

EU Asylum Policy

To what extent is the asylum-burden, in terms of physical distribution, shifted towards the EU external border countries, after the adoption of the Dublin Regulation?

Faculty of Behavioural, Management and Social Sciences
European Public Administration Bachelor Thesis

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Colloquium: 25.06.2015

Abstract

The asylum crisis, the EU is currently facing, reveals the shortcomings of the Common European Asylum System (CEAS). Member States which are located at the external border are often the entry points of refugees in Europe. Since the number of arriving refugees is extensively higher in these countries than in the core European ones, they are facing big problems in dealing with them. Due to the implementation of the Dublin Regulation, these already existing differences and shortcomings are strengthened because it sets out that the country, in which an asylum-seeker has first entered the EU, is responsible for its asylum request. Although the Dublin Regulation aims at physical burden-sharing, it is clearly lacking a distributional key which allows the equal distribution of asylum-seekers. Having this in mind, the following question will be addressed during this research: *To what extent is the asylum-burden, in terms of physical distribution, shifted towards the EU external border countries, after the adoption of the Dublin Regulation?* The underlying assumption in this research is that the Dublin Regulation has shifted the asylum-burden towards the external border countries since these are mostly the countries-of-first-entry and are therefore responsible for the asylum requests of refugees who are arriving at their territory. In order to examine whether this assumption can be verified, quantitative data will be analysed in order to see the effect the Dublin Regulation had on the external border countries. It appears that the underlying assumption holds true because the analysis has shown that the physical asylum-burden is shifted towards those EU Member States which possess an external border.

Table of contents

Chapter 1 - Introduction.....	3
1.1. Social and Scientific Relevance.....	5
Chapter 2 - Theoretical Framework	6
2.1. The Burden-Sharing concept.....	6
2.2. Push and Pull factors	7
2.3. Burden-sharing as an international public good?	8
2.4. Collective vs. national action.....	9
2.4.1. Norm-based commitment.....	10
2.4.2. Interest-based commitment	11
2.5. Concluding remarks.....	12
Chapter 3 – Methodology	13
3.1. Research Design and Operationalisation	13
3.2. Case selection and Sampling	14
3.3. Data Collection	15
3.4. Data Analysis	16
3.5. Limitations.....	16
3.6. Concluding remarks.....	17
Chapter 4 – Analysis	18
4.1. Refugees’ main points of entry into Europe	18
4.2. Development of the asylum applications in the selected EU Member States.....	21
4.3. Transfers of ‘Dublin cases’	24
4.5. Concluding remarks.....	28
Chapter 5 – Conclusion.....	29
List of references:.....	32
List of abbreviations:	35
Appendix:	36

Chapter 1 - Introduction

At the moment the world is characterised by different trouble spots. A terroristic organisation, the Islamic State of Iraq and the Levant (ISIL), is committing atrocities in the territory of Iraq and Syria. Boko Haram, another Islamic terrorist organisation, is committing similar crimes in Nigeria. In the Eastern part of the Ukraine, is a war taking place currently. Furthermore, the persecution on grounds of religious or ethnical backgrounds is still a problem in countries like Afghanistan. These are all reasons why people do not feel safe in their home country anymore and therefore they leave to other states in order to have a secured life, free of war and persecution.

Consequently, the number of refugees, the international community is confronted with, is these days the highest one since the end of the Second World War. In the EU especially, is the number of refugees on the highest level since the Balkan war in the beginning of the 1990's. Since then, Europe was confronted with an extensive number of refugees therefore; Member States followed different approaches to handle these high numbers. Many of them use restrictive policies in order to lower the attractiveness of their country (E. R. Thielemann, 2004). With this kind of policy they hoped to decrease the numbers of refugees coming to their country. The EU itself was thinking about a possible solution to this crisis and therefore they took the first steps towards harmonising the asylum and refugee policies of their Member States.

In order to clarify which Member State is responsible for dealing with an asylum request, the EU and its Member States adopted the so-called 'Dublin-Convention' in 1990, however it entered first into force in 1997 and sets out the 'One-State-Only' principle. According to this Convention the Member State in which an asylum seeker have first entered the EU is responsible for dealing with his asylum requests (Battje, 2002). Even if it sets out the responsibilities of asylum requests in the EU, it is not considered as an instrument to harmonise the asylum systems of the individual Member States. The Maastricht Treaty which entered into force in 1993 was the first legal instrument which calls for cooperation in the field of asylum and refugee policy. This kind of policy was placed in the third pillar which means that it was of a purely intergovernmental nature (Boswell, 2003b). The main step for harmonising asylum policy was done by the Amsterdam Treaty (1997) because its main aim was to establish an Area of Freedom, Security and Justice (AFSJ); therefore this policy field was moved from the third to the first pillar which means that the EU was then responsible for it as a supranational entity (E. R. Thielemann, 2005). This pillar structure was abandoned with the implementation of the Lisbon Treaty, but a strong reference to the topic of asylum policy remains. This treaty extended the role of the EU because it is now allowed to adopt measures which aim at sharing the responsibility and solidarity in the asylum and migration policy among all Member States (Kaunert & Léonard, 2012). The concept of a common European asylum and migration policy was outlined in more detail in the Tampere programme (Lenart, 2012). Adjustments to the Dublin Convention were made in 2003 with the Dublin II Regulation and in 2013 with the Dublin III Regulation, in order to make it more efficient (Lenart, 2012). One of the main objectives of the initial Dublin Convention, the 'One-State-Only' principle, remained.

A crucial distinction must be made between refugees and asylum seekers. Refugees are persons who are protected under the Geneva Convention of 1951 which was adopted by the UN. They are not able to go back to their country of origin due to several reasons, like the experience of various forms of persecution. Asylum seekers are people who submit a request for a refugee status in order to be protected as such. In contrast to them are migrants who leave their country on a voluntary basis.

Due to the increased number of conflict areas in the past years the EU is currently facing massive inflows of asylum seekers and refugees. Since it is a Union which is based on solidarity voices became vocal which call for an equal burden-sharing system of these groups of persons among all EU Member States. The term burden-sharing in the context of asylum seekers is problematic because it automatically implies that asylum seekers bear a burden for states (Noll, 2003). Furthermore burden-sharing systems mean that there is a consensus among the participating states to cooperate because

a direct effect of such a system is that costs are shifted from one state to another. Therefore, it was difficult to agree on such a scheme in the EU because, due to the fact that the extent of asylum seekers Member States are facing differ extensively, those countries which do not host an extensive number of asylum seekers see no need in sharing the burden because then they might be worse off. However, in order to achieve an equal burden-sharing system, Noll, as cited in Thielemann (2005) distinguishes between three categories. The first one is concerned with sharing policy which indicates that the asylum systems and its legislations need to be harmonized. Secondly, money must be shared between the Member States which implies the burden sharing in financial terms. In the third category he refers to physical burden-sharing which implies the sharing of people that is the main initiative of the Dublin Regulation (E. R. Thielemann, 2004).

The Dublin Regulation is considered as an important mechanism in the field of asylum burden-sharing in the EU; however, it is also a heavily discussed one (Boswell, 2003a). Even though the first steps towards harmonizing the Member States' policies were made, the living standards for asylum seekers differ a lot. In some countries the standards are so bad that it is questionable if the human rights of asylum seekers are properly respected there. For example the European Court of Human Rights ruled that the conditions in Greece are violating Article 3 of the European Convention on Human Rights which stated that "no one shall be subjected to torture or to inhuman or degrading treatment or punishment" (Moreno-Lax, 2012). According to this judgment, the other EU Member States are not allowed to deport asylum seekers back to Greece. Officially, Greece is the only EU country which has such terrible standards but in reality many non-governmental organizations claim that the situation of asylum seekers in Bulgaria or Italy is very similar. Does this show that these countries cannot handle the hosting of thousands of asylum seekers? Can these conditions be considered as an indicator that these countries are overtaxed with the number of asylum seekers they are hosting? Is it coincidence that predominantly the human rights of asylum seekers in EU border States are not respected?

Since it becomes clear that the implications of hosting asylum-seekers differ a lot between EU border States and core EU Member States, the main research question is formulated as follows: *To what extent is the asylum-burden, in terms of physical distribution, shifted towards the EU external border countries, after the adoption of the Dublin Regulation?* Since the Dublin Regulation was first amended in 2003, it is interesting to analyse the time period 2000 till 2014 in order to see the development and the effects of the Dublin Regulation.

In order to specify the research objective further, the following sub-questions are developed:

- *What are the main points of entry for refugees in Europe?*

This question is crucial for the following analysis because it is very important to examine the routes the refugees take till they finally arrive in Europe. This can stimulate the analysis because in case that many refugees arrive first in EU border states it is very likely that these countries are responsible for their asylum requests in light of the Dublin Regulation. Therefore it can be assumed that the burden on the external EU Border countries is significantly higher compared to other EU Member States.

- *How has the number of asylum applications developed in external EU border countries after the adoption of the Dublin Regulation?*

The second sub-question refers to the development of the official number of asylum-seekers it should show whether the adoption of the Dublin Regulation has an effect on these official numbers. It will allow the comparison of the official numbers in the core EU Member States as well as in the border countries.

- *How many 'Dublin cases' are transferred from third countries to EU border states?*

The third question should analyse how many of the so-called 'Dublin-cases' have been transferred back from third countries to EU border States. If a third country realizes that the asylum-seeker has first entered the EU in another Member State, they deport the asylum-seeker back to this country because, under the Dublin Regulation, that country is responsible for the asylum request. This number indicates the burden those countries have to bear because then they do not only have to deal with the new arriving refugees, they also have to work on the asylum requests coming from asylum-seekers who fall under the Dublin Regulation.

1.1. Social and Scientific Relevance

The results of this research will add new findings to the already existing literature and studies. Previous research was mainly focused on burden-sharing in general, in which theories and concepts were set out that explain different burden-sharing mechanisms. However, such concepts were not directly applied to the case of the EU; therefore, the problem of sharing the burden of asylum seekers in the EU was illuminated only on a limited scale. The research, conducted by Boswell (2003a) shows that a common European Asylum system is missing and that the national systems in this field are very diverse. Most research in this field was finalised in the early 2000s which implies that there is the need to analyse more recent data and developments. Especially in the context of the Dublin Regulation the range of research which was committed is rather limited, particularly since its amendments in 2003 and 2013. The research of Hurwitz (1999), Noll (2001) and Marx (2001) was conducted around the turn of the millennium which shows that the amendments made to the original Dublin Convention were not taken into account in their analyses. Hence, this study will contribute a lot to the academic literature because it takes the recent developments into account, it applies the burden-sharing theory to the case of the EU and it will focus on EU border States in particular. But why is it necessary to examine the implications for EU border states in the context of asylum burden-sharing? Recent events, such as the Syrian and Ukrainian civil war and the atrocities committed by Islamic terrorist organizations as mentioned earlier, have stimulated the debate on asylum-seekers; therefore it becomes a topic of great interest and concern in society. Since the number of asylum-seekers is rising steadily the question of how they could be shared equally among the EU became vocal. The southern European Member States, especially Italy and Malta, are complaining that they have to bear a greater burden because most refugees arrive on their territory, after they have crossed the Mediterranean Sea. They claim that they cannot bear this burden anymore and therefore they need support from the EU and other Member States to deal with such high numbers of incoming refugees. Thus, it is necessary to undermine research which focuses on the implications on EU border States and on the question if the current asylum system is sufficient.

In the next chapter, the most important theories and concepts, relevant for this research, will be highlighted. This section will also include a short literature review which will outline the research that has been conducted in the field of asylum policy in the EU. Chapter 3 deals with the methodology of this research and shows that quantitative data will be used for analysing the research question. This data will then be analysed in Chapter 4, by answering the different sub-questions. The results of the analysis and a final answer to the overall research question are presented in a conclusion in Chapter 5.

Chapter 2 - Theoretical Framework

This second chapter will start with conceptualizing burden-sharing in more detail by describing different types of burden-sharing mechanisms. Secondly, push- and pull-factors are analysed which are possible explanations why people have to leave their country and why certain countries are more attractive to them. Another important theory in respect to asylum burden-sharing is the one of international public goods. This theory argues that this kind of burden-sharing possesses important public good characteristics because all actors will benefit from participating in it. Lastly, two types of action, namely collective and national action, will be outlined. A further distinction is made in the sense, that collective action can either be based on norms or on interests.

2.1. The Burden-Sharing concept

The concept of burden-sharing is a common used one in the field of asylum policy. According to the UNHCR “Burden-Sharing is a key to the protection of refugees and the resolution of the refugee problem” (R. Thielemann & Thielemann, 2006, p.4). In order to protect refugees and provide an adequate asylum framework, it is necessary that the burden of asylum seekers is equally shared, not only within but also among states. In theoretical terms it is easier to share the burden within a region rather than among one because it is more likely that states within one area, are equally affected by the same challenge (Suhrke, 1998). In the international sphere, burden-sharing deals mainly with the question of how the costs, arising through the provision of collective goods, could be shared between countries.

