



Economic and Monetary Union

Main Euro Cash Legislation
2014



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European Commission

Directorate-General for Economic and Financial Affairs

Economic and Monetary Union

Main Euro Cash Legislation

2014

PREFACE



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The introduction of the single currency on 1 January 1999 and the physical issuance of euro banknotes and coins on 1 January 2002 are key events in the history of the European Union. Following successive enlargements and with Lithuania to introduce the euro in 2015, the euro area will soon number 19 EU Member States which count a population of more than 333 million who share the single currency and benefit from the euro.

Four small-sized European countries (Andorra, Monaco, San Marino and the Vatican) use the euro officially through Monetary Agreements with the EU and have the right to issue euro coins, which brings the total number of countries using the euro as official currency to 23 soon.

The introduction of the euro has given rise to an intensive legislative activity also on setting the rules on euro cash. This compilation, issued by the European Commission, brings together the core legal texts on euro banknotes and coins. It complements the European Commission's publication "Economic and Monetary Union: Main Legal Texts (2014)" on core legal texts on the functioning of the EMU.

The aim of this publication is to cover the main euro cash legislation in the format of a handy booklet. It was, therefore, unavoidable to be selective, despite of the fact that numerous other texts are relevant for the issuance and use of euro cash.

INTRODUCTORY NOTE

This publication includes extracts from the consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, as well as the full text of the Monetary Agreements and relevant secondary EU legislation on euro cash.

This is a text produced for documentary purposes, for which the institutions of the European Union cannot be held liable.

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1. PRIMARY LAW

1.1. EXTRACT FROM THE TREATY ON EUROPEAN UNION

TITLE I - COMMON PROVISIONS: ARTICLE 3

Article 3

1. The Union's aim is to promote peace, its values and the well-being of its peoples.
2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.
3. The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.
It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.

It shall promote economic, social and territorial cohesion, and solidarity among Member States.

It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.

4. The Union shall establish an economic and monetary union whose currency is the euro.
5. In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.
6. The Union shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the Treaties.

1.2. EXTRACTS FROM THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

PART THREE UNION POLICIES AND INTERNAL ACTIONS TITLE VIII ECONOMIC AND MONETARY POLICY

CHAPTER 2 MONETARY POLICY

Article 128

1. The European Central Bank shall have the exclusive right to authorise the issue of euro banknotes within the Union. The European Central Bank and the national central banks may issue such notes. The banknotes issued by the European Central Bank and the national central banks shall be the only such notes to have the status of legal tender within the Union.
2. Member States may issue euro coins subject to approval by the European Central Bank of the volume of the issue. The Council, on a proposal from the Commission and after consulting the European Parliament and the European Central Bank, may adopt measures to harmonise the denominations and technical specifications of all coins intended for circulation to the extent necessary to permit their smooth circulation within the Union.

Article 129

1. The ESCB shall be governed by the decision-making bodies of the European Central Bank which shall be the Governing Council and the Executive Board.
2. The Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as "the Statute of the ESCB and of the ECB") is laid down in a Protocol annexed to the Treaties.
3. Articles 5.1, 5.2, 5.3, 17, 18, 19.1, 22, 23, 24, 26, 32.2, 32.3, 32.4, 32.6, 33.1(a) and 36 of the Statute of the ESCB and of the ECB may be amended by the European Parliament and the Council, acting in accordance with the ordinary legislative procedure. They shall act either on a recommendation from the European Central Bank and after consulting the Commission or on a proposal from the Commission and after consulting the European Central Bank.
4. The Council, either on a proposal from the Commission and after consulting the European Parliament and the European Central Bank or on a recommendation from the European Central Bank and after consulting the European Parliament and the Commission, shall adopt

the provisions referred to in Articles 4, 5.4, 19.2, 20, 28.1, 29.2, 30.4 and 34.3 of the Statute of the ESCB and of the ECB.

1.3. EXTRACT FROM PROTOCOL (NO 4) OF THE EUROPEAN SYSTEM OF CENTRAL BANKS AND OF THE EUROPEAN CENTRAL BANK

Article 16

Banknotes

In accordance with Article 128(1) of the Treaty on the Functioning of the European Union, the Governing Council shall have the exclusive right to authorise the issue of euro banknotes within the Union. The ECB and the national central banks may issue such notes. The banknotes issued by the ECB and the national central banks shall be the only such notes to have the status of legal tender within the Union.

The ECB shall respect as far as possible existing practices regarding the issue and design of banknotes.

