



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 July 2001

**9961/01
ADD 1**

LIMITE

**CRIMORG 65
DROIPEN 52**

ADDENDUM TO COVER NOTE

from : Gunnar LUND, Permanent Representative of Sweden

date of receipt : 13 June 2001

to : Javier SOLANA, Secretary-General/High Representative

Subject : Communication from the Kingdom of Sweden

- Initiative of the Kingdom of Sweden for the adoption by the Council of a Framework Decision amending Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro
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Delegations will find attached the explanatory note from the Kingdom of Sweden on the above initiative.

EXPLANATORY NOTE
on the draft Council Framework Decision
on the protection of the euro against counterfeiting

1. General:

On 28 May 1999 the Justice and Home Affairs Council adopted a Resolution on increasing protection by penal sanctions against counterfeiting in connection with the introduction of the euro, which, among other things, calls on Member States and the Commission to consider whether it is necessary to strengthen the existing measures in order to cooperate efficiently with the help of the ECB and Europol for the suppression of counterfeiting of the euro.

On 29 May 2000 the Council adopted a Framework Decision on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro, which basically deals with the harmonisation of offences.

On 28 July 2000 the Commission presented to the Council a proposal for a Regulation on the protection of the euro against counterfeiting, designed to ensure a high level of protection for the euro against counterfeiting. The proposal makes general provision for the collection and exchange of information and for forms of mutual assistance. It establishes a single system for carrying out technical analysis, requiring credit institutions to check the authenticity of euro notes and organising procedures for handling technical and statistical information on counterfeiting.

The Regulation, which is the cornerstone of the euro protection edifice, was adopted on 28 June 2001.¹

¹ OJ n° L 181, 04.07.2001, p. 6.

The Government of the French Republic submitted a draft Council Decision on the protection of the euro against counterfeiting on 22 December 2000¹. At the Council meeting (Justice and Home Affairs), 28-29 May 2001, political agreement was reached on the substance of the draft Council Decision. It was then concluded that the article concerning previous convictions needed to take the form of a Framework Decision. Still containing the same text this article is now proposed to constitute the substantive part of a separate Framework Decision amending Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro.

2. **Presentation of articles:**

Article 1

Article 1 shall be inserted as Article 9a after Article 9 of the Council Framework Decision 2000/383/JHA. This Article enunciates the principle that final sentences for counterfeiting handed down by another Member State are to be taken into consideration when establishing habitual criminality. This principle was stated in Article 6 of the 1929 Geneva Convention. The aim is to provide more effective punishment of euro counterfeiting offences by formally noting the harmonisation of offences resulting from the Council Framework Decision of 29 May 2000.

Articles 2 and 3 require no comment.

¹ OJ n° C 75, 07.03.2001.