

## 5. Subsidiary protection

## COMMON ANALYSIS

Last update: June 2025

This chapter addresses the EU-regulated status of subsidiary protection. Where the applicant has not been found to qualify as a refugee, they may be eligible for subsidiary protection in accordance with Article 15 QD/QR.

The contents of this chapter include:

- the section on [Article 15\(a\) QD/QR: death penalty or execution.](#)
- the section on [Article 15\(b\) QD/QR: torture or inhuman or degrading treatment or punishment.](#)
- the section on [Article 15\(c\) QD/QR: indiscriminate violence in situations of armed conflict.](#)

Please note that the CJEU has ruled on **the importance of the individual circumstances to be taken into account while determining if an applicant is eligible for subsidiary protection, before identifying the type of serious harm**, notably(18):

'1. Article 15 of Directive 2011/95/EU (...) must be interpreted as meaning that in order to determine whether an applicant for international protection is eligible for subsidiary protection, **the competent national authority must examine all the relevant factors**, relating both to the individual position and personal circumstances of the applicant and to the general situation in the country of origin, **before identifying the type of serious harm** that those factors may potentially substantiate.'

For further information on the individual circumstances which may be relevant to consider in the assessment of a real risk of serious harm, please consult '[Country Guidance: Explained, February 2025](#)'.

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CJEU, X and Y v Staatssecretaris van Veiligheid en Justitie, C-125/22, Fourth Chamber, judgment of 9 November 2023, operative part (Court's ruling),  
[https://curia.europa.eu/juris/document/document.jsf?text=&docid=279488&pageIndex=0&doclang=en&mode=lst&docpart=1](https://curia.europa.eu/juris/document/document.jsf?text=&docid=279488&pageIndex=0&doclang=en&mode=lst&docpart=1&docid=279488&pageIndex=0&doclang=en&mode=lst&docpart=1)