Generally two different types of international burden-sharing systems can be distinguished as shown in Table 1 (E. Thielemann, 2008). On the one hand, there exists a one-dimensional mechanism which focuses mainly on equalizing the efforts of countries on one dimension. This is often achieved by establishing binding rules or voluntary pledging mechanisms. An example of such a binding rule in the case of the EU is the Dublin Regulation. This regulation is a legislative act which binds all Member States and aims at equalising national systems on the dimension of physical burden-sharing. On the other hand, multidimensional burden-sharing systems exist which, in contrast to the aforementioned one, does not only focus on one dimension but rather on several dimensions. Examples of this kind of system are proactive and reactive measures. Proactive measures imply to take measures in advance, for example through peace-keeping missions in crisis regions (E. Thielemann & Armstrong, 2013). This means that the causes for refugee crises such as the outbreak of a civil war are fought from the beginning, thereof the people are not urged to flee from their country. Contrastingly reactive measures are taken when refugees are already in a country’s territory (E. Thielemann & Armstrong, 2013). Then a country provides protection for these displaced persons in terms of providing protection.

Table 1: Types of International Burden-Sharing Mechanisms (E. Thielemann, 2008)

TABLE 1 TYPES OF INTERNATIONAL BURDEN-SHARING MECHANISMS			
		Dimensionality	
		One Dimensional	Multi Dimensional
Distribution	Hard	Binding Rules	Explicit Compensation
Rule	Soft	Voluntary Pledging	Implicit Trade

Next to these general international burden-sharing systems, more explicit regimes are in place (R. Thielemann & Thielemann, 2006). One possibility to establish an equal burden-sharing system is

policy harmonisation, which aims at harmonizing domestic refugee legislations in the Member States. The second possibility is to establish quotas in order to achieve an equal burden-sharing system. On the one hand, this can be established in the form of money which implies the payment of financial compensation to those countries which are hosting the most asylum seekers. In the EU context this took place in the form of the ERF. However, this is criticized for not being very effective due to the fact that its budget is rather small. On the other hand, in respect to physical burden-sharing a quota can be established. This quota should be built on a distribution key which is based on the protective capacity a country possesses. The Dublin Regulation aims at the physical distribution of refugees. It should be a first step towards reaching an equal burden-sharing system. A third possibility is to establish a system which is focused on market mechanisms. Each EU Member State can be encouraged to reveal their reception capacities in order to distribute asylum seekers equally among them (R. Thielemann & Thielemann, 2006).

In the past, two major schemes for the burden-sharing of refugees were established (Suhrke, 1998). The first one took place after the Second World War because the number of refugees and people who were displaced during the war was very large. Therefore, resettlement was considered as the main alternative for these persons. This scheme was based on a mixed instrumental-communitarian model which was characterised by the fact that the participating countries shared common values with the war victims. This sharing of the people was based on calculations of values and interests. The second case took place in Vietnam after 1975. It was very contrasting to the aforementioned one, because it followed a hegemonic scheme in which the USA was the major actor. However, it is unique in history because it was the first time that a large refugee-population was systematically resettled from a developing to a developed country (Suhrke, 1998).

In the case of the EU, the burden-sharing during the 1990s, was very restrictive because many European states established for example visa restrictions. Sharing existed only in the field of financial assistance because this was considered to be the easiest form of burden-sharing (Suhrke, 1998). With the implementation of the Dublin Regulation in the late 1990s, a form of physical burden-sharing was also adopted which clarifies that the country in which an asylum seeker has first entered the EU is responsible for his asylum request. However, it was assumed that “those Member States that have external borders facing non-EU states are more likely to be a ‘first country of entry’ for refugees” (E.Thielemann & Armstrong, 2013, p.149). Therefore, it implies that this Regulation advantageous the wealthier core Member States over those states which possess an external border. This would imply that external border countries will face higher asylum pressures than the core European states (Mainwaring, 2012).

2.2. Push and Pull factors

An important model which is closely related to burden-sharing is the one of push and pull-factors because they try to understand why people leave their home-country and move to another country. On the one hand, push-factors are present in the country of origin and are the reasons why people have to leave their country. These factors can be for example, a lack of safety present in the country of origin, poverty or war. Current examples of these factors are the civil wars in Syria and the Ukraine, the Ebola outbreak in Western Africa or the persecution of religious and cultural minorities in Syria and Iraq. All these push factors are reasons why so many refugees are currently on the run to Europe. On the other hand, pull-factors are those kind of factors which make certain receiving countries highly attractive for migrants, as having more wealth, higher employment rates and political stability (E. R. Thielemann, 2012). These two types of factors are closely linked to each other because if there is a war in a country, the people fleeing from there are striving firstly for political stability. This is then the push-factor why a country might be attractive for them in order to stay there.

When linking this to burden-sharing in the field of asylum policy it seems obvious that differences regarding the pull-factors of countries might also lead to inequality in the distribution of asylum

seekers. As Thielemann (2006) argues, differences in structural pull factors do have a strong effect on the relative distribution of asylum seekers. He claims that relatively rich countries have better labour market conditions and therefore they had proportionately higher numbers of asylum requests compared to poorer countries. Another very important pull factor which Thielemann (2006) highlights is the one of historical ties. For example states which belong to the Commonwealth countries are more likely to move to the UK for instance because their common history has led to the establishment of transport, trade and communication links between these countries. Another factor which should not be underestimated is geographic distance. This is an important cost factor for refugees and this might be a possible explanation why EU Member States with an external border have higher numbers of refugees, due to their closeness to several countries of origin. However, in general, structural pull-factors seem to be the most important ones in trying to explain the unequal distribution of refugee burdens (E. R. Thielemann, 2005).

2.3. Burden-sharing as an international public good?

Many scholars argue that burden-sharing possesses important public good characteristics. In general public goods are considered as non-excludable and non-rival which implies that in terms of asylum burden-sharing in the international sphere “no country can be excluded from consuming the benefits of a public good provision nor does the consumption of the good by one country reduce the amount available for consumption by other countries” (E. Thielemann & Armstrong, 2003, p.152). According to Suhrke (R. Thielemann & Thielemann, 2006) the hosting of refugees and asylum seekers can be considered as an international public good because all states are benefiting from it. A theoretical concept which is closely related to the public good theory is free-riding, which is considered as a typical problem in the context of collective action. In respect to asylum burden-sharing, the main problem is that the countries which receive an extensive number of refugees possess conflicting goals. On the one hand, they would like to hold the numbers of refugees in their country as low as possible; however, on the other hand, they would like to promote stability in the international order. These two goals are very contradicting and therefore free-riding possibilities arise. Suhrke (1998, p.401) argues that many countries are scared of hosting too many refugees because they “can threaten a society’s political regime, cultural identity, socio-economic order and environment (at least they arrive in large numbers) and national security (if they get militarily involved in the conflict from which they fled).” Since many countries fear these consequences from hosting extensive numbers of refugees, they often use these free-riding possibilities in order to ‘protect’ their country and its society. Countries which are not so attractive for refugees, maybe because of their geographical location or their economic situation, have no interest in sharing the burden with those countries that are hosting extensive numbers of them. Since the extent of how they are affected differs a lot, it is difficult to motivate such countries to share the burden more equally. The general free-riding assumption is that bigger states are exploited by the smaller ones in the general context of international public goods (E. R. Thielemann, 2003). However, in case of asylum burden-sharing in the EU, this general hypothesis is rejected because there is evidence that the smaller states bear the greater burden, compared to the larger Member States (R. Thielemann & Thielemann, 2006). Most external Member States are also smaller whereas the larger Member States, such as Germany and France, are lying at the core of the EU. Hence, it can be claimed that the Dublin Regulation is strengthening the assumption that the smaller Member States bear the greater burden.

Maintaining the whole refugee regime structure is a public good, while the security threat to each individual state is perceived as a private cost (Betts, 2003). This leads to the famous Prisoner’s Dilemma in which two parties try to save themselves, by acting unilaterally and not by accepting the accompanied costs which will arise when they cooperate. In the end, both parties will be worse off because cooperating would have provided them with more benefits (Suhrke, 1998). Since countries are only focused on reducing or at least minimising their private costs, they take rather unilateral action instead of acting collectively because then their private costs would be higher. However, as the classical Prisoner’s Dilemma claims, acting unilaterally makes both parties worse off. Therefore, collective action, in order to maintain the whole refugee regime, is preferable. Especially in the

context of the EU, acting collectively is desired because since it is a Union of countries based on solidarity and collectivism it is necessary to cooperate not only in economic matters, in which every country benefits, but also in more 'problematic' areas like the asylum policy. The Dublin Regulation can be considered as a collective action which is undertaken by all Member States; however it is questionable if the main aim, an equal burden-sharing system, is established.

Further distinctions of public goods are made on the one hand in altruistic public goods and on the other hand in security public goods. Altruistic public goods hypothesize that states interests in the field of refugee provision "stem from a jointly held moral duty and obligation under international law" (Betts, 2003, p. 266). According to this view states are morally bound to each other in order to achieve an adequate level of protection for asylum seekers. The security public good is related to the "perceived costs of asylum seekers" (Betts, 2003). Instead of focusing on the moral bonds between states, this concept is more focused on financial matters, namely on the costs which are created when a state is hosting refugees and asylum-seekers. Therefore, it is important that EU Member States have the financial means in order to be able to pay the costs for the refugees. For achieving financial burden-sharing, the ERF was established by the EU, in order to compensate the financial costs for countries which host a high number of refugees (E. R. Thielemann, 2005).

Next to the classical public goods model exists the joint-product model. In this model, the individual state derives private and excludable benefits from providing the good. This implies that both types, public as well as excludable benefits, are present which results in the fact that there are multiple benefits available to a state. However, these benefits might vary in their degree of publicness among different states. The underlying assumption in the pure public-good model in respect to asylum burden-sharing is that the larger and wealthier countries in the EU should share a greater burden than those Member States that are smaller and poorer (Betts, 2003). The joint-product model assumes the contrary namely that the smaller and poorer states bear the greater burden. Therefore, Betts (2003) has argued that there must be private benefits for individual states which are derived from asylum provision. These could be the incentives for state to provide accommodation for asylum-seekers. In the case of the EU, the underlying assumption of the joint-product model could be approved. Smaller Member States, such as Sweden or Malta, make larger contributions to refugee protection than larger Member States, like Germany or France. Due to this fact, Thielemann (2012) argues that the Dublin Regulation will promote these inequalities further. This Regulation should ensure that only one EU state is responsible for dealing with an asylum request. Under the 'country-of-first-entry' principle this is the state in which a refugee has first entered the EU. Therefore, it is more likely that the already existing inequalities are strengthened, rather than decreased because as Thielemann (2012) claims this regulation will advantage the wealthier Member States which are at the core of the EU. This brings then automatically disadvantages for the Member States at the EU border which already bear an extensive burden.

2.4. Collective vs. national action

In the case of asylum burden-sharing in the EU, two different approaches can be identified, namely collective and national action. Collective action is committed by the European Community whereas national action is carried out by each Member State individually. In the context of the EU Suhrke (1998, p. 397) claims that "collective action would strengthen protection for refugees by reducing inequities among recipient states". Furthermore, collective action can attain a higher level of security in the international sphere. In terms of transaction costs, organized sharing means a reduction of them as well as a more predictable response and a greater international order during refugee emergencies. Therefore, collective action is much more efficient, compared to unilateral action, undertaken by each Member State. However, acting collectively has, similar to the public good theory, a problem of free-riders which is especially typical for asylum policy (E. Thielemann & Armstrong, 2013). For example, if a region takes collective action to address the refugee problem and is receiving an extensive number of them, it is possible for individual states to escape from this and to reduce the numbers of refugees coming to their country (Suhrke, 1998). These states are then

considered as free-riders because they are benefiting from the fact, that the countries in the regions receive many refugees but they are not contributing to this collective action. The current EU asylum policy is characterised by restrictions and therefore there exists no collective action mechanism for large-scale resettlement because most EU Member States have imposed visa restrictions in order to lower the attractiveness of their country (Suhrke, 1998). Due to these restrictions, the EU is often denoted as the '*Fortress Europe*'¹. This concept is criticized for disadvantaging "the third and developing world, refugees, asylum seekers, the poor and finally with detrimental effects for the very basic values of open and democratic societies based on the rule of law and respect for human rights" (Albrecht, 2002, p. 1). The implementation of restrictive asylum policies, which makes it difficult for asylum seekers to reach European territory, was facilitated by European cooperation (E. Thielemann & El-Enany, 2010). However, the focus of the EU asylum policy has shifted in the past years, towards more proactive measures and promoting more integration. Collective action problems in the EU are created mainly due to secondary movement dynamics and due to '*Asylum shopping*'². Therefore, the common problem is that countries of first entry allow the asylum-seekers to move to another Member State and are thus shirking their responsibilities. Asylum-seekers apply often for one asylum request in each Member State in order to enhance the likelihood of getting a protection status (E. Thielemann & Armstrong, 2013), hence it is often argued that the Dublin Regulation is not efficient enough.

According to Suhrke (1998), refugees can be a challenge for a society. Thus, the current unequal burden-sharing regime will lead to differences in the implications for these countries. Boswell (2003b) has argued that since the early 1990s, the term "migration had been progressively reconceptualised as posing a security threat to receiving countries – as being linked to organized crime, terrorism or Islamic fundamentalism" (Boswell, 2003b, p.623). This argument was used by different policy-makers in order to justify their restrictive policies, made in the early 1990s. However, these kinds of policies were often heavily criticized for not properly maintaining the human rights of the asylum seekers. The topic of protecting the asylum seekers' human rights is a quite paradoxical one in the context of asylum burden-sharing, because the standards of the living conditions of asylum seekers differ extensively among the EU Member States. As mentioned earlier, a ruling of the European Court of Human Rights claim that the human rights of asylum-seekers in Greece are not adhered (Moreno-Lax, 2012). The main reason for that is the lack of reception possibilities which is also a problem in other countries like Italy and Bulgaria. Having the current high inflows of asylum seekers in mind and the possible 'Dublin cases' which are deported to these countries it is obvious that these countries are not able to deal with them. This shows the urgent need for an equal burden-sharing system in the EU and the lacks of the Dublin Regulation.

