Basic information

2008/0168(CNS) CNS - Consultation procedure Regulation	Procedure completed
Protection against counterfeiting: medals and tokens similair to euro coins, extension to the non-participating Member States Amending Regulation (EC) No 2183/2004 2004/0011(CNS) **Subject** 5.20.02 Single currency, euro, euro area 7.30.30.10 Action against counterfeiting	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ECON Economic and Monetary Affairs	RYAN Eoin (UEN)	24/09/2008

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	2917	2008-12-18

European Commission

Commission DG	Commissioner
European Anti-Fraud Office (OLAF)	KALLAS Siim

Key events

Date	Event	Reference	Summary
13/08/2008	Legislative proposal published	COM(2008)0514	Summary
09/10/2008	Committee referral announced in Parliament		
02/12/2008	Vote in committee		Summary
03/12/2008	Committee report tabled for plenary, 1st reading/single reading	A6-0470/2008	
16/12/2008	Decision by Parliament	T6-0594/2008	Summary

16/12/2008	Results of vote in Parliament		
18/12/2008	Act adopted by Council after consultation of Parliament		
18/12/2008	End of procedure in Parliament		
22/01/2009	Final act published in Official Journal		

Technical information

Procedure reference	2008/0168(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 2183/2004 2004/0011(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 308
Stage reached in procedure	Procedure completed
Committee dossier	ECON/6/66067

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE415.130	29/10/2008	
Committee report tabled for plenary, 1st reading/single reading		A6-0470/2008	03/12/2008	
Text adopted by Parliament, 1st reading/single reading		T6-0594/2008	16/12/2008	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2008)0514	13/08/2008	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
ECB	European Central Bank: opinion, guideline, report	CON/2008/0045 OJ C 283 07.11.2008, p. 0001	08/10/2008	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	

European Commission	EUR-Lex	

Final act
Regulation 2009/0047 OJ L 017 22.01.2009, p. 0007 Summary

Protection against counterfeiting: medals and tokens similair to euro coins, extension to the non-participating Member States

2008/0168(CNS) - 16/12/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 537 votes to 10 with 44 abstentions and adopted a legislative resolution under the consultation procedure approving the proposal for a Council Regulation amending Regulation (EC) No 2183/2004 extending to the non-participating Member States the application of Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins.

The report had been tabled for consideration in plenary by Eoin **RYAN** (UEN, IE) on behalf of the Committee Economic and Monetary Affairs.

Protection against counterfeiting: medals and tokens similair to euro coins, extension to the non-participating Member States

2008/0168(CNS) - 08/10/2008 - European Central Bank: opinion, guideline, report

OPINION OF THE EUROPEAN CENTRAL BANK on a proposal for two Council Regulations concerning medals and tokens similar to euro coins.

On 25 September 2008, the European Central Bank (ECB) received a request from the Council of the European Union for an opinion on a proposal for a Council Regulation amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins and a proposal for a Council Regulation amending Regulation (EC) No 2183/2004 extending to the non-participating Member States the application of Regulation (EC) No 2182 /2004 concerning medals and tokens similar to euro coins.

General observations: by clarifying the specific elements of the designs on legal tender euro coins that should not be reproduced on medals and tokens that are similar to euro coins and establishing the criteria to be used by the Commission when preparing an opinion on compliance with Regulation (EC) No 2182/2004, the first proposed regulation strengthens the protective provisions laid down in the Regulation against confusion and fraud relating to medals and tokens that could be mistaken for euro coins. It also improves transparency in the Commission's decision-making process.

Since euro coins may circulate beyond the territories of the Member States that have adopted the euro, having a certain degree of protection of euro coins in Member States which have not yet adopted the euro is of importance with regards to activities, such as counterfeiting, that may impair their credibility as legal tender.

The ECB also makes a number of **specific observations**:

Similarity of the design appearing on the surface of medals and tokens: compared to Article 2(c) of Regulation (EC) No 2182/2004, the new Article 2(1)(c) of the first proposed regulation describes in more detail the designs or parts thereof appearing on the surface of euro coins which may not be reproduced on medals and tokens. To enhance the protective character of this provision, the ECB recommends including an **express reference to the euro symbol and to the terms 'euro' and 'euro cent'** in the new Article 2(1)(c)(i);

Transparency in the decision-making process: according to the explanatory memorandum to the first proposed regulation, the Commission has been working closely with counterfeit coin experts. However, the first proposed regulation only refers to 'consultation with the Member States'. As a result, the ECB recommends that an express reference to the counterfeit coin experts be included in the new Article 2(2);

Derogations by authorisation: the ECB considers that appropriate wording should be added in this respect. Moreover, In order to enhance transparency and improve legal certainty, the new Article 4 would benefit from more comprehensive and/or illustrative wording on the general criteria to be applied by the Commission when authorising a derogation.

Application of the first proposed regulation to Monaco, San Marino and the Vatican City : under monetary agreements with France and Italy, Monaco, San Marino and the Vatican City are entitled to issue euro coins which have the status of legal tender and have specific artistic features on their national side. Because the visual characteristics of these euro coins are different from the visual characteristics of the euro coins issued by each of the Member States that have adopted the euro, the euro coins issued by Monaco, San Marino and the Vatican City should also benefit from the protective provisions laid down in the first proposed regulation.

Consultation of the ECB on the second proposed regulation: unlike the first proposed regulation, the preamble to the second proposed regulation does not refer to the ECB's opinion. In view of the fact that both proposed regulations fall within the ECB's fields of competence, the preamble to the second proposed regulation should be amended to refer to the ECB's opinion.

