



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

CASE OF SAVURAN v. DENMARK

(Application no. 3645/23)

JUDGMENT

Art 8 • Expulsion • Private life • Expulsion order with a six-year re-entry ban against settled migrant lawfully residing in Denmark for thirty years following conviction for serious offences • Relevant and sufficient reasons • Proportionality duly assessed by domestic courts in light of Court's case-law

Prepared by the Registry. Does not bind the Court.

STRASBOURG

12 November 2024

FINAL

17/03/2025

*This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.*

In the case of Savuran v. Denmark,

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Gabriele Kucsko-Stadlmayer, *President*,

Tim Eicke,

Faris Vehabović,

Armen Harutyunyan,

Anja Seibert-Fohr,

Anne Louise Bormann,

Mateja Đurović, *judges*,

and Andrea Tamietti, *Section Registrar*,

Having regard to:

the application (no. 3645/23) against the Kingdom of Denmark lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Turkish national, Mr Ilhan Savuran (now Savran) (“the applicant”), on 11 January 2023;

the decision to give notice of the application to the Danish Government (“the Government”);

the parties’ observations;

the fact that the Turkish Government did not express a wish to intervene in the present case (Article 36 § 1 of the Convention and Rule 44 of the Rules of Court);

the comments submitted by a non-governmental organisation, the European Centre for Law and Justice (ECLJ), which had been granted leave to intervene by the President as a third party in the proceedings (Article 36 § 2 of the Convention and Rule 44 § 2);

Having deliberated in private on 8 and 22 October 2024,

Delivers the following judgment, which was adopted on the latter date:

INTRODUCTION

1. The application concerns an order made in criminal proceedings for the expulsion of a settled migrant. The applicant complained under Article 8 of the Convention.

THE FACTS

2. The applicant was born in 1991 and lives in Türkiye. He was represented by Mr Tyge Trier, a lawyer practising in Copenhagen.

3. The Government were represented by their Agent, Ms Vibeke Pasternak Jørgensen, of the Ministry of Foreign Affairs, and their co-Agent, Ms Nina Holst-Christensen, of the Ministry of Justice.

4. The facts of the case may be summarised as follows.

5. The applicant was born in Denmark.

6. By a judgment of the District Court (*Retten i Glostrup*) of 21 October 2021, the applicant was convicted under Article 191 of the Penal Code (which carries a sentence of imprisonment of up to ten years) of possession of 52.25 grams of cocaine intended for resale, and of having sold 350 grams of cocaine between November 2020 and May 2021, thereby earning a profit of 128,850 Danish kroner (DKK – approximately 17,300 euros (EUR)). He was also convicted under the Controlled Substances Act (*bekendtgørelse om euforiserende stoffer*) of possession of 16.87 grams of hashish for his own consumption. The applicant was sentenced to two years' imprisonment and issued with a warning of expulsion.

7. The applicant pleaded guilty before the District Court. He stated that he had sold cocaine on numerous occasions. Buyers had contacted him by telephone, and the transactions had been carried out at his home or at the buyer's own address. The applicant had done a lot of driving to deliver the cocaine. He kept the money in a cupboard at home. He lived with his parents, who both had jobs. He had completed a training course for car mechanics, and was working in his own workshop at home, but had not had a paid job for the last couple of years.

8. The District Court's reasoning regarding the expulsion order was as follows:

“... In determining the sentence, the court has taken into account as an aggravating circumstance the fact that [the applicant] has engaged in numerous drugs transactions over a long period of time. As a mitigating circumstance, the fact that [the applicant] has no criminal record for similar offences and that the case was conducted as a summary trial based on [the applicant's] guilty plea has been taken into account.

The conditions for expulsion of [the applicant] as set out in section 22(1)(iv), read with section 26(1), of the Aliens Act, have been met. However, since expulsion would for certain be contrary to Denmark's international obligations (see section 26(2) of the Aliens Act), [the applicant] is being issued with only a warning of expulsion – see section 24b(1) of the Aliens Act.

