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# 4.2. The Dublin procedure

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icon presenting the Dublin procedure

COVID-19 measures continued to have a direct impact on the various steps of the Dublin procedure. Although the number of applicants under the Dublin procedure increased during 2021, national authorities continued to face challenges in implementing transfers, with COVID-19 testing requirements and the lack of available flights being the most common barriers. As a result, the number of implemented transfers remained much lower than prior to the pandemic.

During the pandemic, authorities and national courts were faced with increasingly complex Dublin cases which required more guidance and clarification. The CJEU received a high number of requests for preliminary rulings on several aspects of the Dublin III Regulation: the application of the criteria for determining the Member State responsible, remedies, time limits for transfers and the link with other EU legislations which are outside of the CEAS legal instruments.

According to provisional data which are regularly exchanged between the EUAA and 29 EU+ countries, 114,300 decisions were issued in 2021 in response to outgoing Dublin requests. This represented an increase by one-fifth compared to 2020, yet the annual total remained below pre-pandemic levels. The increase in decisions was in accordance with more asylum applications being lodged in EU+ countries around the same period.

At the country level, Germany and France continued to receive the most decisions in response to their requests, jointly accounting for over three-fifths of the EU+ total. As in previous years, Italy issued the most decisions overall on Dublin requests, followed by Germany and Greece.

In 2021, the acceptance rate for decisions in response to Dublin requests, measuring the proportion of decisions accepting responsibility (explicitly or implicitly) for an application out of all decisions issued, was 54% (2 percentage points lower than in 2020), showing a continued decline for the fourth successive year at the EU+ level.

In terms of transfers that were actually implemented, as a result of COVID-19-related emergency measures, Dublin transfers dropped to very low levels for a second consecutive year: overall, about 13,500 transfers were implemented in 2021, which was similar to 2020, yet around one-half the number of 2019.

Article 17(1) of the Dublin III Regulation was invoked about 3,900 times in 2021, declining for the third consecutive year to the lowest levels since 2015. Article 17(1) is a discretionary clause,

which 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.

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