

**Judgment of the Court (Grand Chamber) of 31 January 2017 (request for a preliminary ruling from the Conseil d'État — Belgium) — Commissaire général aux réfugiés et aux apatrides v Mostafa Lounani**

(Case C-573/14) <sup>(1)</sup>

*(Reference for a preliminary ruling — Area of freedom, security and justice — Asylum — Directive 2004/83/EC — Minimum standards for the qualification and status of third country nationals or stateless persons as refugees — Article 12(2)(c) and Article 12(3) — Exclusion from being a refugee — Concept of 'acts contrary to the purposes and principles of the United Nations' — Scope — Member of the leadership of a terrorist organisation — Criminal conviction of participation in the activities of a terrorist group — Individual assessment)*

(2017/C 104/18)

Language of the case: French

**Referring court**

Conseil d'État

**Parties to the main proceedings**

*Applicant:* Commissaire général aux réfugiés et aux apatrides

*Defendant:* Mostafa Lounani

**Operative part of the judgment**

1. Article 12(2)(c) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted must be interpreted as meaning that it is not a prerequisite for the ground for exclusion of refugee status specified in that provision to be held to be established that an applicant for international protection should have been convicted of one of the terrorist offences referred to in Article 1(1) of Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism.
2. Article 12(2)(c) and Article 12(3) of Directive 2004/83 must be interpreted as meaning that acts constituting participation in the activities of a terrorist group, such as those of which the defendant in the main proceedings was convicted, may justify exclusion of refugee status, even though it is not established that the person concerned committed, attempted to commit or threatened to commit a terrorist act as defined in the resolutions of the United Nations Security Council. For the purposes of the individual assessment of the facts that may be grounds for a finding that there are serious reasons for considering that a person has been guilty of acts contrary to the purposes and principles of the United Nations, has instigated such acts or has otherwise participated in such acts, the fact that that person was convicted, by the courts of a Member State, on a charge of participation in the activities of a terrorist group is of particular importance, as is a finding that that person was a member of the leadership of that group, and there is no need to establish that that person himself or herself instigated a terrorist act or otherwise participated in it.

---

<sup>(1)</sup> OJ C 46, 9.2.2015.