

International Conference on Legal Approaches to Digital Assets in the Modern Era

DIGITAL ASSETS ENFORCEMENT

The Global Code of Digital Enforcement

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Marc SCHMITZ – President of the UIHJ

Introduction

UIHJ (Union Internationale des Huissiers de Justice /
International Union of Judicial Officers)

- Founded in 1952
- Headquarter established in Paris
- 104 National Chambers, associations or public enforcement services
- 98 countries (30 in Africa, 21 in America, 7 in Asia and 40 in Europe)
- 5 continents



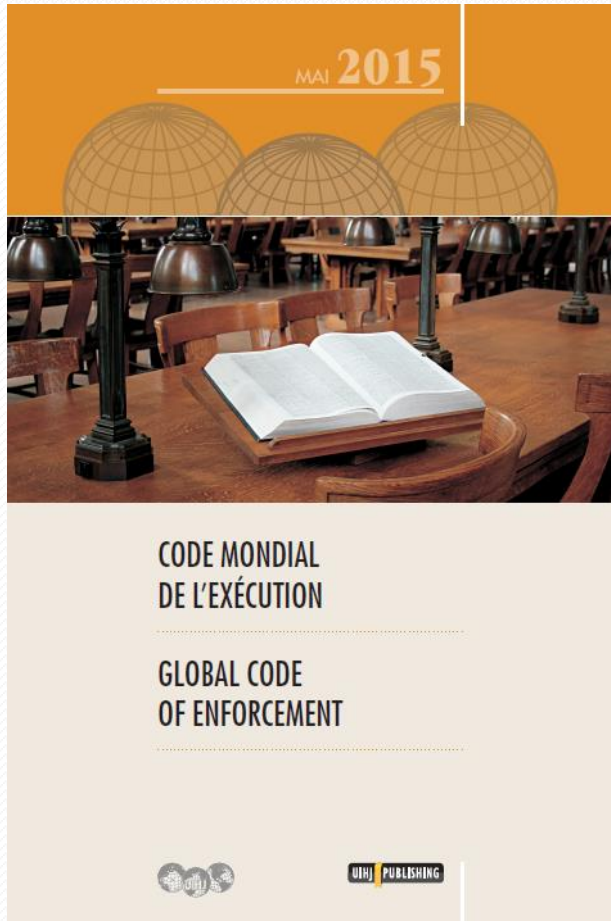
Introduction

UIHJ (Union Internationale des Huissiers de Justice /
International Union of Judicial Officers)

- Representing its members to international organisations
- Collaboration with national professional bodies
- Promotion of international treaties
- Participation in projects
- Identification of best practices and international standards



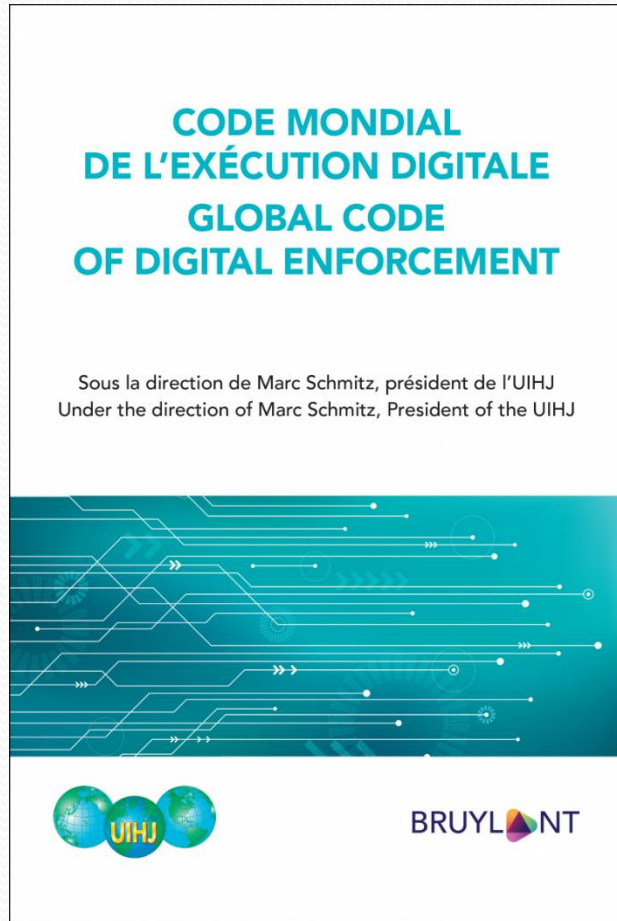
The Global Code of Enforcement (book 1)



- Launched in 2015
- Soft law
- Four sections :
 - Guiding principles
 - Provisional measures
 - Enforcement measures
 - Judicial officers