2.4.1. Norm-based commitment

For explaining the willingness of a state to participate in a burden-sharing system, two possible commitments are outlined; one is based on norms whereas the other one is purely based on interests. The bargaining of a burden-sharing regime can be guided by common norms. For example by the notion of equity, which should be based on a distribution key that is linked to the capacity of each individual state taking part in the burden-sharing regime. In most cases, the states which are willing to bear a burden are also the countries which have a strong commitment to people who need protection, like refugees and asylum seekers. Another underlying assumption is that countries which have a domestic redistribution system are also more likely to accept a disproportionate number of asylum seekers (R. Thielemann & Thielemann, 2006). In norm-based commitments, solidarity is one of the most important concepts.

¹ Fortress Europe describes the concept of restrictive EU policies which aim at lowering the attractiveness of the EU in order to deter asylum seekers to come to Europe (Albrecht, 2002)

² Asylum shopping is "the submission of multiple asylum applications across the EU" (E. Thielemann & El-Enany, 2010, p.212)

A country can be in solidarity with other Member States in a political community, like it is in the case of the EU. Especially in the context of collective action, solidarity plays a major role. Therefore, the burden-sharing instruments in the EU are focused on the notions of solidarity and fairness, since the EU is a Union which is based upon these values. A common European Asylum Policy should thus build on solidarity between its Member States and aims at promoting a balance in the efforts committed by its members. The constitutions of the Union's countries contain provisions which foresee burden-sharing initiatives among their regions and territorial entities, if there exist differences in economic, financial or infrastructural terms (R. Thielemann & Thielemann, 2006).

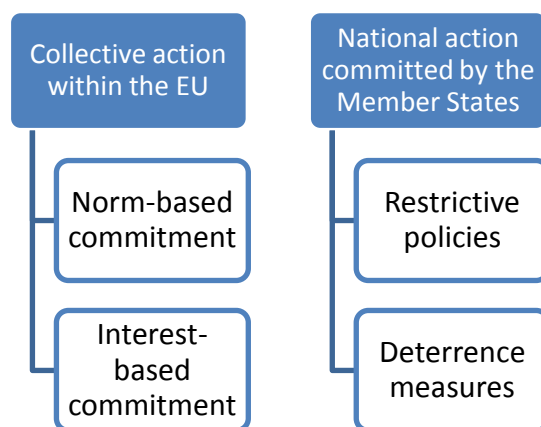
Next to the solidarity to other Member States, countries can have a solidarity commitment to refugees. If a country is bound by distributive and humanitarian norms, it is more likely that this country is also willing to accept higher costs in a burden-sharing system, due to its solidarity sense with refugees. However, in order to achieve such a system, it is necessary to harmonise the protection standards and asylum systems among all participating states because otherwise it would be very difficult to achieve equality. The former High Commissioner for Refugees, Ruud Lubbers explains that he fears "that high protection standards will be difficult to maintain in a system which shifts responsibility to states located on the external border of the EU. Many of which have limited asylum capacity" (R. Thielemann & Thielemann, 2006, p.5). He worries that the protection standards for refugees will be lower due to the equality which will be achieved with a homogeneous burden-sharing system. Then, the protection standards in the participating states will be harmonised, too, which might be on a lower level than they have been before. Therefore, the countries which have a lot to lose from the harmonisation of asylum policy are those countries that used national restrictions extensively in order to reduce the numbers of refugees who are coming to their country (E. R. Thielemann, 2005). These countries have to adapt to the common standards they have agreed on and can no longer follow their own national policies.

2.4.2. Interest-based commitment

In contrast to the norm-based commitment, in which the norms are superficial, the focus in the interest-based commitment lies purely on the interests of each individual actor. Generally, there are three possible motivations for Member States to cooperate in asylum policy. First of all if they promote European integration, secondly to enable more effective protection and lastly that they want to exploit free-riding opportunities (E. Thielemann & El-Enany, 2010). One major interest of individual states to cooperate is to insure themselves against mass inflows of migrants. It is argued that an established equal burden-sharing system "can provide a degree of mutual insurance against the occurrence of a particular external shock that might put pressures on certain countries" (R. Thielemann & Thielemann, 2006, p.15). Therefore, the interest of countries to cooperate can be to cover oneself from external shocks and that the burden is shared equally among all countries, instead of being carried by one state only. Another important interest is that countries are obliged to follow their international obligations. If Member States recognise a threat to their higher order objectives, for example in the continuation of their European integration project, they might be motivated to share the burden in order to protect their overall objectives. It can be considered that migration pressures can pose a threat to the Single European Market and can also lead "to a competitive race to the bottom in protection standards among Member States" (R. Thielemann & Thielemann, 2006). In order to prevent this, it is necessary to establish an equal burden-sharing regime, as it was proposed with the Dublin Regulation. Costs play also a crucial role in the interests of the Member States because their primary objective is to achieve their goals by the lowest costs possible. Sharing the costs can be achieved with a burden-sharing system; hence, such a system is especially interesting for those countries which have above average costs. Establishing burden-sharing regimes can also be motivated by gaining more efficiency which is, next to minimising the costs, the primary incentive of states in the international area (R. Thielemann & Thielemann, 2006). Due to cooperation, the international security increases. This resulting high level of security cannot be achieved by states taking individual action only (Suhrke, 1998). Furthermore, organized sharing implies "more predictable responses, greater international order and lower transaction costs during

refugee/migration emergency” (Suhrke, 1998, p.398). Therefore, an organized sharing system, by taking collective action, is more efficient and reduces the costs of all participating actors. The Dublin regime can be considered as such an organized sharing system because it aims at gaining efficiency by ensuring that asylum-seekers apply for an asylum request only in one Member States, therefore the costs are hold on the lowest level possible.

Table 2: Characteristics of collective and national action



After outlining the most relevant theories, in the field of asylum burden-sharing, it is necessary to come up with hypotheses which will be tested in the upcoming analysis. Therefore, the following hypotheses are developed:

H1: *The core EU Member States benefit more than the external border States from the Dublin Regulation.*

H2: *The core EU Member States bear a smaller burden than the external border States, in terms of sharing the burden of asylum-seekers.*

H3: *The Dublin Regulation has increased the solidarity commitment between core EU Member States and external border ones; therefore it has led to a more equal burden-sharing system.*

2.5. Concluding remarks

After having outlined the most relevant theories and concepts, it becomes clear that burden-sharing is a multi-dimensional concept. It is necessary to distinguish between “sharing policy”, “sharing money” and “sharing people” (R. Thielemann & Thielemann, 2006). However, the focus of this research will be on physical distribution only (i.e. “sharing people”), since the Dublin Regulation was developed for addressing this concern. Many scholars argue that this kind of Regulation is not contributing to an equal burden-sharing system because since it establishes the ‘country-of-first-entry’ rule it is likely that the burden is shifted towards the external border countries. This already existing inequality is underlined by the international public good theory because its underlying assumption is that smaller and poorer countries bear a greater burden of asylum-seekers than the larger countries in the EU (Betts, 2003). Therefore, other scholars as Thielemann (2012) argue that these already existing differences are further strengthened with the implementation of the Dublin Regulation. After analysing the existing literature it becomes clear that this Regulation can be considered as a collective action mechanism (Suhrke, 1998). The question which remains in this context is whether this collective action is either based on norms or on interest. All these assumptions will be examined during the analysis in Chapter 4.

Chapter 3 – Methodology

The following Methodology chapter will outline how the derived data will be analysed. Therefore, a framework is constructed which builds the basis for the analysis of the overall research question and its different sub-components. In the next section, the Research Design as well as the operationalisation of the main variables will be described which will outline how the analysis will address the different sub-questions. This section is followed by describing the case selection and sampling method. Since different Member States are selected on purpose, a non-probability sampling is used in this context. How the data are collected, is the topic of section three, in which the data sources will be described. The fourth section will outline how the data are analysed. This analysis will be conducted by addressing each sub-question separately. The limitations of the derived data will be addressed at the end of this chapter; it is necessary to take them into account.

3.1. Research Design and Operationalisation

This study aims at examining the relationship between the *Dublin Regulation* and *asylum burden* in the EU. A longitudinal design is underlying this research because the time frame which is analysed comprises 14 years, namely 2000 till 2014. This design is the best option for this research because the time before the implementation of the Dublin Regulation and the time afterwards need to be analysed. Therefore, such a longitudinal design allows a comparison of how burden-sharing in the EU was before the amendments to the initial Dublin Regulation and what implications the amendments had on the countries in terms of burden-sharing.

In order to answer the research question, existing databases will be used in which the focus will lie on specific countries, in order to see if the Dublin Regulation has increased or decreased the burden in the field of asylum policy for the external EU border countries. This research has an interrupted time series approach because a single treatment, the Dublin Regulation, is accompanied with several pre- and post- tests which should evaluate the effect of the amendments made to this Regulation (Babbie, 2015).

However, for collecting the needed data it is necessary to operationalize the variables further. First of all, it is essential to outline what the dependent and independent variables are. The independent variable of this research is the Dublin Regulation because this Regulation was implemented and is therefore given (Babbie, 2015). Thus, the dependent variable is asylum burden-sharing and the assumption is that the Dublin Regulation is influencing burden-sharing in the EU. This research will be based on quantitative data which allows a comparison of core EU Member States with the external border countries, in terms of sharing the burden of asylum-seekers after the implementation of the Dublin Regulation. In the following, the dependent variable, *asylum burden*, will be operationalized.

For analysing the overall research question it is crucial to measure the asylum-burden of the selected countries. The numbers on *incoming and outgoing Dublin requests* are essential in this context. Incoming requests are those requests that a country receives from other countries, in order to be responsible for the asylum request of a certain person. An outgoing request is a request which is send by a particular country to another state. It can be argued that if a country receives a high number of incoming Dublin requests but has only little outgoing requests the asylum burden is more and more shifted towards this country. In this context it is also important to analyse the *allocation of the ERF*. According to the research question it is interesting to see whether the countries which bear a greater burden are also receiving more financial compensation.

Since the first sub-question is asking after *the points of entry*, it is necessary to analyse the ways of refugees, on their way to Europe. This data can provide an indication of which countries are the so-called 'countries of first entry' and are therefore the states which are most affected by the Dublin Regulation. The underlying assumption is that refugees are entering the EU first in its external border states which imply that these are also the states in which an asylum-seeker has to request for asylum.

In order to analyse the second sub-question, it is necessary to have a look at the *total number of asylum requests* as well as on the *percentages*, each selected country is hosting. Since this question will examine the development of the numbers of asylum seekers in external EU border countries, after the adoption of the Dublin Regulation, it is only relevant to analyse the data of these selected EU countries. It might be interesting to see if the amendments to the Dublin Regulation, Dublin II and Dublin III, had an effect on the total numbers as well as on the percentages of asylum requests in the external border countries.

The third sub-question is focusing on the transfers of asylum-seekers from one EU Member States to the country of first entry, which are taking place in the context of the Dublin Regulation. Therefore, it is necessary to analyse data on the number of *actual transfers*. Data indicate the number of persons who are actually transferred back to their country of first entry and which is responsible, for dealing with the asylum request. It is interesting to see if the countries to which the asylum-seekers are transferred back are countries which have an external EU Border or not.

The independent variable, the **Dublin Regulation**, will be measured by focusing on specific points of time in the aggregated data. Since it was amended in 2003 and 2013, the years directly after these amendments (2004, 2005, 2006 and 2014) are very important because they will show whether the amendments had an effect or not. External crises, such as civil wars or terrorism, might also be responsible for shifts in the dataset and therefore need to be taken into account during the analysis.

3.2. Case selection and Sampling

The *units of analysis* are the individual countries because these are the units which are studied. The *units of observation* are also countries but more particular these are the selected EU Member States because the data which will be analysed later on are derived from them (Babbie, 2015). Therefore, it is necessary to use a sampling method in order to make sure that the burden each country is facing can be analysed adequately. As the research question has already stated, the main focus will be on those EU countries which possess an external border because it will be analysed how the burden of asylum-seekers has changed for them after the adoption of the Dublin Regulation.

The method chosen here is non-probability sampling, more explicitly purposive sampling which describes “a type of nonprobability sampling in which the units to be observed are selected on the basis of the researcher’s judgment about which ones will be the most useful or representative” (Babbie, 2015, p.128). It is essential to compare EU border states with core Member States because this is necessary for analysing the equal shares of the asylum-burden therefore; two sets of countries need to be studied. As examples for core EU Member States are Sweden, Luxembourg, Germany, France and the Netherlands taken. These countries are selected because they are far away from external EU borders and are therefore appropriate cases for core EU Member States. Furthermore these countries differ a lot, for example in terms of their population size. The Netherlands, Luxembourg and Sweden have a small population whereas Germany and France are denoted as populous EU Member States. However, as many scholars have argued it is widely-known that Sweden and the Netherlands bear a greater burden in proportion to their small population size (Baldwin-Edwards, 1997; E. Thielemann & Armstrong, 2013; E. R. Thielemann, 2005), whereas the larger countries have rather limited efforts in terms of hosting asylum-seekers. Due to this already found inequality among the core Member States, it is interesting to have a sample composed of these types of countries; those which bear a greater burden and those which are committing limited efforts.