2. MONETARY AGREEMENTS

MONETARY AGREEMENT between the European Union and the Principality of Andorra

THE EUROPEAN UNION, represented by the European Commission,

and

THE PRINCIPALITY OF ANDORRA,

Whereas:

- (1) On 1 January 1999, the euro replaced the currency of each Member State participating in the third stage of Economic and Monetary Union, among which Spain and France, pursuant to Council Regulation (EC) No 974/98 of 3 May 1998.
- (2) Prior to this Agreement, the Principality of Andorra did not have an official currency, nor had it concluded a monetary agreement with any Member State or third country. Spanish and French banknotes and coins were used *de facto* in Andorra and were replaced by euro banknotes and coins as from 1 January 2002. The Principality of Andorra has also issued some collector coins denominated in diners.
- (3) In accordance with the present Monetary Agreement, the euro shall be the official currency of the Principality of Andorra. The Principality of Andorra will thus have the right to issue euro coins and the obligation to grant legal tender status euro banknotes and coins issued by the Eurosystem and the Member States which have adopted the euro. The Principality of Andorra should ensure that European Union rules on banknotes and coins denominated in euros — including those related to the protection of the euro against counterfeiting — are applicable within its territory.
- (4) The Principality of Andorra has a significant banking sector which operates in close connection with that of the euro area. Relevant EU banking and financial legislation, legislation concerning the prevention of money laundering, the prevention of fraud and counterfeiting of non-cash means of payment, and statistical reporting requirements should therefore be made progressively applicable to the Principality of Andorra with a view to ensuring a more level playing field.

- (5) This Agreement does not impose any obligation on the ECB and national central banks to include the financial instruments of the Principality of Andorra in the list(s) of securities eligible for monetary policy operations of the Eurosystem.
- (6) A Joint Committee composed of representatives of the Principality of Andorra and of the European Union should be established in order to examine the application of this Agreement, decide the annual ceiling for coin issuance and assess the measures taken by the Principality of Andorra for implementing relevant EU legislation. The delegation of the European Union should be composed of representatives of the European Commission, the Kingdom of Spain, the French Republic and the European Central Bank.
- (7) The Court of Justice of the European Union shall be the body in charge of settling any disputes which may arise from the application of the Agreement.

HAVE AGREED AS FOLLOWS:

Article 1

The Principality of Andorra shall be entitled to use the euro as its official currency in accordance with Regulations (EC) No 1103/97 and (EC) No 974/98. The Principality of Andorra shall grant legal tender status to euro banknotes and coins.

Article 2

1. The Principality of Andorra shall not issue banknotes. The conditions for issuing euro coins as from 1 July 2013 are laid down in the following Articles.
2. The right to issue euro coins as of 1 July 2013 is subordinated to:
 - (a) the prior adoption by the Principality of Andorra of all the EU legal acts and rules listed in the Annex to the present Agreement for which there is a transposition deadline of 12 or 18 months, from the entry into force of this Agreement;
 - (b) the signature by the Principality of Andorra of the International Organization of Securities Commissions' Multilateral Memorandum of Understanding concerning Consultation, Cooperation and the Exchange of Information within a deadline of at most 18 months, from the entry into force of this Agreement.

Article 3

The annual ceiling (in value terms) for the issuance of euro coins by the Principality of Andorra shall be calculated by the Joint Committee established by the present Agreement as the sum of:

- a fixed part, whose initial amount for 2013 is set at EUR 2 342 000. The Joint Committee may revise annually the fixed part with a view to taking into account both inflation — on the

basis of euro-area HICP inflation in the previous 12 months — and possible significant trends affecting the euro coins collector market,

- a variable part, corresponding to the average per capita coin issuance of the euro area in the previous 12 months multiplied by the number of inhabitants of the Principality of Andorra.

Article 4

1. Euro coins issued by the Principality of Andorra shall be identical to those issued by the Member States of the European Union which have adopted the euro as far as the face value, legal tender status, technical characteristics, artistic features of the common side and shared artistic features of the national side are concerned.

2. The Principality of Andorra shall notify in advance the draft national sides of its euro coins to the European Commission, which shall check their compliance with the EU *rules*.

Article 5

1. Euro coins issued by the Principality of Andorra shall be minted by the EU Mint experienced in striking euro coins of its choice. The Joint Committee should be informed of any change of contractor.

2. At least 80 % of euro coins intended for circulation shall be put into circulation at face value. The Joint Committee may decide to increase this proportion.

3. The issuance of euro collector coins by the Principality of Andorra shall be in accordance with the European Union guidelines laid down for euro collector coins, which, *inter alia*, require the adoption of technical characteristics, artistic features and denominations that enable euro collector coins to be distinguished from coins intended for circulation.

Article 6

1. Half of the volume of euro coins issued by the Principality of Andorra shall be added to the volume of coins issued by the Kingdom of Spain and the other half to the volume of coins issued by the French Republic for the purposes of European Central Bank approval of the total volume of the issue by the Kingdom of Spain and the French Republic in accordance with Article 128(2) of the Treaty on the Functioning of the European Union.

2. No later than 1 September each year, the Principality of Andorra shall notify the European Commission, the Kingdom of Spain and the French Republic of the total face value of the euro coins that it intends to issue during the following year. The Principality of Andorra shall also inform the European Commission about the intended conditions of issuance of these coins, in particular the proportion of collector coins and the detailed arrangements for the introduction of circulation coins.

