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National courts were faced with various debates throughout 2021 related to the calculation of transfer time limits. The French Council of State assessed the implications of refusing to undergo a COVID-19 test prior to a Dublin transfer in several cases. In one of the cases, it confirmed that the refusal could be seen as absconding and the transfer time limit could be extended as the applicant was well informed of the potential consequences of the refusal. However, in another case, the council found that the applicant was not informed about these consequences in a language he could understand, thus he could not be considered to have intentionally absconded.

The German Federal Administrative Court decided in five cases457 that not complying with a request to appear in person for a compulsory transfer to another Member State does not justify the extension of the transfer deadline to 18 months. The applicants could not be considered to have absconded when the authorities knew their location and had the possibility to implement the transfer, even if with direct force.

The Rome Tribunal annulled the transfer of an applicant because the notification of the transfer decision was given after the 6-month time limit.

As with remedies, several aspects of counting time limits remained unclear and gave rise to questions to the CJEU. For example, the Dutch Council of State referred questions for a preliminary ruling on the application of the so-called ‘chain rule’, a practical solution to determine the responsible Member State in cases where an applicant applied for international protection in more than two Member States. This rule is not set out in the Dublin III Regulation, but several Member States apply it in practice. The questions sought clarification on the term ‘requesting Member State’ and the modalities for counting the transfer time limit in these cases.

The Austrian Supreme Administrative Court referred questions for a preliminary ruling on whether placement in a hospital psychiatric unit would count as ‘imprisonment’ under the Dublin III Regulation, and consequently, how this would impact the extension of a transfer time limit.

The Dutch Council of State referred a case to the CJEU for a preliminary ruling on 1 September 2021 to clarify whether the fact that the appeal authority granted a remedy with a suspensive effect had an impact on the transfer time limit. This was not the first time that the Council of State reached out with this question to the court: a request for a preliminary ruling on the same issue was already submitted in May 2021 based on three other cases, thus the Council asked the CJEU to consider the question in conjunction with both requests.

The German Federal Administrative Court referred similar questions for a preliminary ruling (see here and here), inquiring whether the *ex officio* suspension of the implementation of a transfer decision due to the COVID-19 pandemic is covered by the Dublin III Regulation's provisions on the *ex officio* suspension of a transfer pending the outcome of an appeal and would the time limit be suspended as well.

- 457Federal Administrative Court I Bundesverwaltungsgericht. (2021, August 18). Keine Verlängerung der Dublin-Überstellungsfrist wegen bloßer Nichtbefolgung einer Selbstgestellungsaufforderung [No extension of the Dublin transfer period for mere failure to comply with a self-presentation request]. No. 53/2021 [Press release]. https://www.bverwg.de/de/pm/2021/53

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