For analysing the extent of burden-sharing on external EU-Member States Italy, Greece, Malta, Spain and Hungary are selected as adequate examples. Due to their closeness to different trouble spots in Africa and the Middle East, it is likely that these states are often the first arrival countries for refugees from these regions and are therefore countries which are heavily influenced by the adoption of the Dublin Regulation. The phenomenon that smaller Member States which have a

proportionately smaller population take a greater responsibility in hosting asylum-seekers is also present in the context of external border states. Therefore, it is necessary to select larger border states, like Italy and Spain as well as smaller ones (Malta, Hungary and Greece) in order to see the differences among the countries which belong to one sample. It is important to mention that all selected cases are countries which are part of the Schengen area. Its main characteristic is that it supports the free movement of individual persons in this area with the abolishment of border controls (D. M. a. H. Affairs, 2015b). The participation in the Schengen area allows refugees, once they arrived in one country, to move freely to another European state without having a passport control. Therefore, they can move freely throughout the EU.

All these Member States mentioned above, are selected because they are judged as being appropriate for answering the research question and to compare the extent of asylum burden-sharing in the EU adequately.

Table 3: Overview of the selected EU-countries

Core EU Member States	EU border States
Sweden	Italy
Luxembourg	Greece
Germany	Malta
France	Spain
The Netherlands	Hungary

3.3. Data Collection

According to the operationalisation of the two main variables, the **Dublin Regulation** and the **asylum burden**, it is necessary to collect data on the *incoming and outgoing Dublin requests*, the *allocation of the ERF*, the *total numbers/ percentages of asylum-requests*, the *actual transfers* which are taken place in respect of the Dublin Regulation as well as data on the refugees *points of entry* in Europe. For deriving this quantitative data two already existing datasets are used which are provided by the EU, its statistical office Eurostat and the EU agency Frontex. The data for analysing the *incoming and outgoing Dublin requests*, the *total numbers and percentages of asylum-requests* and the *actual transfers* in the light of the Dublin Regulation are provided by Eurostat. The allocation of the ERF is derived from the Directorate's General on Migration and Home Affairs which provides data on the total allocation in the adopted time frame of this Fund (2008-2011). In turn, Frontex is analysing the *main routes* the refugees take on their way to Europe which is important for identifying the main points of entry.

Eurostat is the statistical office of the EU with the main aim of being "the leading provider of high quality statistics on Europe" (Eurostat, 2015a). Since it is providing statistics on the individual Member States as well as on the EU as a whole, it allows a comparison of the individual performance of different states and regions. Eurostat is considered as a reliable data source; thus it is an adequate statistical office for analysing the outlined research question. Since the focus of this research is mainly on the EU, it seems to be logical to use Eurostat as a statistical database because it collects data from national statistical databases which has the effect that the data provided there, are up to date (Eurostat, 2015a). In respect to the topic of this thesis, Eurostat has an extra section which is called "Asylum and Dublin Statistics" (Eurostat, 2015b). The dataset which is used in the upcoming analysis is derived from there. It provides data on "Asylum applications by citizenship", "Incoming/Outgoing 'Dublin' requests by submitting/receiving country and type of request", "Incoming/Outgoing transfers by submitting/receiving country and type of 'Dublin' request" (Eurostat, 2015b). During the analysis in the following chapter, all these statistics will be examined because they illustrate how the asylum-burden in the EU is allocated.

The EU's Directorate's General on Migration and Home Affairs works "to build an open and safer Europe" (D. M. a. H. Affairs, 2015a). One of the main emphases in this respect is on building a common EU migration and asylum policy; this system should be based on solidarity and respecting fundamental rights. The allocation of the ERF is under the responsibility of this DG and therefore the data provided there are very precise.

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU, Frontex, is mainly responsible for protecting the external borders of the EU. Especially since the adoption of the Schengen area, this agency gains more importance because the EU possesses one common external border for which Frontex is responsible. Its research is mainly focused on the developments which are relevant for controlling and monitoring the external borders of the Union (Frontex, 2015a). Due to their surveillance mechanism, the border guards are also often confronted with refugees who would like to enter the EU in order to request asylum. They have analysed the main routes refugees take to enter European territory. In respect to this thesis, these data are necessary for identifying the 'countries of first entry' which is very important for analysing the implications of the Dublin Regulation on the external border countries.

3.4. Data Analysis

The analysis of the aggregated data will be conducted by looking separately at the three outlined sub-questions.

The first sub-question is a descriptive one which aims at discovering the routes refugees take for entering European territory. This should clarify in which countries refugees arrive first and are then the so-called 'countries-of-first-entry'. A chart which is developed with the Frontex data will be used to highlight the main migration routes. The data are available from 2008 till 2014 and are referring to the numbers of illegal border crossings in this year. Frontex was established in 2005; however, it started to collect data in 2008 which means that data before that point in time are not available.

For answering the second sub-question it is necessary to analyse the percentages of the total numbers of asylum applications. Since the focus of interest is on the time period 2000 till 2014 it is most useful to construct a line diagram in order to see the development of the percentages. The question mainly focuses on EU border states; however a line chart will also be developed for the selected core EU States, in order to see the differences between these groups of countries. It is interesting to see if the amendments made to the initial Dublin Regulation in 2003 and 2013 had an effect on the percentages in the selected countries. Furthermore, it is necessary to have a look at the data of the ERF in order to see whether the countries with the highest numbers of asylum-seekers are also the ones which are receiving the highest amount of this fund.

For the third sub-question data which are collected in the context of the Dublin Regulation will be evaluated. These kind of numbers are composed of two datasets in which one is focussing on the incoming and outgoing Dublin requests whereas the other one comprises data on the actual transfers of the so-called 'Dublin cases'. To get a better overview a diagram will be invested which shows the incoming Dublin requests by submitting country and the outgoing Dublin requests by receiving country. This diagram is also constructed for the incoming transfers by submitting countries and the outgoing transfers by receiving country. All these data will help to analyse how the Dublin Regulation has affected the selected Member States and it will help to observe differences between how the core Member States and the external border countries are influenced by the adoption of the Dublin Regulation.

3.5. Limitations

However, the derived data might have some limitations. The databases take only the numbers of refugees and asylum-seekers into account which are officially registered in a country. Therefore, the people which stay illegally in the EU are not taken into account. This group of people can be very large which leads to the fact that the official numbers are not showing the actual extent of the

situation in Europe. Another important factor which must be taken into account in the context of this analysis is that external crises are influencing the derived data. For example crises such as civil wars or terrorism, can urge people to flee from their country; therefore the numbers of refugees in general will increase which inherently poses a challenge for EU States in terms of hosting such high numbers of refugees and sharing the burden. Thus, it is necessary to take the crises that happened during the period of analysis into account. Examples are the wars in Iraq and Afghanistan, the Arab Spring, the Syrian and Ukrainian civil war, the outbreak of the Ebola epidemic, as well as the rise of radical Islamist terrorist groups like Boko Haram, which is operating in Western Africa, or the Islamic State of Iraq and the Levant which are controlling parts of the Middle East. Possible rapid increases in the data may be explained by these external factors.

One limitation occurred in the context of the Frontex data. The overall time-frame for this analysis is 2000 till 2014, however, the data on the main routes of refugees, are only available from 2008 onwards. Since Frontex was established in 2005 it started its data collection in 2008, therefore it is not possible to analyse data before that point in time. Limiting the whole analysis on the time frame 2008 till 2014 is not advisable because then the first amendment made to the Dublin Regulation (2003) is not taken into account which is essential for addressing the research question.

3.6. Concluding remarks

This chapter explain the methods and the approaches of how the research question will be addressed. Therefore, it was necessary to operationalize the two main variables, *asylum-burden* and the *Dublin Regulation*. Furthermore, the Research Design clarifies that it is crucial to analyse each of the three sub-questions independently because it is necessary to examine different sets of data for each sub-question. Since the units of observation are the selected EU Member States it was essential to select cases. Therefore, five EU border states as well as five core EU Member States were selected on purpose in order to compare the asylum-burden in the EU. The population sizes of the Member States were taken into account during the selecting process because this is a crucial criterion for analysing the extent of the asylum-burden. The operationalisation of the variables revealed that it is necessary to collect data on different aspects. Thus, these data are derived from already existing databases like Frontex and Eurostat as well as by the DG of Migration and Home Affairs. The derived data are then used for addressing each sub-question separately in order to be able to provide a satisfying answer to the overall research question and to be able to see whether the implementation of the Dublin Regulation had an effect on burden-sharing in Europe.

Chapter 4 – Analysis

The following analysis is divided into three main parts in which the outlined sub-questions will be answered. The first paragraph will analyse the main routes of refugees towards Europe which directly implies the main points of entry, followed by the development of the percentages and the total number of asylum applications. In this context, the allocation of the ERF will also be analysed in order to see whether the countries which bear the greatest burden are also the greatest beneficiaries of this fund. The last section will focus on the incoming and outgoing Dublin requests and transfers in order to assess the effects of the Dublin Regulation.

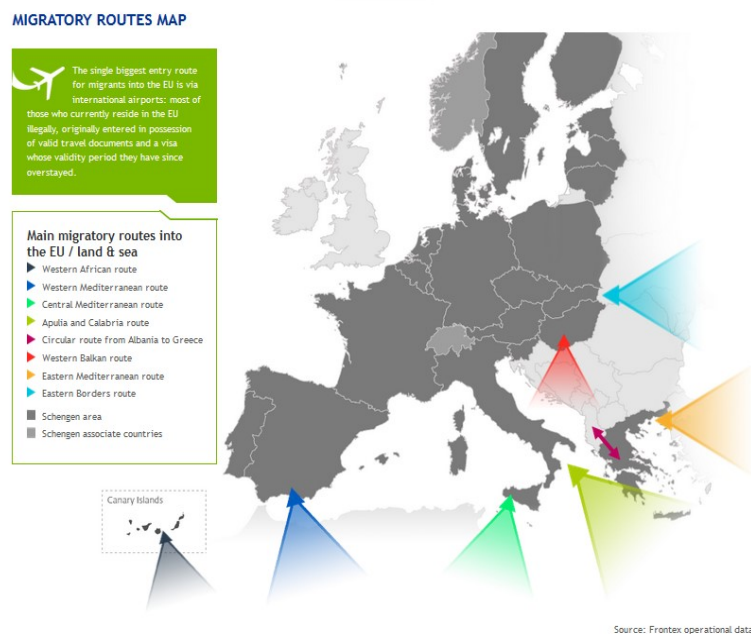
After providing an answer to these questions and testing the hypotheses which have been formulated in chapter three, the results will be interpreted in the final concluding chapter of this thesis, in which a final answer to the overall research question will be provided for clarifying whether the Dublin Regulation has shifted the burden of asylum-seekers towards the EU external border countries.

4.1. Refugees' main points of entry into Europe

In order to be able to answer the overall research question and to test the outlined hypotheses, it is necessary to answer the first sub-question: *What are the main points of entry for refugees in Europe?*

In light of the Dublin Regulation this question is very crucial because it reveals the countries in which the refugees have first entered the EU which are then responsible for their asylum request. The following map (Figure 1) shows the countries which are the arrival states for the several routes and are thus most affected by the implementation of the one-state-only-principle of the Dublin Regulation.

Figure 1: Main migratory routes into the EU/ land and sea (Frontex, 2015g)



With respect to the map above, Figure 2 offers an overview of the number of illegal border-crossings, in the period 2008-2014. These numbers help to identify which countries are mostly denoted as the countries of first entry for refugees.

