Counterfeit euro coins: analysis and cooperation

2003/0158(CNS) - 09/10/2003 - Legislative proposal

PURPOSE : to formally assign to the Commission the responsibility to ensure the functioning of the ETSC and the co-ordination of the activities of the competent technical authorities to protect the euro coins against counterfeiting. PROPOSED ACT : Council Decision. CONTENT : to recall, on 17 July 2003 the Commission submitted to the Council the above proposal in order to give a permanent basis to the existing co-operation between the European Technical and Scientific Centre provisionally established at the French Mint and the Coin National Analysis Centres established by Member States for the purposes of the analysis and classification of counterfeit euro coins. The Commission proposes as a legal basis for this Council Decision Article 123 par. 4 of the Treaty, which does not prescribe consultation of the European Parliament. The Commission suggests, however, to consult the European Parliament on a facultative basis. On 1 October 2003, Financial Counsellors agreed to suggest to COREPER and Council to split the proposal in two separate legal texts, namely : - first a Council Decision based on Article 123 par. 4 in order to give a permanent basis to the European Technical and Scientific Centre and to the Coin National Analysis Centres - secondly a Council Decision extending the applicability of the first Decision to non participating Member States, which Decision would be based on Article 308 of the Treaty. For this last text, obligatory consultation of the European Parliament would become necessary. The above suggested split in two legal texts follows a precedent of 2001, whereby the Council adopted a similar solution, namely in Council Regulation No. 1338/2001 laying down measures for the protection of the euro against counterfeiting (based on Article 123 par. 4 and applicable to participating Member States only) in combination with Council Regulation 1339/2001 (based on Article 308) extending the effects of Regulation 1338/2001 to non participating Member States). COREPER is invited to confirm the approach agreed by Financial Counsellors and the two draft Council Decisions as agreed by Financial Counsellors (attached) and consequently to decide to consult the European Parliament in this respect. The present proposal is in accordance with the text proposed in July 2003 as far as the content is concerned. It is accompanied by a second text which sets out the principles of the proposed Decision to the countries which have not adopted the euro as a single currency.