction*

In May 2024, following the Parliament's vote in April, the Council of the EU adopted the New Pact on Migration and Asylum. Among the new legislative texts is the Regulation on Asylum and Migration Management (RAMM), which repeals the Dublin Regulation (Regulation (EU) No. 604/2013), replacing it with new rules on responsibility sharing, along with solidarity mechanisms. Analysis of the new instrument suggests that not much will change, however, as the new rules on allocation of responsibility – a significant source of dysfunction and of conflict between Member States – remain very close to the current Dublin system, thus not fully addressing the causes of current shortcomings.²

The RAMM will apply from July 2026 onwards. While the European Commission has encouraged Member States to “frontload” some elements of the files Pact on asylum and migration,³ including rules on responsibility sharing and solidarity, in the meantime, the Dublin III Regulation remains the applicable legal framework for determining which Member State is responsible for an application for international protection.

This briefing provides an update on developments in legislation, policy and practice relating to the application of the Dublin III Regulation in 2023. It is based on information gathered by the European Council on Refugees and Exiles (ECRE) for its database, the Asylum Information Database (AIDA), as well as other sources where relevant. The data used is derived primarily from information made available by national authorities, civil society organisations, and Eurostat. The briefing also draws on a series of implementation assessments carried out by ECRE in recent years, including for the European Parliament (EP).

The year 2023 saw once again a record number of Dublin procedures, even though applications did not reach the levels of 2015-2016. At the same time, similarly to previous years, the number and rate of transfers actually carried out remained low: only a small number of transfers are actually implemented, when compared to the number of requests submitted. This continuing trend can in and of itself be considered as proof of the inefficiencies and shortcomings of the Dublin system. The practice of requesting transfers that cannot be completed, the disregard that most Member States have for the prioritisation of family provisions, and other shortcomings described below, call into question the functionality not only of the current system but also that of its new iteration soon to be in place, which is not based on a deep reform of the rules on responsibility. Nonetheless, while overall information availability has increased, a full understanding of the use of Dublin is hampered by the lack of available information on the nationalities of the applicants subject to the system.

The full-scale invasion of Ukraine and subsequent mass displacement did not directly affect Dublin procedures in that Member States decided not to apply Dublin to temporary protection procedures. However, it did indirectly affect states' Dublin units in terms of availability of staff and resources, which had to be redeployed.

* This report was written by Charlotte Labrosse and Justine McGahan at ECRE. We would like to thank the AIDA experts as well as Member State authorities for the provision of Dublin statistics and relevant information. All errors remain our own.

² ECRE, *ECRE Comments on the Regulation of the European Parliament and the Council on Asylum and Migration Management*, May 2024, available [here](#).

³ ECRE, 'Editorial: Irony Overload: Turning Against the Pact', 10 October 2024, available [here](#).

Key Dublin statistics for 2023

As in 2022, the number of asylum applications in the 31 countries applying the Dublin Regulation (hereinafter the EU+) increased compared to the previous year, but to a more limited degree (18% increase compared to 52% in 2022). Indeed, protection needs and displacement continued to increase in 2023 following *inter alia* the breakout of conflict in Sudan, the conflict and severe humanitarian crisis in the Gaza Strip, the continued humanitarian crisis in Afghanistan and in neighbouring countries for Afghan refugees, persistent hostilities in Syria, and a resurgence in fighting in the Democratic Republic of Congo. The top two countries of origin of people seeking asylum in the EU+ were Syria and Afghanistan, as has been the case for over 10 years, with the exception of 2017. The continued displacement caused by the full-scale invasion of Ukraine launched by Russia in February 2022 did not significantly affect asylum applications given the EU's activation and prolongation of the Temporary Protection Directive (TPD) which created a temporary protection regime for most of those fleeing Ukraine.⁴ According to Eurostat, 1,170,045 people applied for international protection in 2023 in the EU+, up from 994,650 in 2022.

Changes in the use of Dublin procedures in 2023

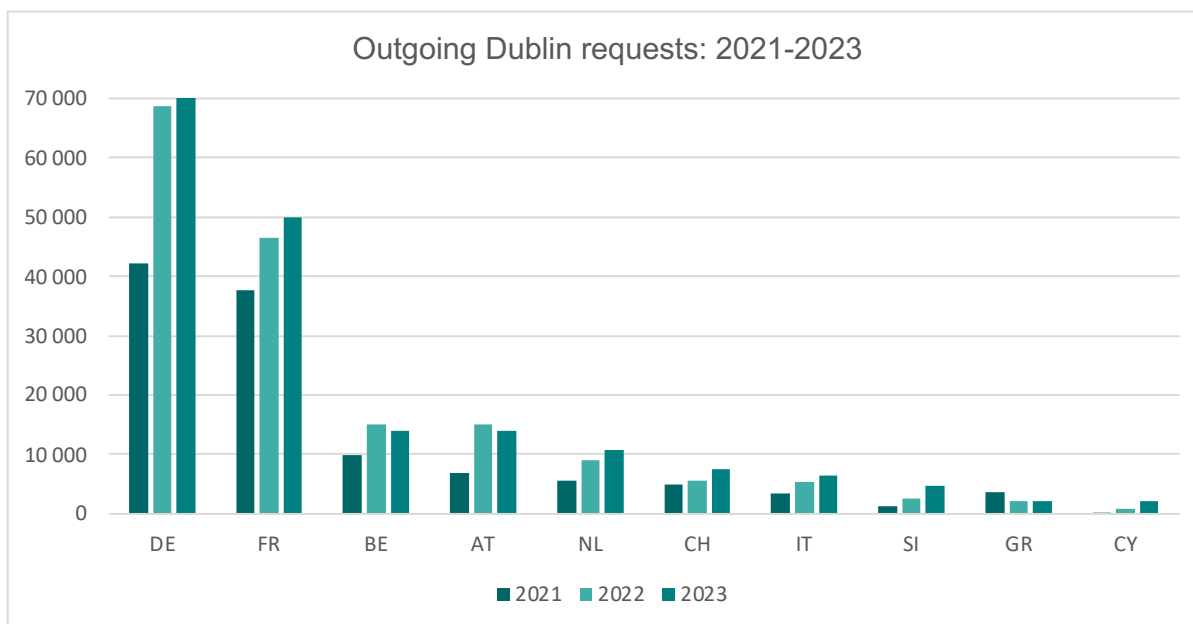
As of December 2024, complete detailed data on Dublin procedures in 2023 was only available for 29 of the 31 states applying the Dublin Regulation, with some gaps in the data remaining for Czechia and Liechtenstein.⁵ According to Eurostat, 193,971 decisions were issued in response to 201,868 outgoing Dublin requests⁶ (for 29 countries – no data for LI and CZ), up from 172,996 decisions on 191,457 outgoing requests in 2022 (also for 29 countries, excluding LI and CZ data for comparative purposes). As in 2022, this represents the highest number of outgoing Dublin procedures since at least 2014,⁷ surpassing *inter alia* the levels of 2016-2017. “Outgoing requests” refers to both take back and take-charge requests, with the former making up around 68% of outgoing requests and the latter 32% (out of 29 countries).

⁴ UNHCR, *Global Trends: Forced Displacement in 2022*, June 2023, available at: <https://bit.ly/3FIYn9Q>, 33; EMN, *Annual Report on Migration and Asylum 2022*, June 2023, available at: <https://bit.ly/3ZZhBf7>, 8.

⁵ There has also been lack of complete data in previous years, with the exception of 2023 where all data was available. Regarding issues with Eurostat data on Dublin, see: EPRS/ECRE, *Dublin Regulation on international protection applications: European Implementation Assessment*, February 2020, available at: <https://bit.ly/3FuHZnv>, 28-29. Moreover, as will be illustrated throughout this report, there are frequent data inconsistencies between Eurostat datasets, or between data provided to various sources (Eurostat, EUAA, AIDA) by countries.

⁶ Although the number of incoming and outgoing requests should be identical, Eurostat reports 195,751 incoming requests for all 31 countries, i.e. 5,948 less requests even though this data set includes 2 more countries.

⁷ Data for years prior is not available on Eurostat but unlikely to be higher than for 2023, given the (significantly) lower number of applications, which is available on Eurostat.



Source: AIDA, except for figures on AT (2023), CH (2022 and 2023), GR, NL and FR which were extracted from Eurostat. The countries represented as those with the most outgoing requests, in decreasing order from left to right.

As illustrated above, the number of requests either rose or remained stable compared to the previous year in most of the countries that have been the main users of the Dublin system in the last three years. For example, among the countries with at least 5,000 outgoing requests, requests rose by approximately 36% in **Switzerland**, 23% in **Italy**,⁸ 18% in the **Netherlands**, 14% in **Germany**, 7% in **France**, while requests decreased by 7% in **Belgium** and **Austria**.

The sharpest relative increase was registered by **Cyprus**, which issued 730 requests in 2022 and 2,068 in 2023, thus marking a 183% increase. Three other countries (out of a total of 29 for which data is available) sent more than twice as many requests as in 2022, but the absolute number of requests still remain low: **Iceland** (a 119% increase, from 145 requests in 2022 to 318 in 2023), **Finland** (137% increase, from 248 to 588 requests), and **Estonia** (181% increase, from 52 up to 146 requests).

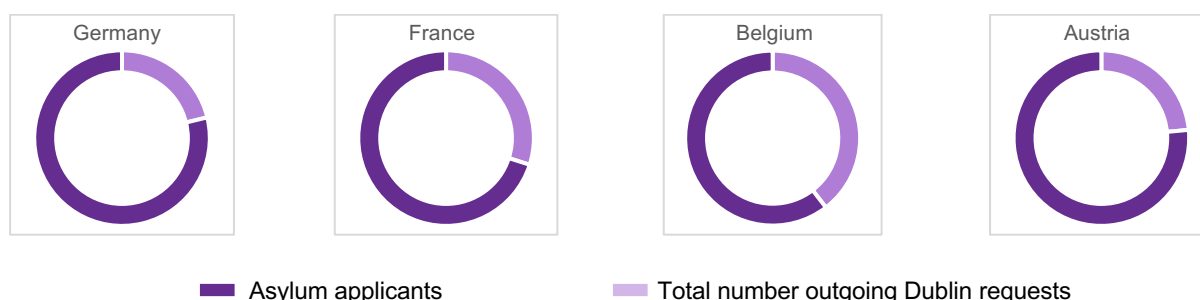
Conversely, seven countries submitted fewer outgoing Dublin requests in 2023 compared to 2022: **Belgium, Austria, Ireland, Portugal, Sweden, Romania, and Croatia**. This includes two of the main users of the Dublin system, Belgium and Austria, which experienced modest decreases (7% each). The other countries which experienced decreases sent less than 600 requests, with the exception of Sweden (1,671 outgoing requests, a 19% decrease from 2022). The sharpest relative decrease was experienced by Croatia, from 1,959 outgoing requests in 2022 to 173 in 2023. However, it should be noted that between 2019 and 2021, Croatia consistently reported less than 10 outgoing requests per year, making the almost 2,000 requests in 2022 an anomaly compared to previous practice. Additionally, Croatia reported to AIDA that “damage to its database and administrative burden” related to Dublin statistics occurred in 2023, which means the data for the year may not paint a completely accurate picture of Croatia’s Dublin practice.⁹

⁸ When using data reported to AIDA, i.e. 5,315 total outgoing requests in 2022 and 6,530 in 2023; however, requests decreased when looking at data reported to Eurostat: 8,175 for 2022 and 7,895 for 2023. There is no clear reason for the discrepancy between data reported to Eurostat and AIDA: notably, it is unlikely the issue comes from AIDA data being only for first time requests, as most requests reported to Eurostat are also first-time requests (only 462 and 29 re-examination requests reported in 2022 and 2023 respectively).

⁹ AIDA, *Country report: Croatia – Update on the year 2023*, July 2024, available [here](#), 49.

Asylum applications and Dublin procedures

Share of Dublin procedures in the top 4 operators of the Dublin system: 2023¹⁰



Source: AIDA. Figures on outgoing Dublin requests on FR and AT were extracted from Eurostat.

The charts above show the four countries (ordered left to right) which sent the most outgoing Dublin requests in 2023. **Germany** and **France** continued to be, as in previous years, both the main destination countries for asylum applicants and the main users of the Dublin system. In 2023, these two Member States received 351,915 and 166,880 asylum applicants respectively, and issued 74,622 and 49,925 outgoing Dublin requests. **Belgium** remained the third main user of the Dublin system, issuing a total of 14,055 outgoing requests against 35,507 asylum applicants throughout the year. Lastly, after a significant increase in Dublin procedures initiated in 2022 and a stable level in 2023, **Austria** remained the fourth country per number of requests issued.

Furthermore, the charts illustrate how the proportion of applicants for international protection channelled into Dublin procedures remained significant in 2023:¹¹ 21.2% of all applicants in **Germany**, 29.92% in **France** and 23.5% in **Austria** were subject to a Dublin procedure in 2023. In **Belgium**, this figure was even higher: the number of Dublin requests corresponds to almost 40% (39.58%) of all asylum applicants. Other countries – in particular **Hungary**, **Slovakia**, **Slovenia** and **Denmark** – despite issuing a comparatively low number of requests, had an even higher share of applicants channelled into the Dublin procedure compared to the total number of applicants: Hungary reported between 28 and 31 asylum applicants but sent 40 first-time outgoing Dublin requests, Slovakia reported 409 Dublin outgoing requests and 410 asylum applicants, Slovenia had 66% of applicants channelled into Dublin procedures, and Denmark 44%. These are all countries with much less asylum applicants than the main operators of the system. However, other countries which reported higher numbers of asylum applicants did not have high shares of Dublin requests: **Spain** and **Italy**, two countries which reported over 100,000 asylum applicants in 2023, only reported 858 and 6,530 outgoing Dublin requests respectively.

¹⁰ The following pie charts represent the share of asylum applicants channelled in a Dublin procedure as compared to the total number of asylum applicants in 2023, to account, *inter alia*, for all cases of implicit acceptance. This method has its limitations. For instance, a Member State might send outgoing requests to all Member States it believes could be responsible for an application, disregarding the hierarchy of criteria, instead of sending a single request to the country deemed responsible. However, based on available information and the existing rules, this does not appear to be a widespread practice. In contrast, the EUAA uses the "ratio of decisions received on Dublin requests to asylum applications lodged", see EUAA, *Asylum Report 2024*, June 2024, available [here](#), 84.

¹¹ These calculations are meant to present a general picture of the proportion of applicants channelled into Dublin procedures. However, they remain only indicative, as the data sets represent marginally different caseloads, since Member States have two (in case of take back requests) to three (in case of take-charge requests) months to send a Dublin request from the lodging of the application. Thus, Dublin requests for a person lodging their application in December 2023 may be sent in January 2024 and thus not be reported here; similarly, some of the 2023 Dublin requests concern people who lodged their application end of 2022.

