



## PRESS RELEASE No 102/24

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Judgment of the Court in Case C-753/22 | Bundesrepublik Deutschland (Effect of a decision granting refugee status)

### **Refugee status: a Member State is not required automatically to recognise refugee status granted in another Member State**

Where a Member State cannot reject as inadmissible an application for international protection of an applicant to whom another Member State has already granted such protection, on account of a serious risk to that applicant of being subjected, in the other Member State, to inhuman or degrading treatment, it must carry out a new individual examination. It must nevertheless take full account of the decision of the other Member State and of the elements on which that decision is based.

A Syrian national who obtained refugee status in Greece subsequently applied for international protection in Germany. A German court held that, because of the living conditions of refugees in Greece, she faced a serious risk of being subjected to inhuman or degrading treatment, with the result that she could not return to Greece. The competent German authority rejected her application for refugee status but granted her subsidiary protection. She then brought an action against the refusal to grant refugee status before the German courts.

The German Federal Administrative Court asks the Court of Justice whether, in such a situation, a competent authority is required to grant the applicant refugee status solely on the ground that her or she has already been granted refugee status by the other Member State or whether it may carry out a new, independent examination of the substance of that application.

In its judgment, the Court finds that, at EU law currently stands, Member States are not required to recognise automatically decisions granting refugee status adopted by another Member State. However, Member States are free to do so. Germany did not exercise that option.

In those circumstances, where the competent authority cannot reject as inadmissible an application for international protection of an applicant to whom another Member State has already granted such protection, on account of a serious risk to that applicant of being subjected, in that other Member State, to inhuman or degrading treatment, it must carry out a new, individual, full and up-to-date examination of the qualification for refugee status.

In the context of that examination, that authority must nevertheless take full account of the decision of that other Member State to grant international protection to that applicant and of the elements on which that decision is based. To that end, it must, as soon as possible, initiate an exchange of information with the authority that adopted that decision.

If the applicant qualifies as a refugee, the authority must grant him or her refugee status, and it does not have any discretion.

**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which

have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355.

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