Protection against counterfeiting: medals and tokens similair to euro coins, extension to the non-participating Member States

2008/0168(CNS) - 18/12/2008 - Final act

PURPOSE: to amend Regulation (EC) No 2183/2004 extending to the non-participating Member States the application of Regulation (EC) No 2182 /2004.

LEGISLATIVE ACT: Council Regulation (EC) No 47/2009 amending Regulation (EC) No 2183/2004 extending to the non-participating Member States the application of Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins.

CONTENT: Council Regulation (EC) No 2182/2004aims to protect euro coins by stipulating that in the euro area Member States medals and tokens having visual characteristics, size or metal properties which are similar to euro coins should not be sold, produced, imported or distributed for the purpose of sale or for other commercial purposes. Council Regulation (EC) No 2183/2004 extends the application of Regulation 2182/2004 to the Member States that have not (yet) introduced the euro.

Regulation (EC) No 2182/2004 has been amended by Council Regulation (EC) No 46/2009. It is important that the rules concerning medals and tokens similar to euro coins should be uniform throughout the Community, and the requisite provisions should be adopted to that end.

The application of Regulation (EC) No 2182/2004 as amended by Regulation (EC) No 46/2009 shall be extended to Member States other than the participating Member States.

ENTRY INTO FORCE: 11.02.2009.

Protection against counterfeiting: medals and tokens similair to euro coins, extension to the non-participating Member States

2008/0168(CNS) - 13/08/2008 - Legislative proposal

PURPOSE: to amend Regulation (EC) No 2183/2004 extending to the non-participating Member States the application of Regulation (EC) No 2182 /2004.

PROPOSED ACT: Council Regulation.

CONTENT: Council Regulation 2182/2004 (“the Regulation”) aims to protect euro coins against medals and tokens which are similar to euro coins. The Regulation has significantly contributed to avoiding similarity between euro coins and medals/tokens, as private companies now generally comply with the definitions and the prohibitions established in the Regulation.

Experience gained during the implementation period has highlighted the need to **clarify the protective provisions and to increase transparency in the decision making process**. Accordingly, it is necessary to modify the Regulation. (See CNS/2008/0167.)

In particular, the public may be led to believe that some medals or tokens have legal tender status not only when they bear a design similar to the ones on legal tender euro coins but also when they bear distinctive parts of these designs. Such parts are notably the twelve stars of the EU, the geographical representations and the numerals, the shapes of the edge and the edge design in the way they appear on legal tender euro coins.

The Commission proposes to define, particularly for the benefit of private operators producing medals and tokens, the specific signs which should not be reproduced on medals and tokens in the way they are depicted on legal tender euro coins. These are symbols representative of the issuing Member State’s sovereignty, such as the effigies of the Head of State, the coat of arms, the Mint marks, the Mint master marks, the name and the image of the geographical representation of the country, in the specific way they appear on euro coins.

Since these protected elements are part of either the common or the national faces of euro coins, it is no longer meaningful to maintain the distinction between the two. Furthermore, in a number of cases, more extensive common elements have been included on the national sides of euro coins, such as the Treaty of Rome design or the ten years of EMU. The protective measures should therefore refer to any design appearing on the surface of medals or tokens similar to any design on legal tender euro coins.

The Regulation currently states that the Commission is competent to declare whether a design is similar to the one appearing on euro coins. The Commission’s opinion should be based on the entire range of the protective provisions included in Article 2, including the interpretation of whether a metallic object should be considered as a medal/token within the meaning of the definition in Article 1(c).

The criteria on the basis of which the Commission delivers an opinion on similarity or compliance to the other provisions of the Regulation need also to be further clarified. Concretely the Commission’s decision should also take into account the quantities of medals or tokens produced, the selling price,

packaging, the specific inscriptions on the medals and tokens (such as the company name, the indication ‘no legal tender’...), as well as the relevant advertisement. Since it has been necessary to take into consideration such criteria in practice, these criteria should be explicitly stated in the Regulation.

In declaring similarity and in considering compliance with the provision of the Regulation, the Commission has been working closely with experts from Member States, namely the counterfeit coin experts referred to under Article 4 paragraph 1 of Commission Decision of 29 October 2004 establishing the European Technical and Scientific Centre considering their expertise in visual and material analysis of coins. This consultation should continue.

Article 4 refers to derogations by authorisation, including the Commission’s responsibility to declare similarity. Considering that the latter responsibility relates to the respect of the protective provisions, it is appropriate, for the sake of clarity, to transfer this under the same Article.

Economic operators may use the terms ‘euro’ or ‘euro cent’ or the euro symbol on medals and tokens under restricted conditions, inter alia, if the indication ‘Not legal tender’ is stamped on the obverse or the reverse of the medal or token. Considering that the risk of confusion with euro coins is greater where the medal or token bears a nominal value, the requirement related to the indication ‘Not legal tender’ should be limited to this circumstance.

The proposal to amend Regulation 2182/2006 (see CNS/2008/0167) includes this parallel Regulation modifying Regulation 2183/2004, intended to extend the effects of the modification to Member States not participating in the euro.

The Commission proposes amending:

- Article 2 of Regulation 2182/2004, to clarify the protective provisions;
- Article 4 of Regulation 2182/2004, to include assessment criteria and modify the decision making procedure to be moved to Article 2;
- concerning specifically this procedure, Regulation 2183/2004 will be amended so as to extend to the non participating Member States the effects of the modification of Regulation 2182/2004.