Article 7

1. This Agreement does not prejudice the right of the Principality of Andorra to continue issuing collector coins denominated in diners.
2. Collector coins denominated in diners issued by the Principality of Andorra shall not be legal tender in the European Union.

Article 8

1. The Principality of Andorra shall undertake to adopt all appropriate measures, through direct transposition or possibly equivalent actions, with a view to implementing the EU legal acts and rules listed in the Annex to this Agreement, in the field of:
 - (c) euro banknotes and coins;
 - (d) banking and financial law, in particular in relation to the activity and supervision of the institutions concerned;
 - (e) prevention of money laundering, prevention of fraud and counterfeiting of cash and non-cash means of payment (for which a cooperation agreement should be signed with Europol), medals and tokens and statistical reporting requirements. Regarding legislation on the collection of statistical information, the detailed rules of implementation and the technical adaptations (including the appropriate derogations taking into account the specific status of Andorra) shall be agreed with the European Central Bank no later than 18 months before the required start of the statistical reporting;
 - (f) the measures necessary for the use of the euro as a single currency adopted under Article 133 of the Treaty on the Functioning of the European Union.
2. The legal acts and rules referred to in paragraph 1 shall be implemented by the Principality of Andorra by the deadlines specified in the Annex.
3. The Principality of Andorra may request technical assistance — in particular on the compilation and collection of statistical information — to facilitate implementation of relevant EU legislation of the entities constituting the delegation of the European Union.
4. The Annex shall be amended by the Commission once a year or more often if deemed appropriate, with a view to taking into account new relevant EU legal acts and rules and amendments to existing ones. The Joint Committee shall thereafter decide on appropriate and reasonable deadlines for the implementation by the Principality of Andorra of the new legal acts and rules added to the Annex.
5. The Joint Committee may, in exceptional cases, revise an existing deadline specified in the Annex.
6. The updated Annex shall be published in the *Official Journal of the European Union*.

Article 9

Credit institutions and, where appropriate, other financial institutions authorised to carry out their activities in the territory of the Principality of Andorra may have access to interbank settlement and payment and securities settlement systems in the euro area under appropriate terms and conditions to be determined by the relevant authorities in Spain or the relevant authorities in France, in agreement with the European Central Bank.

Article 10

1. The Court of Justice of the European Union shall have exclusive competence for settling any dispute between the parties, which may arise from the application of this Agreement, and which has not been solved within the Joint Committee.
2. If the European Union, represented by the European Commission and acting on a recommendation by the EU delegation in the Joint Committee, or the Principality of Andorra considers that the other Party has not fulfilled an obligation under this Agreement, it may bring the matter before the Court of Justice. The judgment of the Court shall be binding on the Parties, which shall take the necessary measures to comply with the judgment within a period to be decided by the Court in its judgment and shall not be subject to an appeal procedure.
3. In the event that the European Union or the Principality of Andorra fails to take the necessary measures to comply with the judgment within the specified period, the other Party may terminate the Agreement subject to three months' notice.

Article 11

1. A Joint Committee shall be established. It shall be composed of representatives of the Principality of Andorra and of the European Union. The delegation of the European Union shall be composed of representatives of the European Commission (holding the chairmanship), the Kingdom of Spain and the French Republic, together with representatives of the European Central Bank.
2. The Joint Committee shall meet at least once a year. The Chair shall rotate on an annual basis between a representative of the European Union and a representative of the Principality of Andorra. The Joint Committee shall adopt its decisions unanimously.
3. The Joint Committee shall exchange views and information and adopt the decisions referred to in Articles 3 and 8. In particular, the delegation of the European Union shall inform the Principality of Andorra of any European Union legislative initiatives that fall within the scope of Article 8. Furthermore, the Joint Committee shall examine the measures taken by the Principality of Andorra and shall endeavour to solve any disputes resulting from the implementation of this Agreement.
4. The European Union shall be the first to chair the Joint Committee upon the entry into force of this Agreement, as laid down in Article 13.

Article 12

Without prejudice to Article 10(3), each Party may terminate this Agreement subject to one year's notice.

Article 13

This Agreement shall enter into force on the first day of the second month following the date on which both Parties have notified each other that their ratification procedures have been completed in accordance with the rules applicable to each Party.

Article 14

This Agreement shall be concluded and signed in four languages: Catalan, French, English and Spanish, with the text in each of these languages considered equally authentic.

ANNEX (1)

| Legal provisions to be implemented | Deadline for implementing |
|--|----------------------------------|
| Prevention of money laundering | |
| Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15) | 30 September 2013 |
| <i>Amended by:</i> | |
| Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (OJ L 319, 5.12.2007, p. 1) | |
| Directive 2008/20/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, as regards the implementing powers conferred on the Commission (OJ L 76, 19.3.2008, p. 46) | |
| Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7) | |
| Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the | |

(1) According to Art 8(4) of the Monetary Agreement, the Commission shall amend the Annex once a year or more often if deemed appropriate, with a view to taking into account new EU legislative acts or amendments to existing ones. This Annex represents the latest version at the moment of the publication.