Changes in outgoing requests do not automatically mirror the changes experienced in asylum applications:¹² in 2023, in Germany, applications rose by 44% but outgoing Dublin requests only by 9%; in Italy, applications rose by 76% but Dublin requests only by 23%, which is not surprising as most Dublin requests in the EU+ are based on the first country of entry criterion (see *infra*, [The responsibility criteria: breakdown of take charge and take back requests](#)). Conversely, in Slovenia applications only increased by 7% but outgoing Dublin requests by 83%, with significant increases in requests sent mainly to Croatia (2,857 to 3,522), Bulgaria (123 to 943) and Greece (60 to 189), all almost exclusively take back requests based on article 18(1)(b) [*an applicant whose application is under examination and who made an application in another Member State or who is on the territory of another Member State without a residence document*].¹³

At first glance, the numbers in Cyprus could appear abnormal; while asylum applications decreased by over 50%, from 22,182 applicants in 2022 to 10,662 in 2023, outgoing Dublin requests almost tripled, 730 in 2022 to 2,068 in 2023. However, according to AIDA, most of these requests (1,765) were based on article 17(2) Dublin Regulation, i.e. the humanitarian clause, and 1,528 of those corresponded to requests sent under the auspices of the voluntary solidarity mechanism agreed in June 2022.¹⁴

*Outgoing and incoming requests*¹⁵

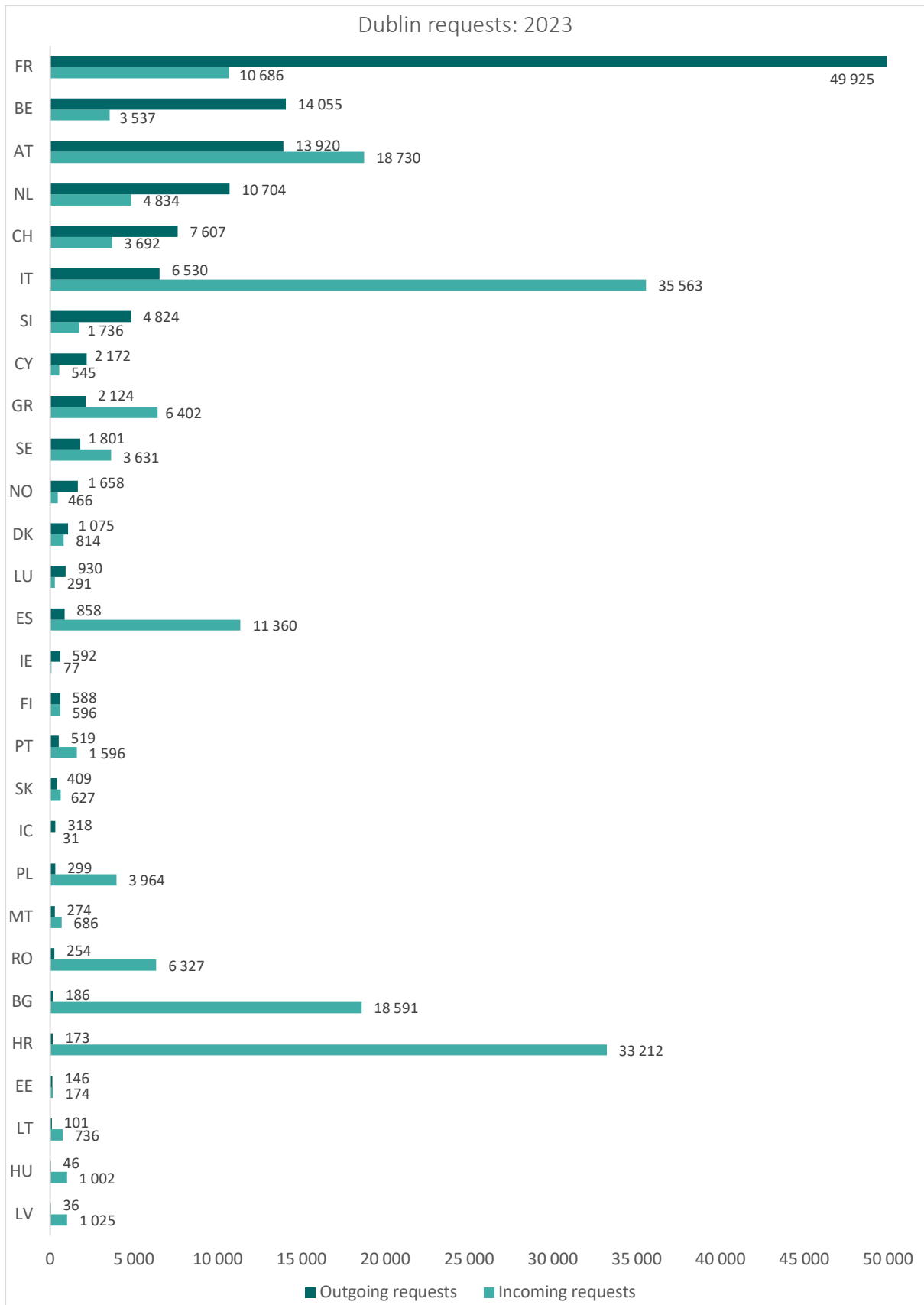
In 2023, Member states issued the following outgoing requests and received the following incoming requests (in both cases, take back and take-charge requests are included):

¹² In the following paragraphs, for consistency purposes both information about Dublin outgoing requests and number of applications come either from AIDA (DE, BE, AT, IE) or Eurostat (FR, NL, GR, ES).

¹³ Eurostat data for detailed data by partner country re. Slovenia.

¹⁴ See the declaration [here](#). According to the EU, a total of 6,000 relocations had taken place as of November 2024.

¹⁵ As mentioned at the beginning, although the number of incoming and outgoing requests should be identical, Eurostat reports 201,868 outgoing Dublin requests for 29 countries (no data on CZ and LI) versus 195,751 incoming requests for all 31 countries, i.e. 5,948 less incoming requests even though this data set includes 2 more countries.



Source: Eurostat. Figures on HR, MT, PT, IE, IT, BE are based on AIDA.¹⁶ Countries ordered by number of outgoing requests. Figures on LI and CZ could not be presented due to lack of information as to outgoing requests.

¹⁶ In some countries, there are disparities between the numbers provided to AIDA and Eurostat. In cases where it seems highly likely, based on analysis of AIDA and Eurostat data, that the discrepancy was due to

As in previous years, the majority of countries (17 out of 29) received more incoming requests than they sent outgoing requests, i.e. they received more requests from others asking them to take on responsibility for an application than they made requests to other states. In contrast, twelve of 29 countries issued more outgoing requests than they received incoming requests, but they include the major users of the system. Specifically, **Germany, France, Belgium, the Netherlands, Switzerland, Slovenia, Cyprus, Norway, Denmark, Luxembourg, Ireland, and Iceland** issued more outgoing requests than they received incoming requests.

Thus, it remains the case that the main users of the Dublin system issue more requests than they receive, with the exception of **Austria**, who in absolute numbers sent the 4th highest number of outgoing requests (13,920) but still received more incoming requests (18,730). **Germany** alone sent 39% of the total number of outgoing requests; when including **France**, the share rises up to 64% of total outgoing requests; requests by the four main operators of the Dublin system, i.e. **Germany, France, Belgium and Austria** make up 77% of total outgoing requests.

Italy continued to be the country which receives the most incoming requests, despite its statement sent to all the Dublin units of the MS operating the system in December 2022 that it would no longer accept incoming transfers. The policy of suspending incoming transfers still stands two years later, as of December 2024. In 2023, based on information provided to AIDA, Italy submitted 6,530 outgoing requests and received 35,563 requests from other countries, mainly from Germany and France, which accounted for 75% of requests received by Italy. This represents a further increase compared to 2022, rising to the level of requests received prior to the pandemic in 2018-2019, but not to the level of 2016.¹⁷

The second country to receive the most incoming requests in 2023 was **Croatia** with 33,212 incoming requests (and itself sending less than 200 outgoing requests), with a sharp increase compared to 11,931 in 2022, which was already almost triple the number of requests Croatia had received in 2021. Most requests to Croatia were sent by Germany (15,327) and France (6,857) and were mostly take back requests, mainly based on article 18(1)(b) of the Dublin regulation, i.e. country of first asylum application.

Despite a moderate decrease in incoming requests, **Austria** remained the third country receiving the most requests in 2023 with 18,730 requests, down from 24,453 in 2022. It remains a much higher absolute number of requests than previous years (2014-2021), as Austria had received a maximum to 8,521 requests, in 2021.

Overall, the top 8 countries receiving the most requests remained the same, namely **Italy, Croatia, Austria, Bulgaria, Germany, Spain, France, Greece**, with similar or slightly less requests received compared to 2022.

Incoming requests in **Greece** decreased once more in 2022, with 6,402 incoming requests, down from 8,737 in 2022, and 13,796 in 2021. Over 85% were sent by Germany, mostly based on article 18(1)(b) of the regulation, i.e. country of first asylum application.

authorities reporting only first-time requests to AIDA, Eurostat data was used. However, unexplained inconsistencies remain for IT (7,326 less incoming requests reported to AIDA compared to Eurostat, where 42,889 incoming requests were reported; 1,365 more outgoing requests reported to Eurostat compared to AIDA out of 7,895 reported to Eurostat; i.e. in both cases approx. a 20% difference) and MT (discrepancy of 140 incoming requests more reported to Eurostat out of 826, i.e. a 21% difference; and 41 more outgoing requests reported to Eurostat out of 315; i.e. a 15% difference).

¹⁷ ECRE, *The implementation of the Dublin III Regulation in 2021*, September 2022, available at: <https://bit.ly/3QIDOB1>; ECRE, *The implementation of the Dublin III Regulation in 2020*, September 2021, available at: <https://bit.ly/3RxtEel>.

Lastly, despite extensive evidence of the deficiencies in **Hungary's** asylum system and in particular the two recent judgments from the Court of Justice of the EU in late 2021 and June 2023¹⁸ condemning Hungary for failure to fulfil its obligations under both the Asylum Procedures Directive and the Reception Conditions Directive, the country still received 1,002 incoming requests in 2023 according to Eurostat.¹⁹ This nevertheless represents a noticeable decrease in requests to Hungary, which stood at 1,965 in 2022 – almost twice as much as in 2023 – driven mostly by a decrease in requests sent by Germany (from 1,165 in 2022 down to 381 in 2023) and France (from 499 to 270). It is the lowest number of requests the country has received since 2014.

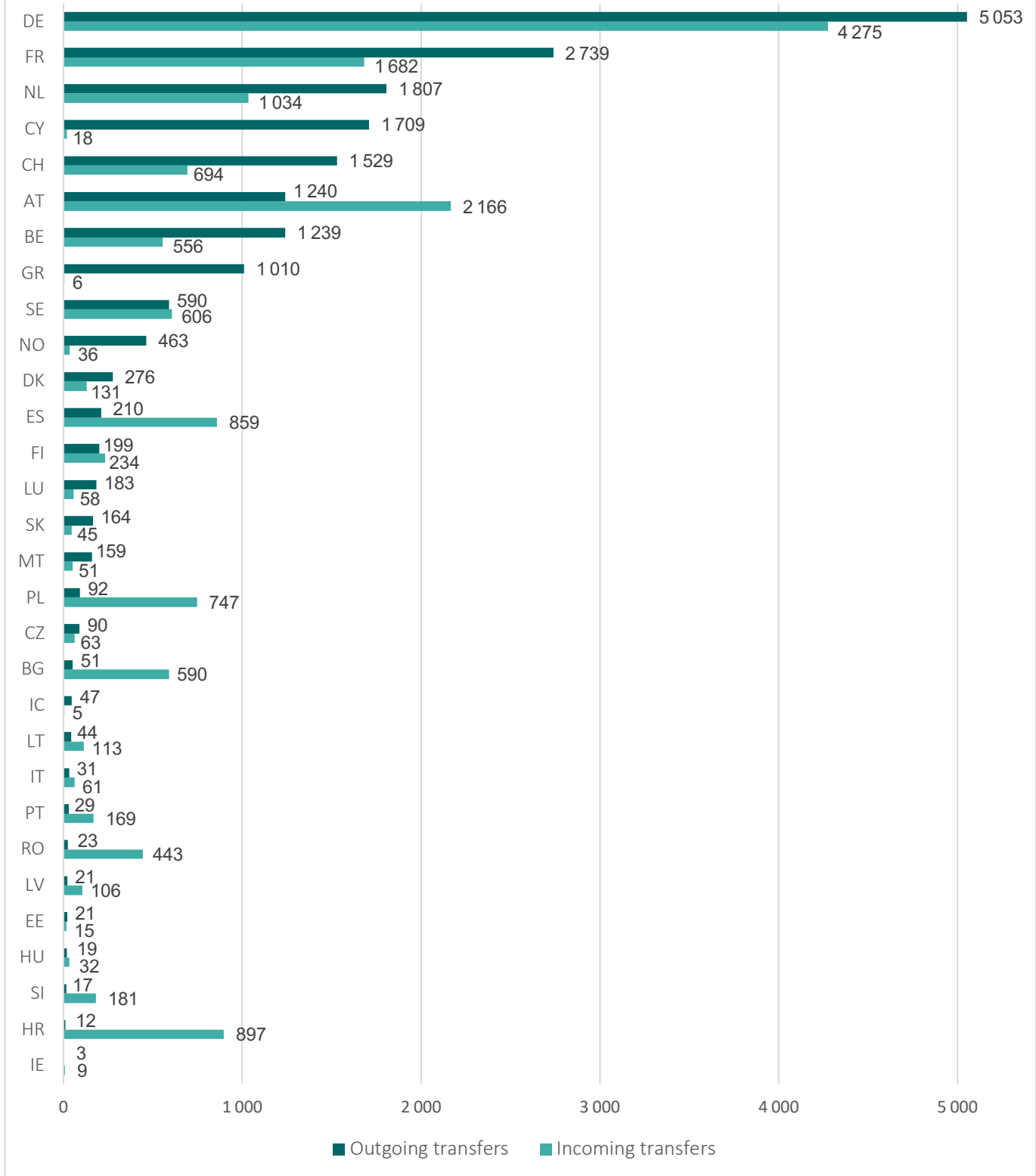
Transfers

As regards actual transfers carried out under the Dublin Regulation (i.e. requests that actually culminate in a transfer of the applicant), the figures for 2023 show the following outgoing and incoming transfers:

¹⁸ CJEU (Grand Chamber), 16 November 2021, *European Commission v. Hungary*, C-821/19, available at: <https://bit.ly/3QnCuH2>; and CJEU (Fourth Chamber), 22 June 2023, *European Commission v. Hungary*, C-823/21, available [here](#).

