

4.2. CJEU jurisprudence

The CJEU has only referenced Article 17(1)(d) in one judgment but has not comprehensively defined its scope. Nonetheless, albeit in a limited number of judgments, it has addressed similar concepts. Its contributions have been important in three respects: clarifying the concepts of danger to the community and danger to national security within this provision; establishing that the assessment must be individualised and conducted independently by the determining authority; and confirming that the danger must be genuine and present rather than potential or abstract. The Sections 4.2.1-4.2.3 examine each of these points in turn.

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