Figure 2: Migratory routes towards the EU, 2008-2014 (Frontex, 2015g)³

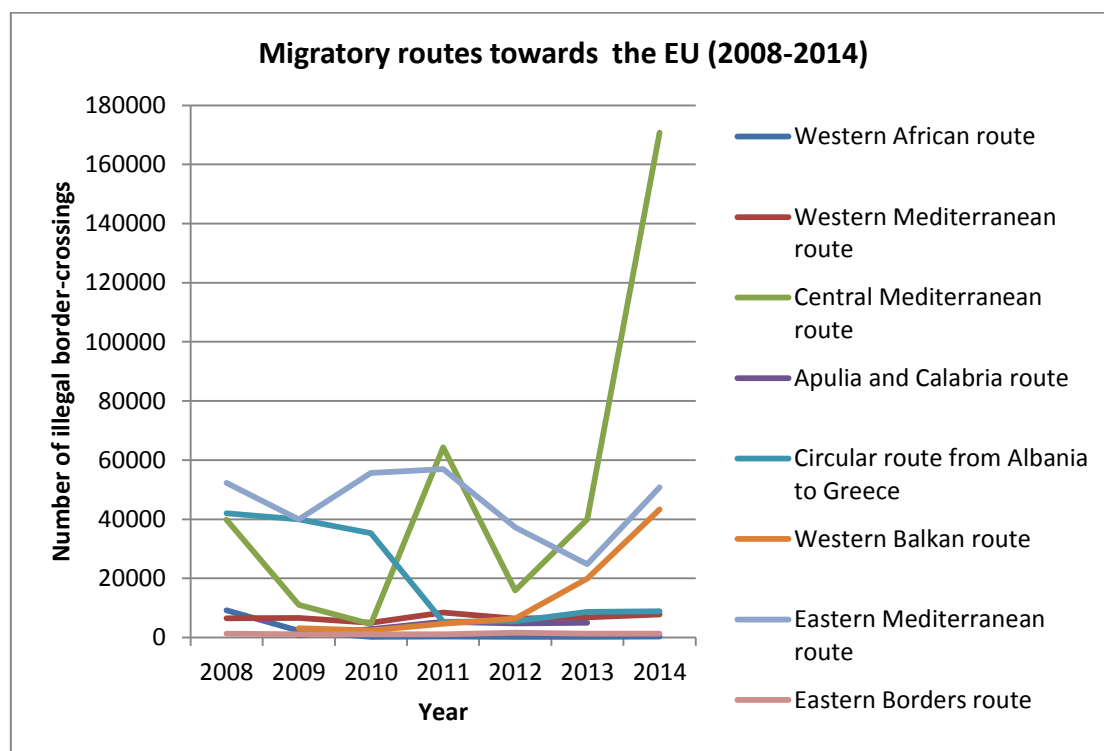


Figure 2 shows that the routes which are crossing the Mediterranean Sea are the most frequently used ones. Especially the Central and the Eastern Mediterranean routes are reporting the highest number of illegal border crossings. In case of the Central Mediterranean route, this number has increased dramatically from 2013 till 2014. Generally speaking, this route leads to Italian or Maltese territory, after departing mostly from Libya. People who are coming mainly from Tunisia, Eritrea, Somalia and Nigeria are using this route in order to come to Europe. From 2008 till 2010 the number of illegal border-crossings decreased extensively (from 39800 to 4500). The reason was that the Italian government signed a bilateral agreement with the Libyan authorities (Frontex, 2015c). However, with the emergence of the Arab Spring this agreement became invalid and the unrests in several Northern African countries like Tunisia, Egypt and Libya led to a dramatic increase in the number of illegal border-crossings. Due to the fact that Libya still lacks a functioning government and the rule of law, smugglers can operate there without any official control. With the outbreak of the Syrian war, many Syrians flee from their country and became therefore the largest nationality which is using this route. All these facts led to a dramatic increase of persons entering the EU illegally by this route; in 2014 about 170760 persons tried to flee on that route. This number is only the official number of entries which are counted by the authorities, though, this route is considered to be a very dangerous one it can be assumed that the number of people who are departing from Libya is higher but that they are not arriving at the mainland because they are dying at the sea. Since this route is reporting the highest numbers of illegal border-crossings, it seems that Italy and Malta are dealing with the most arriving refugees.

After the Central Mediterranean route, is the Eastern Mediterranean route, the second most frequently used one. Turkey is considered as the centre from which refugees and migrants try to reach European territory in Greece, Bulgaria or Cyprus. The migrants come mostly from Syria, Afghanistan and Somalia. Since Turkey has visa arrangements with several African states it is easy for those citizens to travel to Turkey and illegally enter the EU from there (Frontex, 2015f). In 2011, the highest number of illegally border crossings were reported, namely 57000. However, after this year

³ Appendix 1

there was an extensive decrease towards 24800 border crossings in 2013. Reasons for that sharp decrease were that the Greek government had undertaken several measures in order to lower these numbers in this respect it was supported by Frontex.

All other routes are reporting lower numbers of illegal border-crossings and they are mostly leading to European territory in other countries. The Western African route, for example, aims at reaching European territory on the Canary Islands which belong to Spain. The departure takes place in several Western African countries which are also often the countries of origin of the refugees. In 2008, the number of illegal border-crossings was the highest one with 9200 persons; this has decreased extensively till 2009 to 2250 persons. Since then, the number of illegal border-crossings has decreased more and more and is almost stable since 2010 with around 200 till 300 illegal border-crossings. Reasons for this relatively small numbers are that Spain has strengthened its border controls as well as the signature of bilateral agreements between the Spanish government and several Western African countries (Frontex, 2015h). A second route, namely the Western Mediterranean route, also aims at reaching Spanish territory. This route is not only considered as a sea route but also as a land route towards Ceuta and Melilla which are Spanish enclaves in Northern Africa (Frontex, 2015j). Compared to the other migration routes which are crossing the Mediterranean Sea this is considered to be the least frequented one. Over the whole time-frame the numbers of illegal border-crossings per year were between 5000 and 8500 with its peak in 2011 (8450 border-crossings). These comparable low numbers are caused by several initiatives undertaken by the Spanish governments which have already been outlined above.

The Apulia and Calabria route includes mainly the refugees who are coming from Turkey and Egypt as well as the ones which are moving between Greece and Italy. Many people who use this route have entered the EU by crossing the land border between Turkey and Greece (Frontex, 2015b). Compared to the other ones, this route indicates a rather small number of illegal border crossings. However, its peak was in 2011, with 5259 illegal crossings. Due to the events of the Arab Spring, the number of people who were fleeing from Northern Africa was generally very high which could be the explanation for the doubling of the number of border crossings from 2010 till 2011. After this year, the number has stabilised, around 5000 illegal crossings.

The circular route from Albania to Greece denotes the crossings of the land border between Greece and Albania. Many Albanians worked as seasonal workers in the black market economy in Greece and are therefore entering Greece illegally. In 2008, this route counted 42000 illegal border crossings. However this number has decreased over the years, with finally results in 8840 illegal crossings in 2014. The main reasons for this extensive decrease are changes in the visa rights for Albanian people (Frontex, 2015d). Since 2010 they are allowed to travel without a visa into the EU and therefore do not need to cross the Greek border illegally anymore.

The Western Balkan route includes on the one hand the migration flows from the Balkan countries themselves but on the other hand it also includes the secondary movements of primarily Asian migrants who have already entered the EU through Bulgaria or Greece and are using this route to arrive in Hungary. Over the years, there was a heavy increase in illegal border crossings towards Hungary. In 2009 there were 3090 illegal crossings but in 2014, Frontex reported 43360 illegal crossings. The main reason for this development, was the liberalisation of the Hungarian Asylum and Migration policy (Frontex, 2015i).

Although the EU's Eastern Member States have a long land border with other countries like Belarus, Ukraine and Russia, the numbers of illegal crossings are proportionately very small. There was only a slight increase in illegal crossings from 1335 in 2008 to 1600 in 2012; after that the number decreased towards 1270 in 2014. Therefore, it can be concluded that the number has been stable over this period. However, a visa liberalisation has entered into force in mid-2014. The trend shows that, in contrast to the Western Balkan route, this kind of liberalisation has led to a decrease in the number of illegal border crossings (Frontex, 2015e).

This analysis has shown that the most affected countries by the outlined migration routes are indeed external border countries. Greece, Spain, Malta, Italy, Hungary as well as the Eastern border countries can be considered as countries of first entry. Under the Dublin Regulation, these countries are then also responsible for dealing with the asylum requests of refugees who have first entered the EU in their territory; this fact is closely related to the first hypothesis.

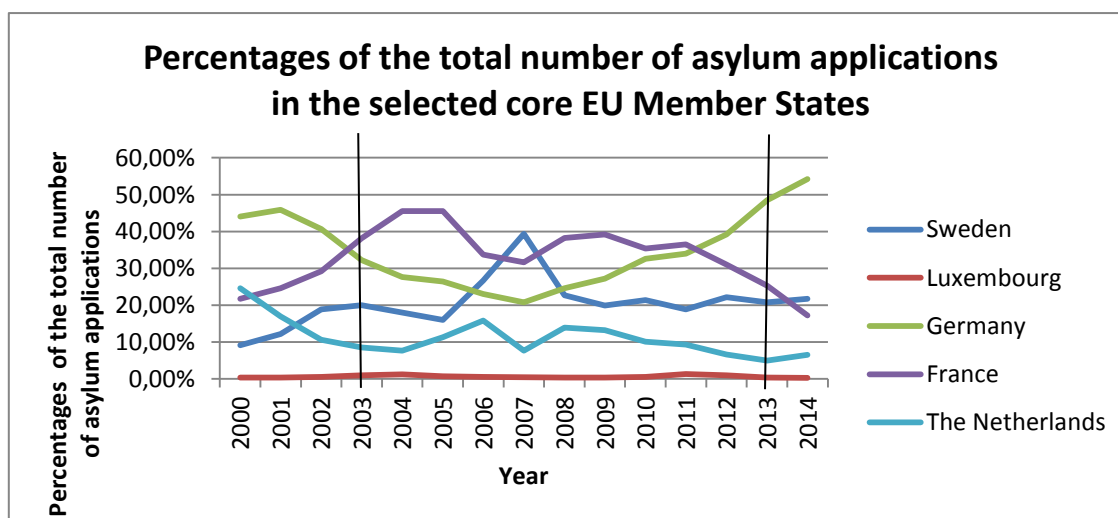
H1: The core EU Member States benefit more than the external border states from the Dublin Regulation.

After having analysed the main migratory routes, *H1* can be confirmed because the Regulation puts higher pressure on those external border countries in terms of being responsible for asylum requests. Therefore, it can be argued that the core EU Member States are benefiting more from its implementation than the external border countries. According to Thielemann and E.R. Thielemann (2006), a distributional key must be established in order to have an efficient and equal physical burden-sharing scheme. This is clearly lacking in the EU and therefore it seems to be impossible to share the burden equally among the Member States. Hence, the Dublin Regulation can only be considered as a starting point in physical burden-sharing because the analysis has supported Mainwaring's (2012) hypothesis that the external border countries face higher asylum pressures.

4.2. Development of the asylum applications in the selected EU Member States

This section will mainly deal with the development of the percentage of asylum applications each selected country is hosting. Therefore, it aims at answering the second sub-question: *How has the number of asylum applications developed in external EU border countries after the adoption of the Dublin Regulation?* Since the amendments of the Dublin Regulation took place in 2003 and 2013, it is crucial to analyse the time frame from 2000 to 2014 in order to see whether these amendments had an effect on these percentages. However, it is also necessary to compare the data of the external border states to the ones of the core Member States, in order to be able to test the second hypothesis, *whether the core EU Member States bear a smaller burden than the external border states in terms of sharing the burden of asylum-seekers*. Furthermore, it is crucial to see whether the countries which are hosting the highest percentage of asylum applications are also the ones which receive proportionately an adequate compensation of the ERF. The table Appendix 1 reveals how much each selected Member State receives.

Figure 3: Percentages of the total numbers of asylum applications in the selected core EU Member States (Eurostat, 2015b)⁴



⁴ Appendix 2

The diagram above shows the percentages of the total number of asylum applications in the selected core EU Member States, from 2000 till 2014. It highlights the development of the percentage for Sweden, Luxembourg, Germany, France and the Netherlands during this time frame. The black lines highlight the years in which the Dublin Regulation was amended. A general trend which this line diagram shows is that the two biggest European Member States, France and Germany had the highest percentage of absolute asylum applications over the selected time period. A possible explanation can be their good reputation in the rest of the world, in terms of having a good economy and stable employment rates which are seen as strong pull-factors by refugees and migrants (R. Thielemann & Thielemann, 2006). Contrastingly, Luxembourg which is a rather small country in the EU has the lowest number of asylum applications.

In 2000, Sweden has the second-lowest percentage of asylum applications, namely 9.15 %. After that it increases slightly but it almost stays at a level between 15 till 39 %. It was striking that from 2006 to 2007 was a big increase from 26.7% till 39.33 %. However, in the period after that, the rate almost stayed stable around the familiar level of around 20 %.

Luxembourg has over the whole period the lowest numbers of asylum applications. In 2000 it had 0.36 % of the total asylum applications in this selected country group. This number increased steadily till reaching its peak in 2011 with 1.37 % but generally the rates in Luxembourg are very low. A possible explanation for this, in comparison to the other core Member States rather low number of applications, might be that Luxembourg is not so attractive for migrants in terms of pull factors, due to the fact that its economy is mainly build upon the banking sector.

Germany has, together with France, the highest percentages of asylum applications. In the starting years of this analysis, 2000 and 2001, Germany had with 44.1 % and 45.9 % of the total applications the highest numbers. Until 2007 this number decreased rapidly to 20.82 %. After that the applications increase slightly till 2011 but from this year till 2014 Germany reported a massive increase, from 33.95 % to 54.21 % which mean that Germany had to deal with over the half of all asylum applications which are posed in the selected core EU Member States in 2014. An explanation for this dramatic increase is that although many other Member States are suffering from the consequences of the financial crisis Germany has still a well-working economy and a stable social system which makes it highly attractive for refugees to apply for asylum there. Events like the Arab Spring, the rise of radical Islamist Terrorist groups in several African countries as well as in Syria and Iraq have the consequence that the numbers of people who were on escape have increased dramatically which implies that there are more possible candidates who apply for asylum in the EU.

The percentages of France had a similar development; it started with 21.75 % in 2000, then it increased till 2004 but then it decreased to 31.16 % in 2007. This was followed by a small increase; however, this was not as dramatic as the one that can be observed in the case of Germany. Since 2011, the percentage was steadily decreasing

Over the selected time-period, the Netherlands had the second-lowest percentage of total asylum applications in their country. It reported the highest percentage of total applications in 2000 with 24.64 %. However, this number has decreased steadily and therefore in 2014, they have to deal with 6.5 % of all asylum applications posed in the selected core Member States.

It can be argued that the amendment, made to the initial Dublin Regulation in 2003, had an effect on the percentage of the total asylum applications in Germany because after this year, the numbers have decreased there. Since the Dublin II Regulation intensified the 'country-of-first-entry-principle' it can be assumed that refugees pose their asylum request more often in the country where they have first entered the EU which is mostly located at the external border. However, it cannot be said whether the amendments made in 2013 had an effect because due to several external crises the number of refugees has increased dramatically in Europe. Therefore, a general pattern could not be observed.