¹⁹ Statistics provided to AIDA state that Hungary receive 851 incoming requests, however based on a study of the Eurostat data, it is likely that information provided to AIDA concerned first time requests only, and did not include re-examination requests, hence the choice to use Eurostat data in this instance.

Dublin transfers in 2023



Source: AIDA. Figures on ES, SE, GR, AT, NL and FR are based on Eurostat.²⁰ No data was available regarding outgoing transfers from LI (1 incoming transfer).

²⁰ Statistics vary substantially between AIDA and Eurostat for CH (694 incoming transfers in AIDA, 600 in Eurostat; 2,021 outgoing transfers in AIDA, 1,529 in Eurostat). For other countries, some variations in relative numbers could be observed, but remained minor when looking at absolute numbers.

Discrepancies in Eurostat data on outgoing and incoming transfers

It should first be noted that, as with requests, the numbers on outgoing and incoming transfers per Eurostat do not line up: the sum of outgoing transfers reported by 30 individual Dublin countries (no Eurostat data on outgoing transfers from LI) is 18,919 but the sum of incoming transfers reported by 30 Dublin countries (including LI but no data on HR this time) is only 14,891. This means that over 4,000 asylum applicants were reported as outgoing transfers by some countries, but were not registered as incoming transfers by the responsible country under the Dublin Regulation.

One element contributing to this difference is the fact that Croatia did not report to Eurostat the number of incoming transfers, while the rest of the Dublin countries did report their outgoing transfers to Croatia: however, this does not fully explain this gap as the other countries only reported 1,017 outgoing transfers to **Croatia**. The other major discrepancies between the number of incoming transfers reported by one country and the number of outgoing transfers reported by all the other countries to that same country concern:

- ❖ **France**, which reported 943 less incoming transfers compared to outgoing transfers reported by the other 30 countries towards France. Most of this difference can be explained by ES, GR and CY reporting relocations as outgoing Dublin transfers (under article 17(2)) versus France not reporting them as incoming transfers under Dublin statistics.
- ❖ **Spain**, which reported 854 less incoming transfers compared to outgoing transfers to Spain reported by the other 30 countries. The main differences concern transfers from France, Germany and the Netherlands, all mostly based on irregular entry, article 13(1))
- ❖ **Austria**, which reported 549 less incoming transfers compared to outgoing transfers to Austria reported by the other 30 countries. This mainly concerned transfers from Germany, the majority of which were reported as take backs, criteria unknown.

Outgoing transfers

The figures above confirm that **Germany** and **France** continue to be the two main operators of the Dublin system, as together they also carried out the majority of transfers under the Dublin system.

Overall, the total number of outgoing transfers increased by almost 26%.²¹ As explained in the next paragraph, part of this substantial increase can be explained by the relocations conducted under the voluntary solidarity mechanism established since June 2022.²² **Germany** carried out the highest number of Dublin transfers in 2023, with 5,053 transfers (including 1,534 to Austria) followed by **France** at a considerable distance with 2,739 transfers. Other countries with the most notable number of transfers were, in order, **Switzerland, the Netherlands, Cyprus, Austria, Belgium** and **Greece**. The other 22 countries carried out less than 1,000 transfers each and less than 3,000 combined.²³ While transfers by Germany increased by 22% compared to 2022, this growth was significantly slower than the 50% increase observed between 2022 and 2021. Furthermore, the 2023 figures remain well below

²¹ Based on Eurostat data: 14,789 in 2022 and 18,919 in 2023. Based on data reported through the EPS, the EUAA reported that the number of transfers in 2022 and 2023 remained stable at approximately 15,000 transfers for 29 countries. EPS, contrary to Eurostat, does not include IC and LI, however IC reported only 47 transfers in 2023 and has never reported more than 117 transfers (2017), and while LI did not report its outgoing transfer for 2023 to Eurostat, it has never reported more than 19 transfers (2018), so these two countries are unlikely to account for the difference between Eurostat and EPS data.

It should also be noted that the EUAA reported a stable number of transfers compared to 2022, around 15,000 (EUAA, *Asylum Report 2024*, June 2024, available [here](#), 92), but also reported that 'data for 2023 were not available for Croatia and Denmark. Data were missing for Bulgaria for December 2023, for Croatia between March-December 2023, for Greece between July-December 2023, and for the Netherlands and Portugal for October, November and December 2023', which might explain the difference in numbers.

²² EUAA, 'Establishment of the Voluntary Solidarity Mechanism', undated, available [here](#).

²³ No data available for Liechtenstein outgoing transfers in 2023, however since 2011 it has never implemented more than 20 transfers annually.

pre-pandemic levels, with Germany implementing 9,209 outgoing transfers in 2018 and 8,423 outgoing transfers in 2019.

Outgoing transfers more than doubled in 8 countries, namely **Finland, Spain, Cyprus, Croatia, Slovakia, Malta, Romania, and Iceland**. However, with the exception of Cyprus, transfers remained low in absolute numbers for these seven countries, with a maximum of 210 transfers for Spain, and just twelve from Croatia (up from 1 in 2022). **Cyprus** implemented over 14 times more transfers, with 1,709 transfers in 2023 and 109 in 2022. However, as with Dublin requests, this is mostly explained by the significant increase in reported transfers based on article 17(2) Dublin regulation, the humanitarian clause, which correspond to relocations under the voluntary solidarity mechanism. According to data reported to AIDA, this represented over 1,300 of the 1,700 transfers from Cyprus. According to Eurostat data, the rest of the transfers implemented by Cyprus in 2023 were based on the family criteria of articles 8-11, mainly article 8 regarding minors. Transfers based on article 17(2) also explain the increase in outgoing transfers by **Malta** and **Spain**, likely also as relocations. Similarly, almost all transfers by **Greece** were based either on the humanitarian clause or on the family criteria of articles 8-11.

Outgoing transfers also steadily increased in **Belgium** and the **Netherlands**, mostly based on take back cases. **Hungary** reporting 19 outgoing transfers is also notable given that the country only allowed between 28 and 31 people to apply for asylum in 2023. A similar pattern was observed in 2022, where Hungary reported 23 transfers and 44 asylum applicants.

However, compared to 2022, transfers decreased in 7 countries. This was notably the case in **France**, which implemented 2,739 transfers in 2023 compared to 3,311 in 2022, i.e. a 17% decrease and the lowest absolute number of transfers in 6 years. Italy implemented half as many transfers, with 31 transfers in 2023 versus 65 in 2022. However, contrary to 2022 where Czechia reported 0 outgoing transfers, all 30 countries (no data on LI) implemented at minimum 3 transfers (**Ireland**).

As in previous years, the rate of transfers implemented in practice compared to the number of requests²⁴ – i.e. the percentage of requests which culminate in the transfer of the applicant – remained stable but low. Transfers represented 9% of the total outgoing requests in 2023,²⁵ compared to 8% in 2022 and 10% in 2021. Thus, on average, across the EU, only 9% of the Dublin requests resulted in the applicant being transferred to the country receiving the request.

According to the EUAA, Member States highlighted difficulties in applying the Dublin procedure due to the increasing number of applicants putting pressure on their Dublin units.²⁶ Despite increases in personnel of the units in many Member States (see infra), at least 11 Member States still reported that staff shortages constituted a significant issue, sometimes due to use of resources for the implementation of the temporary protection procedure.²⁷ According to the EUAA, “the increased strain on asylum and reception authorities caused by the sharp rise in irregular arrivals throughout the year” was one of the causes for the lack of implementation of transfers.²⁸ Frontex did indeed report an increase in irregular arrivals for 2023 (+17% compared to 2022).²⁹ In parallel, in 2023, according to

²⁴ As before with requests compared to applicants, these calculations are meant to present a general picture of the proportion of transfers effectively implemented, but they remain an indication, as the data sets represent partially different caseloads, since the transfer can occur up to 18 months after the acceptance of the request by the partner Member State.

²⁵ Calculated based on the data for 29 countries, excluding Czechia and Liechtenstein due to lack of data on outgoing requests reported to Eurostat.

²⁶ EUAA, *Asylum Report 2024*, June 2024, available [here](#), 79.

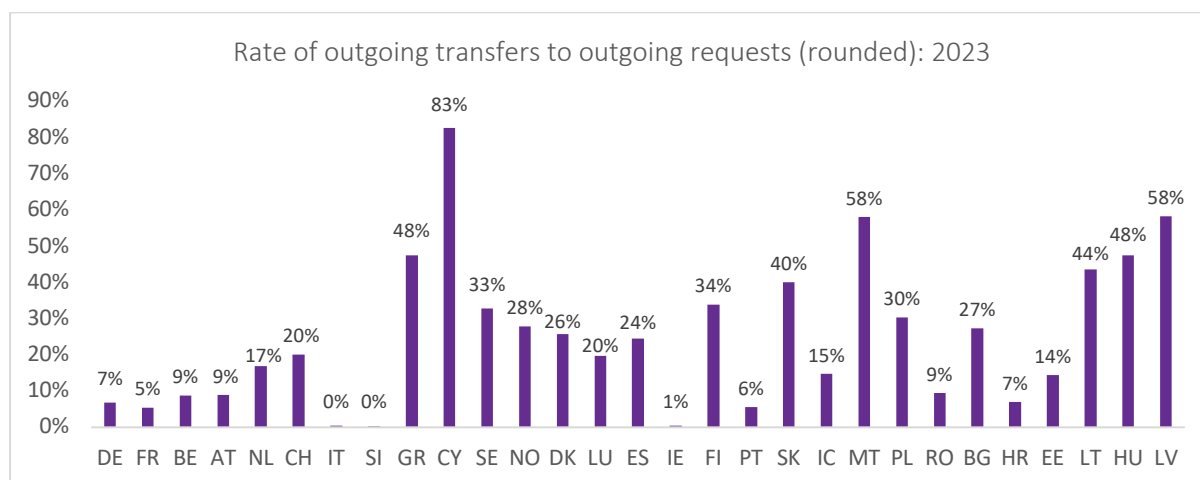
²⁷ EUAA, *Asylum Report 2024*, June 2024, available [here](#), 81.

²⁸ EUAA, *Asylum Report 2024*, June 2024, available [here](#), 92.

²⁹ Frontex, ‘Migratory Routes’, undated, available [here](#). It should be noted that this number includes both attempts and successful crossings, meaning many people might be counted multiple times.

Eurostat, the 31 countries applying the Dublin Regulation received 1,085,695 first time applications and 78,700 subsequent applications.

By country, the rate of Dublin transfers effected compared to outgoing requests was as follows:



Source: AIDA. Figures on AT, BG, FR, GR, MT, NL, PL, ES, SE, CH are based on Eurostat. No data on outgoing requests was available for CZ and LI and thus their transfer rate could not be calculated. Figures on outgoing requests and transfers concerning IT and MT differ between AIDA and Eurostat, but the transfer rate is ultimately the same with both data sets.

As there is a certain time that runs between a request being sent and the person being transferred, i.e. requests sent in a calendar year and transfers implemented in another calendar year — the figures above represent partially different groups of people.

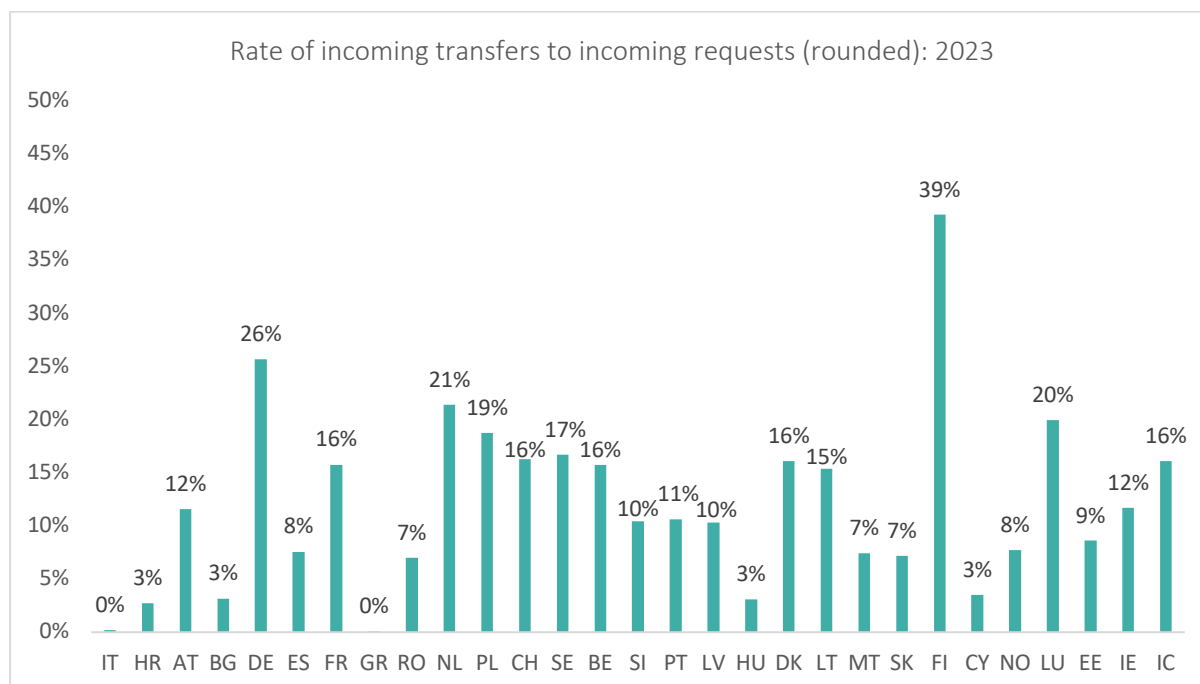
The countries in the graph have been sorted from left to right according to the number of Dublin procedures initiated i.e. the number of outgoing Dublin requests they sent in 2023. It demonstrates that the transfer rates are very low in the four countries that registered the highest numbers of outgoing Dublin procedures (on the left side of the graph), compared to those with fewer Dublin procedures (on the right). Of the 29 countries represented, only **Cyprus**, **Latvia** and **Malta** carried out Dublin transfers in more than 50% of the procedures initiated (respectively 83%, 58%, and 58%). Such figures should be read with caution, however, as in **Latvia** they refer to 21 people transferred, and in **Cyprus** and **Malta** they mainly concern relocations under the voluntary solidarity mechanism.

