



Press and Information

Court of Justice of the European Union

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Judgment in Case C-17/16

Oussama El Dakkak and Intercontinental SARL v Administration des douanes et droits indirects

## **The obligation to declare any cash sum over €10 000 applies in the international transit areas of airports located in the territory of EU Member States**

*Thus, a person travelling from a non-EU State to another non-EU State and transiting through an airport located in the territory of the EU is subject, for the duration of that transit, to that obligation to declare*

In 2010, the Benin company, Intercontinental, instructed Mr El Dakkak to transport American dollars (USD) from Cotonou (Benin) to Beirut (Lebanon) by aeroplane, with a transit stop at Roissy-Charles de Gaulle airport (France). Whilst in transit at that airport, Mr El Dakkak was checked by the customs officials who found that he was in possession of \$1 607 650 (approximately €1 511 545) and €3 900 in cash. Mr El Dakkak was formally charged with infringement of the obligation for every person entering or leaving the European Union to declare any sum being transported in cash greater than €10 000. That obligation is laid down by an EU regulation.<sup>1</sup>

When the criminal proceedings were discontinued due to a procedural defect, Mr El Dakkak and Intercontinental started legal proceedings in France for compensation for the losses suffered. They claimed that Mr El Dakkak did not infringe the obligation to declare laid down in the regulation, because that obligation does not apply in the case of a passenger who is merely transiting, in the course of a journey from one non-EU State to another non-EU State, in the international transit area of an airport located in the EU.

The matter came before the Court of Cassation which is asking the Court of Justice whether, in such a situation, it is possible to consider that Mr El Dakkak entered the EU and is thus subject to the obligation to declare laid down in the regulation.

In its judgment delivered today, the Court finds, first of all, that the notion of **entering the EU** refers to the movement of a natural person from a territory which is not part of the EU to a territory which is part of that territory. Next, the Court states that the airports of Member States are part of the territory of the EU, that the regulation does not exclude the applicability of the obligation to declare in the international transit areas of those airports and that no provision of the treaties excludes those areas from the territorial scope of EU law, or lays down any exceptions in relation to those areas.

It follows that **any person who, like Mr El Dakkak, disembarks from an aircraft coming from a non-EU State in an airport in the territory of a Member State and waits in the international transit area of that airport before boarding another aircraft heading to another non-EU State, must be regarded as having entered the EU and being subject to the obligation to declare.**

The Court adds that the applicability of the obligation to declare in the international transit areas of airports located in the territory of the EU is also **consistent with the objective pursued by that regulation**. The obligation to declare laid down in the regulation aims to discourage and to avoid the introduction of illicit money into the financial system and the investment of that money after laundering. In view of that objective, the Court considers that the notion of a 'natural person

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<sup>1</sup> 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 (OJ 2005 L 309, p. 9).

entering or leaving' the EU must be given a broad interpretation, otherwise the effectiveness of the control system for cash entering or leaving the European Union, and consequently the attainment of the objective pursued by the regulation, might be jeopardised. The Court states, further, that it is irrelevant whether or not Mr El Dakkak crossed an external border of the EU.

The Court concludes that **the obligation to declare any sum greater than €10 000 is applicable in the international transit areas of airports of Member States.**

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**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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