The court has taken into account in this regard the fact that [the applicant] falls within the scope of Article 14, read in conjunction with Article 7, of Decision No. 1/80 of the Association Council [of 19 September 1980 on the development of the Association between the European Economic Community and Türkiye – hereinafter ‘the Association Decision’]. He has not previously been convicted of serious offences, and he has not previously been issued with a suspended order of expulsion from Denmark or warned about the risk of expulsion. He was raised in Denmark and has lived in Denmark all his adult life, and his entire family live in Denmark. He has no real ties with Türkiye based on family or real property or other reasons. In these circumstances, the court finds that it would be a disproportionate sanction and contrary to [the applicant's] right to private life to expel him and to issue him with a re-entry ban in the case at hand.”

9. The applicant appealed against the judgment to the High Court of Eastern Denmark (*Østre Landsret*), where he submitted, *inter alia*, that he had a close relationship with his parents, whom he was assisting with

practical tasks. The applicant's grandparents had died five to six years previously, and he had no family left in Türkiye. He had been on holiday there several times, most recently in 2015 and 2019. He mastered the Kurdish language. At home they spoke Danish and a little Kurdish.

10. By a judgment of 19 April 2022, the High Court increased the sentence to two years and three months' imprisonment and expelled the applicant from Denmark with a six-year re-entry ban. In respect of the expulsion order, the High Court stated as follows:

"It follows from section 26(2), read with section 22(1)(iv), of the Aliens Act that [the applicant] must be expelled unless expulsion would for certain be contrary to Denmark's international obligations.

[The applicant] is a Turkish national, and it is evident that he falls within the scope of Article 7 of the 'Association Decision' No. 1/80. The issue is thus whether expulsion would be contrary to Article 14(1) of the Association Decision. Another issue is whether expulsion would be contrary to Article 8 of the European Convention on Human Rights ('the Convention').

It follows from Article 14(1) of the Association Decision that a Turkish national falling within its scope can be expelled by the host country only when such expulsion is justified on grounds of public policy, public security or public health. As established by the Supreme Court (*Højesteret*), including in the cases reported in the Danish weekly law reports as UfR 2017.2728 H and UfR 2021.4721 H, it follows from the judgment given by the European Court of Justice in case C-371/08 (*Ziebell*) [judgment of 8 December 2011, EU:C:2011:809] that measures on grounds of public policy or public security may be taken only following a case-by-case assessment by the competent national authorities demonstrating that at present the personal conduct of the individual concerned constitutes a genuine and sufficiently serious threat to a fundamental interest of society. In that assessment, the authorities are also required to observe both the principle of proportionality and the fundamental rights of the person concerned, in particular the right to respect for private and family life. Expulsion on grounds of public policy or public security cannot be ordered automatically following a criminal conviction or on general preventive grounds as a means of deterring other foreign nationals from committing offences.

Under Article 8 § 1 of the Convention, everyone has the right to respect for his or her private and family life. Under Article 8 § 2, there can be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society, *inter alia*, for the prevention of disorder or crime. Whether or not interference is necessary will mainly depend on an assessment of proportionality. The proportionality test includes the needs of society for an expulsion order in view of the nature and seriousness of the crimes committed. The proportionality test also takes into account the duration of the relevant person's residence in the host country and the strength of his or her family, social and cultural ties with the host country and the country of nationality. There must be very compelling reasons to justify the expulsion of a settled migrant who was born in the host country or who entered the host country as a child and has lawfully spent all, or the major part, of his or her childhood and youth in the host country. Reference is made, *inter alia*, to the judgment delivered by the European Court of Human Rights on 23 June 2008 in *Maslov v. Austria* [[GC], no. 1638/03, ECHR 2008], particularly paragraph 75.

According to the case-law of the European Court of Human Rights, the duration of a re-entry ban is essential in the assessment of whether expulsion would

SAVURAN v. DENMARK JUDGMENT

disproportionately interfere with the right to respect for private and family life – see, *inter alia*, paragraph 98 of the *Maslov* judgment, as well as paragraph 37 of the judgment delivered on 22 April 2004 in *Radovanovic v. Austria* [no. 42703/98] and paragraph 51 of the judgment delivered on 23 September 2010 in *Bousarra v. France* [no. 25672/07].