While transfer rates increased in a few countries (e.g. **Cyprus**, **Malta** and **Spain** due to relocations, as well as **Finland**, **Slovakia**, **Latvia**) compared to the previous year, 19 out of 29 countries registered a transfer rate of under 30%, from 28% in **Norway** (25% in 2022), 17% in the **Netherlands** (up from 14% in 2022), to as low as under 1% in **Ireland**, **Italy** and **Slovenia**, consistent with 2022.

The very low transfer rates (between 5% and 9%) for the top four operators of the Dublin system in 2023 (**Germany**, **France**, **Belgium**, and **Austria**), as in previous years, deserves special consideration. In **Germany**, with 5,053 transfers implemented out of 74,622 requests, the transfer rate is very similar to 2022 (7% in 2023 versus 6% in 2022) but lower than in 2020 (10%) and 2018 and 2019 (17%). Similar observations apply to **France**, where the transfer rate has been below 12% since at least 2014, and this 2023 rate constitutes the lowest since 2016, where it was also at 5%. The transfer rate increased again in **Belgium**, with 1,239 transfers completed, bringing the transfer rate to 9%, up from 6% in 2022. In **Austria**, the fourth largest operator, the transfer rate was 9% in 2023, up from 7% in 2022 but down from 12% in 2021. These figures and the overall low transfer rate of recent years suggest structural problems in the Dublin system rather than obstacles resulting from COVID-19 restrictions.

Incoming transfers

Regarding successful incoming transfers – i.e. applicants actually transferred following a request to a country to take back or take charge of them – as in previous years, **Germany** was the top recipient of transfers with 4,269 applicants transferred to the country, up from 3,700 in 2022. Other countries which received a significant number of transferred applicants in 2023 include **Austria** (2,166), **France** (1,682) and **the Netherlands** (1,034). However, these figures represent only a low percentage of the incoming requests received by each of these countries:



Source: Eurostat. Figures on IT, HR, BE, PT, MT are based on AIDA. Figures for CZ and LI are not presented due to lack of data on incoming requests: however, they reported receiving respectively 63 and 1 incoming transfers. All countries which did report on incoming requests received at minimum 31 (IC) incoming requests.

As there is a certain time that runs between a request being received and the person being transferred in the country, i.e. requests sent in a calendar year and transfers implemented in another calendar year — the figures represent partially different groups.

From the chart (ordered from left to right according to how many incoming requests were received in 2023), despite having amongst the most transfers in absolute numbers, **Austria, France, Croatia and Spain** registered low rates of transfers compared to the number of requests received (respectively 12%, 16%, 3% and 8%).

Of the five countries receiving the most incoming transfer requests, Italy, Croatia, Austria, Bulgaria, Germany, three – **Italy, Croatia and Bulgaria** – have transfer rates of under or equal to 3%. No country implemented more than 40% of incoming requests, the highest being that of **Finland** (as in 2022) and **Cyprus** where 39% of incoming requests culminated in a transfer of the person. Even then, that corresponds to just respectively 234 and 19 applicants arriving in Finland and Cyprus. The second highest transfer rate is that of **Germany** with 4,269 persons received out of 16,634 requests, i.e. 26%. All 31 countries received at least 1 incoming transfer. 12 out of the 31 countries received less than 100 incoming Dublin transfers.

Italy and Greece both had incoming transfer rates under 0.5% in 2023: Italy had 60 incoming transfers after receiving 35,563 incoming requests; Greece received just 6 applicants after receiving 6,402 incoming requests.

Shortcomings in the implementation of Dublin transfers

The low rate of transfers implemented compared to requests made is a consistent feature of the Dublin system and continues to call into question the efficiency and functionality of the rules. This was particularly acknowledged by states in 2022, which ultimately agreed on a roadmap to be implemented in 2023.³⁰ This focus on improving Dublin efficiency was reflected in activities by the EUAA, which updated its recommendations on Dublin transfers addressed to national Dublin units and determining authorities in April 2023,³¹ published recommendations on family reunification with the Dublin procedure in September 2023,³² and “developed a number of information tools designed to increase applicants’ trust in the procedure”,³³ notably a factsheet to be completed by Member States regarding access to rights for Dublin returnees, completed by all countries but Ireland.³⁴ Moreover, through its operations in EU Member States, the EUAA provided support to Dublin units in Bulgaria, Cyprus, Greece, Italy, Malta, Romania and Slovenia.³⁵ In addition, the operational plan signed by the EUAA and Germany in June 2024 for 2024 and 2025 is focused exclusively on increasing Dublin capacity.³⁶

The European Commission stated, regarding the implementation of the roadmap, that “all Member States (...) launched multiple initiatives, aimed at increasing the efficiency of the national Dublin units and at improving existing procedures”.³⁷ Notably, 13 Member States reported having increased the capacity of their Dublin units. Several countries restructured their Dublin units and designed workflows, including involving other actors such as registration centres, to improve the efficiency of their available staff. Member States also reported measures focused on limiting absconding of applicants, including improving information provision to applicants on the Dublin procedure and transfers, mandatory sign-ins and sign-outs in reception centres and the use of alternatives to detention also limiting applicants’ freedom of movement, such as reporting obligations.³⁸ Several Member States also reported the launch of digitalisation initiatives and efforts in improving communication. Lastly, according to the Commission, Member States “increase(d) their flexibility as regards incoming Dublin transfers”, by accepting charter flights or group transfers, accepting transfers outside of working hours, allowing transfers on land – or sea, as was the case for Lithuania – borders.³⁹ Despite these initiatives, the rate of transfers implemented in 2023 remained similar to 2022. It is also worrying that none of the measures highlighted in the Commission document directly focused on increasing the use of the first criteria of the hierarchy, family unity, despite its limited implementation in the last several years (see [Family unity](#)).

In its 2023 document reflecting “good practices” by member States in improving Dublin implementation, the EC stressed that “The Asylum and Migration Management Regulation, once adopted, should rectify the most significant structural shortcomings”.⁴⁰ However, although the RAMM repeals the Dublin Regulation, the responsibility rules it puts in place replicate the Dublin system, with a reinforcement of the first entry criterion. It failed to significantly expand the applicability of family provisions, and to

³⁰ European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Report on Migration and Asylum*, 12 January 2023, available at: <https://bit.ly/46PCtYo>, 12.

³¹ EUAA, *Recommendations on Dublin transfers*, April 2023, available at: <https://bit.ly/46N0Wxm>.

³² EUAA, *Recommendations on Family Reunification within the Dublin procedure*, 27 September 2023, available [here](#).

³³ EUAA, *Asylum Report 2024*, June 2024, available [here](#), 78.

³⁴ See [here](#).

³⁵ EUAA, *Asylum Report 2024*, June 2024, available [here](#), 79.

³⁶ EUAA, *Operational plan 2024-2025 agreed by the European Union Agency for Asylum and Germany*, 20 June 2024, available [here](#).

³⁷ European Commission, *The Dublin roadmap in action: Enhancing the effectiveness of the Dublin III Regulation: identifying good practices in the Member States*, SWD(2023) 390 final, 23 November 2023, available [here](#), 2.

³⁸ *Ibid.*, 2-4.

³⁹ European Commission, *The Dublin roadmap in action: Enhancing the effectiveness of the Dublin III Regulation: identifying good practices in the Member States*, SWD(2023) 390 final, 23 November 2023, available [here](#), 3.

⁴⁰ *Ibid.*, 4.

introduce criteria that could effectively ensure “meaningful links” of the applicant with a country are taken into account in the responsibility determination procedure. More positively, the Regulation introduces the concept of “responsibility offsets”, thus allowing Member States to contribute to the newly established mechanism by assuming responsibility (in lieu of the State benefitting from solidarity measures) for persons who are present on their territory. It remains to be seen whether this corrective will be sufficient to address the longstanding shortcomings of the Dublin system.⁴¹

Overall, the comparison between outgoing requests and actual transfers demonstrates that once again only a small fraction of Dublin procedures led to a transfer in 2023. European countries channelled many thousands of applicants into Dublin procedures that were never going to end in a transfer. This confirms ECRE’s assessment that the majority of countries applying the Dublin Regulation make a conscious policy choice to subject both asylum applicants and their own administration to lengthy Dublin procedures even though they know in advance that most of these procedures will not result in a transfer. This is most evident when looking at the number of requests sent to Italy (35,563 incoming requests reported to AIDA, 42,889 reported to Eurostat), a country which clearly stated in December 2022 and has maintained since that it would no longer accept incoming Dublin transfers due to reception capacity issues, instead of activating the unilateral clauses of articles 3(2) and 17(1) (see [The discretionary clauses - Article 3\(2\)](#)); and in practice, Italy indeed only received 60 incoming transfers, all but one based on family criteria. The consequences are particularly damaging for applicants as they face a prolonged state of limbo, lengthy asylum procedures, and limited rights and guarantees.⁴²

In this context, ECRE continues to emphasise that pursuing Dublin transfers is not mandatory: the Dublin Regulation provides choices and discretion to Member States, which can decide to examine asylum claims themselves and thus avoid unnecessary human, administrative and financial costs, and situations of prolonged limbo for applicants, combined with futile burdening of their own services.⁴³

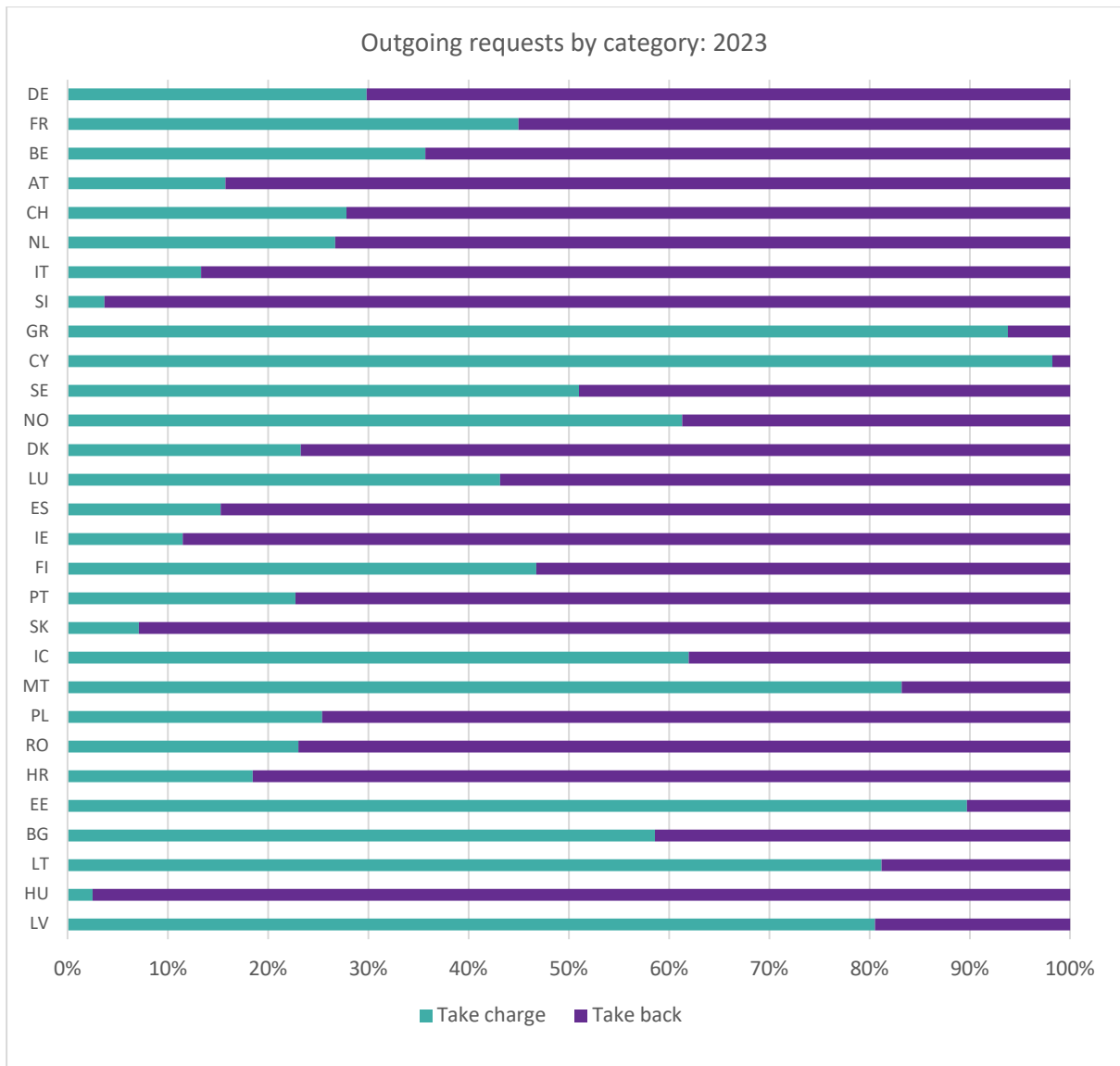
The responsibility criteria: breakdown of take charge and take back requests

Chapter III of the Dublin Regulation lays down a hierarchy of criteria for determining which country is responsible for examining the asylum application; application of the rules in the hierarchy then leads to outgoing requests to other Member States to either take charge of or to take back the applicant based on the responsibility criteria. Disaggregated statistics on outgoing requests divided into take charge and take back requests are available for 29 countries (not for CZ and LI) as follows:

⁴¹ ECRE, *ECRE Comments on the Regulation of the European Parliament and the Council on Asylum and Migration Management*, May 2024, available [here](#).

⁴² See further, EPRS/ECRE, *Dublin Regulation on international protection applications*, February 2020, p.62, available at: <https://bit.ly/2NJvdqp>, 62. For an overview of procedural safeguards during the Dublin procedure in practice, see also: AIDA, *The implementation of the Dublin III Regulation in 2019 and during COVID-19*, August 2020, available at: <https://bit.ly/3gdh5V2>, 20-23.

⁴³ See for example: ECRE, *The implementation of the Dublin III Regulation in 2021*, September 2022, available at: <https://bit.ly/3QIDOB1>; ECRE, *To Dublin or not to Dublin?*, November 2018, available at: <https://bit.ly/2EbDosN>. See also CJEU, Case C-56/17 *Fathi*, Judgment of 4 October 2018, EDAL, available at: <https://bit.ly/2TUdfap>, para 53.



Source: AIDA. Figures on DE, FR, AT, NL, IT, GR, ES, BG⁴⁴ are based on Eurostat. Note that regarding figures on CH, in past years there has been a significant difference between figures provided by the State Secretariat for Migration (SEM) and those available on Eurostat. The figures presented above are that of the SEM provided to AIDA, which indicate 28% take charge and 72% take back, but when using Eurostat data, the percentage change drastically, to 1% take charge and 99% take back.

