



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 6 July 2001

10616/01

**CRIMORG 76
DROIPEN 62**

NOTE

from : General Secretariat
to : Coreper

No. prev. doc. : 8591/1/01 CRIMORG 53 DROIPEN 41 REV 1

Subject: Draft Council Decision on the protection of the euro against counterfeiting

1. The Council agreed at its meeting on 28 and 29 May 2001¹ that :
 - Article 5 of the above draft Decision should be deleted;
 - Sweden would propose a Framework Decision containing the substance of the deleted Article 5;
 - the European Parliament should be reconsulted on the revised draft Decision and consulted on the Framework Decision to be proposed by Sweden.

2. The attached text has been established for the purpose of the reconsultation of the European Parliament on the draft Decision.

3. Sweden has proposed the Framework Decision referred to in document 9961/01 CRIMORG 65 DROIPEN 52.²

¹ On the basis of the text set out in document 8591/1/01 CRIMORG 53 DROIPEN 41 REV 1.

² Initiative of the Kingdom of Sweden for the adoption by the Council of a Framework decision amending Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions in connection with the introduction of the euro.

COUNCIL DECISION**of**

on the protection of the euro against counterfeiting

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the initiative by the French Republic,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro¹ lays down that currency denominated in euro shall start to be put into circulation as from 1 January 2002 and obliges the participating Member States to ensure adequate sanctions against counterfeiting and falsification of euro banknotes and coins.
- (2) The measures to protect the euro put in place by previous instruments should be supplemented and strengthened by provisions ensuring close cooperation between the competent authorities of the Member States, the European Central Bank, the national central banks, Europol and Eurojust to suppress offences involving counterfeiting of the euro,

¹ OJ L 139, 11.5.1998, p. 1.

- (3) The Council adopted on 29 May 2000 Framework Decision 2000/383/JHA) on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro,
- (4) The Council adopted on2001 Council Regulation (EC) No/2001 laying down measures necessary for the protection of the euro against counterfeiting and Council Regulation (EC) No/2001 extending the effects of Regulation (EC) No/2001 laying down measures necessary for the protection of the euro against counterfeiting to those Member States which have not adopted the euro as their single currency,

HAS DECIDED AS FOLLOWS:

Article 1
Definitions

For the purposes of this Decision:

- "counterfeit notes" and "counterfeit coins" shall mean notes and coins defined as such by Article 2 of the Council Regulation (EC) No /2001 of laying down measures necessary for the protection of the euro against forgery ¹;
- "counterfeiting and offences related to counterfeiting of the euro" shall mean the conduct, in relation to the euro, described in Articles 3 to 5 of the 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 euro²;
- "competent authorities" shall mean the authorities designated by the Member States to centralise information, in particular the national central offices, and to detect, investigate or punish counterfeiting and offences related to counterfeiting of the euro;

¹ OJ L

² OJ L 140, 14.6.2000, p. 1.

- "Geneva Convention" shall mean the International Convention for the Suppression of Counterfeiting Currency, signed at Geneva on 20 April 1929 and its Protocol;
- "Europol convention" shall mean the Convention of 26 July 1995 on the establishment of a European police office.¹

Article 2

Expert analysis of notes and coins

Member States shall ensure that in the context of investigations into counterfeiting and offences related to counterfeiting of the euro:

- (a) the necessary expert analyses of suspected counterfeit notes are carried out by a National Analysis Centre (NAC) designated or established pursuant to Article 4(1) of Regulation (EC) No /2001;

and

- (b) the necessary expert analyses of suspected counterfeit coins are carried out by a National Coin Analysis Centre (NCAC) designated or established pursuant to Article 5(1) of Regulation (EC) No /2001.

Article 3

Forwarding of the results of expert analyses

Member States shall ensure that the results of the analyses carried out by the NAC and the NCAC in accordance with Article 2 are communicated to Europol in accordance with the Europol Convention.

¹ OJ C 316, 27.11.1995, p. 2.

Article 4

Obligation to communicate information

1. Member States shall ensure that the national central offices referred to in Article 12 of the Geneva Convention communicate to Europol, in accordance with the Europol Convention, centralised information on investigations into counterfeiting and offences related to counterfeiting of the euro, including information obtained from third countries. The Member States and Europol shall cooperate with a view to determining which information shall be communicated. The information shall, at least, include the particulars of the persons involved, the particulars of the offences, the circumstances in which the offences were discovered, the context of the seizure and the links with other cases.

2. The competent authorities of the Member states shall, where appropriate, in investigations into counterfeiting and offences related to the counterfeiting of the euro make use of the facilities offered by the Provisional Judicial Cooperation Unit and, subsequently, the facilities for cooperation offered by Eurojust once it has been established, in accordance with the provisions laid down in the instruments establishing the Provisional Judicial Cooperation Unit and Eurojust.

Article 5

Entry into force

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

Done at

For the Council

The President