



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 November 2004

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**EUROPOL 50
JAI 409**

NOTE

from : French, German, Italian, Spanish and United Kingdom delegations
to : Article 36 Committee

Subject : Draft Council Decision on protecting the Euro against counterfeiting, by
designating Europol as the central agency for counterfeit euros

Delegations find in Annex a draft Council Decision on protecting the Euro against counterfeiting, by designating Europol as the central agency for counterfeit euros as proposed by France, Germany, Italy, Spain and the United Kingdom.

DRAFT COUNCIL DECISION**of****on protecting the Euro against Counterfeiting,
by designating Europol as the Central Agency for Counterfeit Euros**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 30(1)(c) and Article 34(2)(c) thereof,

Having regard to the initiative of the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Italian Republic and the United Kingdom of Great Britain and Northern Ireland,¹

Having regard to the opinion of the European Parliament,²

Whereas:

1. As the legal currency of 12 Member States, the Euro has increasingly become a global currency and has therefore become a high-priority target of international counterfeiting organisations.

¹ OJ C

² Opinion delivered on (not yet published in the Official Journal).

2. The Euro has also become the target of third-country counterfeiters.
3. A further increase in the number of counterfeit euros, which would jeopardise the free circulation of Euro banknotes and coins, is to be prevented.
4. The International Convention for the Suppression of Counterfeiting Currency, agreed on 20 April 1929 in Geneva (hereinafter referred to as "Geneva Convention"), should be applied more effectively under the conditions of European integration.
5. Third countries need a central contact for information about counterfeit euros and all information about counterfeit euros must be brought together at Europol for purposes of analysis.
6. In view of Council Regulation (EC) No. 1338/2001 laying down measures necessary for the protection of the Euro against counterfeiting¹, the Council considers it appropriate for all Member States to become contracting parties to the Geneva Convention and set up central offices within the meaning of Article 12 of the Geneva Convention.
7. The Council considers it appropriate to designate Europol as the central office for counterfeit euros in the meaning of Article 12 of the Geneva Convention,

HAS DECIDED AS FOLLOWS:

¹ OJ L 181, 4.7.2001, p. 6.

Article 1

1. For the Member States which are Contracting Parties to the International Convention for the Suppression of Counterfeiting Currency, agreed on 20 April 1929 in Geneva (hereinafter referred to as "Geneva Convention")¹, Europol shall, in accordance with the attached declaration (see annex), act as the central office for Euro counterfeiting in the meaning of Article 12, first sentence of the Geneva Convention. For counterfeiting of all other currencies and for central office functions not delegated to Europol pursuant to the attached declaration, the existing competencies of the national central offices shall remain in effect.

2. Member States, which are not yet Contracting Parties to the Geneva Convention², shall accede to the Geneva Convention. Upon acceding to the Geneva Convention, they shall in accordance with the attached declaration designate Europol as the central office for counterfeit euros in accordance with Article 12, first sentence of the Geneva Convention.

Article 2

1. The representatives of the governments of the Member States, which are Contracting Parties to the Geneva Convention, shall submit the attached declaration and commission the representative of Germany to forward the declarations to the Secretary-General of the United Nations.

¹ The following Member States are to date Contracting Party to the Geneva Convention: Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Poland, Portugal, Spain, Sweden and the United Kingdom.

² The following Member States are to date not Contracting Party to the Geneva Convention: Cyprus, Estonia, Latvia, Lithuania, Malta, Slovakia and Slovenia.

2. The representatives of the governments of the Member States which are not yet Contracting Parties to the Geneva Convention shall, in the event of accession, promptly submit the attached declaration and commission the representative of Germany to forward the declaration to the Secretary-General of the United Nations.

Article 3

This Decision shall take effect on the day following that of its adoption by the Council.

This Decision shall be published in the *Official Journal of the European Union*.

Done at,

For the council

The President

Declaration of ... to designate Europol as the central office for counterfeit euros

As an authorised representative of, a Member State of the European Union, ... has given the European Police Office (hereinafter referred to as "Europol") a mandate to fight Euro counterfeiting, I hereby declare:

In order that the Geneva Convention of 1929 may function more effectively, shall in future fulfil its obligations as follows:

1. With regard to counterfeiting of the Euro, Europol shall perform – in the framework of its objective according to the Europol Convention¹ - the following central office functions in the meaning of Articles 12 – 15 of the Geneva Convention of 1929.
 - 1.1. Europol shall centralise all information of a nature to facilitate the investigation, prevention and combating of Euro counterfeiting and shall forward this information without delay to the national central offices of the EU Member States.
 - 1.2. In accordance with the Europol Convention, in particular in accordance with its Article 18 and the relevant Council Acts,² Europol shall correspond directly with the central offices of third countries to fulfil the tasks set down in items 3 to 5 of this Declaration.

¹ OJ C 316, 27.11.1995, p. 1.

² Council Act of 12 March 1999 adopting the rules governing the transmission of personal data by Europol to third States and third bodies, OJ C 88, 30.3.1999, p. 1 and Council Act of 28 February 2002 amending the Council Act of 12 March 1999 adopting the rules governing the transmission of personal data by Europol to third States and third bodies, OJ C 76 27.3.2002, p. 1.

- 1.3. Europol shall, so far as it considers expedient, forward to the central offices of third countries a set of cancelled specimens of actual euros.
- 1.4. Europol shall regularly notify the central offices in third countries, giving all necessary particulars, of new currency issues and the withdrawal of currency from circulation.
- 1.5. Except in cases of purely local interest, Europol shall, so far as it thinks expedient, notify the central offices in third countries of :
 - any discovery of counterfeit or falsified Euro currency. Notification of the forgery or falsification shall be accompanied by a technical description of the forgeries, to be provided solely by the institution whose notes have been forged. A photographic reproduction or, if possible, a specimen forged note should be transmitted. In urgent cases, a notification and a brief description made by the police authorities may be discreetly communicated to the central offices interested without prejudice to the notification and technical description mentioned above.
 - details of discoveries of forgeries, stating whether it has been possible to seize all the counterfeit currency put into circulation.
- 1.6. As central office for the Member States, Europol shall participate in conferences for Euro counterfeiting in the meaning of Article 15 of the Geneva Convention.
- 1.7. As far as Europol is unable to carry out the tasks specified in numbers 1 through 6 in accordance with the Europol Convention, the national central offices of the Member States shall retain competence.

2. With regard to counterfeiting of all other currencies and for central office functions not delegated to Europol in accordance with Number 1 of this Declaration, the existing competencies of the national central offices shall remain in effect.

Name of Representative, this day of.....