The graph above demonstrates the prevalence of take back requests in most countries, including the main users of the Dublin system. When taking the cumulative data of the 29 countries presented, take back requests make up 68% of outgoing requests and take-charge requests 32%. Take back requests are based on Articles 18 and 20(5) of the Regulation i.e. cases where the applicant has already lodged an asylum application in one Member State and then travels on to another Member State. The latter then initiates proceedings to determine which Member State is responsible for “taking back” the applicant. Take back requests (in purple) represented the majority of take back requests in 20 out of 29 countries and made up more than 70% of the total number of requests in 15 of the 29 countries.

⁴⁴ Note that for BG, information between AIDA and Eurostat diverges quite significantly (67 take charge requests in AIDA v. 109 in Eurostat; 69 take back requests in AIDA v. 77 in Eurostat), this results in a 10-percentage-point difference in the breakdown between “take charge” and “take back”. Based on the available data, this discrepancy may stem from the fact that information provided by the authorities for the AIDA reports focuses on first time requests and does not include re-examination requests. The figures mentioned above are sourced from AIDA.

In contrast, certain countries primarily sent “take charge” requests (in blue), i.e. cases where a first application is lodged and the Member State then initiates the procedure to determine which Member State is responsible on the basis of criteria in Articles 8 to 15, which begin with criteria on family grounds (Articles 8-11), and dependents (Article 16) and include the most frequently used criteria for take charge requests, the issuing of a visa or residence document by another state (Article 12) and irregular entry into another state (Article 13(1)). Indeed, 90% of take-charge requests sent by the 29 countries for which data is available were based on the latter two articles, compared to just 4% based on the family criteria.

Of the ten users of the system which sent more than 1,000 take charge requests, seven (**Austria, Belgium, France, Germany, Italy, the Netherlands and Norway**) based almost all their requests (at least 94%) on Articles 12 and 13(1). The only exceptions are **Cyprus**, where only 0.2% of take charge requests were based on Articles 12 and 13(1), while the rest were based on the humanitarian clause of article 17(2) (85%) mainly for relocations under the voluntary solidarity mechanism and on family criteria (15%); **Greece**, for which only 0.8% of take charge requests were based on Articles 12 and 13(1), while the rest were based on family criteria (36%) or the humanitarian clause (63%); and **Switzerland**, where requests reported to Eurostat were mainly based on family grounds (75%).⁴⁵

More than 80% of requests sent by **Latvia, Lithuania, Malta, Estonia** and more than 90% of requests sent by **Cyprus** and **Greece** were “take charge” requests. The other countries where the majority of requests were take charges were **Iceland, Norway, and Bulgaria**. Unsurprisingly, these are mainly countries at the external borders. That said, as was the case in previous years, **Italy** and **Spain** - despite being countries of first arrival for many applicants - sent more take back than take charge requests (respectively only 13% and 15% take charge requests). **Hungary**, although at the external border, sends very few outgoing Dublin requests of either type, given the very limited number of people able to formally access the asylum procedure.⁴⁶

The high number of take back requests indicates that the majority of people placed in a Dublin procedure had already lodged an asylum application in another Member State. ECRE has examined in previous research the reasons for onward movement, which may occur due to personal needs and to the situation in the country of first arrival. The person’s individual and socio-economic situation, their family status or the shortcomings affecting national asylum systems, including poor reception conditions are all reasons why they may decide or be forced to depart from a country, especially taking into account the differences in living standards, labour-market conditions, and access to government support among Member States.⁴⁷ Shortcomings in asylum and reception systems have been recognised by national courts and asylum authorities in countries of destination as a reason for onward movement.⁴⁸ In addition, the limited use of and limited success of take charge requests (see below) may itself be a factor contributing to onward movement, along with other failures to implement EU and international law on family reunification.

⁴⁵ As mentioned before, figures on CH differ significantly between figures provided by the State Secretariat for Migration (SEM) to AIDA and those available on Eurostat: in this instance, CH reported 3,582 outgoing requests to AIDA but only 80 to Eurostat. Here, for coherence and comparison purposes, Eurostat data was used for all countries. When looking at figures provided by the SEM to AIDA, 97% of outgoing requests were based on articles 12-15.

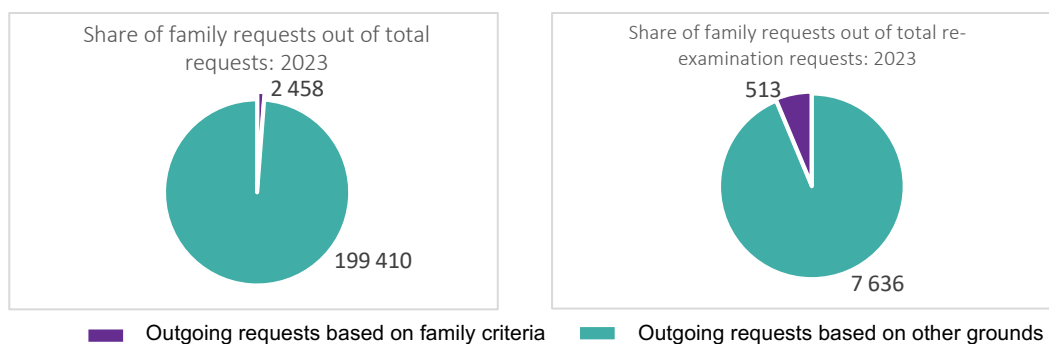
⁴⁶ AIDA, *Country Report: Hungary – Update on the year 2022*, April 2023, available at: <https://bit.ly/3ZyIPKE>.

⁴⁷ See further, EPRS/ECRE, *Dublin Regulation on international protection applications*, February 2020, available at: <https://bit.ly/2NJvdqj>; ECRE, *Asylum in Europe: the situation of applicants for international protection in 2021*, July 2022, available at: <https://bit.ly/3ekWLTu>.

⁴⁸ For further information see [Suspension of transfers](#).

Family unity⁴⁹

The Dublin III Regulation lists family unity (articles 8-11) at the top of the hierarchy of responsibility criteria,⁵⁰ although the definition of family is narrow, being confined to the spouse/partner and minority age children (articles 9-11). For unaccompanied minor children, it can be extended to other family members as listed in the Regulation and when in the best interests of the child (article 8). The first chart illustrates the share of take charge requests for family reunification out of the total number of outgoing requests based on available figures for the 29 countries (no data on CZ and LI) in 2023. The second chart shows the same percentage for re-examination requests only:



Source: Eurostat.

Of all outgoing Dublin requests, in 2023 only 1.22% were based on the family unity criteria and 98.78% on other grounds, a decrease compared to the already low 2.15% of 2022 and 4% (rounded) of 2021. As observed in previous studies,⁵¹ it appears that, for a variety of reasons – e.g. interpretations of the best interest of the child and what constitutes a 'family' vary across Member State - criteria related to family consideration, are not the most frequently used argument at EU level.⁵² However, the share of family criteria requests raises to 6% (down from 10% in 2022) when only taking into account re-examination requests. Highlighting the complexity of the procedure, in 2023 the EUAA published detailed practical recommendations addressed to Dublin authorities on family reunification in Dublin procedures.⁵³ At national level, the share of family unity requests out of total outgoing requests in 2023 was as follows:

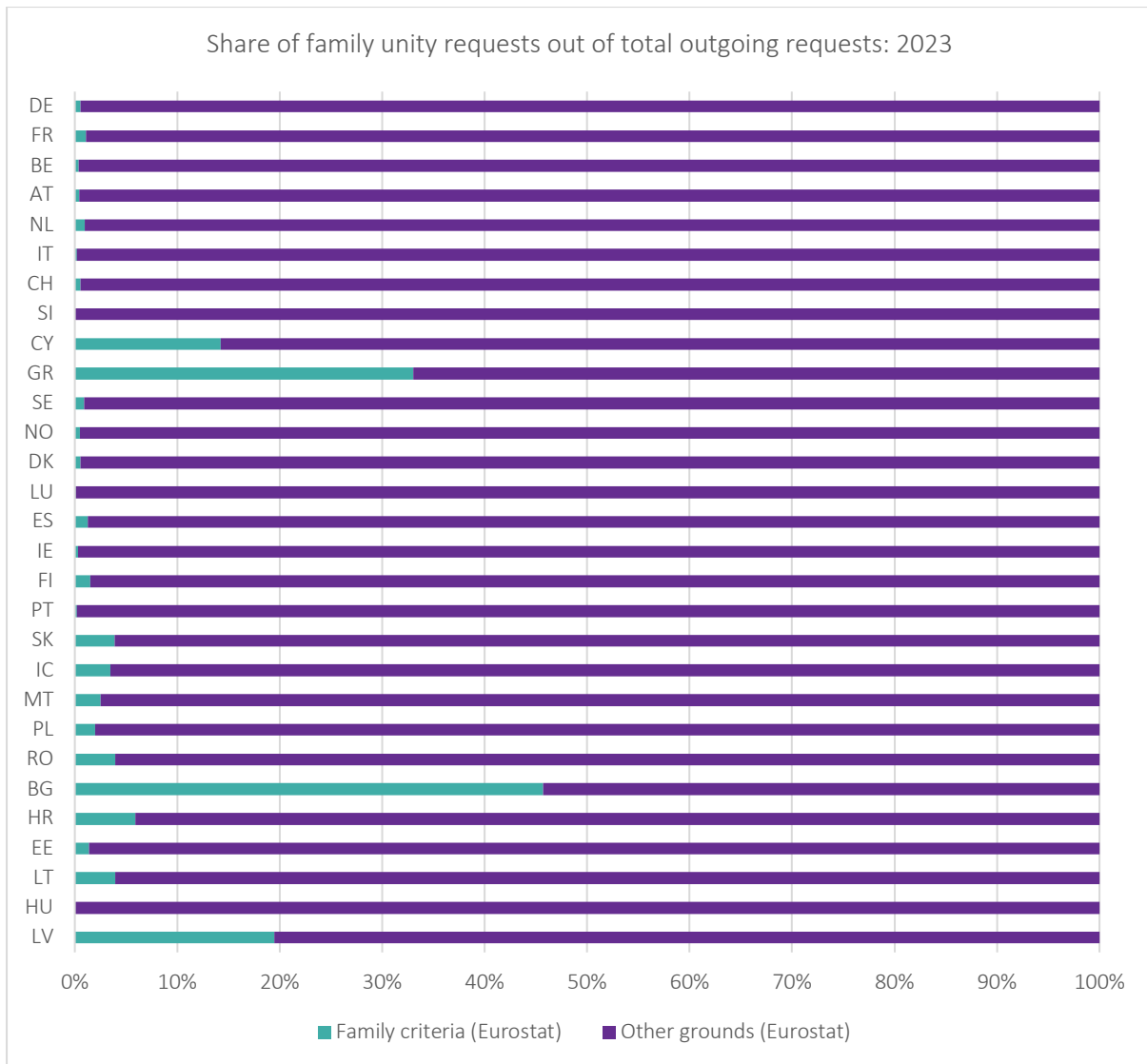
⁴⁹ For coherent presentation and comparison of information, all statistics in this subsection are based on Eurostat.

⁵⁰ Articles 8-11 Dublin III Regulation.

⁵¹ EPRS

⁵² See further, EPRS/ECRE, *Dublin Regulation on international protection applications*, February 2020, available at: <https://bit.ly/2NJvdqp>; ECRE, *The Dublin system in 2018*, March 2019, available at: <https://bit.ly/3dM61KL>; UNHCR, *Left in Limbo: Study on the implementation of the Dublin III Regulation*, August 2017, available at: <http://bit.ly/2kPx9SX>, 86 et seq.

⁵³ EUAA, *Recommendations on Family Reunification within the Dublin procedure*, September 2023, available at: <https://bit.ly/3M1R5Mc>.



Of the 29 countries represented above, no country invoked the family unity criteria in more than half their outgoing Dublin requests. The highest share of family criteria in total outgoing requests was recorded in **Bulgaria** at 46%, followed by **Greece** at 33%, then **Latvia** at 19% and **Cyprus** at 14%. In the 25 other countries, the share of family unity requests out of the total of outgoing Dublin requests remained below 6% – representing under 3% of requests in 20 countries.

The very low number of family unity requests in the four main users of the Dublin system is worrying, as it may indicate that these criteria are not prioritised in practice. Figures are as follows: **Germany** (431 of 78,306 requests, i.e. 0.55%, down from 1.71% in 2022), **France** (533 of 49,925 requests, i.e. 1.07%), **Belgium** (53 out of 14,079 requests, i.e. 0.38%) and **Austria** (60 out of 13,920 requests, i.e. 0.43%). The same can be said regarding the **Netherlands**, **Italy**, **Switzerland**, and **Slovenia**, the next users of the Dublin system by numbers. After a stark increase in 2022, with around 58% of **Greece's** outgoing requests in 2022 relating to family reunification, in 2023 they only represented 33%, compared to 44% in 2021 and 40% in 2020, but far from the levels of 2019 and 2018, when respectively 60% and 70% outgoing requests were issued on the basis of the family unity criteria.

Family unity is the main way for applicants to enter another Member State safely and legally. However, in **Greece** it has been reported that other Member States' restrictive practices may result in the rejection

of take charge requests, including requirements for official translations of documents proving family links, unnecessary DNA tests, and age assessments of unaccompanied children. For example, **France** did not accept circumstantial evidence in 2022, while **Italy** was more flexible on this; **Germany** did not consider identification and other documents issued by Afghanistan as viable evidence to prove family links because of the risk of forgery; **Sweden** and **Germany** did not accept documents issued by Somalia for similar reasons. Bulgaria also reports some Member States requiring DNA tests for family reunification through Dublin, entailing that the parent(s) travel to Bulgaria and provide blood samples to be matched, tested, and compared with the unaccompanied child or children's DNA. NGOs in Austria have also reported strict interpretation by **Austria** of the best interests of a child to be reunited with family members.⁵⁴

As reported in Greece, as of 2022, the authorities in **Germany** also have with a strict policy regarding deadlines and opportunities for re-examination requests based on CJEU judgments, despite the difficulties of complying with stringent documentation requirements to prove family links in such short time periods. The **Netherlands**, **France**, and **Sweden** are among the Member States which have also followed the same practice rejecting certain cases on this ground. There is no information as to whether this improved in 2023.⁵⁵

Overall, the acceptance rate of all requests based on family criteria issued by all Dublin countries is lower than the acceptance rate for all transfers requests. However, exact numbers cannot be provided as data is inconsistent in Eurostat despite both sets being complete with 31 countries reporting.⁵⁶

The discretionary clauses

Article 17(1)

According to data reported to Eurostat,⁵⁷ the sovereignty clause of article 17(1) of the Dublin regulation, which allows a Member State to examine an application for asylum lodged with it even if it is not the Member State responsible under the criteria in the Regulation, was used 7,786 times in 2023, an increase from 4,808 times in 2022. According to the available data, its use has fluctuated significantly over the past ten years.

