

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

2013/0023(COD) - 15/05/2014 - Final act

PURPOSE: to protect the euro and other currencies against counterfeiting.

LEGISLATIVE ACT: Directive 2014/62/EU 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.

CONTENT: since its introduction in 2002, counterfeiting of the euro has caused financial damage of at least **EUR 500 million**. This Directive updates and replaces the Council Framework Decision 2000/383/JHA:

- it establishes **minimum rules** concerning the definition of criminal offences and sanctions in the area of counterfeiting of the euro and other currencies;
- it also introduces common provisions to **strengthen the fight against those offences**, and to improve investigation of them and to ensure better cooperation against counterfeiting.

Criminal offences: by virtue of the new Directive, the following conduct is punishable as a criminal offence:

- the production of counterfeit euro notes or coins and their distribution;
- the misuse of facilities or legal printing equipment or currencies allowed for the printing of notes and coins which are not yet issued, but are designated for circulation as legal tender;
- the incitement to commit major crimes of counterfeiting, participation in such offences, the fact of abetting and attempting to commit such offences, including misuse of facilities or equipment legal, and counterfeiting of banknotes and coins not yet issued but intended to be put into circulation.

Member States may adopt or maintain **more stringent rules** for counterfeiting offences.

Sanctions for natural persons: the Directive provides that the sanctions shall be effective, proportionate and dissuasive. The more serious offences shall be punishable by shall be punishable by a **maximum term of imprisonment** (of at least five years to eight years according to the case).

Legal persons: Member States shall take the necessary measures to ensure that a legal person held liable is subject to effective, proportionate and dissuasive sanctions, which shall include **criminal or non-criminal fines and may include other sanctions** such as: a) exclusion from entitlement to public benefits or aid; b) temporary or permanent disqualification from the practice of commercial activities; c) placing under judicial supervision.

The fight against counterfeiting: the Directive introduces common provisions to strengthen the fight against those offences and to improve investigation of them. Member States shall also take the necessary

measures to ensure that **effective investigative tools**, such as those which are used in organised crime or other serious crime cases, are available to persons, units or services responsible for investigating or prosecuting the offences

The Directive also requires of Member States:

- **an obligation to transmit** counterfeit euro notes and coins for analysis and detection of counterfeits;
- an obligation, at least every two years, to transmit **data** to the Commission on the number of offences and the number of persons prosecuted for and convicted of the offences.

No later than 23 May 2019, the Commission shall present a **report** on the application of this Directive, accompanied, if necessary, by a legislative proposal.

It should be noted that Ireland decided to adopt the Directive. The United Kingdom and Denmark do not participate.

ENTRY INTO FORCE: 22.05.2014.

TRANSPOSITION: no later than 23.05.2016.