European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120)

Supplemented by:

Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (OJ L 332, 18.12.2007, p. 103)

Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis (OJ L 214, 4.8.2006, p. 29)

Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds (OJ L 345, 8.12.2006, p. 1)

Corrigendum to Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds (OJ L 345, 8.12.2006 — OJ L 323, 8.12.2007, p. 59)

Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community (OJ L 309, 25.11.2005, p. 9)

Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of

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| instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1) | |
| Council Decision 2000/642/JHA of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information (OJ L 271, 24.10.2000, p. 4) | |
| Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49) | 31 March 2015 ⁽²⁾ |
| Prevention of fraud and counterfeiting | |
| Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 181, 4.7.2001, p. 6) | 30 September 2013 |
| <i>Amended by:</i> | |
| Council Regulation (EC) No 44/2009 of 18 December 2008 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 17, 22.1.2009, p. 1) | |
| Council Decision 2003/861/EC of 8 December 2003 concerning analysis and cooperation with regard to counterfeit euro coins (OJ L 325, 12.12.2003, p. 44) | 30 September 2013 |
| Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins (OJ L 373, 21.12.2004, p. 1) | 30 September 2013 |
| <i>Amended by:</i> | |
| Council Regulation (EC) No 46/2009 of 18 December 2008 amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins (OJ L 17, 22.1.2009, p. 5) | |
| Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting | 30 September |

⁽²⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

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| in connection with the introduction of the euro (OJ L 140, 14.6.2000, p. 1) <i>Amended by:</i> Council Framework Decision 2001/888/JHA of 6 December 2001 amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (OJ L 329, 14.12.2001, p. 3) | 2013 |
| Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) (OJ L 121, 15.5.2009, p. 37) | 30 September 2013 |
| Council Decision 2001/923/EC of 17 December 2001 establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles' programme) (OJ L 339, 21.12.2001, p. 50) <i>Amended by:</i> Council Decision 2006/75/EC of 30 January 2006 amending and extending Decision 2001/923/EC establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles' programme) (OJ L 36, 8.2.2006, p. 40) Council Decision 2006/849/EC of 20 November 2006 amending and extending Decision 2001/923/EC establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles' programme) (OJ L 330, 28.11.2006, p. 28) | 30 September 2013 |
| Council Decision 2001/887/JHA of 6 December 2001 on the protection of the euro against counterfeiting (OJ L 329, 14.12.2001, p. 1) | 30 September 2013 |
| Council Framework Decision 2001/413/JHA of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment (OJ L 149, 2.6.2001, p. 1) | 30 September 2013 |
| Decision ECB/2010/14 of the European Central Bank of 16 September 2010 on the authenticity and fitness checking and recirculation of euro banknotes (OJ L 267, 9.10.2010, p. 1) | 30 September 2013 |

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|---|-----------------------|
| <i>Amended by:</i> | 30 September 2014 |
| Decision ECB/2012/19 of the European Central Bank of 7 September 2012 amending Decision ECB/2010/14 on the authenticity and fitness checking and recirculation of euro banknotes (2012/507/EU) (OJ L 253, 20.9.2012, p. 19) | |
| Rules on euro banknotes and coins | |
| Regulation (EU) No 651/2012 of the European Parliament and of the Council of 4 July 2012 on the issuance of euro coins (OJ L 201, 27.7.2012, p. 135) | 30 September 2014 (1) |
| Council Regulation (EC) No 975/98 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation (OJ L 139, 11.5.1998, p. 6) | 31 March 2013 |
| <i>Amended by:</i> | 30 September 2014 |
| Council Regulation (EC) No 423/1999 of 22 February 1999 amending Regulation (EC) No 975/98 on denominations and technical specifications of euro coins intended for circulation (OJ L 52, 27.2.1999, p. 2) | |
| Council Regulation (EU) No 566/2012 of 18 June 2012 amending Regulation (EC) No 975/98 of denominations and technical specifications of euro coins intended for circulation (OJ L 169, 29.6.2012, p. 8) | |
| Council Conclusions of 10 May 1999 on the quality management system for euro coins | 31 March 2013 |
| Council Conclusions of 23 November 1998 and of 5 November 2002 on collector coins | 31 March 2013 |
| Commission Recommendation 2009/23/EC of 19 December 2008 on common guidelines for the national sides and the issuance of euro coins intended for circulation — C(2008) 8625 (OJ L 9, 14.1.2009, p. 52) | 31 March 2013 |
| Communication from the Commission 2001/C 318/03 of 22 October 2001 on copyright protection of the common face design of the euro coins — | 31 March 2013 |