Unilateral decisions per article 17(1)									
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
4,034	11,933	44,476	8,694	12,033	7,641	3,391	2,629	4,808	7,786

Source: Eurostat.

Its main users have consistently been Belgium, Germany, France, and the Netherlands. In 2023, its main users were **Belgium**, 4,292 unilateral decisions based on article 17(1), i.e. over half of all decisions for the 30 Dublin countries,⁵⁸ followed at a distance by **France** with 1,432, **Germany** with 1,009 and the

⁵⁴ AIDA, *Country report: Austria – Update on the year 2023*, June 2024, available [here](#), 47ff.

⁵⁵ AIDA, *Country report: Greece – Update on the year 2023*, June 2024, available at: <https://bit.ly/3PUOVk9>, 88ff.

⁵⁶ When looking at decisions on outgoing requests, the acceptance rate for requests based on family grounds (article 8-11) is 17% (813 positive decisions, 4,901 total decisions) against 72% for all Dublin requests (140,831 positive decisions, 194,303 total decisions). When looking at decisions on incoming requests, the acceptance rate for requests based on family grounds (article 8-11) is 37% (862 positive decisions, 2,301 total decisions) against 70% for all Dublin requests (122,858 positive decisions, 174,988 total decisions).

⁵⁷ The previous update to this report mistakenly stated that this information was not reported to Eurostat, however it is reported under 'Unilateral 'Dublin' decisions by partner country, type of decision, sex and type of applicant', available [here](#).

⁵⁸ No data is available for CZ, however it has never used it in previous years.

Netherlands with 703. 13 out of 30 countries reported 0 unilateral decisions based on article 17(1) in 2023.

As all these decisions are reported as “partner: not applicable”, it is impossible to know which country was initially deemed responsible for the asylum application before the sovereignty clause was used. According to the EUAA, that receives separate reports from Dublin countries under its Early warning and Preparedness System (EPS), applicants for whom Article 17(1) was used were mostly ‘Afghan, Burundian and Palestinian citizens in Belgium; Turks, Afghans and Syrians in Germany; Guineans and Afghans in France; Syrians and Iraqis in the Netherlands; and Turks in Switzerland’ and the main partners to whom requests were not sent because of the application of article 17(1) were **Italy** (regarding Eritreans and Guineans) and **Greece** (regarding Turks and Syrians), as well **Croatia** (for Burundians), followed by France, Spain, Austria, Germany and Bulgaria.⁵⁹

Article 3(2) paragraphs 2 and 3

Moreover, States may take a unilateral decision to become responsible for the asylum application under article 3(2) second and third paragraph of the Dublin Regulation, due to “systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment”. However, the decisions reported under this ground have steadily decreased in the last several years, down to 618 in 2023.

Unilateral decisions per article 3(2) paragraphs 2 and 3									
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
1,297	2,627	14,336	3,371	2,922	2,284	1,486	1,567	846	618

In 2023, out of the 618 decisions on this ground, 346 were taken by **Switzerland** alone, followed by 113 by **Cyprus**, 92 by **France** and 41 by **Denmark**. In previous years, **Belgium** and **Germany** had also taken a significant number of decisions on this ground.

Of the 346 unilateral decisions based on article 3(2) taken by **Switzerland**, 152 related to transfers of asylum applicants to Greece, 79 to Croatia, 51 to Italy and 12 to Hungary. In previous years, most of Switzerland’s decisions on this ground related to Greece, followed at a distance by Italy. Of the 113 decisions taken by **Cyprus**, 62 related to Austria, 16 to Germany and 9 to France. Of the 92 decisions by **France**, 28 related to Austria, 13 to Italy and 12 to Germany.

Overall, however, these numbers are extremely low given the serious issues in access to the asylum procedure (Greece, Hungary for example) and in reception conditions reported in multiple Member States (Greece, Italy, France, Belgium for example).⁶⁰ It suggests, as evidenced by the number of outgoing requests sent to these countries, in particular Greece and Italy, that despite these significant shortcomings the authorities still send the requests to these country, forcing asylum applicants to “wait out” the mandatory transfer period – from 6 months to 18 months if the applicant is considered to have absconded – despite the lack of prospect of transfer (60 incoming transfers for Italy, 6 for Greece), before being admitted to the asylum procedure and finally having their claim examined.

For instance, regarding transfers to Italy, which informed all other Dublin units in December 2022 that it would not accept incoming transfers for an undetermined period of time due to lack of reception capacity:

- ❖ In 2023, Austria continued to issue requests and only admitted applicants to the procedure once the 6 months had passed, although detention orders were usually annulled by courts due to lack of perspective for returns to resume;⁶¹

⁵⁹ EUAA, *Asylum Report 2024*, June 2024, available [here](#), 88.

⁶⁰ AIDA, *Asylum in Europe: the situation of applicants for international protection in 2023*, September 2024, available [here](#).

⁶¹ AIDA, *Country report: Austria – Update on the year 2023*, June 2024, available [here](#), 60.

- ❖ As of September 2023, the Belgium Immigration Office continued to hand out Dublin decisions for Italy, highlighting that applicants could still return to Italy voluntarily although forced transfers were not organised;⁶²
- ❖ The German government stated in February 2023 it would continue to apply the Dublin procedure and ‘take into account temporary challenges in individual cases’, a fact confirmed by NGOs in practice, and courts disagreed as to whether the Italian government’s statement was sufficient to make the transfer decisions illegal, the Federal Administrative Court ultimately rebuking this assumption in October 2023;⁶³
- ❖ Conversely, although the authorities continued to issue decisions, most courts in France generally found that the Italian statement sufficed to consider that there was a systemic failure in Italy and cancelled transfer decisions;⁶⁴
- ❖ In the Netherlands, the authorities insisted that the Italian statement was a temporary transfer impediment and that Italy remained the responsible Member State, with lower courts ruling either way in different individual appeals, until the Council of State ruled in April 2023 that there was no longer mutual trust vis-à-vis Italy; despite this, the IND still sends claim requests to Italy which are “fictively” accepted by virtue of the deadline for answering expiring, and applicants have to wait 6 months before their application is examined in substance in the Netherlands.⁶⁵

Article 17(2)

According to Eurostat data, the humanitarian clause of Article 17(2) of the Dublin regulation is also seldomly used by most reporting countries.⁶⁶ Across Dublin states, humanitarian transfer requests accounted for 1.8% of total outgoing requests for 29 countries and 0.54% of incoming requests for 31 countries.⁶⁷ This constitutes an increase from 0.7% in 2022. The share of humanitarian requests out of total outgoing requests was under 1% for 19 out of 29 countries. For example, **Slovenia** issued no transfer requests on humanitarian grounds out of a total of 4,824 requests, while **Belgium** issued only 3 out of 14,079 requests. Conversely, humanitarian requests represented almost 60% of **Greece’s** total requests; 72% of **Malta’s** requests; and approximately 83% of **Cyprus’s** requests (see supra, [Outgoing transfers](#), regarding use of article 17(2) for relocations under the voluntary solidarity mechanism).

The acceptance rate for outgoing requests based on humanitarian grounds stood at 83% in 2023⁶⁸ for all Dublin states, a stark increase compared to 48% in 2022, with five countries (**Finland, Belgium, Malta, Greece, and Cyprus**) receiving positive decisions for at least half of humanitarian requests sent to other countries. The criteria for the use of the humanitarian clause are not usually publicly available, making it difficult to assess the grounds on which decisions are based. This was highlighted by the **Irish** High Court in a February 2024 judgement, where the judge observed that despite extensive litigation on Article 17, there were still no guidelines available to applicants to know when and to make a request

⁶² AIDA, *Country report: Belgium – Update on the year 2023*, May 2024, available [here](#), 70.

⁶³ AIDA, *Country report: Germany – Update on the year 2023*, June 2024, available [here](#), 68-69.

⁶⁴ AIDA, *Country report: France – Update on the year 2023*, May 2024, available [here](#), 73.

⁶⁵ AIDA, *Country report: Netherlands – Update on the year 2023*, April 2024, available [here](#), 60.

⁶⁶ The following numbers are all based on Eurostat.

⁶⁷ Due to the discrepancies referred to at length in this report, as well as the differences in practice between Member States in reporting relocations under article 17(2). As discussed above regarding transfers, it seems that the countries benefitting from relocations such as Cyprus, Greece include relocations under statistics, while countries receiving relocated asylum applicants, such as France, do not. Eurostat reports 3,636 outgoing requests based on article 17(1) sent by 29 countries (no data on CZ and LI) but in parallel only 1,059 incoming requests based on article 17(1) for all 31 countries.

⁶⁸ Or, due to the discrepancies referred to at length in this report, 42% when looking at incoming requests and decisions on incoming requests, compared to 45% in 2022 and 60% in 2021. Eurostat reports 2,916 positive decisions out of 3,522 decisions regarding article 17(2) for outgoing requests but only 323 positive decisions out of 771 decisions on article 17(2) for incoming requests. As discussed above regarding transfers, it seems that the countries benefitting from relocations such as Cyprus, Greece include relocations under statistics, while countries receiving relocated asylum applicants, such as France, do not.

based on article 17 and based on which criteria and procedure it would be considered.⁶⁹ In **Greece**, requests under the humanitarian clause are notably sent when the family criteria are not strictly applicable or when the three-month timeframe has expired.⁷⁰ However, one of the issues with the application of article 17(2) is that, according to practice witnessed in Greece, several Member States, namely Spain, France and Germany, in some cases refuse to examine requests of unaccompanied minors based on articles other than Article 8 of the Regulation, including those based on article 17(2). Moreover, several countries used the humanitarian clause for cases of relocations – in the framework of the voluntary solidarity mechanism - in 2023 (mainly **Spain, Greece and Cyprus**). In Cyprus, 1,773 persons were relocated in 2023, mostly to Germany and France, as well as in smaller numbers to Romania, Bulgaria, Belgium, Finland, Norway, and Portugal;⁷¹ 635 individuals were relocated from Greece under the voluntary relocation scheme as well as 55 unaccompanied minors during the first 3 months of 2023.⁷²

ECRE highlights as good practice the application of the discretionary and humanitarian clauses by certain Member States and the (albeit limited) implementation of the voluntary solidarity mechanism, and has long underlined the importance of using these provisions of the Regulation – which will be transferred into the RAMM – in order to ensure rapid processing of asylum applications, and as a way to overcome the lengthy delays and situations of limbo which characterise the Dublin regime (and which may also be transferred into the RAMM).

Suspension of transfers: extensive use of litigation

In 2023 and the first half of 2024, the implementation of the Dublin III Regulation has remained the subject of extensive litigation across the EU. In accordance with well-established European jurisprudence, a Dublin transfer is considered unlawful if it exposes the individual to a real risk of a serious violation of the prohibition of inhuman or degrading treatment under Article 3 ECHR and Article 4 of the Charter in the destination country.⁷³ This requires of asylum authorities to assess *proprio motu* the situation in the destination country in terms of, inter alia, access to the asylum procedure and reception system, as well as the risk of chain *refoulement* for Dublin returnees. This briefing does not examine these lines of jurisprudence in depth but rather seeks to present recent case law developments and their impact on policy.

Member States continue to be reluctant to adopt formal and uniform policies on Dublin transfers, despite well-documented systemic deficiencies in asylum systems in certain countries, which may lead to courts delaying or suspending transfers. Without policy or guidance from authorities, domestic courts assess case-by-case whether and to what extent the destination country's asylum and reception systems reaches the threshold of Article 3 ECHR and Article 4 of the Charter, which in turn precludes the asylum authority from carrying out the Dublin transfer. The case law in this area is also inconsistent, undermining both legal certainty for asylum seekers and a uniform implementation of the Dublin Regulation across the EU. Illustrative of these legal uncertainties are the numerous preliminary references submitted to the CJEU.

⁶⁹ AIDA, *Country report: Ireland – Update on the year 2023*, May 2024, available [here](#).

⁷⁰ AIDA, *Country report: Greece – Update on the year 2022*, June 2023, available at: <https://bit.ly/3PUOVk9>, 76.

⁷¹ AIDA, *Country report: Cyprus – Update on the year 2023*, May 2024, available [here](#), 50.

⁷² AIDA, *Country report: Greece – Update on the year 2023*, June 2024, available [here](#), 94.

⁷³ ECtHR, *M.S.S. v. Belgium and Greece*, App. No 30696/09, 21 January 2011; CJEU, Case C-578/16 PPU *C.K.*, 16 February 2017; CJEU, Case C-163/17 *Jawo*, 19 March 2019.

The duty to investigate and obtain guarantees

The duty to investigate and obtain guarantees to ensure the legality of Dublin transfers⁷⁴ continues to be interpreted and applied differently across Europe. In 2023, **Greece** and **Cyprus** continued to request individual guarantees concerning reception conditions and access to the asylum procedure for Dublin returnees as a matter of general practice. Conversely, some Member States request guarantees only from specific countries, such as **Poland** and **Slovenia** do for **Greece** and, since 2022, **Sweden** does for **Hungary**,⁷⁵ whereas the asylum authorities in **Belgium**, **Hungary** and **Germany** only seek guarantees or make arrangements with destination countries for vulnerable applicants, notably to ensure continuity of medical treatment. On the other hand, **Romania** did not seek any guarantees in 2023.

Notwithstanding *ad hoc* exceptions, most Member States do not require national asylum authorities to obtain and investigate individual guarantees concerning the situation in destination countries prior to the transfer, even in cases of vulnerable persons. At the same time, the substantial Dublin-related case law at the national level shows that domestic courts have required that individual guarantees are obtained and investigated prior to Dublin transfers. In most instances, such court decisions have not led to a change in the asylum authorities' official practice nor to the creation of a consistent strand of jurisprudence, due to contradictory judgments and judgments being overturned by higher courts.

