

# Euro: protection against counterfeiting

2007/0192A(CNS) - 18/12/2008 - Final act

**PURPOSE:** to amend Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting.

**LEGISLATIVE ACT:** Council Regulation (EC) No 44/2009 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting.

**CONTENT:** to recall, [Council Regulation \(EC\) No 1338/2001](#) requires credit institutions and any other related institutions to withdraw from circulation all euro notes and coins received by them which they know or have sufficient reason to believe to be counterfeit and hand them over to the competent national authorities.

It is important to ensure that circulating euro notes and coins are authentic. To that end, credit institutions, other payment service providers and other economic agents involved in the processing and distribution of notes and coins should check the authenticity of the euro notes and coins they receive before they put them back into circulation.

Other economic agents, such as traders and casinos, should also be subject to these obligations where they supply, on a secondary basis, automated teller machines (cash dispensers), but they may not be involved beyond these secondary activities.

In order to comply with the obligation to check for authenticity, these economic agents nevertheless need time to adapt their internal functioning. As regards notes, the procedures laid down for Member States which have adopted the euro as a single currency may also cover the suitability of the checked notes for circulation.

Appropriate adjustment of the equipment is a prerequisite for checking the authenticity of euro notes and coins. In order to adjust the equipment used for the checks for authenticity it is essential that the necessary quantities of counterfeit notes and coins are available at the places where testing is conducted. It is, therefore, appropriate to permit the transporting of counterfeit notes and coins between competent national authorities as well as institutions and bodies of the European Union.

This Regulation amends Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting as follows:

**Obligation to transmit counterfeit coins:** the Regulation stipulates that for the purpose of facilitating the checking for authenticity of circulating euro coins, the transporting of counterfeit coins between the competent national authorities as well as the institutions and bodies of the European Union shall be permitted. During transportation, the counterfeit notes shall be accompanied at all times by transport orders received for that purpose from the abovementioned authorities, institutions and bodies.

**Classification of coins:** the ETSC shall analyse and classify every new type of counterfeit euro coin. To that end, the ETSC shall have access to the technical and statistical data stored at the ECB on counterfeit euro coins. The ETSC shall communicate the relevant final results of its analysis to the competent national authorities and, according to its areas of responsibility, to the European Central Bank.

**Obligations relating to credit institutions engaged in the processing and distribution to the public of notes and coins:** credit institutions, and, within the limits of their payment activity, other payment service

providers, and any other institutions engaged in the processing and distribution to the public of notes and coins, including: (i) establishments whose activity consists in exchanging notes and coins of different currencies, such as **bureaux de change**; (ii) **transporters of funds**; (iii) other economic agents such as traders and casinos engaged on a secondary basis in the processing and distribution to the public of notes via automated teller machines (cash dispensers), within the limit of these secondary activities, shall be obliged to ensure that euro notes and coins which they have received and which they intend to put back into circulation are checked for authenticity and that counterfeits are detected.

For euro notes, this check shall be carried out in line with procedures defined by the ECB. The institutions and economic agents referred to in the Regulation shall be obliged to withdraw from circulation all euro notes and coins received by them which they know or have sufficient reason to believe to be counterfeit. They shall immediately hand them over to the competent national authorities.

**Non-euro Member States:** in Member States that do not have the euro as their single currency, checks on the authenticity of euro notes and coins shall be carried out either by trained personnel, or by a machine for handling banknotes and coins that is on the list published by the European Central Bank, for banknotes, or by the Commission, in the case of coins.

APPLICATION: 31.12.2011.

ENTRY INTO FORCE: 23.01.2009.