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| C(2001) 600 final (OJ C 318, 13.11.2001, p. 3) | |
| Regulation (EU) No 1210/2010 of the European Parliament and of the Council of 15 December 2010 concerning authentication of euro coins and handling of euro coins unfit for circulation (OJ L 339, 22.12.2010, p. 1) | 31 March 2013 |
| Guideline ECB/2003/5 of the European Central Bank of 20 March 2003 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 78, 25.3.2003, p. 20) | 31 March 2013 |
| <i>Amended by:</i> Guideline ECB/2013/11 of the European Central Bank of 19 April 2013 amending Guideline ECB/2003/5 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 118, 30.4.2013, p. 43) | 30 September 2014 |
| Decision ECB/2003/4 of the European Central Bank of 20 March 2003 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (OJ L 78, 25.3.2003, p. 16) | 31 March 2013 |
| <i>Amended by:</i> Decision ECB/2013/10 of the European Central Bank of 19 April 2013 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (ECB/2013/10) (OJ L 118, 30.4.2013, p. 37) | 30 September 2014 |
| Regulation (EU) No 1214/2011 of the European Parliament and of the Council of 16 November 2011 on the professional transport of euro cash by road between euro-area Member States (OJ L 316, 29.11.2011, p. 1) | 31 March 2015 |
| Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the European Central Bank to impose sanctions (OJ L 318, 27.11.1998, p. 4) | 30 September 2014 |
| Banking and financial legislation | |
| Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L | 30 September 2017 |

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| 176, 27.6.2013, p. 338) | |
| Corrigendum to Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 208, 2.8.2013, p. 73) | |
| Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.7.2013, p. 1) | 30 September 2017 |
| Corrigendum to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 208, 2.8.2013, p. 68) | |
| Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7) | 31 March 2016 |
| Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (OJ L 319, 5.12.2007, p. 1) | 31 March 2016 |
| Corrigendum to Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (OJ L 319, 5.12.2007) (OJ L 187, 18.7.2009, p. 5) | |
| <i>Amended by:</i> | |
| Directive 2009/111/EC of the European Parliament and of the Council of 16 September 2009 amending Directives 2006/48/EC, 2006/49/EC and 2007/64/EC as regards banks affiliated to central institutions, certain own funds items, large exposures, supervisory arrangements, and crisis management (OJ L 302, 17.11.2009, p. 97) | |

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| Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (OJ L 372, 31.12.1986, p. 1) | 31 March 2016 |
| <i>Amended by:</i> | |
| Directive 2001/65/EC of the European Parliament and of the Council of 27 September 2001 amending Directives 78/660/EEC, 83/349/EEC and 86/635/EEC as regards the valuation rules for the annual and consolidated accounts of certain types of companies as well as of banks and other financial institutions (OJ L 283, 27.10.2001, p. 28) | |
| Directive 2003/51/EC of the European Parliament and of the Council of 18 June 2003 amending Directives 78/660/EEC, 83/349/EEC, 86/635/EEC and 91/674/EEC on the annual and consolidated accounts of certain types of companies, banks and other financial institutions and insurance undertakings (OJ L 178, 17.7.2003, p. 16) | |
| Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 amending Council Directives 78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings (OJ L 224, 16.8.2006, p. 1) | |
| Directive 94/19/EC of the European Parliament and of the Council of 30 May 1994 on deposit-guarantee schemes (OJ L 135, 31.5.1994, p. 5) | 31 March 2016 |
| <i>Amended by:</i> | |
| Directive 2005/1/EC of the European Parliament and of the Council of 9 March 2005 amending Council Directives 73/239/EEC, 85/611/EEC, 91/675/EEC, 92/49/EEC and 93/6/EEC and Directives 94/19/EC, 98/78/EC, 2000/12/EC, 2001/34/EC, 2002/83/EC and 2002/87/EC in order to establish a new organisational structure for financial services committees (OJ L 79, 24.3.2005, p. 9) | |
| Directive 2009/14/EC of the European Parliament and of the Council of 11 | |

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| March 2009 amending Directive 94/19/EC on deposit-guarantee schemes as regards the coverage level and the payout delay (OJ L 68, 13.3.2009, p. 3) | |
| Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1) | 30 September 2019 |
| <i>Supplemented by:</i> | |
| Commission Delegated Regulation (EU) No 148/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories (OJ L 52, 23.2.2013, p. 1) | |
| Commission Delegated Regulation (EU) No 149/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements, the clearing obligation, the public register, access to a trading venue, non-financial counterparties, and risk mitigation techniques for OTC derivatives contracts not cleared by a CCP (OJ L 52, 23.2.2013, p. 11) | |
| Commission Delegated Regulation (EU) No 150/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the details of the application for registration as a trade repository (OJ L 52, 23.2.2013, p. 25) | |
| Commission Delegated Regulation (EU) No 151/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, with regard to regulatory technical standards specifying the data to be published and made available by trade repositories and operational standards for aggregating, comparing and accessing the | |

data (OJ L 52, 23.2.2013, p. 33)

