Case 30/77 Bouchereau [1977] ECR -01999

Facts: A French national working in the UK was found guilty of unlawful possession of drugs. The applicant later pleaded guilty to an identical offence and had been given a twelve-month conditional discharge. The Magistrate's Court wished to make a recommendation for deportation on public policy grounds. The pertinent question referred to the Court was whether this offence was enough to trigger a justification on the grounds of public policy. It is important to note that an EU directive set out that past criminal convictions could not form the sole basis for deportation but could only be relevant in so far as they manifested a present or future propensity to act in a manner contrary to public policy or pubic security.

Held: Perturbation to the social order by an infringement of the law, alone, could not be enough to justify steps taken on public policy grounds to have the applicant deported. Only a genuine and sufficiently serious threat to the requirements of public policy affecting one of the fundamental interests of society would suffice in this respect. Given that there was a need for a present threat to be established, a previous conviction could not qualify unless it evidenced a present threat, which was ultimately for the Member States' national courts to determine.

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