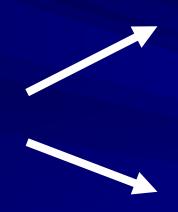




# EU Regulation no. 1805/2018 and some cases of Tribunale di Reggio Calabria with obstacles in execution within EU borders

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#### Preventive Measures



Personal Measures

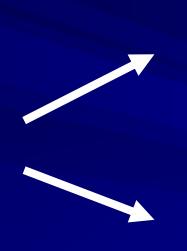
Financial Measures

The end of the proceeding and the issue of the execution abroad

#### Place of goods

Within the EU area: Regulation (EU) 1805/2018

Outside the EU area: International Conventions and Bilateral Agreements



Regulation (EU) 1805/2018 of 14 November 2018:

<u>mutual recognition of</u>

<u>freezing and confiscation</u>

<u>orders</u>

### Binding and directly application for every Member States of the EU



infringement proceeding (art. 258 TFEU).

### Some cases of Tribunale di Reggio Calabria and obstacles in execution within the EU:

#### 1 - Malta

- notice to the European Commission for the infringement proceeding;
  - dialogue between Eurojust, Tribunale of Reggio Calabria and Authorities of Malta;
  - a new certificate towards the third parties formally owners of the goods.

A second certificate addressed to formal owners of goods

Waiting for good updates...!





#### 2 – Germany and Hungary

- obstacles related to promptness of execution and good result of freezing;
- after a first EU certificate of Procura, German bank accounts were not already blocked;
- Eurojust asked to specify details of single bank account;
- waiting for updates;



#### Within the same execution procedure:

an Italian Company "A" transferred money to a Hungarian company "B", that opened a bank account in Hungary. Actually, the financial operations were only referred to the Italian company "A". Then Italian company "A" was acquired by another Italian company "C" and opened an Italian bank account without transferring money from Hungarian bank account. Following a Judge orders, Judicial Administrators sent a request to Hungarian bank, asking the credit transfer of money to the new Italian bank account. The bank in February 2023 answered that the account was not blocked and was already closed in December 2021, without giving any informations about destination of money.



## The implementation of fight against illicit assets

Close cooperation to overcome obstacles in execution within EU: basis of a real solidarity between Members of European Union.

#### Thank you for your attention!



