European Commission

Protection of the Euro against Counterfeiting by European Criminal law

Directive 2014/62/EU on the protection of the Euro and other currencies against counterfeiting by criminal law, and replacing Framework Decision 2000/283/JHA

Disclaimer: These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union

Context

Geneva Convention - International Convention for the Suppression of Counterfeitung Currency agreed on 20 April 1929

Framework Decision 2000/383/JHA- supplements the Geneva Convention on EU-territory following the introduction of the Euro

Directive 2014/62/EU on the protection of the Euro and other currencies against counterfeitung by criminal law and replacing Framework Decision 2000/282/JHA.

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The Directive builds on and replaces the Framework Decision (FD), in connection with the introduction of the euro. It takes over main provisions of the FD

Definition of offences

- fraudulant making or alterung of currency (production of counterfeit notes and coins)
- Distribution of counterfeit currency
- Making and possessing counterfeitung equipment
- Fraudulent making of notes and coins using legal facilities but not yet issued or violating the rights or the conditions under which competent authorities may issue notes or coins

Sanctions for production of counterfeits

minimum maximum sanction of 8 years imprisonment

In addition:

- *Obliges MS to make effective investigative tools availabe for detecting currency counterfeiting cases, equivalent to those used to combat organised or other serious crime.*
- *Requires MS to ensure that the National Analyses Centres and the National Coin Analyses Centres are also availabe to examine euro counterfeits during on-going judicial proceedings (as soon as possible).*
- *Minimum maximum penalty of 5 years for the offence of distribution*
- *Requires MS to collect data on the number of counterfeiting offences, of the persons prosecuted and those convicted, and share these data with the Commission (statistics).*
- *NO minimum minimum penalties*

other

- *Liability of legal persons*
- *Jurisdiction over offences committed outside MS territory or offences which are not a criminal offence at the place where committed*

Why?

- *Sufficient deterrence*
- *equal priority levels with law enforcement authorities in the MS*
- *No forum shopping for criminals*
- *Effective cross border investigations using the same investigation tools*
- *Identifying counterfeits and preventing them from further circulation*

in practice

- *In force since 21 May 2014*
- *Obliges Member States to transposition into national law by 23 May 2016 => transposition checks (only two MS that did not notify)*
- *Not applicable to Denmark and UK.*
- *Ireland opted in.*
- *Framework Decision 2000/383/JHA stays applicable for those MS not bound by the Directive .*

Wider context – coordinated approach

- *National authorities, EU COM, ECB, non-EU countries, international organisations*
- *Administrative measures and legislation (prevention and cooperation) – multidisciplinary cooperation, analyses, identification and withdrawal, authenticity*
- *Pericles 2020 –programme (exchange, assistance and training cross-borders)*
- *Criminal law*

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Thank you for your attention.