[The applicant] has been sentenced to imprisonment for a term of two years and three months for serious drug-related offences – see Article 191 § 2, read with the first sentence of Article 191 § 1, of the Penal Code. According to his own statement, he has been selling cocaine over a long period of time. He has admitted to having been in possession of 52.25 grams of cocaine intended for resale and, moreover, to having sold 350 grams, thereby earning a profit of DKK 128,850. He was contacted by buyers, who sent text messages to his telephone and agreed with him whether the transaction was to take place at the buyer's home or at his own address. He usually sold one to two sachets at a time. There have been many transactions, and he has driven around a lot. Accordingly, these are not random offences but planned ones, which have continued over a long period of time.

Considering the nature and circumstances of the offences, the High Court finds that, even though [the applicant] has no criminal record, his conduct must be considered at present to constitute a genuine and sufficiently serious threat affecting one of the fundamental interests of society under Article 14(1) of the Association Decision as interpreted by the European Court of Justice in the *Ziebell* judgment.

[The applicant] was born and raised in Denmark. He has completed the training course for car mechanics, but has not been on the labour market except for the work performed at his own home workshop. His parents and two adult siblings live in Denmark. He has no girlfriend or children. Until they died five or six years ago, he used to visit his grandparents in Türkiye and he has also taken several holidays in Türkiye with friends of his. On the basis of oral evidence, it has been established that he no longer has any family living in Türkiye. It has also been established that he understands and speaks Kurdish.

Against this background, the High Court considers it established that [the applicant's] ties with Denmark are much stronger than those with Türkiye. However, together with his nationality, he does have certain ties with Türkiye and would not be unequipped to cope in Türkiye in the event of his expulsion.

On the basis of an overall assessment and given the nature and seriousness of the crimes, the High Court finds that the considerations in favour of expelling [the applicant] are so compelling as to outweigh the considerations against expulsion that are based on his strong ties with Denmark and his weak ties with Türkiye. It is observed that his family will be able to maintain contact with him, including through visits to Türkiye and by communication over the telephone and online.

In the light of the above observations on [the applicant's] strong ties with Denmark, the duration of a re-entry ban will in itself be important to the decision on whether expulsion would be contrary to Denmark's international obligations. In determining the duration of the re-entry ban, the High Court makes a finding in accordance with the claim of the Prosecution Service for a six-year re-entry ban – see section 32(5)(i), read with section 32(4)(vii), of the Aliens Act.

Against this background, the High Court finds that an expulsion order and a six-year re-entry ban would not amount to a disproportionate interference contrary to Article 14(1) of the Association Decision or Article 8 of the Convention and that [the

applicant] should therefore be expelled from Denmark and banned from re-entry for six years.”

11. A request by the applicant for leave to appeal to the Supreme Court was refused on 7 October 2022 by the Appeals Permission Board (*Procesbevillingsnævnet*).

12. On 3 August 2023 the applicant was convicted by the District Court (*Retten i Svenborg*) under the Controlled Substances Act of being in possession, on two occasions, while detained, of a total of 19.93 grams of cannabis for his personal consumption. The applicant was sentenced to fourteen days’ imprisonment and issued with a warning of expulsion.

13. The applicant was released on 28 August 2023 (having been detained on remand and served his sentences). He was deported to Türkiye the same day.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

14. The relevant provisions of the Aliens Act (*Udlændingeloven*) relating to expulsion have been set out in detail in, for example, *Munir Johana v. Denmark* (no. 56803/18, §§ 23-26, 12 January 2021) and *Salem v. Denmark* (no. 77036/11, §§ 49-52, 1 December 2016).

15. Section 24b of the Aliens Act on suspended expulsion orders, which provided for suspended expulsion orders with a probation period of two years, was amended by Law no. 469 of 14 May 2018, which came into force on 16 May 2018. The new provision introduced a warning scheme, which did not provide for a requirement to specify a particular probation period.

16. Section 32 of the Aliens Act was amended by Law no. 469 of 14 May 2018 and Law no. 821 of 9 June 2020. In brief, as a result of the amendments, a re-entry ban was to be imposed as follows: for six years if the alien was sentenced to imprisonment for between three months and one year (section 32(4)(iv)); for twelve years if the alien was sentenced to imprisonment for between one year and one year and six months (section 32(4)(vi)); and permanently, if the alien was sentenced to imprisonment for more than one year and six months (section 32(4)(vii)). However, the courts were given discretion to reduce the length of re-entry bans, whether permanent or limited in time (section 32(5)(i)), if the length would otherwise “for certain” be considered in breach of Denmark’s international obligations, including Article 8 of the Convention.