Guarantees regarding access to asylum and risk of refoulement upon return

In the past years, numerous domestic courts have annulled Dublin transfers on account of the asylum authorities' failure to seek and investigate individual guarantees from destination countries despite well-documented pushback allegations and deficient assessments of asylum applications. Of note are destination countries such as **Bulgaria**, **Hungary**, **Croatia** and **Slovenia**. Regarding the latter for example, the Civil Court of Rome Italy highlighted that a transfer should be suspended due to the occurrence of pushbacks and readmission practices.⁷⁶

Nonetheless, national asylum authorities and higher courts are still reluctant to suspend transfers on such grounds as a matter of general policy or formalised practice. Both Dutch Regional Courts and the Council of State issued several judgments during 2023 regarding the principle of mutual trust and pushbacks vis-à-vis Bulgaria,⁷⁷ Croatia,⁷⁸ and Romania⁷⁹. The courts evaluated that, while the presence of pushbacks in these countries is mostly undisputed, these illegal activities occur on the outer borders of these countries and do not concern Dublin returnees. As such, Dublin transfers should not be suspended. This interpretation was confirmed by the CJEU in February 2024, when the Court ruled in *X v Staatssecretaris van Justitie en Veiligheid* (C-992/22) that the fact that a Member State carries out pushbacks does not in itself preclude a transfer to that country. However, the Court recalled the need for an individual assessment and for national authorities to assess information provided by the applicant on possible existence of a real risk of inhuman or degrading treatment, within the meaning of Article 4 of the Charter.⁸⁰

⁷⁴ See, *inter alia*, ECtHR, *Tarakhel v. Switzerland*, App. No 29217/12, 4 November 2014.

⁷⁵ For further information, see [Suspension of transfers towards selected countries](#).

⁷⁶ Civil Court of Rome, Decision of 21 February 2023.

⁷⁷ Council of State, ECLI:NL:RVS:2023:3133, 16 August 2023, available in Dutch [here](#).

⁷⁸ NL: Council of State [Afdeling Bestuursrechtspraak van de Raad van State] Judgment, 202404639/1/V3, available [here](#).

⁷⁹ Council of State, Decision No ECLI:NL:RVS:2023:4844, 27 December 2023, available [here](#).

⁸⁰ CJEU, Case C-392/22, 29 February 2024, available [here](#).

In *Ministero dell'Interno*,⁸¹ the CJEU ruled on preliminary questions regarding the role of courts in assessing the risks of 'indirect refoulement' in the country of transfer while examining the lawfulness of the transfer decision. The ruling established that the court or tribunal of a requesting Member State cannot examine whether there is a risk of infringement of the principle of non-refoulement to which the applicant for international protection would be exposed in the requested Member State, if it is not previously found that that country's asylum or reception system is affected by systemic flaws.

However, assessments of systemic flaws also vary among national courts. For example, the situation in Croatia remained, as in previous years, the subject of appeals in several countries, with opinion differing between European domestic courts regarding the presence of systemic deficiencies. **Switzerland, Slovenia, Denmark, and Germany**, all denied the existence of systemic deficiencies in the Croatian asylum system and clarified that a transfer should only be dispensed with in exceptional cases if it can be shown that the general assumption does not apply in the individual case. Notably, Danish courts found that a transfer could be carried out if a guarantee that the asylum application would be admissible was obtained.⁸² Additionally, both in **Switzerland**⁸³ and **Germany**,⁸⁴ courts found that if there were systemic weaknesses in the system due to violent pushbacks and illegal chain deportation, there was no sufficient evidence that these violations occurred for Dublin returnees. With regards to the reception system, courts in **Switzerland**⁸⁵ and in **Denmark**,⁸⁶ found there were no grounds to believe that there were general systemic flaws in which would result in a risk of inhuman or degrading treatment as defined in Article 4 of the EU Charter. On the other hand, a transfer was suspended in France in January 2024 on account of systemic deficiencies.⁸⁷

Guarantees regarding reception conditions upon transfer

Regarding the duty to investigate and obtain guarantees regarding reception conditions for Dublin returnees, the judicial review of transfers to **Italy** deserves particular attention. According to the EUAA, there is a clear trend of courts in Europe concluding that there is no evidence of systemic flaws in the Italian asylum and reception systems.⁸⁸

Dublin transfers to Italy remained a contentious issue in 2023, marked by substantial legal developments and diverging jurisprudence across EU Member States. The Italian Dublin Unit's announced on 5 December 2022 the suspension of incoming transfers due to the saturation of Italy's reception system⁸⁹. Between 1 January and 31 December 2023, Italy received 42,468 incoming transfer requests⁹⁰, but only 60 transfers were carried out⁹¹.

The limited number of transfers was due to the extension of the state of emergency declared by the Italian government due to the significant increase in the number of new arrivals.⁹² Although Italy initially suggested it would gradually resume transfers, the state of emergency was extended in October 2023 for an additional six months. This extension was the subject of preliminary questions to the CJEU – with

⁸¹ CJEU, Judgment of 30 November 2023, *Ministero dell'Interno and Others*, C-228/21, C-254/21, C-297/21, C-315/21 and C-328/21, EU:C:2023:934, paragraph 142.

⁸² AIDA, *Country Report: Croatia – Update on the year 2023*, July 2024, available [here](#), 53.

⁸³ EUAA: Quarterly Overview of Asylum Case Law, June 2023, available [here](#), 15.

⁸⁴ EUAA: Quarterly Overview of Asylum Case Law, December 2023, available [here](#), 14.

⁸⁵ EUAA: Quarterly Overview of Asylum Case Law, September 2023, available [here](#), 15.

⁸⁶ EUAA: Quarterly Overview of Asylum Case Law, June 2023, available [here](#), 15.

⁸⁷ Administrative Court of Strasbourg, Decision N°2308967, 4 January 2024.

⁸⁸ EUAA, *Asylum Report 2024 – Assessing transfers to specific countries*, 2024, available [here](#).

⁸⁹ AIDA, *Country Report: Italy – Update on the year 2022*, May 2023, available [here](#) 17-18.

⁹⁰ Eurostat, *Incoming 'Dublin' requests by submitting country (PARTNER), type of request, legal provision, sex and type of applicant*, available [here](#).

⁹¹ Eurostat, *Incoming 'Dublin' transfers by submitting country (PARTNER), legal provision, duration of transfer, sex and type of applicant*, available [here](#).

⁹² AIDA, *Country report: Italy – Update on the year 2023*, July 2024, available [here](#), 74

the judgement still pending - by the Danish Refugee Appeal Board, requesting clarifications about the impact of a Member State's temporary suspension of transfers on the six-month time limit under Article 29 of the Dublin Regulation.⁹³

Additionally, in **Denmark**, the Refugee Appeals Board found that the Italian state of emergency, whose last six-months extension was ordered in October 2024, does not in itself constitute a systemic flaw in the Italian asylum procedure, it was considered that there were serious problems in accessing asylum procedure and reception condition. In the decisions, the Refugee Appeals Board particularly refers to the latest AIDA Country Report on Italy,⁹⁴ the report 'Please, Wait' from Italian NGOs⁹⁵ and the report from the Commissioner for Human Rights of the Council of Europe from 21 November 2023, which describes her visit to Italy in June 2023⁹⁶. The Refugee Appeals Board also referred to the fact that it was mentioned in the Italian authorities' acceptance to receive the applicants in accordance with the Dublin III Regulation, that transfers cannot be carried out until further notice, due to the unavailability of reception facilities. Considering the above, the Appeals Board considered that Dublin transfers should not be carried out without a guarantee from the Italian authorities that applicants soon after arrival will be registered as asylum seekers and accommodated and be able to access basic rights in accordance with Italy's international obligations. However, since nothing indicates that the Italian authorities will provide such guarantees and that the situation will improve, it was concluded that asylum seekers cannot be transferred to Italy in accordance with the Dublin III Regulation.

Practice among other countries was inconsistent, even at national internal level. Notably, the **German** courts reflected significant internal variation. The Administrative Court of Arnsberg ruled in January 2023 that Italy's refusal to accept returnees, combined with its saturated reception system, constituted systemic deficiencies that made transfers legally impossible⁹⁷. However, the Federal Administrative Court countered this view in October 2023, asserting that Italy's suspension of transfers did not necessarily demonstrate systemic flaws in its reception system⁹⁸. This position was reinforced in January 2024, when German courts determined that Italy's reception conditions, even for vulnerable applicants, were not deficient to the extent of being in violation of EU standards⁹⁹.

Courts across Europe also addressed concerns regarding access to healthcare and basic needs for Dublin returnees in Italy. The **Portuguese** Supreme Administrative Court upheld the transfer of an applicant with health issues, ruling that while deficiencies existed in Italy's reception system, they did not rise to the level of systemic flaws¹⁰⁰. Similarly, the **Dutch** Regional Court of The Hague concluded that applicants could still access necessary healthcare in Italy despite its strained system. Conversely, French courts annulled several transfer decisions in 2023, citing manifest errors in assessing applicants' vulnerabilities under Article 17 of the Dublin Regulation¹⁰¹.

Italy also suspended transfers due to the deficiencies in reception conditions in other countries. For example, on 13 March 2024, the Civil Court of Rome annulled the transfer to Austria of an asylum seeker considering that the transfer would have violated Article 3(2) of the Dublin III Regulation because

⁹³ (Denmark) Refugee Appeals Board, *The Refugee Board submits a preliminary question to the EU Court of Justice*, 25 September 2023, available in Danish [here](#).

⁹⁴ AIDA, *Country report: Italy – Update on the year 2023*, July 2024, available [here](#).

⁹⁵ 'Please, Wait – Barriers to access the procedure for international protection in Italy' available [here](#).

⁹⁶ Commissioner for Human Rights, Report following her visit to Italy from 19 to 23 June 2023, available [here](#).

⁹⁷ (Germany) Administrative Court of Arnsberg, Decision 2 k 2991/22.A, 24 January 2023, available in German [here](#).

⁹⁸ (Germany) High Administrative Court of Kessel, 2 A 377/23.ZA, 27 July 2023. For more details, see EUAA, Case Law Database, available [here](#).

⁹⁹ Higher Administrative Court of Schleswig-Holstein, 4 LB 4/23, 25 January 2024, available in German [here](#).

¹⁰⁰ (Portugal) Supreme Administrative Court, 01988/20.0BELSB, available in Portuguese [here](#).

¹⁰¹ Administrative Court of Appel of Douai, 21 November 2023, n°23DA01657 ; Administrative Court of Appel of Douai, 14 November 2023, n°23DA01421 ; Administrative Court of Appel of Nantes, 3 July 2023, n°23NT00394.

of the systemic deficiencies in the Austrian reception system and in the asylum procedure. The Court considered that, as underlined in the AIDA report, during 2022, in response to the increase in the number of asylum seekers in the country, Austria has changed the procedure for registering asylum applications which no longer takes place at the border but at the regional police offices. This led to long waits, inadequate reception conditions and the dispersion of asylum seekers.¹⁰²

With regards to the situation in Belgium, the Danish Refugee Appeals Board confirmed a transfer. However, it put emphasis on the fact that the current deficiencies in the Belgian reception system warranted the provision of guarantees that returnees, especially single men, will be provided with adequate reception and accommodation.¹⁰³ The same position was adopted on 13 March 2024 in a ruling from the Dutch Council of State, establishing that transfers to Belgium for single men could also continue. It found that, even though there are significant problems with the Belgian reception facilities, since asylum seekers can find shelter at locations such as homeless shelters, the situation cannot be said to reach the threshold of the situation of severe material deprivation as outlined in *Jawo*.¹⁰⁴

Suspension of transfers towards selected countries

In countries where there are; longstanding, severe and systemic deficiencies, transfers may be suspended de jure or de facto. By the same logic, and although not falling within the scope of the Dublin III Regulation, domestic courts have also assessed the specific situation of beneficiaries of international protection and may also limit transfers.¹⁰⁵

- **Transfer to Greece:**

Transfers to Greece of asylum seekers were suspended after the 2011 ECtHR and CJUE rulings in the cases of, respectively, *M.S.S. v. Belgium and Greece* and *N.S. v. Secretary of State for the Home Department*. Since then, most EU countries do not carry out transfers to Greece in practice, despite a fourth recommendation to that end from the European Commission in 2016.¹⁰⁶

However, in 2023, Bulgaria resumed sending take back requests to Greece, while Germany resumed – albeit regarding a very limited number of applicants – transfers towards the country. Even if in 2023 only three transfers out of 5,523 outgoing requests were carried out from Germany to Greece, it denotes of a change in policy by the German authorities. Indeed, a letter obtained by PRO ASYL in February 2024, sets out that people from Algeria, Morocco, Pakistan and Bangladesh, for whom there is a EURODAC hit, will be deported back to Greece as part of the Dublin procedure. According to the German authorities, Greece is accepting the returns and will individually guarantee their human rights compliant accommodation¹⁰⁷.

Despite this, from 1 January to 31 December 2023, out of a total of 6,400 incoming requests¹⁰⁸ from other Member States, only 6 Dublin transfers to Greece were carried out.¹⁰⁹

¹⁰² Civil Court of Rome, decision of 13 March 2024.

¹⁰³ (Denmark) Refugee Appeals Board, Dub-belg/2022/7, 26 January 2023, available in Danish [here](#).

¹⁰⁴ Council of State, ECLI:NL:RVS:2024:896, 13 March 2024, available in Dutch [here](#).

¹⁰⁵ In many cases, transfers were suspended by courts on the grounds that a risk of inhuman or degrading treatment could not be excluded for beneficiaries of international protection in these countries, although, similarly to the existing case law on 'systemic deficiencies', the case law on this issue was not consistent.

¹⁰⁶ European Commission, Commission Recommendation (EU) 2016/2256 of 8 December 2016 addressed to the Member States on the resumption of transfers to Greece under Regulation (EU) No 604/2013 of the European Parliament and of the Council, 8 December 2016, available [here](#).

¹⁰⁷ The BAMF letter is available in German [here](#).

¹⁰⁸ Eurostat, *Incoming 'Dublin' requests by submitting country (PARTNER), type of request, legal provision, sex and type of applicant*, available [here](#).

¹⁰⁹ Eurostat, *Incoming 'Dublin' transfers by submitting country (PARTNER), legal provision, duration of transfer, sex and type of applicant*, available [here](#).

- **Transfers to Italy:**

Dublin transfers to **Italy** continued to be the subject of extensive jurisprudence at the domestic level in EU Member States. On 5 December 2022, the Italian Dublin Unit announced the suspension of incoming transfers because of the saturation of its reception system (see above, [Guarantees regarding reception conditions upon transfer](#)). Since this development, and as of the time of publication of the AIDA Country Reports on 2023 no transfers to Italy had been carried out from countries including **Austria**,¹¹⁰ **Switzerland**¹¹¹ and the **Netherlands**.¹¹² **Belgium** also appears to have halted transfers to Italy.¹¹³ On the other hand, **Germany**¹¹⁴ resumed transfers, with 11 transfers carried out in 2023,¹¹⁵ although at least 9 were voluntary and independent returns.¹¹⁶ Prior to this development, European domestic courts had diverging positions on Italy's reception system.¹¹⁷ From 1 January to 31 December 2023, a total of 42,468 incoming requests¹¹⁸ were received by Italy, with only 60 transfers being carried out.