Commission Delegated Regulation (EU) No 152/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on capital requirements for central counterparties (OJ L 52, 23.2.2013, p. 37)

Commission Delegated Regulation (EU) No 153/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on requirements for central counterparties (OJ L 52, 23.2.2013, p. 41)

Commission Implementing Regulation (EU) No 1247/2012 of 19 December 2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 20)

Commission Implementing Regulation (EU) No 1248/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of applications for registration of trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 30)

Commission Implementing Regulation (EU) No 1249/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of the records to be maintained by central counterparties according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 32)

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| Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding up of credit institutions (OJ L 125, 5.5.2001, p. 15) | 31 March 2018 |
| Council Directive 89/117/EEC of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents (OJ L 44, 16.2.1989, p. 40) | 31 March 2018 |
| Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1) | 31 March 2018 |
| <i>Amended by:</i> | |
| Directive 2005/1/EC of the European Parliament and of the Council of 9 March 2005 amending Council Directives 73/239/EEC, 85/611/EEC, 91/675/EEC, 92/49/EEC and 93/6/EEC and Directives 94/19/EC, 98/78/EC, 2000/12/EC, 2001/34/EC, 2002/83/EC and 2002/87/EC in order to establish a new organisational structure for financial services committees (OJ L 79, 24.3.2005, p. 9) | |
| Directive 2008/25/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2002/87/EC on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate, as regards the implementing powers conferred on the Commission (OJ L 81, 20.3.2008, p. 40) | |
| Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120) | |

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| <p>Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 145, 30.4.2004, p. 1)</p> <p>Corrigendum to Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 45, 16.2.2005, p. 18)</p> | 31 March 2018 |
| <p><i>Amended by:</i></p> <p>Directive 2006/31/EC of the European Parliament and of the Council of 5 April 2006 amending Directive 2004/39/EC on markets in financial instruments, as regards certain deadlines (OJ L 114, 27.4.2006, p. 60)</p> | |
| <p>Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007 amending Council Directive 92/49/EEC and Directives 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC as regards procedural rules and evaluation criteria for the prudential assessment of acquisitions and increase of holdings in the financial sector (OJ L 247, 21.9.2007, p. 1)</p> | |
| <p>Directive 2008/10/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2004/39/EC on markets in financial instruments, as regards the implementing powers conferred on the Commission (OJ L 76, 19.3.2008, p. 33)</p> | |
| <p>Directive 2010/78/UE of the European Parliament and of the Council amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC, and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120)</p> | |

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| <i>Supplemented by:</i> | |
| Commission Directive 2006/73/EC of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive (OJ L 241, 2.9.2006, p. 26) | |
| Commission Regulation (EC) No 1287/2006 of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards record-keeping obligations for investment firms, transaction reporting, market transparency, admission of financial instruments to trading, and defined terms for the purposes of that Directive (OJ L 241, 2.9.2006, p. 1) | |
| Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (OJ L 266, 9.10.2009, p. 11) | 31 March 2018 |
| Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements (OJ L 168, 27.6.2002, p. 43) | 31 March 2018 |
| <i>Amended by:</i> | |
| Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (OJ L 146, 10.6.2009, p. 37) | |
| Commission Recommendation 97/489/EC of 30 July 1997 concerning transactions by electronic payment instruments and in particular the relationship between issuer and holder (OJ L 208, 2.8.1997, p. 52) | 31 March 2018 |
| Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on investment compensation schemes (OJ L 84, 26.3.1997, p. 22) | 31 March 2018 |
| Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45) | 31 March 2018 |

Amended by:

Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (OJ L 146, 10.6.2009, p. 37)

Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120)

Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120)

Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12)

Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84)

Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board (OJ L 331, 15.12.2010, p. 1)

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| Council Regulation (EU) No 1096/2010 of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board (OJ L 331, 15.12.2010, p. 162) | 31 March 2016 |
| Legislation on collection of statistical information | |
| Regulation (EC) No 25/2009 of the European Central Bank of 19 December 2008 concerning the balance sheet of the monetary financial institutions sector (ECB/2008/32) (OJ L 15, 20.1.2009, p. 14) | 31 March 2016 |
| Regulation (EC) No 63/2002 of the European Central Bank of 20 December 2001 concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations (ECB/2001/18) (OJ L 10, 12.1.2002, p. 24) | 31 March 2016 |
| <i>Amended by:</i> | |
| Regulation (EU) No 674/2010 of the European Central Bank of 23 July 2010 amending Regulation (EC) No 63/2002 (ECB/2001/18) concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations (ECB/2010/7) (OJ L 196, 28.7.2010, p. 23) | |
| Regulation (EC) No 290/2009 of the European Central Bank of 31 March 2009 amending Regulation (EC) No 63/2002 (ECB/2001/18) concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations (ECB/2009/7) (OJ L 94, 8.4.2009, p. 75) | |
| Regulation (EC) No 2181/2004 of the European Central Bank of 16 December 2004 amending Regulation (EC) No 2423/2001 (ECB/2001/13) concerning the consolidated balance sheet of the monetary financial institutions sector and Regulation (EC) No 63/2002 (ECB/2001/18) concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations (ECB/2004/21) (OJ L 371, 18.12.2004, p. 42) | |
| Guideline ECB/2007/9 of the European Central Bank of 1 August 2007 on monetary, financial institutions and markets statistics (OJ L 341, | 31 March 2016 |