17. Section 50 of the Aliens Act was amended by Law no. 919 of 21 June 2022. As a result of the amendment, when making a subsequent review of whether an expulsion order should be set aside, the Danish courts are now able to impose a re-entry ban for a shorter period than that previously specified, irrespective of when the criminal offence was committed, if they find, at the time of the review, that a shortening of the period is required to ensure that the expulsion order falls within the scope of Denmark’s

international obligations (see also, *inter alia*, *Noorzae v. Denmark*, no. 44810/20, §§ 14-15, 5 September 2023).

THE LAW

ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

18. The applicant complained that the High Court's decision of 19 April 2022 (see paragraph 10 above) to expel him from Denmark with a six-year re-entry ban, which had become final on 7 October 2022 (see paragraph 11 above), was in breach of Article 8 of the Convention, the relevant part of which reads as follows:

“1. Everyone has the right to respect for his private ...life ...

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

A. Admissibility

19. The Government submitted that the complaint should be declared manifestly ill-founded within the meaning of Article 35 § 3 of the Convention.

20. The applicant disagreed.

21. In the Court's view, the complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. *Arguments by the parties*

22. The applicant submitted that the High Court had failed to take certain relevant circumstances into account in the balancing test, notably that he had an insignificant criminal past, that he had never received a warning that he might be deported, that he had very strong ties to Denmark and that he had no ties to Türkiye, apart from having been on holiday there. In his view, it had not been established that there were “very compelling reasons” to deport him with a re-entry ban for six years. He also maintained that the expulsion order was *de facto* permanent because the prospect of his being granted a new residence permit in Denmark was purely theoretical.

23. The Government submitted that the Danish courts had carried out a thorough proportionality assessment, balancing the opposing interests and taking all the applicant's personal circumstances into account. The applicant

had committed serious drug offences and he posed a threat to public order. The High Court had used its discretion to reduce the duration of the re-entry ban to six years, and the applicant was thus able to re-enter Denmark. Lastly, since the domestic courts had considered the case specifically in the light of Article 8 of the Convention and the Court's pertinent case-law, the Court should be reluctant, having regard to the subsidiarity principle, to disregard the outcome of the assessment made by the national courts.

2. *Comments submitted by the third-party intervener, the ECLJ*

24. The ECLJ submitted its general assessment on the issue of expulsion of foreign nationals committing offences in a host State, in the light of the Court's case-law under Article 8 of the Convention. It invited the Court to take two further criteria into account, namely the host country's ability to integrate foreign nationals, and its difficulties in keeping foreign nationals away from environments which had contributed to their committing offences. It also found that the limited length of a re-entry ban was an important factor to be taken into account in the proportionality test.

3. *The Court's assessment*

(a) **General principles**

25. The relevant criteria to be applied have been set out in, among other authorities, *Üner v. the Netherlands* ([GC], no. 46410/99, §§ 54-60, ECHR 2006-XII) and *Maslov v. Austria* ([GC], no. 1638/03, §§ 68-76, ECHR 2008). In *Savran v. Denmark* ([GC], no. 57467/15, § 182, 7 December 2021) the Court summed up the criteria which are relevant for the analysis whether the expulsion order was necessary in a democratic society:

“182. In *Maslov* ... the Court ... set out the following criteria as relevant to the expulsion of young adults, who have not yet founded a family of their own:

- the nature and seriousness of the offence committed by the applicant;
- the length of the applicant's stay in the country from which he or she is to be expelled;
- the time that has elapsed since the offence was committed and the applicant's conduct during that period; and
- the solidity of social, cultural and family ties with the host country and with the country of destination.

