

Customs seizures of amounts in excess of EUR 10,000, under CJEU scrutiny



A potential CJEU judgment on the non-compliance of national law with EU law, which is in fact predictable taking into account prior CJEU case law, will determine the national courts to declare unenforceable the criticized legislation and to cancel any effects thereof.

Țuca Zbârcea & Asociații have obtained a referral to the Court of Justice of the European Union (CJEU) for a preliminary ruling on the interpretation of Article 9(1) of Regulation (EC) No. 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community.

The legal team consists of **Robert Roșu** (Partner), **Manuela Gornoviceanu** (Managing Associate) and **Alexandru Gogoneața** (Associate).

The CJEU will decide if the relevant provisions of the Regulation preclude the Romanian legal provisions according to which cash in excess of EUR 10,000 which is not declared before the customs authorities is seized in full and permanently.

The CJEU will also check the compliance of national law with EU law which provides, as misdemeanour penalty, for the seizure of the entire undeclared amount in the absence of any prior or subsequent verification of the provenance or intended use of the cash, and independently of the provenance or intended use thereof.