

Euro: protection against counterfeiting for countries that have adopted or not adopted the euro

2000/0208(CNS) - 28/06/2001 - Final act

PURPOSE: to ensure the protection of the euro against counterfeiting.

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

CONTENT: the first regulation aims to ensure a high level of protection against counterfeiting and falsification. Its purpose is to strengthen the legal protection of euro banknotes and coins in time for their introduction on the 1 January 2002. The Regulation covers the processing of technical and statistical information relating to counterfeiting, the processing of operational and strategic data, and co-operation and mutual assistance.

Under the terms of the regulation, credit institutions, and any other institutions engaged in the sorting and distribution to the public of notes and coins as a professional activity, including establishments whose activity consists in exchanging notes and coins of different currencies, such as bureaux de change, 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. Each Member State shall take the necessary measures to ensure that the establishments which fail to discharge their obligations shall be subject to effective, proportionate and deterrent sanctions.

The regulation also contains provisions dealing with:

- gathering and access of technical and statistical data by the competent national authorities and the role of the ECB;
- the obligation of the competent national authorities to transmit counterfeit notes and coins for identification to the National Analysis (NAC) or NAC or National Coins Analysis Centres to be established by the Member States and to communicate their findings to the ECB;
- co-operation amongst the competent national authorities to protect the Euro against counterfeiting;
- centralisation of information at national level;
- definition of competent national authorities (the remaining open question on this issue was resolved by the adoption of a Council declaration which takes note of the existing situation in two Member States concerning the competence of police and judicial authorities;
- relations with third countries and relevant international organisations (Europol in particular);
- unauthorised notes.

The second regulation aims to extend the effects of the Regulation to Member States that have not adopted the euro as a single currency.

ENTRY INTO FORCE : the two regulations shall enter into force on 4 July 2001 and shall apply from 1 January 2002.