

Subject-matter concerned	<input type="checkbox"/> 1) non-discrimination on grounds of nationality <input checked="" type="checkbox"/> 2) freedom of movement and residence - linked to which article of the Directive 2004/38 <input type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	2 February 2010
Deciding body (in original language)	Συμβούλιο της Επικρατείας (Επιτροπή Αναστολών)
Deciding body (in English)	Council of State (Committee of Suspensions)
Case number (also European Case Law Identifier (ECLI) where applicable)	118/2010 ECLI:EL:COS:2010:0202N118.09ED1552
Parties	Natural Person vs Ministry of Interior
Web link to the decision (if available)	http://www.adjustice.gr/webcenter/portal/ste/ypiresies/nomologies?bltId=10254048&_afrLoop=18564831376204806#!%40%40%3F_afrLoop%3D18564831376204806%26bltId%3D10254048%26centerWidth%3D65%2525%26leftWidth%3D0%2525%26npath%3D%252Fwebcenter%252Fportal%252Fste%252Fypiresies%252Fnomologies%26rightWidth%3D35%2525%26showFooter%3Dfalse%26showHeader%3Dtrue%26_adf.ctrl-state%3Dwxbogs1p_172
Legal basis in national law of the rights under dispute	Presidential Decree 106/2007 <ul style="list-style-type: none"> ○ art 8, according to which Union citizens who stay in Greece for a period longer than three months need a registration certificate; ○ art. 21 para 1 & 2 according to which the freedom of movement and residence of Union citizens may be restricted on grounds of public policy, public security or public health... 2. Measures taken on grounds of public policy or public security shall comply with the principle of proportionality and shall be based exclusively on the personal conduct of the individual concerned. Previous

	<p>criminal convictions shall not in themselves constitute grounds for taking such measures. The personal conduct of the individual concerned must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. Justifications that are isolated from the particulars of the case or that rely on considerations of general prevention shall not be accepted.</p> <ul style="list-style-type: none"> ○ art. 23, the persons concerned shall be informed, precisely and in full, of the public policy, public security or public health grounds on which the decision taken in their case is based, unless this is contrary to the interests of State security
<p>Key facts of the case (max. 500 chars)</p>	<p>The applicant, a Romanian citizen, was sentenced in 2002 to imprisonment of four years and nine months for distinguished theft (as a person committing theft on professional basis and by habit). The offence was committed in 2001, when Romania was not yet an EU member state. By order of the Council Misdemeanors the applicant was released in 2003 from the special detention facility for young criminals where he was held, provided that he did not enter the Greek territory for a period of three years and his deportation from the country was ordered. Indeed he was deported and left the country in 2003. Later he entered again the Greek territory and he acquired a certificate of registration as EU citizen in 2008 after Romania had become an EU member state. The certificate was revoked by decision of the Head of the Alien Police Department of West Attica in 2009.</p> <p>The applicant claimed the suspension of the execution of the decision revoking the certificate of registration as EU citizen. The competent Police Department took this decision on the grounds that the applicant was sentenced to imprisonment of four years and nine months for distinguished theft (as a person committing theft on professional basis and by habit) and because he had entered the country illegally (when he was convicted, in 2002, Romania was not an EU Member).</p> <p>The applicant claimed that there was no reason for suspension of his certificate of registration because the period of probation had passed and later he resided in Greece where he rented an apartment and worked. He provided to the court his tenancy agreement, a certificate from his employer and income tax bills of the years 2008 and 2009. He also claimed that if the decision revoking his registration as EU citizen was executed and he would be forced to leave the country he would suffer irreparable or hardly reparable damage as this would affect his living conditions and his professional activity in Greece.</p>
<p>Main reasoning / argumentation (max. 500 chars)</p>	<p>The court took into consideration the former conviction of the applicant for distinguished theft and the sentence imposed and the fact that the claimant did not appear to have particular personal or family ties with Greece. On these grounds he was considered a threat to public order and his application was rejected.</p>

Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The court considered that the existence of previous criminal convictions in combination with the fact that the claimant did not have any particular personal or family ties with Greece may make the applicant a threat to the public security.
Results (e.g. sanctions) and key consequences or implications of the case (max. 500 chars)	The applicant's request for the suspension of the execution of the decision with which the certificate of registration as EU citizen was revoked was rejected by the court.
Key quotations in original language and translated into English with reference details (max. 500 chars)	<p>... Επειδή, η Επιτροπή, συνεκτιμώντας την καταδίκη του αιτούντος για τα αδικήματα των διακεκριμένων κλοπών και της σύστασης, καθώς και την ποινή που του επιβλήθηκε, και λαμβάνοντας περαιτέρω υπόψη ότι δεν προκύπτει ή ύπαρξη ιδιαιτέρων προσωπικών ή οικογενειακών δεσμών του με την Ελλάδα, κρίνει ότι η αίτηση πρέπει να απορριφθεί δεδομένου, άλλωστε, ότι δεν παρίστανται ως προδήλως βάσιμοι οι προβαλλόμενοι λόγοι ακυρώσεως.</p> <p>Because the Commission, taking into account the conviction of the applicant for the offenses of distinguished thefts and the sentence imposed and taking further into account the fact that there is no proof of particular personal or family ties with Greece, considers that the application must be rejected on the ground that the pleas in law are not manifestly well founded.</p>
Has the deciding body refer to the Charter of Fundamental Rights. If yes, to which specific Article.	No.