

# Protection of the euro and other currencies against counterfeiting by criminal law

2013/0023(COD) - 10/01/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Anthea McINTYRE (ECR, UK) on the proposal for a directive of the European Parliament and of the Council on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA.

The committee recommended that Parliament's position in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

**Subject matter:** the provisions provided under this Directive should also aim to ensure better coordination of anti-counterfeiting measures between national authorities within and outside the Eurozone.

**Intentional nature:** with regard to the criminal offences provided for in this Directive, intention must be a part of all the elements constituting the offences referred to in this Directive. The intentional nature of an act or omission may be inferred from objective and factual circumstances. Offences by natural persons which do not require intention are not covered by this Directive.

**Penalties:** given the substantial disparities between Member States the danger exists that the introduction of minimum penalties for counterfeiting the euro and other currencies might lead to lack of uniformity regarding minimum penalties within one and the same national legal system. Therefore, Member States should provide for **minimum levels of maximum penalties**.

The report stated that offences referred to in the Directive should be punishable under national law by a **maximum penalty of eight years of imprisonment**.

In enforcing and executing sentences for the criminal offences provided for in this Directive, Member States should apply the general rules and principles of national criminal law in accordance with the specific circumstances of each case.

**Compilation of data:** Members proposed that Member States should regularly compile reliable data on the number of incidents concerning counterfeit euro notes and coins with particular reference to criminal prosecutions initiated and successful criminal prosecutions. Such data should be made available to OLAF.

**Obligation to transmit counterfeit euro notes and coins for analysis and detection of counterfeits:** immediately after the proceedings have concluded, the judicial authorities should transmit those necessary samples of each type of suspected counterfeit note to the National Analysis Centre and each type of suspected counterfeit coin to the Coin National Analysis Centre.

**European Central Bank report:** the European Central Bank, in consultation with the Commission, should, by one year after the entry into force of this Directive, submit a report on the EUR 200 and EUR 500 banknotes. That report should assess the extent to which the issuing of those denominations is justified in the light of the risks of counterfeiting and money laundering. The report should be accompanied, if necessary, by a proposal for a decision.

**Consultations with third countries:** the Commission should, on behalf of the Union, consider the negotiation of appropriate agreements with third countries that use the euro as a currency in order to

oppose and punish any activity likely to call into question the authenticity of the euro through counterfeiting and in order to attain the objectives of this Directive.