Figure 4: Percentages of the total numbers of asylum applications in the selected EU border states (2000-2014) (Eurostat, 2015b) ⁵

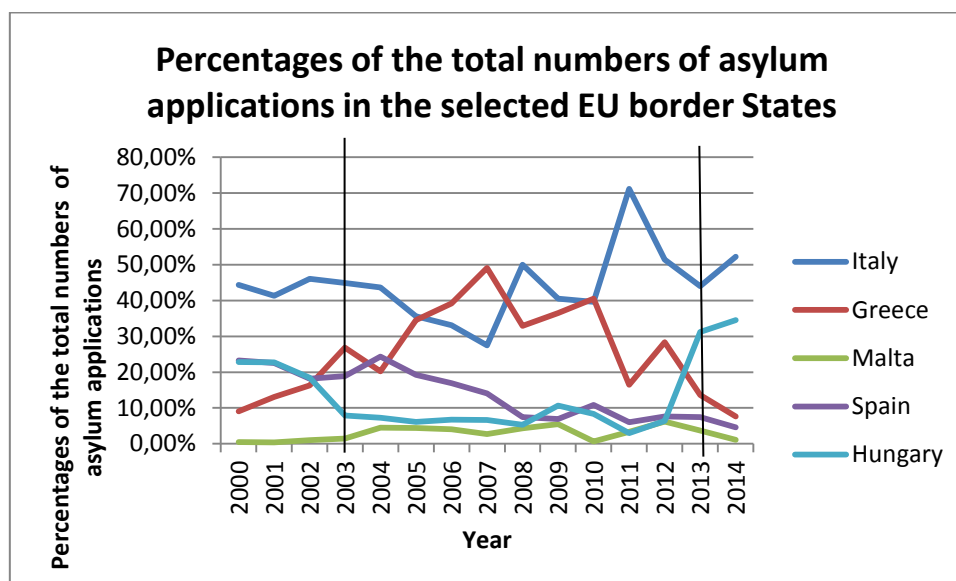


Figure 4 shows the percentage of the total number of asylum applications in the selected EU border States (Italy, Greece, Malta, Spain and Hungary). Since the range of the percentage of the applications in this diagram is between 0 % and 72 % in contrast to the diagram of the core Member States where it lays between 0 % and 54 %, it can be claimed that in general the differences in the group of countries are more extensive than in the core Member States.

Over the almost whole period, Italy has the highest percentage of total asylum applications. In 2000 it has to deal with 44.37 % of all asylum applications in this group; however this has decreased till 2007 to 27.47 % applications. After this the numbers are following a zig-zag pattern with a dramatic increase from 2010 till 2011 to 71.21 % of all applications. As outlined in the section before, Italy is one of the main entry points of refugees to Europe. Therefore, it is likely that some refugees who are arriving there will stay in Italy and not travel further to Northern European countries.

Next to Italy, Greece is also heavily influenced by several migratory routes. From 2000 till 2006, the number of asylum applicants has increased steadily from 9.03 % to 34.52 %; however there was a rapid increase in 2007 to 49.09 %. After that year the number decreases again to 7.62 % in 2014. This decrease can be explained by the fact that it became public that the human rights of refugees are not adhered there. Therefore, it might be that asylum-seekers are not willing to stay in Greece and move directly further to other European countries.

Malta, Spain and Hungary have, in comparison to the other selected countries, the lowest number of asylum applications. In 2000, Malta had only to deal with 0.47 % of all applications this has remained rather stable till its peak was reached in 2009 with 5.46 % applications. This was followed by a steep decrease because in 2010 they were only responsible for 0.69 % of all applications. After that the number remained between 1 % and 6 % of all asylum applications.

The percentage of asylum applications in Spain was not so fluctuating. In 2000, they had to deal with 23.3 % of all applications, and until 2014 this has decreased to 4.54 %. These numbers show that although many refugees are entering the EU there they are not posing their asylum request there. This might be due to the fact that the economies in the northern countries are stronger and that the several core Member States have a better reputation.

⁵ Appendix 2

From 2000 till 2002 the percentage of asylum applications Hungary had to deal with, remained rather stable around 20 %. After a decrease, to 7.86 % in 2003, the percentage settled down between 3 % and 8 %. However, in 2013 the percentage (31.25 %) was nearly 5 times higher than in the year before (6.38 %). This dramatic increase can be explained by the fact that the economic situation in Kosovo became worse. Therefore, many people flee from there, in order to have a wealthier life in the EU. Due to its geographical closeness, Hungary is the main entry point for them.

Since Malta and Greece had increasing numbers of asylum applications after 2003, it can be assumed that the amendments to the Dublin Regulation had an effect on them because they are now responsible for the asylum requests made by persons who entered the EU first in their country. However, the other selected countries seem not to be affected by these amendments.

By looking at the total number of asylum applications⁶, it becomes obvious that the core EU Member States have to deal with more asylum applications than the external border countries. Therefore, they receive 46.15% of the total share of the ERF while the external border countries receive only 15.15 %⁷. According to the total number of asylum applications this allocation might be justified. However, as the analysis of the migratory routes has shown the external border countries are the ones which have to deal with the most arriving refugees; hence, it might be reasonable to take this fact also into account.

H2: The core EU Member States bear a smaller burden than the external border States, in terms of sharing the burden of asylum-seekers.

It can be argued that the second hypothesis cannot be verified because the number of total asylum applications in the core Member States is extensively higher than in the external border States. In terms of absolute numbers of asylum applications, the general assumption in asylum burden-sharing regimes that the smaller states host more refugees (Betts, 2003; R. Thielemann & Thielemann, 2006) can be rejected, since the core Member States bear a greater burden in this respect. However, in the context of money this assumption might be justified, since the selected core Member States receives nearly half of the money of the ERF although they can generally be considered as wealthier than the external border States. Since the countries with an external border also have to deal with many refugees who arrive first in their territory it is questionable whether the allocation of the ERF is reasonable.

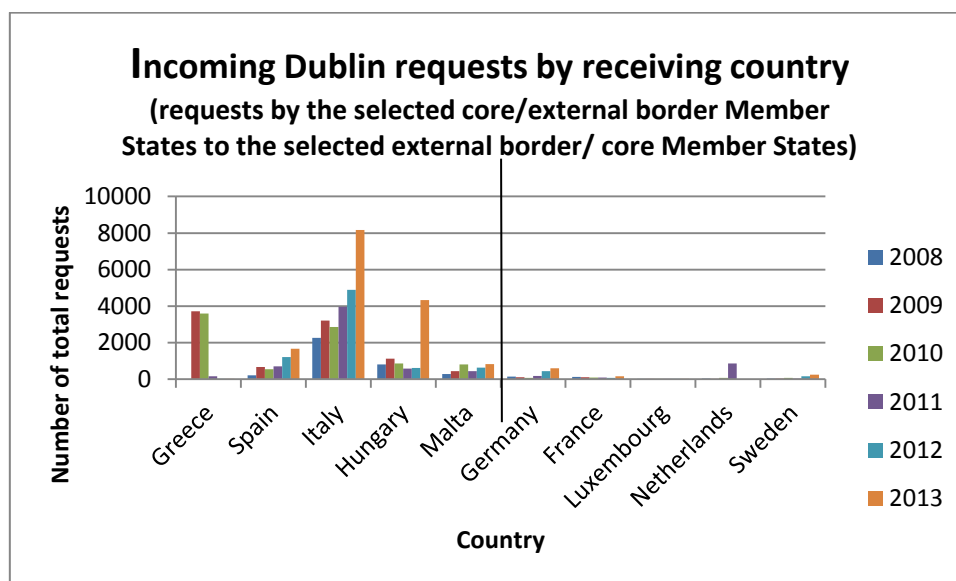
4.3. Transfers of 'Dublin cases'

In order to address the actual influence of the Dublin Regulation, it is essential to have a look at the incoming and outgoing Dublin requests as well as on the incoming and outgoing Dublin transfers. Dublin transfers are defined as "The transfer of responsibility for the examination of an asylum application from one Member state to another Member State. Such a transfer typically includes the physical transport of an asylum applicant to another Member State [...]" (Law, 2014). Therefore, this section will mainly deal with the third sub-question: *How many 'Dublin cases' are transferred from third countries to EU border States?* This analysis will allow testing the hypothesis whether *the Dublin Regulation has increased the solidarity commitment between core EU Member States and external Border-ones and has therefore lead to an equal burden-sharing system*. First of all it is necessary to have a look at the incoming and outgoing requests a country submits or rather receives. Then it is crucial to examine the actual transfers of people which are taking place in the context of the Dublin Regulation. In this respect, it is interesting to see whether the Dublin Regulation has influenced these numbers in terms of establishing more equality in the physical distribution of asylum-seekers in the EU. Since the data collection started in 2008, five years after the first amendments to the Dublin Regulation, it is only possible to see whether it has an effect in this selected time-period.

⁶ Appendix 3

⁷ Appendix 4

Figure 5: Incoming Dublin requests by receiving country (Eurostat, 2015b)⁸

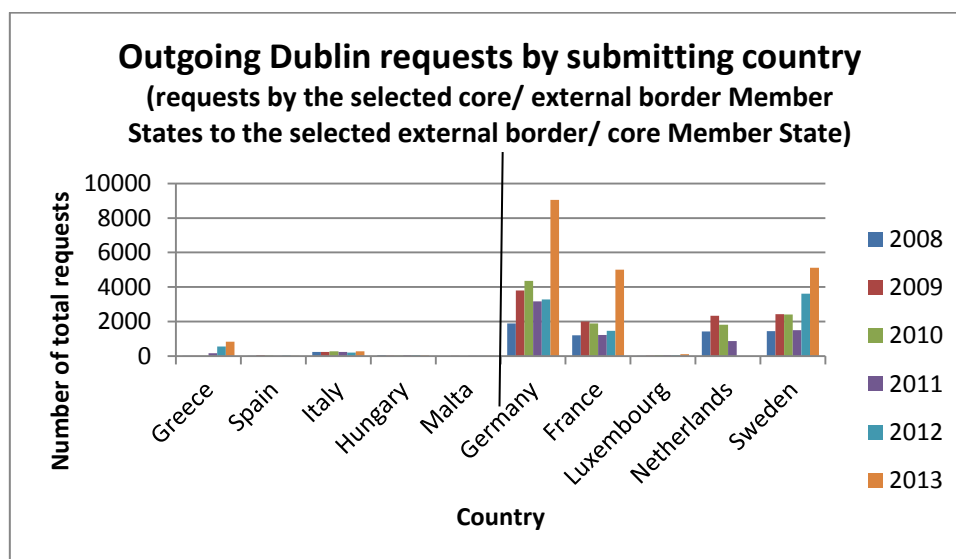


The line diagram above shows the incoming Dublin requests by the submitting country; it illustrates only the numbers of requests from the selected core Member States to the external border States and vice versa. Incoming requests are described as those types of requests that a country receives from other countries in order to be responsible for the asylum request of a certain person. Generally, the diagram shows that the selected border States face higher numbers of those kinds of requests than the core Member States. The numbers of incoming requests of the core EU Member States are ranging from one to 600 whereas the numbers for the border States are spreading between 200 and 8000. This overall trend shows that the 'state of first entry principle' which was implemented with the Dublin Regulation has the consequence that the states in which asylum-seekers first entered the EU are responsible for dealing with this request. After analysing the main routes of refugees it becomes clear that these are mostly countries which are located at the external EU border. The data on the incoming Dublin requests support this assumption because it truly shows that the core EU Member States are submitting many requests so that the external border States are responsible for asylum requests. Italy is the external Border Country which has to deal with the most incoming requests. Over the last years, the numbers have increased in Italy. Within five years the numbers of incoming requests have nearly quadrupled. This shows that more asylum-seekers are entering the EU firstly on Italian territory and that these persons are moving to other countries in the EU which then submit such a request to Italy. Except of Greece, all selected EU border States face an increasing trend in receiving requests for being responsible for certain asylum-requests. Greece is a rather striking case because in 2009 and 2010 they had about 3600 incoming requests but then this number decreased dramatically to only 22 in 2013. An explanation for this sharp decrease can be that the European Court of Human Rights ruled in 2011 that by sending asylum-seekers back to Greece, under the Dublin Regulation, other Member States are violating the European Convention on Human Rights because the rights of asylum-seekers in Greece are not properly adhered (Moreno-Lax, 2012).

In contrast to the numbers of the external border countries, the core Member States receive a rather small number of requests. In 2011, the Netherlands received the highest number of incoming requests for the whole time period in these selected countries, namely 865. A reason for the smaller numbers of incoming requests might be that firstly, they are not often countries of first entry under the Dublin Regulation and secondly, if refugees are entering the EU there they will stay in these countries due to their better economic and employment situation.

