

Procedure file

Basic information		
CNS - Consultation procedure Regulation	2007/0192A(CNS)	Procedure completed
Euro: protection against counterfeiting		
Amending Regulation (EC) No 1338/2001	2000/0208(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	
	LIBE Civil Liberties, Justice and Home Affairs		02/12/2008	
		ALDE DEPREZ Gérard		
	Former committee responsible			
	LIBE Civil Liberties, Justice and Home Affairs		05/11/2007	
		PPE-DE DÍAZ DE MERA GARCÍA CONSUEGRA Agustín		
Committee for opinion	Rapporteur for opinion	Appointed		
ECON Economic and Monetary Affairs	The committee decided not to give an opinion.			
Former committee for opinion				
ECON Economic and Monetary Affairs			23/10/2007	
	PSE DOS SANTOS Manuel			
Council of the European Union	Council configuration	Meeting	Date	
	Agriculture and Fisheries	2917	18/12/2008	
European Commission	Commission DG	Commissioner		
	European Anti-Fraud Office (OLAF)	KALLAS Siim		

Key events			
17/09/2007	Legislative proposal published	COM(2007)0525	Summary
29/11/2007	Committee referral announced in Parliament		
29/05/2008	Vote in committee		Summary
05/06/2008	Committee report tabled for plenary, 1st reading/single reading	A6-0230/2008	
17/06/2008	Decision by Parliament	T6-0280/2008	
24/10/2008	Amended legislative proposal for reconsultation published	14533/2008	Summary
12/11/2008	Formal reconsultation of Parliament		
02/12/2008	Vote in committee		Summary

11/12/2008	Committee report tabled for plenary, reconsultation	A6-0499/2008	
16/12/2008	Results of vote in Parliament		
16/12/2008	Decision by Parliament	T6-0588/2008	Summary
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	2007/0192A(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1338/2001 2000/0208(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 123-p4
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/69735

Documentation gateway

Legislative proposal		COM(2007)0525	17/09/2007	EC	
European Central Bank: opinion, guideline, report		CON/2007/0042 OJ C 027 31.01.2008, p. 0001	17/12/2007	ECB	Summary
Committee draft report		PE405.735	30/04/2008	EP	
Committee opinion	ECON	PE402.930	08/05/2008	EP	
Amendments tabled in committee		PE406.042	14/05/2008	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0230/2008	05/06/2008	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0280/2008	17/06/2008	EP	
Amended legislative proposal for reconsultation		14533/2008	24/10/2008	CSL	Summary
Committee final report tabled for plenary, reconsultation		A6-0499/2008	11/12/2008	EP	
Text adopted by Parliament after reconsultation		T6-0588/2008	16/12/2008	EP	Summary

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

Euro: protection against counterfeiting

On 17 September 2007, the Commission submitted to the European Parliament and the Council a proposal for a Council Regulation amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting (please refer to the summary dated 17/09/2007 in this procedure file).

The Commission proposal is based on Article 123(4) of the EC Treaty and the European Parliament delivered its opinion on 17 June 2008.

Following the discussions held on its proposal within the Council, the Commission suggested adding Article 308 of the Treaty as a legal basis.

In this context, the Working Party on Combating Fraud reached agreement on the present regulation and the parallel regulation on the extension of measures provided for Member States which have not adopted the euro as their single currency (see [CNS/2007/0192B](#)).

In addition to the change of legal basis, the Commission proposal has been reviewed in the following areas:

- obliging credit institutions and any other related institutions to withdraw from circulation all euro notes and coins received by them which they know or have sufficient reason to believe to be counterfeit and hand them over to the competent national authorities;

- ensuring that circulating euro notes and coins are authentic: to that end, credit institutions, other payment service providers and other economic agents involved in the processing and distribution of notes and coins should check the authenticity of the euro notes and coins they receive before they put them back into circulation, except where they come from other establishments or persons themselves subject to obligatory checks or where they have been taken from the authorities authorised to issue them. Other economic agents, such as traders and casinos, should also be subject to these obligations where they supply, on a secondary basis, automated teller machines (cash dispensers), but they may not be involved beyond these secondary activities. In order to comply with the obligation to check for authenticity, these economic agents nevertheless need time to adapt their internal functioning;

- ensuring the appropriate adjustment of equipment is a prerequisite for checking the authenticity of euro notes and coins. In order to adjust the equipment used for the checks for authenticity it is essential that the necessary quantities of counterfeit notes and coins are available at the places where testing is conducted. It is, therefore, important to permit the transporting of counterfeit notes and coins between competent national authorities as well as institutions and bodies of the European Union.

