



Protection of the Euro against counterfeiting (non-penal aspects)

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The need of a Community legislation to protect the Euro

- **Circulation of the euro in twelve Member States and in a number of third countries translates into higher risk**
- **Efforts of protection could no longer remain at national level**



Main legal acts adopted at Community and European level

- **Regulations 1338/2001 and 1339/2001 on the protection of the euro against counterfeiting**
- **Regulation 2182/2004: medals and tokens similar to euro coins**



Regulations (EC) 1338 and 1339/2001 - general content (1)

Two Council Regulations : «*laying down measures necessary for the protection of the euro against counterfeiting*» and «*...Member States which have not adopted the euro...*»

- Definition of the concept of counterfeiting
- Definition of the competent national authorities
- Procedures of collecting, storing and communicating information relating to counterfeiting



Regulations (EC) 1338 and 1339/2001 - general content (2)

- Obligation of the credit institutions and establishments to withdraw from circulation the counterfeit notes and coins and hand them over to the competent national authorities
- Cooperation between the competent national authorities, the Commission and the ECB
- Centralization of information at national level - Nat. Central Offices - transmission to Europol
- International cooperation



Regulations (EC) 1338 and 1339/2001 - competent authorities

Definition of counterfeiting and of competent national authorities: publication in OJ

In “old” Member States:

- 87 authorities for the identification of the counterfeiting
- 15 authorities for analysing the counterfeit notes and coins respectively
- 15 National Central Offices

In new MS: formal notification in process



Regulations (EC) 1338 and 1339/2001 - National Analysis Centres

Designation or establishment of National Analysis
Centres of suspected counterfeit notes: all MS

- 16 MS in the Central National Bank
- 9 MS in the law-enforcement services: DK, EL, PT, FI, SE, EE, LV, CY, SL

Counterfeit Analysis Centre (CAC) at ECB



Regulations (EC) 1338 and 1339/2001 - Coin National Analysis Centres

Designation or establishment of Coin National Analysis Centres for suspected counterfeit coins

- 10 MS in law-enforcement services: DK, EL, PT, FI, SE, UK, EE, LV, CY, SL
- 5 MS in Mints: BE, FR, IT, NL, AT (+ ES, IE)
- 10 MS in the National Central Bank: DE, ES, IE, LU, MT, LT, PL, HU, CZ, SK

European Technical and Scientific Centre (ETSC)
under the responsibility of the Commission



Regulations (EC) 1338 and 1339/2001 - National Central Offices

National Central Offices in all Member States

- Responsibility of law enforcement
- In National Central Banks in Spain and Belgium – manned by police
- Special new Office in Ministry of Finance in Italy



Regulations (EC) 1338 and 1339/2001 - obligations of fin. Institutions

Sanctions against financial institutions: effective, proportionate, deterrent

“Old” Member States:

- 10 MS penal sanctions
 - fine between € 95 et € 325
 - prison max. 5 years (IE)
- 9 MS administrative sanctions
 - Max. varies bet. € 7000 (AT) and € 1 mln (ES)

→ Different national traditions



Regulation 2182/2004: medals and tokens similar to euro coins

- **Prohibition of medals and tokens similar to euro coins**
 - when they bear the terms euro, euro cent, the euro symbol or designs similar to the euro coin designs;
 - when their size and alloy properties are similar to the ones of euro coins.
- **Exemptions and derogations:** as provided
- **Sanctions**
 - to lay down by Member States and inform the Commission.



Conclusion

The *acquis* in the area of the protection of the euro means:

- a complete and efficient mechanism
- national elements and a community structure
- technical and legal measures combined.





Thank you
for your
attention