

Case 67/74 Bonsignore [1975] ECR -00297

Facts: The applicant had been found guilty of negligence which caused the death of his brother by mishandling a firearm for which he had no licence. However, no punishment was imposed on the count of negligent death because of the mental suffering caused to the individual concerned as a result of his carelessness. A deportation order was made against him by the Aliens Authority on the grounds of reasons of a “special preventative nature” based either on the facts which had given rise to the criminal conviction or on the present and foreseeable conduct of the plaintiff. The national court was hoping to use the plaintiff as a deterrent.

Held: The Court held that the objective of general deterrence could not justify the expulsion of the individual. What was required, in accordance with EU law, was a breach of the peace and public security caused by the individual himself, and not by reference to the actions of the general public.