

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

2013/0023(COD) - 16/04/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 545 votes to 8, with 21 abstentions, a legislative resolution 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.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement reached between the European Parliament and the Council. They amended the proposal as follows:

Aim: since its introduction in 2002, as a currency continuously targeted by organised crime groups active in money counterfeiting, counterfeiting of the euro has caused **financial damage of at least EUR 500 million**. This Directive should establish minimum rules concerning the definition of criminal offences and sanctions in the area of counterfeiting of the euro and other currencies. It should also introduce common provisions to strengthen the fight against those offences and to improve investigation of them and to ensure better cooperation against counterfeiting.

Offences: Member States should take the necessary measures to ensure that certain conduct is punishable as a criminal offence, when committed intentionally. These include any fraudulent making, receiving, obtaining or possession of instruments, articles, **computer programmes** as well as security features, such as **holograms**, watermarks or other components of currency which serve to protect against counterfeiting.

Intentional conduct should also be punishable in relation to notes and coins which are not yet issued, but are designated for circulation as legal tender.

Sanctions for natural persons: Member States should provide for criminal sanctions in their national law in respect of the provisions of Union law on combating currency counterfeiting. Those sanctions should be effective, proportionate and dissuasive and should **include imprisonment**. The minimum level of the maximum term of imprisonment (five and eight years according to the case) should apply at least to the most serious forms of those offences.

Although intentionally passing on **counterfeit currency which has been received in good faith** could be sanctioned with a different type of criminal sanction, including fines, in the national law of the Member States, those national laws should provide for imprisonment as a maximum sanction.

Transmission of counterfeit euro notes and coins: Member States should ensure that during criminal proceedings the examination by the National Analysis Centre and Coin National Analysis Centre of suspected counterfeit euro notes and coins for analysis, identification and detection of further counterfeits is permitted without delay. The competent authorities should transmit the necessary samples without any delay, and at the latest once a final decision concerning the criminal proceedings has been reached.

Statistics: Member States should, **at least every two years**, transmit data to the Commission on the number of offences and the number of persons prosecuted for and convicted of the offences.

By five years after the entry into force of the Directive, the Commission should submit a **report** on the application of this Directive. It should be accompanied, if necessary, by a legislative proposal.

