

(English version)

**Question for written answer E-001100/26
to the Commission
Emil Radev (PPE)
(18 March 2026)**

Subject: Compliance of the Italian law on the ‘splitting’ of cash movements with EU legislation on cash controls

Under Regulation (EU) 2018/1672 on controls on cash entering or leaving the Union, persons carrying cash are obliged to declare cash movements of EUR 10 000 or more when crossing the EU’s external borders.

In Italy, national authority administrative practice and guidelines provide that when a total amount of EUR 10 000 or more is carried by two or more members of the same family, each carrying an amount below the threshold, this can be considered ‘smurfing’ and an infringement of the rules on cash declarations, on the basis of national case law, in respect of intra-Schengen cash movements.

In view of the above:

1. Does the Commission consider this national-law-based interpretation and application to be compatible with Regulation (EU) 2018/1672, particularly as regards the declaration threshold, the definition of the carrier and the fact that the amount is being carried across intra-Schengen borders?
2. To what extent can Member States adopt or implement national rules or practices that treat cash transfers by a family as a single operation when it comes to applying the declaration threshold within the EU?
3. Does the Commission not consider that national measures such as these are liable to disproportionately restrict the free movement of capital within the EU?

Submitted: 18.3.2026

**Answer given by Mr Šefčovič on behalf of the European Commission
(13 May 2026)**

Regulation (EU) 2018/1672 establishes a system of controls on cash movements of a value of EUR 10,000 or more when entering or leaving the EU, enabling their traceability. It complements the EU legal framework for the prevention of money laundering and terrorist financing.

Therefore, it does not apply to movements of cash within the EU, but to movement of cash with third countries even though they are part of the Schengen area.

In Regulation (EU) 2018/1672, the threshold of EUR 10,000 applies per carrier, defined as a natural person, rather than per group or family.

The regulation does not prevent Member States from introducing, under their national law, additional national controls on movements of cash within the EU, provided that such controls comply with the EU’s fundamental freedoms, in particular Articles 63 and 65 of the Treaty on the Functioning of the European Union (TFEU).

The Italian law seems to have introduced declaration requirements for movement of cash between Italy and other EU Member States which would be similar to the ones contained under Regulation (EU) 2018/1672 to cash movements entering or leaving the EU.

The Treaty rules on free movement of capital do not preclude the export of banknotes from being made conditional on a prior declaration ⁽¹⁾.

In that context, Member States may in principle also issue guidelines seeking to address the circumvention to such declaration requirements, as well as take other appropriate measures if circumvention is established.

It is for the Member State, however, to demonstrate that any such national measures comply with the requirements set out in Article 65 TFEU, and in particular that they observe the principle of proportionality ⁽²⁾.

⁽¹⁾ Judgments of 23 February 1995, *Bordessa and Others*, <https://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=ecli:ECLI%3AEU%3AC%3A1995%3A54&locale=en>, and of 14 December 1995, *Sanz de Lera and Others*, <https://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=ecli:ECLI%3AEU%3AC%3A1995%3A451&locale=en>.

⁽²⁾ Judgment of the Court of 31 May 2018. *Lu Zheng v Ministerio de Economía y Competitividad*, C-190/17, EU:C:2018:357, paragraph 37.