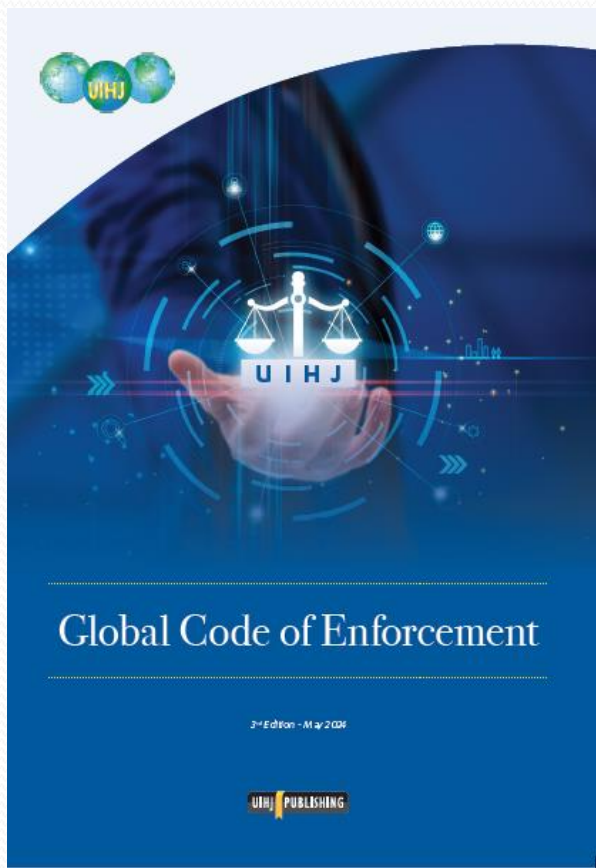
The Global Code of Digital Enforcement (book 2)



- Launched in 2021
- Digitalization of justice and enforcement proceedings
 - e-enforcement
 - enforcement of digital assets
 - e-enforcement of digital assets



The Global Code of Ethical and professional standards (book 3)



- Launched in 2024
- Ethical and professional standards for judicial officers and enforcement agents
- 3 books united in one edition



The Global Code of Digital Enforcement – General principles

- Respect of fundamental rights
 - Respect for human dignity
 - Non-discrimination, fairness, and solidarity
 - Transparency and predictability
 - Quality and safety
 - Respect for personal data and privacy
 - Social responsibility of IT developers
 - Trust
 - Technological neutrality
 - The right to establish physical contact with judicial officers



The Global Code of Digital Enforcement – General principles

- Digital enforcement should as much as possible be carried out similar to traditional enforcement.
- Participatory enforcement
- Enforcement agents will be subject to changes



The Global Code of Digital Enforcement – New challenges for enforcement agents

- Obligation of cooperation on a crossborder level
- Use of digital tools
- Online mediation
- Training in the use of digital tools
- Creation of dematerialized registers
- Respect of confidentiality and personal data
- Link between digital and non-digital enforcement
- Costs must be defined, predictable, transparent, and reasonable



The Global Code of Digital Enforcement – The application of technology

- Limited issuance of e-judgements
- Limited use of IT in the attachment of movables
- Limited use of e-attachment of bank accounts
- Limited use of e-attachment of wage
- Limited use of electronic means in a general way



The Global Code of Digital Enforcement – The e-enforcement environment

- Technical barriers: lack of inter-operational databases
- Legal barriers related to status, role and compétences of enforcement agents
- Information barriers
- Cost constraints
- Limited trust in dematerialized exchanges



The Global Code of Digital Enforcement and Digital Assets

- We need cooperation and interaction
- Cross border enforcement will play a capital role
- Interoperability will be a key element for success



The Global Code of Digital Enforcement and Digital Assets

There's an absolute need to establish a centralized register for digital assets !!!!!



The Global Code of Digital Enforcement and the attachment of cryptoassets



The Global Code of Digital Enforcement and the attachment of cryptoassets

- Countries **need to develop a legal framework**
- Creation of a National Cryptoassets Register
- Obligation on the debtor to declare his cryptoassets
- Sanctions for non-declaration
- Deprivation of liberty?



The Global Code of Digital Enforcement and the attachment of cryptoassets

Procedure :

- Seizure of cryptoassets in the hands of a third party
- Seizure of cryptoassets in the hands of the debtor
- Possibility of assistance by an IT expert



The Global Code of Digital Enforcement and the attachment of cryptoassets



Public auction :

- Transfer to the creditor **or**
- Through an exchange platform **or**
- Subject of judicial sale



Conclusion

When it comes to enforcement of digital assets we need harmonized legislation on a global level or we will leave the digital world to dishonest debtors who will easily escape their obligations.



**Thank you very much for your
attention!**