27.12.2007, p. 1)

Corrigendum to the Guideline ECB/2007/9 of the European Central Bank of 1 August 2007 on monetary, financial institutions and markets statistics (OJ L 84, 26.3.2008, p. 393)

Amended by:

Guideline ECB/2008/31 of the European Central Bank of 19 December 2008 amending Guideline ECB/2007/9 on monetary, financial institutions and markets statistics (OJ L 53, 26.2.2009, p. 76)

Guideline ECB/2009/23 of the European Central Bank of 4 December 2009 amending Guideline ECB/2007/9 on monetary, financial institutions and markets statistics (OJ L 16, 21.1.2010, p. 6)

Guideline ECB/2002/7 of the European Central Bank of 21 November 2002 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 334, 11.12.2002, p. 24)

31 March 2016

Amended by:

Guideline ECB/2005/13 of the European Central Bank of 17 November 2005 amending Guideline ECB/2002/7 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 30, 2.2.2006, p. 1)

Guideline ECB/2006/6 of the European Central Bank of 20 April 2006 amending Guideline ECB/2002/7 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 115, 28.4.2006, p. 46)

Guideline ECB/2007/13 of the European Central Bank of 15 November 2007 amending Guideline ECB/2002/7 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 311, 29.11.2007, p. 47)

Guideline ECB/2008/6 of the European Central Bank of 26 August 2008 amending Guideline ECB/2002/7 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 259, 27.9.2008, p. 12)

**INFORMATION ON THE DATE OF ENTRY INTO FORCE
of the Monetary Agreement between the European Union and
the Principality of Andorra**

On 23 February 2012, the Principality of Andorra notified the European Union of the completion of its ratification procedures.

Likewise, on 29 February 2012, the European Union notified the Principality of Andorra of the completion of the procedures necessary for the entry into force of the above Monetary Agreement, signed at Brussels on 30 June 2011.

The Monetary Agreement accordingly entered into force on 1 April 2012 pursuant to Article 13 thereof.

MONETARY AGREEMENT

between the European Union and the Principality of Monaco

THE EUROPEAN UNION, represented by the French Republic and the European Commission,

and

THE PRINCIPALITY OF MONACO,

Whereas:

- (1) On 1 January 1999, the euro replaced the currency of each Member State participating in the third stage of Economic and Monetary Union, among which France, pursuant to Council Regulation (EC) No 974/98 of 3 May 1998.
- (2) The French Republic and the Principality of Monaco were linked before the creation of the euro by bilateral agreements in the monetary and banking fields, most notably through the Franco-Monegasque Agreement of 14 April 1945 concerning foreign exchange control and by the Neighbourhood Agreement of 18 May 1963.
- (3) The Principality of Monaco has been authorised to use the euro as its official currency since 1 January 1999 by virtue of the Council Decision of 31 December 1998.⁽¹⁾.
- (4) The European Union, represented by the French Republic in association with the European Commission and the ECB, concluded, on 24 December 2001, a Monetary Agreement with the Principality of Monaco. Said Agreement resulted in an amendment of the previously established Neighbourhood Agreement between the French Republic and the Principality of Monaco.
- (5) In accordance with the present Monetary Agreement, the Principality of Monaco has the right to continue using the euro as its official currency and to grant legal tender status to euro banknotes and euro coins. The rules of the European Union listed in Annex of the present Agreement shall be applied within the territory of the Principality of Monaco under the conditions and within the limitations foreseen under the present Agreement.
- (6) The Principality of Monaco should ensure that European Union rules on banknotes and coins denominated in euros are applicable within its territory; these coins and

⁽¹⁾ OJ L 30, 4.2.1999, p. 31

banknotes shall be appropriately protected against counterfeiting; it is important that the Principality of Monaco undertakes all measures necessary to combat counterfeiting and cooperates with the European Commission, the ECB, the French Republic and the European Police Office (Europol) in this domain.

