



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 19 June 2001 (21.06)
(OR. sv)**

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LIMITE

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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

Sir,

Pursuant to Articles 31(e) and 34(2)(b) of the Treaty on European Union, please find attached a proposal from 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.¹

¹ The Swedish delegation has said that an explanatory note on this initiative will follow shortly. The note will take the form of an addendum to this document.

Pursuant to Article 17 of the Council's Rules of Procedure, I should be grateful if you would ensure that this initiative is published in the Official Journal and forwarded to the European Parliament for an Opinion.

(Complimentary close).

(s.) Gunnar LUND

DRAFT COUNCIL FRAMEWORK DECISION

of

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

(xxxx/xxx/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(e) and Article 34(2)(b) thereof,

Having regard to the initiative of the Kingdom of Sweden ¹,

Having regard to the Opinion of the European Parliament ²,

Whereas:

- (1) The Council adopted on 29 May 2000 the Council Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro, ³
- (2) The measures in the Council Framework Decision referred to should be supplemented by a provision on the recognition of previous convictions regarding offences referred to in that Framework Decision,

¹ OJ

² OJ

³ OJ L 140, 14.6.2000, p. 1.

HAS ADOPTED THIS FRAMEWORK DECISION :

Article 1

The following Article 9a shall be inserted after Article 9 of Council Framework Decision 2000/383/JHA:

"Article 9a

Previous convictions

Every Member State shall recognise the principle of the recognition of previous convictions under the conditions prevailing under its domestic law and, under those same conditions, shall recognise for the purpose of establishing habitual criminality final sentences handed down in another Member State for the offences referred to in Articles 3 to 5 of this Framework Decision, or the offences referred to in Article 3 of the Convention, irrespective of the currency counterfeited."

Article 2

Implementation

1. Member States shall take the necessary measures to comply with this Framework Decision by 31 December 2002.
2. By the same date, the Member States shall transmit to the General Secretariat of the Council, the Commission and the European Central Bank the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision.

Article 3

Entry into force

This Framework Decision shall enter into force on the day of its publication in the Official Journal.

Done at Brussels,

For the Council
The President

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