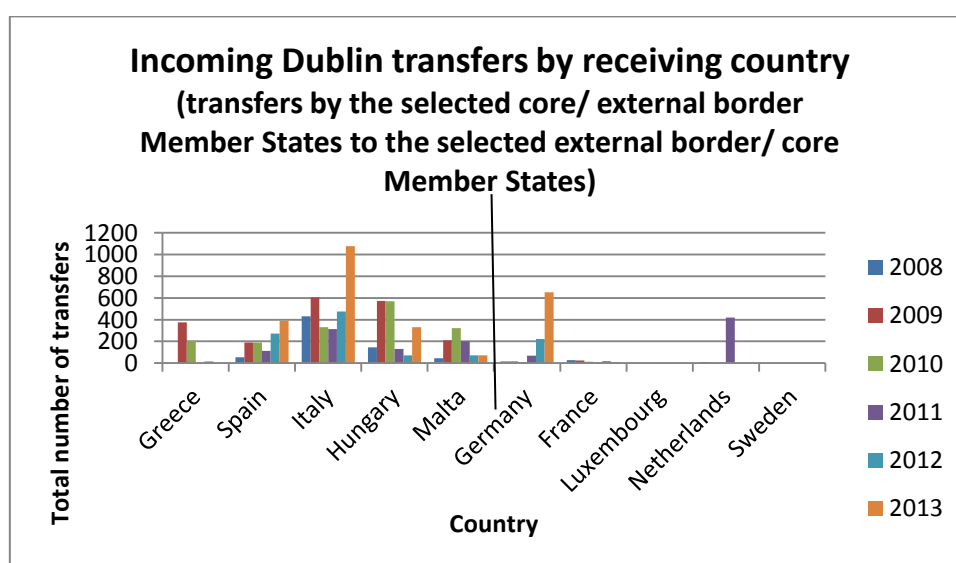
⁸ Appendix 5

Figure 6: Outgoing Dublin requests by submitting country (Eurostat, 2015b) ⁹



Since the line diagram on the incoming Dublin requests has shown that the external border countries receive more than the core Member States, it seems to be a logical consequence that the core Member States have higher outgoing requests compared to the external border countries. This is illustrated in Figure 6. In general, outgoing requests are sent from one country to another country in order to be responsible for an asylum-request. It is obvious that Germany has the highest number of outgoing requests; however, they have increased steadily. In 2008, they received 1885 requests. Until 2013 this number has increased dramatically to 9059 requests. Generally the diagram reveals that the number of outgoing transfers of the core Member States have increased over time. France and Sweden faced also a heavy increase, from 2012 to 2013. In respect to the external border countries this trend can also be observed because the number of outgoing requests in 2013 is on the highest level. Greece has the most outgoing requests, namely 831, followed by Italy with 279. Malta and Luxembourg can be considered as outliers because, compared to the other countries in their group, they have a very small number of outgoing requests.

Figure 7: Incoming Dublin transfers by receiving country (Eurostat, 2015b) ¹⁰



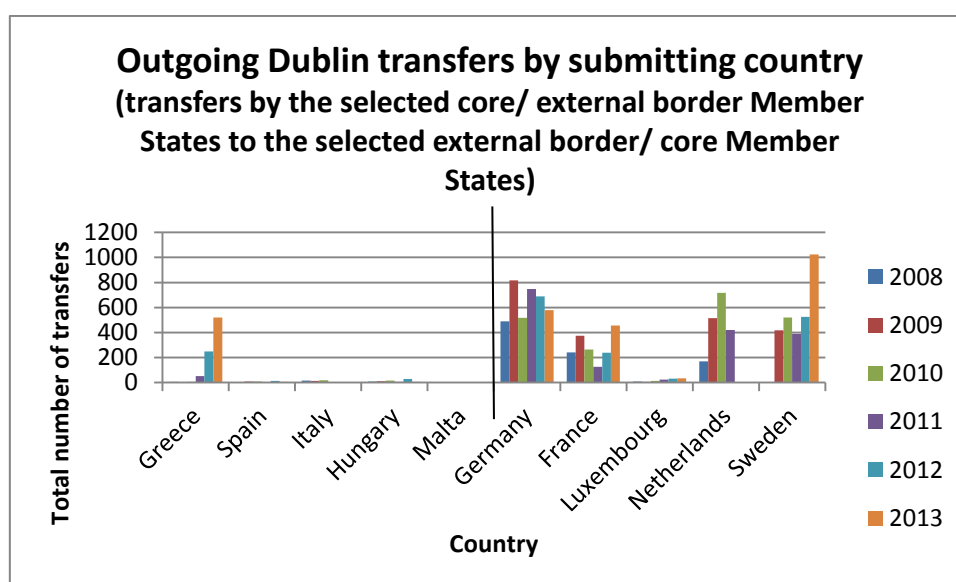
⁹ Appendix 6

¹⁰ Appendix 7

Coming now to the actual Dublin transfers, a similar pattern which could already be observed in the incoming Dublin requests is illustrated. The external border countries have more incoming transfers than the core Member States which implies that these countries are responsible for more asylum-requests under the Dublin Regulation. Since all these persons are transferred back to the country in which they have first entered the EU it seems to be that the Dublin Regulation increases the gap between these two groups of countries. Italy has the highest number of incoming transfers which is not surprising, given the fact that it is also the country with the most incoming Dublin requests. In 2009 and 2010, Hungary also had many incoming transfers. However, in the case of Greece, the number has decreased over time and in 2013 they reported no incoming Dublin transfer at all which could be traced back to the Court ruling, as already explained.

Among the core Member States, Germany is the country with the most incoming transfers which is a logical consequence since it has also the most incoming Dublin requests. From 2012 to 2013 the number has tripled which means that in 2013 Germany is reporting 652 incoming transfers. It is striking that in 2011 the Netherlands had a rapid increase in incoming Dublin requests, namely from six in 2010 to 420 in 2011. Sweden and Luxemburg had nearly no incoming transfers at all in the given time. France has also a rather low level of incoming transfers which lays mainly between seven and 28.

Figure 8: Outgoing Dublin transfers by submitting country (Eurostat, 2015b)¹¹



In respect to the outgoing Dublin transfers, the pattern that the core Member States have more outgoing transfers compared to those lying at the external border is also visible here. In respect to those types of countries, it is striking that Greece has many outgoing transfers in comparison to the other external border countries. They increased after the Court ruling in 2011 extensively and therefore it can be assumed that due to this ruling Greece is transferring more asylum-seekers to other countries because they are not able to adjust their living standards and adhere their human-rights properly. All other EU border States have very low numbers of outgoing Dublin transfers. With respect to the core Member States, Germany and Sweden have the highest numbers of outgoing transfers. In the case of Germany, the numbers remain mainly stable over the given time-period. Contrastingly, Sweden is reporting an immense increase from 525 transfers in 2012 to 1025 in 2013 which implies that more asylum-seekers have moved to Sweden although they have entered the EU in another country first. In this group of countries, Luxembourg is a striking case because compared

¹¹ Appendix 8

to the other core European states it has a very small number of outgoing Dublin transfers which is almost on one level with the numbers of the external border States.

It is very noticeable that the actual transfers under the Dublin Regulation are much lower than the number of requests a country either receives or submits. Therefore, it can be argued that although a country receives many incoming requests it does not imply directly that all these persons are transferred to this country. Reasons for that might be that two countries cannot agree on who is actually responsible for dealing with the asylum request of a person or that the transfers fail due to organisational or administrative problems.

This third section has dealt with examining the third hypothesis:

H3: The Dublin Regulation has increased the solidarity commitment between core EU Member States and EU external border ones; therefore it has led to a more equal burden-sharing system.

The analysis in this section has shown that this hypothesis can be rejected because it reveals that the external border States have to deal with much more incoming Dublin requests as well as incoming Dublin transfers than the core Member States. Since the core Member States are posing directly requests towards the external border ones for being responsible for an asylum request, although it is known that countries like Italy and Malta have to deal with extensive numbers of refugees arriving on their territory, it is questionable whether there is some kind of solidarity feeling, in terms of sharing the burden of asylum-seekers among the EU Member States although the EU is based upon fairness and solidarity (R. Thielemann & Thielemann, 2006).

4.5. Concluding remarks

In the context of the Dublin Regulation it is important to know which countries are the countries in which asylum-seekers first enter the EU. Therefore it was necessary to analyse the main routes refugees take on their way to Europe. The analysis has shown that the Central and the Eastern Mediterranean routes are most heavily used for reaching European territory. This implies that Greece and Italy are mostly the countries in which refugees arrive first. Generally, it could be claimed that the wealthier core Member State benefit more from the Dublin Regulation than those lying at the external border because since these external border countries are mostly the countries-of-first-entry they are then also responsible for the asylum requests made by the refugees.

The second section reveal that the core Member States have higher numbers of asylum applications than the external border ones. Since an underlying assumption in the literature was that the core Member States bear a smaller burden than the external border countries, it can be claimed that this cannot be verified. In terms of total numbers of asylum applications, the core Member States are indeed the countries which bear a greater burden. However, since they are hosting the main share of asylum-seekers, they are also receiving the greatest part of the ERF. The analysis has shown that especially the external EU border countries are facing big difficulties in dealing with the massive number of incoming refugees. Therefore, it might be more useful to take other factors into account in the allocation of the ERF.

The analysis addressed in the third section shows the expected pattern that the core Member States have more outgoing Dublin requests and transfers and the external border countries more incoming Dublin requests and transfers, were approved. Thus, it has shown that the implementation of the Dublin Regulation has not established an equal share of the burden of asylum-seekers. A solidarity commitment between the Member States is also missing since the core EU countries are posing more and more outgoing Dublin requests towards countries like Italy which are already overburdened with their current situation, in which thousands of refugees are arriving at their territory.

A final answer to the overall research question will be provided in the next chapter.

Chapter 5 – Conclusion

The longitudinal design conducted in this analysis reveals many interesting conclusions on the asylum-burden in Europe, how it is shared among the EU Member States and the impact the Dublin Regulation had on it. Therefore, the undertaken analysis has provided enough results on which an answer to the overall research question *“To what extent is the asylum-burden, in terms of physical distribution, shifted towards the EU external border countries, after the adoption of the Dublin Regulation?”* can be provided.

The study has shown that the implementation of the Dublin Regulation has shifted the physical asylum-burden extensively towards the EU Member States which possess a border with third states. This directly implies that the Member States lying at the core of the EU are not so much affected by the implementation of this Regulation. The analysis has illustrated that the border States are indeed the countries of first entry for many refugees and asylum-seekers. By having analysed the main routes refugees take on their way to Europe, it becomes clear that especially the Mediterranean countries (Italy, Greece and Malta) are heavily affected by the dramatically increasing number of refugees. One can argue that the external EU border States are facing an asylum dilemma. On the one hand, they have to deal with the extensive numbers of arriving refugees who are crossing the Mediterranean Sea by boat and who have to be adequately registered on their arrival. On the other hand, once they are officially registered in their country, this is the country-of-first-entry of the refugees. Since the implementation of the Dublin Regulation, this implies that this country is directly responsible for dealing with the asylum request of these refugees even if they want to move to other European countries. Therefore, the Dublin Regulation has intensified the dilemma of the European border States which results in the fact that sometimes they do not register the arriving refugees officially. They can easily move towards other European countries and apply for asylum there.

Furthermore, it becomes clear that the total number of asylum applications in the selected core EU Member States is higher than in the external border States. This underlines the fact that many refugees are moving towards other European countries once they have entered the EU in an external Border Country. As already argued, different pull-factors are crucial to decide for a country in which a refugee will pose his or her asylum request. Since the core Member States are generally considered as the wealthier ones with a better labour market situation and a well-working economy, it seems to be a logical consequence that refugees are requesting asylum there. However, these core Member States are allowed to send asylum-seekers back to the country in which they have first entered the EU which, as outlined above, are mostly the external border States. This again poses then pressure on these countries in terms of hosting high numbers of asylum-seekers.

Since the Dublin Regulation can be considered as a collective action mechanism, it can either be based on common norms or on common interests. The underlying assumption was that the different Member States have a solidarity commitment towards each other and are therefore aiming to establish an equal burden-sharing system. However, this assumption does not hold true. Hence, it can be concluded that there does not exist a solidarity commitment among the Member States. The external border States, especially the ones lying at the Mediterranean Sea, are currently facing dramatically increasing numbers of refugees arriving on their territory. Evidence exists that these countries are already overburdened with these numbers. However, the analysis has shown that the core Member States are posing many requests towards the already overburdened countries for being responsible of asylum requests made by asylum-seekers who have first entered the EU in their territory. If there would have existed more solidarity amongst the Member States, the ones lying at the core would not transfer Dublin cases back to border States, they would rather support the external border States in handling the newly arriving refugees. Therefore, it is more than questionable whether there is a solidarity commitment among the EU Member States.

The Dublin Regulation is clearly identified as a collective action mechanism and since it is not based on common norms it could be based upon common interests. The analysis shows that the EU border

States are most affected by the arriving refugees; therefore they have the interest to share the costs with other Member States in order to bear the financial burden not alone. Therefore, the arguments made by Thielemann (2006) that common norms are superficial and essential for equal burden-sharing systems cannot be confirmed in the case of the EU. This analysis supports rather the theory of Thielemann and El-Enany (2010) that the individual interests of the Member States play a crucial role in their motivation to participate in a burden-sharing regime.

Coming back to the literature review, physical burden-sharing was considered as an explicit regime for sharing the burden of asylum seekers (R. Thielemann & Thielemann, 2006). However, it can be stated that the Dublin Regulation, almost 18 years after its implementation, is still not more than a starting point for the physical distribution of asylum-seekers. This fact was already underlined by Betts (2003) and Thielemann (2006) and it was confirmed by the analysis. Although the initial Dublin Regulation was amended twice, it is still lacking a distribution key which is allocating refugees proportionately to Member States. Only with such a quota it can be possible to establish an equal burden-sharing system in Europe; otherwise the private interests of each individual state will remain in the foreground. Suhrke (1998) argued that hosting refugees can be considered as an international public good and that the underlying assumption in this respect is that bigger states are exploited by the smaller ones. In case of the EU this assumption, made by Suhrke (1998), can be rejected because the analysis shows that in terms of asylum burden-sharing the opposite is the case (R. Thielemann & Thielemann, 2006). Smaller Member States like Sweden and Malta are bearing a greater burden of refugees, in proportion to their population size. Therefore, this classical international public good assumption is not present in the EU which implies that the kind of burden-sharing system which is present in the EU cannot be considered as an international public good, at least not in that sense as Suhrke (1998) proposed it.