In addition, the Court will have regard to the duration of the exclusion order (*ibid.*, § 98; see also *Külekcı v. Austria*, no. 30441/09, § 39, 1 June 2017, and *Azerkane v. the Netherlands*, no. 3138/16, § 70, 2 June 2020). Indeed, the Court notes in this context that the duration of a ban on re-entry, in particular whether such a ban is of limited or unlimited duration, is an element to which it has attached importance in its case-law (see, for example, *Yilmaz v. Germany*, no. 52853/99, §§ 47-49, 17 April 2003; *Radovanovic v. Austria*, no. 42703/98, § 37, 22 April 2004; *Keles v. Germany*, no. 32231/02, §§ 65-66, 27 October 2005; *Külekcı*, cited above, § 51; *Veljkovic-Jukic*

v. *Switzerland*, no. 59534/14, § 57, 21 July 2020; and *Khan v. Denmark*, no. 26957/19, § 79, 12 January 2021).”

(b) Application of those principles to the present case

26. The Court finds it established that there was an interference with the applicant’s right to respect for his private life within the meaning of Article 8, that the expulsion order and the re-entry ban were “in accordance with the law”, and that they pursued the legitimate aim of preventing disorder and crime (see also, for example, *Salem v. Denmark*, no. 77036/11, § 61, 1 December 2016).

27. The Court observes that the applicant did not rely on his right to respect for his family life, either in form or in substance, during the criminal proceedings leading to the expulsion order at issue. The Court will therefore examine the case only under the private-life aspect of Article 8 (see, *mutatis mutandis*, *Noorzae v. Denmark*, no. 44810/20, § 24, 5 September 2023).

28. As to whether the interference was “necessary in a democratic society”, the Court notes that the Danish courts took as their legal starting-point the relevant provisions of the Aliens Act and the Penal Code, as well as the criteria to be applied in making a proportionality assessment under Article 8 of the Convention and the Court’s case-law. The Court recognises that the domestic courts examined the relevant criteria thoroughly given that very serious reasons were required to justify the expulsion of the applicant, a settled migrant who had been born in Denmark (see paragraph 5 above) and had been lawfully resident in the host country for thirty years when the offences were committed (see *Maslov*, cited above, § 75). The Court is therefore called upon to examine whether “very serious reasons” of that kind were adequately adduced and examined by the national authorities when assessing the applicant’s case (see also, *Sarac v. Denmark*, no. 19866/21, § 27, 9 April 2024; *Nguyen v. Denmark*, no. 2116/21, § 28, 9 April 2024; *Noorzae*, cited above, § 25, and *Sharifi v. Denmark*, no. 31434/21, § 25, 5 September 2023).

29. The High Court gave particular weight to the seriousness of the offence committed and the sentence imposed. The applicant was convicted, in particular, under Article 191 of the Penal Code (which carried a sentence of up to ten years’ imprisonment) of possession of 52.25 grams of cocaine intended for resale, and for having sold 350 grams of cocaine over a period of several months. His actions concerned planned offences, which had been carried out over a long period of time. The applicant was sentenced to two years and three months’ imprisonment (see paragraph 10 above).

30. The High Court, like the District Court (see paragraph 8 above), took into account the fact that the applicant had no significant criminal record.

31. With regard to the criterion of “the length of the applicant’s stay in the country from which he or she is to be expelled”, the High Court duly took into account the fact that the applicant had been born in Denmark and that he

had lawfully resided there for thirty years (see, also, *mutatis mutandis*, *Sarac*, cited above, § 30; *Nguyen v. Denmark*, no. 2116/21, § 30, 9 April 2024; *Noorzae*, cited above, § 28; and *Sharifi*, cited above, § 28).

32. In respect of the criterion of “the time that has elapsed since the offence was committed and the applicant’s conduct during that period”, the Court notes that the applicant remained in prison until the expulsion order was implemented on 28 August 2023 (see paragraph 13 above). Nevertheless, on 3 August 2023 he was newly convicted, namely under the Controlled Substances Act for being in possession, on two occasions while in prison, of a total of 19.93 grams of cannabis for his personal consumption. The applicant was sentenced to fourteen days’ imprisonment and issued with a warning of expulsion (see paragraph 12 above).

33. As to the criterion of “the solidity of social, cultural and family ties with the host country and with the country of destination”, the High Court properly took this into account. It accepted that the applicant’s ties with Denmark were much stronger than his ties with Türkiye, but found that he was not incapable of making a life in the latter country (see paragraph 10 above).

