

4. Danger to the community or national security

This section examines the exclusion ground of danger to the community or the security of a Member State under Article 17(1)(d) of the recast QD and the QR. Unlike the other exclusion grounds addressed in this report, this provision is exclusive to subsidiary protection and does not apply to the assessment of refugee status. It is also distinctive in that it focuses on the present dangerousness of the applicant rather than on past conduct alone, making the assessment of the posed threat central to its application.

Section 4.1 sets out the applicable legal framework. Section 4.2 examines the CJEU's contributions to the interpretation of this ground, covering the definitions of public security and public order, the requirement of an individualised and independent assessment, and the genuine and present danger requirement. Section 4.3 then analyses how national courts across EU+ countries have applied these principles in practice, focusing on three categories of threat indicators: group membership or association, ongoing criminal proceedings, and patterns of violent and antisocial behaviour.

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