A quota, as mentioned above, could be very helpful in order to allocate refugees in proportion to the population size or the economic situation of a country. Although the EU has established the CEAS, policy harmonisation in this field has been rather limited. Since Noll (2003) conceptualizes burden-sharing in three categories (policy harmonisation, physical and fiscal burden-sharing), it can better be argued that harmonising domestic policies is rather a pre-requisite for establishing equality in the burden-sharing system than a category of it. Thus, Noll's (2003) conceptualization of burden-sharing should rather be twofold, namely in distinguishing between physical and fiscal burden-sharing.

The standards of asylum-seekers in Europe differ extensively (McDonough & Tsourdi, 2012), it is logical that asylum-seekers are more willing to pose their asylum request in countries which have a better reputation and are providing better standards and assistance for asylum-seekers. In order to reach an equal burden-sharing system in Europe it is essential to harmonize domestic systems (E. R. Thielemann, 2005; E. R. Thielemann & Dewan, 2006) because as Martin Schulz, the president of the European Parliament claimed "there is no such a thing as an EU migration policy. We have a patchwork of 28 different national systems" (Schulz, 2015).

Many EU States are complaining about the dramatically increasing number of refugees who are coming to Europe in order to be granted an asylum status. This is mainly the result of the increasing numbers of conflicts in the world, as well as the fact that many people in developing countries are living in poverty and are suffering from starvation. Therefore, they flee in order to have a better and safer life. Due to its good reputation in the world Europe is considered as such a safe place. As Thielemann and Armstrong (2013) have already highlighted, there are two different ways for dealing with refugees. Currently the EU is acting reactively which means that they provide protection for the refugees which are coming to their territory. However, there is also the possibility to prevent or rather reduce the numbers of people who are fleeing from their country of origin. This is conducted by taking proactive measures which implies fighting the causes why refugees flee, for example by combating civil wars or increasing developing aid in order to reduce poverty in certain countries. Up to a certain extent the EU commits developing aid but since the number of refugees increased so

drastically, the EU must scrutinize themselves whether it has failed to comply with its duties in the international order. Proactively, the EU can increase its actions because if they improve the living conditions in the countries of origin of the refugees, they do not have to deal with such a refugee dilemma as it is present now. Especially the fact that thousands of refugees are dying in the Mediterranean Sea has intensified the debate on the European Asylum Policy in general. The question on how to support the countries which are the arriving countries for these refugees is more and more debated in public. To say it with the words of Christopher Booker: "Of all the EU failures, its policy on asylum seekers is the worst" (Booker, 2015).

Since the EU is built upon common values like equity and solidarity, it should be assumed that these values form also the basis for the action in its asylum policy. Collective action mechanisms in general are built on a solidarity commitment of its members towards each other, as Thielemann (2006) pointed it out. The Dublin Regulation is considered as such a mechanism; it should also build upon these values. However, the analysis has revealed that solidarity is missing in the context of sharing the asylum-burden within the EU. It was known for years that the Member States which are located at the Mediterranean Sea have to deal with the most arriving refugees, if there existed such solidarity among the EU Member States, they would have supported the countries which are heavily affected. However, the core EU Member States use the legal instrument, the Dublin Regulation, in order to transfer the responsibility for asylum requests back to the countries of first entry which are facing big difficulties in dealing with the arriving refugees. This fact shows that solidarity in the EU, at least in the field of asylum burden-sharing, is clearly missing which the EU already noticed. Therefore, Martin Schulz invokes the Member States to act collectively and in solidarity, "our common European action has to take place in a spirit of solidarity with a fair sharing of responsibilities among all EU countries" (Schulz, 2015).

The research conducted in the context of the Dublin Regulation was rather limited; especially since the amendments made to it, the academic debate on it fell nearly silent. Therefore, the research which is conducted in this thesis is illuminating the problem of asylum burden-sharing in the EU only on a very limited scale. Many areas of the European asylum policy need to be further examined. Academics must conduct research to be able to suggest a distributional key which should be based on certain indicators, such as population size or economic strength of the countries, in order to allow the equal distribution of refugees. If this is developed, the Dublin Regulation can be amended in such a way that it finally meets its initial goal; the equal physical distribution of refugees among Europe. Furthermore, research needs to be conducted in the field of harmonising domestic policies. As outlined above, policy harmonisation is essential for achieving equality. Therefore, it is necessary to develop ways of how the different domestic asylum systems can be harmonized on the European level. The efforts done with the implementation of the CEAS are rather limited and therefore new legislations and strategies need to be developed in order to have a harmonized European Asylum System.

As already outlined, there exists a huge knowledge gap in the research of the Dublin Regulation and its implications. Although this regulation is nowadays often cited, due to the actuality of the topic with thousands refugees arriving week per week on European territory, it is remarkable that the research conducted on it is very limited. Therefore, this analysis helps to fill the existing knowledge gap. Thus, the research conducted in this thesis is innovative in that sense that other scholars have not examined the effects of the Dublin Regulation, in particular on EU border States. Although it is often argued that the Dublin Regulation disadvantages the EU border States, academic literature on it or empirical evidence is clearly missing. Therefore, this thesis provides an empirical analysis on this topic and tries to stimulate further academic research on it.

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List of abbreviations:

AFSJ	–	Area of Freedom, Security and Justice
CEAS	–	Common European Asylum System
ERF	–	European Refugee Fund
EU	–	European Union
UNHCR	–	United Nations High Commissioner for Refugees

Appendix:

Appendix 1: Migratory routes towards the EU (Frontex, 2015g)

	2008	2009	2010	2011	2012	2013	2014
Western African route	9200	2250	200	340	170	250	275
Western Mediterranean route	6500	6650	5000	8450	6400	6800	7840
Central Mediterranean route	39800	11000	4500	64300	15900	40000	170760
Apulia and Calabria route	---	807	2788	5259	4772	5000	---
Circular route from Albania to Greece	42000	40000	35300	5300	5500	8700	8840
Western Balkan route	---	3090	2370	4650	6390	19950	43360
Eastern Mediterranean route	52300	40000	55700	57000	37200	24800	50830
Eastern Borders route	1335	1050	1050	1050	1600	1300	1270

Appendix 2: Percentages of the total numbers of asylum applications in the selected core and border EU Member States (Eurostat, 2015b)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Italy	44.37 %	41.33 %	46.09 %	44.93 %	43.65 %	35.64 %	33.07 %	27.47 %	49.97 %	40.48 %	39.65 %	71.21 %	51.45 %	44.01 %	52.2 %
Greece	9.03 %	13.06 %	16.3 %	26.82 %	20.26 %	34.52 %	39.19%	49.09 %	32.96 %	36.48 %	40.53 %	16.43 %	28.39 %	13.6 %	7.62 %
Malta	0.47 %	0.37 %	1.01 %	1.49 %	4.51 %	4.44 %	4.06 %	2.7 %	4.32 %	5.46 %	0.69 %	3.34 %	6.17 %	3.71 %	1.09 %
Spain	23.3 %	22.54 %	18.15 %	18.9 %	24.33 %	19.26 %	16.92 %	14.06 %	7.48 %	6.88 %	10.83 %	6.03 %	7.61 %	7.43 %	4.54 %
Hungary	22.83 %	22.7 %	18.45 %	7.86 %	7.25 %	6.14 %	6.76 %	6.68 %	5.27 %	10.7 %	8.3 %	2.99 %	6.38 %	31.25 %	34.55 %

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Sweden	9,15%	12,22%	18,87%	20,02%	18,00%	16,03%	26,70%	39,33%	22,74%	19,96%	21,42%	18,90%	22,17%	20,77%	21,74%
Luxembourg	0,36%	0,36%	0,60%	0,99%	1,22%	0,74%	0,58%	0,46%	0,42%	0,40%	0,52%	1,37%	1,04%	0,41%	0,31%
Germany	44,10%	45,90%	40,66%	32,28%	27,67%	26,45%	23,09%	20,82%	24,64%	27,18%	32,58%	33,95%	39,18%	48,51%	54,21%
France	21,75%	24,59%	29,20%	38,16%	45,50%	45,49%	33,76%	31,68%	38,26%	39,18%	35,36%	36,49%	31,01%	25,31%	17,19%
The Netherlands	24,64%	16,93%	10,67%	8,55%	7,70%	11,29%	15,87%	7,71%	13,94%	13,28%	10,12%	9,29%	6,60%	5,00%	6,55%

Appendix 3: Total numbers of asylum applications in the selected core and Border EU Member States (Eurostat, 2015b)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Italy	15195	17400	16015	13705	9630	9345	10350	14055	30145	17670	10050	40355	17350	26620	64625
Greece	3085	5500	5665	8180	4470	9050	12265	25115	19885	15935	10275	9310	9575	8225	9435
Malta	160	155	350	455	995	1165	1270	1380	2605	2385	175	1890	2080	2245	1350
Spain	7925	9490	6310	5765	5365	5050	5295	7195	4515	3005	2745	3420	2565	4495	5616
Hungary	7800	9555	6410	2400	1600	1610	2115	3420	3175	4670	2105	1695	2155	18900	42775
TOTAL	34165	42100	34750	30505	22060	26220	31295	51165	60325	43655	25350	56670	33725	60485	123801

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Sweden	16285	23500	33015	31355	23160	17530	24320	36305	24875	24260	31940	29710	43945	54365	81325
Luxembourg	625	685	1040	1550	1575	800	525	425	455	485	785	2155	2055	1070	1150
Germany	78565	88285	71125	50565	35605	28915	21030	19165	26945	33035	48590	53345	77650	126995	202815
France	38745	47290	51085	59770	58545	49735	30750	29160	41845	47625	527725	57335	61455	66265	64310
The Netherlands	43895	32580	18665	13400	9780	12345	14465	7100	15255	16140	15100	14600	13100	13095	24535
TOTAL	178115	192340	174930	156640	128665	109325	91090	92055	109375	121545	149140	157145	1928205	261790	374135

Appendix 4: Allocation of the European Refugee Fund (ERF) in total from 2008-2011 (E. C.-M. a. H. Affairs, 2014)

Country	Total (2008-2011)	% of MS total
Greece	14.759.821 €	4,33%
Spain	6.318.706 €	1.85%
Italy	22.236.080 €	6.52%
Hungary	4.145.879 €	1.22%
Malta	4.200.776 €	1,23%
TOTAL	51.661.262 €	15,15%

Country	Total (2008-2011)	% of MS total
Germany	39.587.353 €	11,61%
France	40.018.672 €	11,73%
Luxembourg	2.056.571 €	0,60%
The Netherlands	15.594.599 €	4,57%
Sweden	60.153.005 €	17,64%
TOTAL	157.410.200 €	46,15%

Appendix 5: Incoming Dublin requests by receiving country (Eurostat, 2015b)

	2008	2009	2010	2011	2012	2013
Greece		3723	3600	167	29	22
Spain	212	666	557	704	1209	1668
Italy	2263	3209	2857	3969	4897	8166
Hungary	804	1127	869	591	627	4336
Malta	280	451	810	451	632	833

	2008	2009	2010	2011	2012	2013
Germany	151	106	83	179	438	598
France	121	112	88	95	80	161
Luxembourg	5	6	2	2	3	1
Netherlands	41	27	73	865		
Sweden	49	42	82	41	167	245

Appendix 6: Outgoing Dublin requests by submitting country (Eurostat, 2015b)

	2008	2009	2010	2011	2012	2013
Greece	18	7	10	162	558	831
Spain	25	49	30	24	36	23
Italy	232	244	272	232	206	279
Hungary	48	31	36	49	59	30
Malta	0	2	0	1	2	12

	2008	2009	2010	2011	2012	2013
Germany	1885	3795	4365	3163	3283	9059
France	1208	2007	1883	1222	1465	5002
Luxembourg	22	41	50	61	56	114
Netherlands	1427	2327	1824	865		
Sweden	1443	2428	2403	1509	3608	5114

Appendix 7: Incoming Dublin transfers by receiving country (Eurostat, 2015b)

	2008	2009	2010	2011	2012	2013
Greece		376	203	2	17	0
Spain	55	191	189	114	273	390
Italy	431	605	332	312	475	1078
Hungary	145	572	571	131	71	331
Malta	46	209	321	201	71	72

	2008	2009	2010	2011	2012	2013
Germany	16	17	10	68	222	652
France	28	24	14	7	19	10
Luxembourg	0	0	0	1	0	0
Netherlands	10	2	6	420		
Sweden			0	0	0	0

Appendix 8: Outgoing Dublin transfers by submitting country (Eurostat, 2015b)

	2008	2009	2010	2011	2012	2013
Greece	5	3	5	52	250	520
Spain	2	8	8	2	13	6
Italy	16	15	18	3	1	4
Hungary	8	11	16	5	29	7
Malta	0	0	0	0	0	0

	2008	2009	2010	2011	2012	2013
Germany	489	816	518	749	690	580
France	242	375	265	126	239	457
Luxembourg	9	7	13	24	32	35
Netherlands	170	514	717	420		
Sweden		419	519	390	525	1025