

# 2.2.2. Distinguishing between serious (non-political) crimes and particularly serious crimes

The CJEU has interpreted the relationship between serious crimes under the exclusion grounds and the concept of a ‘particularly serious crime’ enshrined in the revocation clauses for refugee status in Article 14(4)(b) of the recast QD, highlighting their common objective, yet drawing a clear distinction between the concepts.

In this regard, in *Staatssecretaris van Justitie en Veiligheid* v *M.A.* (C-402/22, 6 July 2023), the CJEU defined crime, within the context of a particularly serious crime, as an “an act or omission which constitutes a serious breach of the legal order of the community concerned and which is, therefore, criminally punishable as such within that community”. Their common objective was highlighted as the CJEU observed that both clauses intend to deprive a thid-country national of international protection when they have committed a crime of a certain degree of seriousness, necessitating CJEU case law interpreting Article 12(2)(b) and 17(1)(b) to be taken into account for the purposes of interpreting Article 14(4)(b) of the recast QD. However, the CJEU drew a clear distinction between the concepts, noting the requirement for a different assessment framework depending on the clause being applied. The CJEU ruled that the EU legislature imposed different requirements on the degree of seriousness of the crimes which may be relied on to justify the application of exclusion, revocation or grounds for *refoulement*. It noted that the expression ‘particularly serious crime’ makes the application of that provision subject to the particularly strict condition of “a final conviction for a crime of exceptional seriousness, more serious than the crimes which may justify the application of Article 12(2)(b) or Article 17(1)(b) and (3) of that directive” (para 35).

Building on this reasoning, in a judgment pronounced on 27 February 2025 in *K.A.M.* v *Republic of Cyprus* (C-454/23), the CJEU firmly distinguished between exclusion grounds and revocation/refusal grounds (see paras 27, 36 and 58). In particular, the CJEU held that Article 2(d) of the recast QD “expressly makes being a ‘refugee’ conditional upon the fact that the person concerned does not fall within the scope of Article 12 thereof”. In contrast, as concerns revocation/refusal grounds, the CJEU has stated that “the revocation of refugee status or the refusal to grant it, on the basis of Article 14(4) or (5) thereof, does not have the effect that the third-country national ceases to be a refugee within the meaning of Article 2(d) of Directive 2011/95 and Article 1(A) of the Geneva Convention”. It clarified further that Article 14(4) and (5) of the recast QD cannot be interpreted as adding additional exclusion grounds. This section will therefore not provide an analysis of cases relating to a particularly serious

crime, which fall outside of the report’s scope.

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