The European Parliament needs to be consulted again.

Euro: protection against counterfeiting

The Committee on Civil Liberties, Justice and Home Affairs adopted the report drafted by Gérard DEPREZ (ALDE, BE) approving, without amendment (renewed consultation), the draft Council Regulation amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting, as amended by the Council.

Euro: protection against counterfeiting

The European Parliament adopted, by 518 votes to 9 with 32 abstentions and, on a renewed consultation, adopted a legislative resolution under the consultation procedure approving the Council's draft for a Council Regulation amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting.

The report had been tabled for consideration in plenary by Gérard DEPREZ (ALDE, BE) on behalf of the Committee on Civil Liberties, Justice and Home Affairs.

Euro: protection against counterfeiting

PURPOSE: to amend Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting.

LEGISLATIVE ACT: Council Regulation (EC) No 44/2009 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting.

CONTENT: to recall, [Council Regulation \(EC\) No 1338/2001](#) requires credit institutions and any other related institutions to withdraw from circulation all euro notes and coins received by them which they know or have sufficient reason to believe to be counterfeit and hand them over to the competent national authorities.

It is important to ensure that circulating euro notes and coins are authentic. To that end, credit institutions, other payment service providers and other economic agents involved in the processing and distribution of notes and coins should check the authenticity of the euro notes and coins they receive before they put them back into circulation.

Other economic agents, such as traders and casinos, should also be subject to these obligations where they supply, on a secondary basis,

automated teller machines (cash dispensers), but they may not be involved beyond these secondary activities.

In order to comply with the obligation to check for authenticity, these economic agents nevertheless need time to adapt their internal functioning. As regards notes, the procedures laid down for Member States which have adopted the euro as a single currency may also cover the suitability of the checked notes for circulation.

Appropriate adjustment of the equipment is a prerequisite for checking the authenticity of euro notes and coins. In order to adjust the equipment used for the checks for authenticity it is essential that the necessary quantities of counterfeit notes and coins are available at the places where testing is conducted. It is, therefore, appropriate to permit the transporting of counterfeit notes and coins between competent national authorities as well as institutions and bodies of the European Union.

This Regulation amends Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting as follows:

Obligation to transmit counterfeit coins: the Regulation stipulates that for the purpose of facilitating the checking for authenticity of circulating euro coins, the transporting of counterfeit coins between the competent national authorities as well as the institutions and bodies of the European Union shall be permitted. During transportation, the counterfeit notes shall be accompanied at all times by transport orders received for that purpose from the abovementioned authorities, institutions and bodies.

Classification of coins: the ETSC shall analyse and classify every new type of counterfeit euro coin. To that end, the ETSC shall have access to the technical and statistical data stored at the ECB on counterfeit euro coins. The ETSC shall communicate the relevant final results of its analysis to the competent national authorities and, according to its areas of responsibility, to the European Central Bank.

Obligations relating to credit institutions engaged in the processing and distribution to the public of notes and coins: credit institutions, and, within the limits of their payment activity, other payment service providers, and any other institutions engaged in the processing and distribution to the public of notes and coins, including: (i) establishments whose activity consists in exchanging notes and coins of different currencies, such as bureaux de change; (ii) transporters of funds; (iii) other economic agents such as traders and casinos engaged on a secondary basis in the processing and distribution to the public of notes via automated teller machines (cash dispensers), within the limit of these secondary activities, shall be obliged to ensure that euro notes and coins which they have received and which they intend to put back into circulation are checked for authenticity and that counterfeits are detected.

For euro notes, this check shall be carried out in line with procedures defined by the ECB. The institutions and economic agents referred to in the Regulation 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.

Non-euro Member States: in Member States that do not have the euro as their single currency, checks on the authenticity of euro notes and coins shall be carried out either by trained personnel, or by a machine for handling banknotes and coins that is on the list published by the European Central Bank, for banknotes, or by the Commission, in the case of coins.

APPLICATION: 31.12.2011.

ENTRY INTO FORCE: 23.01.2009.