34. Lastly, regard has also been had to the duration of the expulsion order, in particular whether the re-entry ban was of limited or unlimited duration. The Court has previously found such a ban to be disproportionate on account of its unlimited duration, whereas in other cases it has considered the limited duration of an exclusion order to be a factor weighing in favour of its being proportionate (see, for example, *Savran*, cited above, §§ 182 and 199, and the cases cited therein). One of the elements relied on in this connection has been whether the offence leading to the expulsion order was of such a nature that the person in question posed a serious threat to public order (see, among other authorities, *Ezzouhdi v. France*, no. 47160/99, § 34, 13 February 2001, and *Bousarra v. France*, no. 25672/07, § 53, 23 September 2010, in which the Court found that the individuals in question did not pose a serious threat to public order; see also *Mutlag v. Germany*, no. 40601/05, §§ 61-62, 25 March 2010, in which the Court found that the person in question did pose a serious threat to public order).

35. In the present case, the High Court found, in view of the nature and circumstances of the offences, that the applicant’s conduct had constituted a genuine and sufficiently serious threat affecting one of the fundamental interests of society. This meant that, having regard also to the sentence – which was set at two years and three months’ imprisonment – as a starting-point, the expulsion order would have been combined with a permanent re-entry ban, by virtue of section 32(4)(vii) of the Aliens Act (see paragraph 16 above). Nevertheless, on account of the applicant’s strong ties with Denmark, the High Court used its discretion to reduce the duration of the ban to six years (contrast *Savran*, cited above, § 200).

36. The Court does not call into question the finding that the applicant's offence leading to the expulsion order was of such a nature that he posed a serious threat to public order (see, among other authorities, *Avci v. Denmark*, no. 40240/19, §§ 30 and 37, 30 November 2021, and *Mutlag*, cited above, §§ 61-62; see also, *mutatis mutandis*, *Sarac*, § 34; *Nguyen*, § 35; *Noorzae*, § 32; and *Sharifi*, § 33, all cited above).

37. The length of the re-entry ban is only one of many factors in assessing whether an expulsion order is compatible with Article 8. Normally it cannot be said that this factor or any other factor is in itself decisive for the outcome of this assessment. In the Danish context this is different due to the Danish law that allows the courts to reduce the length of the re-entry ban if and only if a longer duration would "for certain" be contrary to Denmark's international obligations. This means that in some borderline cases the length of the re-entry ban becomes decisive in the assessment made by the Danish courts.

38. That was so in the present case as the High Court could only reduce the length of the re-entry ban, if it found that a permanent re-entry ban "for certain" would be a violation of Denmark's international obligations. Accordingly, the length of the re-entry ban was in fact the deciding factor in the decision to expel the applicant.

39. The applicant claims that the six-year re-entry ban is in reality permanent as he has no realistic possibility of regaining a residence permit in Denmark. The applicant does not claim, however, that after the expiration of the re-entry ban, he would not be able to re-enter Denmark on a visa to visit his family there. This means that his possibility of being able to return to Denmark at least for a short time, following the expiry of the six-year re-entry ban, is not purely theoretical (contrast *Savran*, cited above, § 200). The Court thus finds no reason to question the finding of the domestic court that the time-limited nature of the re-entry ban was a factor capable of rendering the applicant's expulsion compatible with Article 8.

40. Taking account of all the elements described above, the Court concludes that the interference with the applicant's private life was supported by relevant and sufficient reasons. It is satisfied that "very serious reasons" were adequately adduced by the national authorities when assessing his case. It notes that at all levels of jurisdiction there was an explicit and thorough assessment of whether the expulsion order could be considered to be contrary to Denmark's international obligations. The Court points out in this connection that where independent and impartial domestic courts have carefully examined the facts, applying the relevant human rights standards consistently with the Convention and its case-law, and adequately weighed up the applicant's personal interests against the more general public interest in the case, it is not for the Court to substitute its own assessment of the merits (including, in particular, its own assessment of the factual details of proportionality) for that of the competent national authorities. The only

exception to this is where there are shown to be strong reasons for doing so (ibid., § 189, with further references). In the Court's, opinion, such strong reasons are absent in the present case.

41. It follows that there has been no violation of Article 8 of the Convention.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been no violation of Article 8 of the Convention.

Done in English, and notified in writing on 12 November 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Andrea Tamietti
Registrar

Gabriele Kucsko-Stadlmayer
President