- **Transfers to Malta:**

Several domestic courts have taken similar approaches towards Malta's detention policy and have, accordingly, suspended transfers. Illustratively, on 15 December 2021, the **Dutch** Council of State suspended a Dublin transfer to Malta, finding that the structural detention of Dublin returnees breaches Article 3 ECHR and requires that the asylum authorities conduct further investigation to prove they can rely on the principle of mutual trust.¹¹⁹ On 7 April 2022, the **Italian** Civil Court of Rome also suspended a Dublin transfer to Malta, finding the applicant's fear of inhuman and degrading detention conditions to be well-founded.¹²⁰ Likewise, on 14 November 2022, the **Austrian** Constitutional Court relied on the jurisprudence on the ECHR¹²¹ and other relevant reports to suspend a Dublin transfer on account of, inter alia, the length and conditions of detention of asylum seekers in Malta.¹²² In addition, the **Swiss** State Secretariat for Migration's own manual states that vulnerable asylum seekers should not be transferred to Malta if they face detention.¹²³ From 1 January to 31 December 2023, Malta received 802 incoming requests,¹²⁴ with 57 transfers being carried out.¹²⁵

- **Transfers to Bulgaria:**

Notwithstanding European domestic courts' reluctance to recognise the existence of systemic deficiencies in Bulgaria's reception and wider asylum system, numerous transfers were suspended in 2023 based on concerns as to returnees' access to the asylum procedure, reception conditions, risk of *refoulement*, and access to rights for beneficiaries of international protection. Despite these judgments,

¹¹⁰ AIDA, *Country report: Austria – Update on the year 2023*, June 2024, available [here](#), 45.

¹¹¹ AIDA, *Country report: Switzerland – Update on the year 2023*, July 2024, available [here](#), 44.

¹¹² AIDA, *Country report: Netherlands – Update on the year 2023*, April 2024, available [here](#), 60.

¹¹³ See, Myria, *Contact Meeting*, 26 April 2023, available in French and Dutch [here](#), 11.

¹¹⁴ AIDA, *Country report: Germany – Update on the year 2023*, June 2024, available [here](#), 68-69.

¹¹⁵ Federal Government, Response to parliamentary question by the CDU/CSU, 20/10869, 27 March 2024, available in German at: <https://bit.ly/3TTUfVx>, 22-23.

¹¹⁶ Der Tagesspiegel, Italien nimmt neun Flüchtlinge zurück: Berlin ruft EU-Kommission um Hilfe, 11 August 2023, available in German at: <https://bit.ly/4bWBcCm>.

¹¹⁷ See, EUAA, *Asylum Report 2023 – Assessing transfers to specific countries*, 2023, available [here](#).

¹¹⁸ Eurostat, *Incoming 'Dublin' requests by submitting country (PARTNER), type of request, legal provision, sex and type of applicant*, available [here](#).

¹¹⁹ (Netherlands) Dutch Council of State, ECLI:NL:RVS:2021:2791, 15 December 2021, available in Dutch [here](#).

¹²⁰ (Italy) Civil Court of Rome, R.G. 4597/2022, 07 April 2022, available in Italian [here](#).

¹²¹ ECtHR, *Feilazoo v. Malta*, App. No 6865/19, 11 June 2021.

¹²² (Austria) Constitutional Court, Decision Number E622/2022, 20 September 2022, available in German [here](#).

¹²³ AIDA, *Country report: Switzerland – Update on the year 2023*, July 2024, available [here](#), 51.

¹²⁴ Eurostat, *Incoming 'Dublin' requests by submitting country (PARTNER), type of request, legal provision, sex and type of applicant*, available [here](#).

¹²⁵ Eurostat, *Incoming 'Dublin' transfers by submitting country (PARTNER), legal provision, duration of transfer, sex and type of applicant*, available [here](#).

numerous other European courts did uphold transfers in 2023, including in, **Austria, Switzerland, the Netherlands¹²⁶ and Belgium**. However, the number of transfers doubled since 2022, as from January 1 to December 31, 2023, Bulgaria received 18,145 incoming requests¹²⁷ with 590 transfers being carried out compared to 202 transfers for 20,051 requests in 2022.¹²⁸

Regarding suspension of transfers due to the risk of pushbacks, following the CJEU opinion on the application of mutual trust, the Dutch Council of State found that State Secretary did not need to conduct further research regarding the Bulgarian situation, because pushbacks in Bulgaria only happen at the borders¹²⁹ and since Dublin returnees have limited moving space they would not be subjected to pushbacks. Additionally, in **Austria**, a decision to annul a transfer due to the lack of examination of a risk of chained refoulement to Türkiye was reversed following the information that Bulgaria is no longer rejecting applications by arguing that Türkiye is a safe country.¹²⁹ As of May 2024, Dublin transfers from Austria to Bulgaria are conducted and the appeals against negative decisions are dismissed in general.¹³⁰

Belgium resumed transfers to **Bulgaria** in 2023. The Immigration Office findings on the country were based on latest AIDA report, the EUAA factsheet 'Information on procedural elements and rights of applicants subject to a Dublin transfer to Bulgaria' and a working visit to Bulgaria "that Bulgaria acts in accordance with the provisions provided for in the Dublin Regulation and that transfers can take place in accordance with national and international regulations"¹³¹. However, some transfers were suspended on the basis that if Dublin returnees do not in principle face obstacles in re-accessing the Bulgarian asylum system, their access to accommodation and food was not guaranteed.¹³² In addition, the Council considered that the determining authorities did not sufficiently take into consideration the applicant's well-documented submissions corroborating a risk of ill-treatment by police authorities in Bulgaria giving rise to risks of violations of Article 3 ECHR in case of return. Likewise, the Council held that, by failing to consider the reported serious shortage of reception capacity for Dublin returnees, the determining authorities did not properly assess the risk of a breach of Article 3 ECHR.¹³³

Lack of appropriate access to healthcare also continued to be a ground for the annulment of transfers. In **Switzerland**, the Federal Administrative Court notably took into consideration the lack of access to appropriate healthcare, for acute psychiatric treatment to conclude that there was a risk that, upon return, the applicant would be subjected to inhuman and degrading treatment within the meaning of Article 3 ECHR and Article 4 of the EU Charter.¹³⁴

Similarly, in March 2023, the **Austrian** Constitutional Court, cancelled a transfer to Bulgaria, on account of the applicant's state of health and the critical situation of the Bulgarian reception system.¹³⁵ Additionally the need to investigate the situation of vulnerable applicants was stressed by Austrian Courts, which annulled the transfers of a single daughter with her minor daughter and a claimant who claimed to have suffered homophobic violence in Bulgaria. In 2023, the BVwG granted suspensive

¹²⁶ AIDA, *Country report: Bulgaria – Update on the year 2023*, April, available [here](#), 51 and sources cited thereat.

¹²⁷ Eurostat, *Incoming 'Dublin' requests by submitting country (PARTNER), type of request, legal provision, sex and type of applicant*, available [here](#).

¹²⁸ Eurostat, *Incoming 'Dublin' transfers by submitting country (PARTNER), legal provision, duration of transfer, sex and type of applicant*, available [here](#).

¹²⁹ Staatendokumentation, LIB Bulgaria, 17 Mai 2023 and 29 September 2023, not publicly available; e.g. W144 2273612-2/4E, 06 July 2023 or W239 2273159-2/6E, 21 September 2023.

¹³⁰ AIDA, *Country report: Austria – Update on the year 2023*, June 2024, available [here](#), 61

¹³¹ Myria, Contact Meeting, 21 June 2023, available in French and Dutch [here](#), 10.

¹³² AIDA, *Country report: Bulgaria – Update on the year 2023*, April, available [here](#), 51.

¹³³ *Ibid.*

¹³⁴ *Ibid.*

¹³⁵ (Austria) Constitutional Court, E1044/2022 et al., 9 March 2023, available in German [here](#).

effect in several cases concerning Bulgaria and appeals were upheld as the investigations of the first instance concerning living conditions were not thorough enough.¹³⁶

- **Transfers to Croatia:**

Dublin transfers to **Croatia** have been the focus of numerous legal challenges before European domestic courts, notably in relation to the country's well documented pushback practices and deficient asylum system. (see [Guarantees regarding access to asylum and risk of refoulement upon return](#))

Croatia saw a significant increase in the number of incoming requests with 32,676 requests received in 2023, compared to 10,833 in 2022.¹³⁷ This can be in part attributed to the increase of people travelling through Croatia following the country's accession to Schengen.

- **Transfer to Hungary:**

Assessments on the situation in Hungary differ amongst EU Member States, with the number of incoming requests and transfers remaining relatively low. Some administrative courts finding that the situation of beneficiaries of international protection in Hungary bears the danger of violating Art. 3 ECHR or Art. 4 CFR as beneficiaries are likely not able to ensure a minimum of existence¹³⁸. In 2023, Hungary received 851 incoming requests, compared to 1,636 in 2022,¹³⁹ with 31 transfers being carried out.¹⁴⁰

There is, however, no generalised recognition of systemic deficiencies in Hungary. Countries such as Sweden and France¹⁴¹ do not consider Hungary's asylum and reception system to suffer from systemic deficiencies. Even if it does not carry out any transfers, the Swedish Migration Agency considers that asylum procedures are likely not to be accessible for Dublin returnees.¹⁴² On the other hand, the **German** Regional Administrative Court of Arnsberg ruled that the systemic flaws it identified in the Hungarian asylum procedure and its violations of the principle of non-*refoulement* prevents the authorities from carrying out transfers, *a fortiori* considering Hungary's refusal to provide written guarantees in this regard.¹⁴³ In 2023, the Regional Administrative Court of Aachen also considered that the systemic shortcomings in the Hungarian asylum system posed a risk under Article 4 of the Charter.¹⁴⁴ However, several court decisions halting transfers to Hungary in 2022 and 2023 indicate that the authorities have resumed ordering transfers to Hungary at least in some cases, even if the transfers are not carried out.¹⁴⁵

¹³⁶ BVwG, Decision W232 2287167, 24 February 2024.

¹³⁷ Eurostat, *Incoming 'Dublin' requests by submitting country (PARTNER), type of request, legal provision, sex and type of applicant*, available [here](#).

¹³⁸ Administrative Court of Meiningen, 8 K 529/23 Me, 25 April 2023; Administrative Court of Bremen, 3 K 491/18, 6 April 2022; Administrative Court of Aachen, 5 K 3571/18.A – asyl.net: M30632, available in German [here](#); Administrative Court of Munich, M 6 K 18.33184, 10 May 2022, asyl.net: M30693, available in German [here](#).

¹³⁹ Eurostat, *Incoming 'Dublin' requests by submitting country (PARTNER), type of request, legal provision, sex and type of applicant*, available [here](#).

¹⁴⁰ Eurostat, *Incoming 'Dublin' transfers by submitting country (PARTNER), legal provision, duration of transfer, sex and type of applicant*, available [here](#).

¹⁴¹ AIDA, *Country report: France – Update on the year 2023*, June 2024, available [here](#), 72. See also case CNDA, 28 March 2023, M. M. n°20031552 C +.

¹⁴² AIDA, *Country report: Sweden – Update on the year 2023*, April 2024, available [here](#), 48

¹⁴³ (Germany) Regional Administrative Court of Arnsberg, 1 L 827/22.A, 13 September 2022, available in German [here](#).

¹⁴⁴ (Germany) Regional Administrative Court of Aachen, 5 K 2643/22.A, available in German [here](#).

¹⁴⁵ AIDA, *Country report: Germany – Update on the year 2023*, June 2024, available [here](#), 67.

THE ASYLUM INFORMATION DATABASE (AIDA)

The [Asylum Information Database \(AIDA\)](#) is a database managed by the European Council on Refugees and Exiles (ECRE), containing information on asylum procedures, reception conditions, detention and content of international protection across 24 countries. This includes 19 European Union (EU) Member States (Austria, Belgium, Bulgaria, Cyprus, Germany, Spain, France, Greece, Croatia, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Romania, Sweden, Slovenia) and 5 non-EU countries (Switzerland, Serbia, Türkiye, Ukraine and the United Kingdom).

The overall goal of the database is to contribute to the improvement of asylum policies and practices in Europe and the situation of asylum seekers by providing all relevant actors with appropriate tools and information to support their advocacy and litigation efforts, both at the national and European level. These objectives are carried out by AIDA through the following activities:

- ❖ **Country reports:** AIDA contains [national reports](#) documenting asylum procedures, reception conditions, detention and content of international protection in 24 countries.
- ❖ **Comparative report:** AIDA comparative reports provide a thorough comparative analysis of practice relating to the implementation of asylum standards across the countries covered by the database, in addition to an overview of statistical asylum trends and a discussion of key developments in asylum and migration policies in Europe. Annual reports were published in [2013](#), [2014](#) and [2015](#). From 2016 onwards, AIDA comparative reports are published in the form of thematic updates, focusing on the individual themes covered by the database. Thematic reports have been published on [reception](#) (March 2016), [asylum procedures](#) (September 2016), [content of protection](#) (March 2017), [vulnerability](#) (September 2017), [detention](#) (March 2018), access to the [territory](#) and [registration](#) (October 2018), [reception](#) (May 2019), [asylum authorities](#) (October 2019) [digitalisation of asylum procedures](#) (January 2022), [family reunification](#) (February 2023), and [access to socio-economic rights for beneficiaries of temporary protection](#) (August 2023).
- ❖ **Fact-finding visits:** AIDA includes the development of fact-finding visits to further investigate important protection gaps established through the country reports, and a methodological framework for such missions. Fact-finding visits have been conducted in [Greece](#), [Hungary](#), [Austria](#), [Croatia](#), [France](#), Belgium, [Germany](#) and [Poland](#).
- ❖ **Legal briefings:** Legal briefings aim to bridge AIDA research with evidence-based legal reasoning and advocacy. With the assistance of information gathered from country reports, these short papers identify and analyse key issues in EU asylum law and policy and identify potential protection gaps in the asylum *acquis*. Legal briefings so far cover: (1) [Dublin detention](#); (2) [asylum statistics](#); (3) [safe countries of origin](#); (4) [procedural rights in detention](#); (5) [age assessment](#) of unaccompanied children; (6) [residence permits](#) for beneficiaries of international protection; (7) the [length of asylum procedures](#); (8) [travel documents](#) for beneficiaries of international protection; (9) [accelerated procedures](#); (10) the [expansion of detention](#); (11) [relocation](#); and (12) [withdrawal of reception conditions](#).
- ❖ **Statistical updates** AIDA releases short publications with key figures and analysis on the operation of the Dublin system across selected European countries. Updates have been published for [2016](#), the [first half of 2017](#), [2017](#), the [first half of 2018](#), [2018](#), the [first half of 2019](#), [2019](#) and the [first half of 2020](#), [2020](#), [2021](#) and [2022](#).

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