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3.2.4. Use of the sovereignty clause

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icon for discretionary clause

The sovereignty clause is defined in Article 17(1) of the Dublin III Regulation. It allows a Member State to examine an application for international protection lodged by a third-country national or a stateless person, even if such an examination is not its responsibility under the criteria laid down in the regulation.

In the context of the sovereignty clause, a partner country is the country to which a take charge or take back request could have been sent before invoking the clause.

Article 17(1) was invoked about 7,500 times in 2023, increasing by three-fifths from 2022 to the most in 5 years. It was applied most frequently by Belgium, followed at a distance by Germany, France, the Netherlands and Switzerland (in descending order). The discretionary clause was used mostly for 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.

Italy and Greece were identified as the main partner countries to which requests could have been sent, mostly in relation to Eritrean and Guinean applicants in the former and Turks and Syrians in the latter. They were followed by Croatia, for which the discretionary clause was evoked mostly in relation to Burundian applicants. Other commonly identified partner countries included France, Spain, Austria, Germany and Bulgaria (in descending order).

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