

Protection against counterfeiting: medals and tokens similar to euro coins

2008/0167(CNS) - 18/12/2008 - Final act

PURPOSE: to amend Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins.

LEGISLATIVE ACT: Council Regulation (EC) No 46/2009 amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins.

CONTENT: [Council Regulation \(EC\) No 2182/2004](#) prohibits those medals and tokens similar to euro coins. Experience gained implementing the prohibition of medals and tokens similar to euro coins has highlighted the need to clarify the protective provisions and to make the decision-making process more transparent.

It is for this reason that the Council has adopted an amending Regulation. The main issues can be summarised as follows:

Amendments to protective provisions: given that the public may be led to believe that some medals and tokens have legal tender status, not only when they bear a design similar to euro coins but also when they bear certain elements of the designs on euro coins, the amending Regulation stipulates that the production and sale of medals and tokens, and their importation and distribution for sale or for other commercial purposes, shall be prohibited in the following circumstances: (a) when the terms “euro” or “euro cent” or the euro symbol appear on their surface; (b) when their size is inside the reference band; or (c) when a design appearing on their surface is similar to: (i) any design, or parts thereof, appearing on the surface of euro coins, including in particular the terms “euro” or “euro cent”, the 12 stars of the European Union, the image of the geographical representation and the numerals, in the way depicted on euro coins; or (ii) those symbols representative of national sovereignty of Member States, as depicted on euro coins, including in particular the effigies of the Head of State, the coat of Arms, the Mint marks, the Mint master marks, the name of the Member State; (iii) the edge shape or the edge design of euro coins; or (iv) the euro symbol.

Comitology amendments: the Commission is competent to declare whether a design is similar to the one appearing on euro coins. The Commission’s opinion should be based on the entire range of the protective provisions, including the interpretation of whether a metallic object should be considered as a medal/token within the meaning of the definition set out in the Regulation. The Commission, after having consulted the counterfeit coin experts referred to in Commission Decision 2005/37/EC of 29 October 2004 establishing the European Technical and Scientific Centre (ETSC) and providing for coordination of technical actions to protect euro coins against counterfeiting, should specify whether the protective provisions referred to in Regulation (EC) No 2182/2004 have been respected and whether a metallic object is a medal/token.

Derogations by authorisation: the Regulation stipulates that the Commission may grant specific authorisations to use the terms “euro” or “euro cent” or the euro symbol on the surface of medals and tokens, under controlled conditions of use, in cases where no risk of confusion exists. In such cases, the economic operator concerned within a Member State shall be clearly identifiable on the surface of the medal or token and, when the medal or token bears an associated nominal value, the indication “Not legal tender” must be stamped on the obverse or the reverse of the medal or token.’

The Regulation also states that medals and tokens bearing the terms “euro” or “euro cent” or the euro symbol without an associated nominal value shall not be prohibited when their size is outside the

reference band, unless a design similar to one of the elements referred to in the Regulation (the effigies of the Head of State, the coat of arms, etc) appears on their surface’.

ENTRY INTO FORCE: 11.02.2009.