- (7) The present Agreement shall not confer any right upon credit institutions or, where appropriate, any other financial institutions authorised to carry out their activities in the territory of the Principality of Monaco in matters related to the freedom of establishment or the provision of services in the European Union. The present Agreement shall not confer any right upon credit institutions or, where appropriate, any other financial institutions authorised to carry out their activities in the territory of the European Union in matters related to the freedom of establishment or the provision of services in the Principality of Monaco.
- (8) This Agreement does not impose any obligation on the ECB or national central banks to include the financial instruments of the Principality of Monaco in the list(s) of securities eligible for monetary policy operations of the European System of Central Banks.
- (9) Without prejudice to Article 11, paragraph six of this Agreement, the Principality of Monaco maintains certain institutions exclusively involved in portfolio management for third parties or the transmission of instructions within its territory whose services are exclusively regulated by Monegasque legislation. These institutions shall not have access to the payment and securities settlement systems.
- (10) In the interest of maintaining the historical links existing between the French Republic and the Principality of Monaco and the principles set forth on the Monetary Agreement of 24 December 2001, the European Union and the Principality of Monaco shall cooperate in good faith to ensure the effective implementation of the present Agreement in its entirety.
- (11) A Joint Committee composed of representatives of the Principality of Monaco, the French Republic, the European Commission, and the ECB has been established in order to examine the application of this Agreement; decide, under the conditions presented in Article 3, the annual ceiling for coin issuance; examine the adequacy of the minimum proportion of coins to be introduced at the face value; and assess the measures taken by the Principality of Monaco for implementing relevant EU legislation.
- (12) The Court of Justice of the European Union shall be the body in charge of settling any disputes which may arise from the application of this Agreement, in cases in which no agreement has been reached by the parties to this Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

The Principality of Monaco shall be entitled to use the euro as its official currency in accordance with Regulations (EC) Nos 1103/97 and 974/98 as amended. The Principality of Monaco shall grant legal tender status to euro banknotes and coins.

Article 2

The Principality of Monaco shall issue neither banknotes nor coins, as long as the conditions for issuance have not been agreed to with the European Union. The conditions for issuing euro coins as from 1 January 2011 are laid down in the following Articles.

Article 3

1. The annual ceiling (in value terms) for the issuance of euro coins by the Principality of Monaco shall include:

a fixed part, whose initial amount for 2011 is set at EUR 2 340 000.

a variable part, corresponding in value terms to the average per capita coin issuance of the French Republic in the year n-1 multiplied by the number of inhabitants of the Principality of Monaco.

The Joint Committee may revise annually the fixed part with a view to taking into account both inflation — on the basis of HICP inflation of France in the year n-1 — and possible significant trends affecting the euro coins collector market.

2. The Principality of Monaco may also issue a special commemorative coin and/or collector coins to commemorate special or important events for the Principality. In case this special issuance brings the overall issuance above the ceiling laid down in paragraph 1, the value of that issuance shall be accounted for using the remaining part of the ceiling of the previous year and/or deducted from the ceiling of the following year.

Article 4

1. Euro coins issued by the Principality of Monaco shall be identical to those issued by the Member States of the European Union which have adopted the euro as far as the face value, legal tender status, technical characteristics, artistic features of the common side and shared artistic features of the national side are concerned.

2. The Principality of Monaco shall communicate, in advance, a draft of the national sides of its euro coins to the European Commission, which shall check their compliance with the EU rules.

Article 5

The French Republic shall place the Hôtel de la Monnaie de Paris at the disposal of the Principality of Monaco to conduct the minting of coins by the Principality of Monaco, in accordance with Article 18 of the Neighbourhood Agreement established between the French Republic and the Principality of Monaco on 18 May 1963.

Article 6

1. The volume of euro coins issued by the Principality of Monaco shall be added to the total volume of euro coins issued by the French Republic for the purposes of approval by the European Central Bank of the total volume issued by the French Republic, in accordance with Article 128(2) of the Treaty on the Functioning of the European Union.
2. No later than 1 September each year, the Principality of Monaco shall notify the French Republic of the total volume and face value of the euro coins that it intends to issue during the following year. The Principality of Monaco shall also inform the Commission of the intended conditions of issuance of these coins.
3. The Principality of Monaco shall communicate the information referred to in paragraph 2 for the year 2011 as of the signing of this Agreement.
4. Without prejudice to the issuance of collector coins, at least 80% of euro coins intended for circulation shall be put into circulation at face value each year by the Principality of Monaco. The Joint Committee shall evaluate the adequacy of this proportion every five years and may decide to increase this proportion.

Article 7

1. The Principality of Monaco may issue euro collector coins. These coins shall be included in the annual ceiling stipulated in Article 3. The issuance of euro collector coins by the Principality of Monaco shall be in accordance with the European Union guidelines laid down for euro collector coins, which, *inter alia*, require the adoption of technical characteristics, artistic features and denominations that enable euro collector coins to be distinguished from coins intended for circulation.
2. Collector coins issued by the Principality of Monaco shall not be legal tender in the European Union.

Article 8

The Principality of Monaco shall take all necessary measures to combat the counterfeiting of euro banknotes and coins and cooperate with the European Commission, the ECB, the French Republic and the European Police Office (Europol) in this domain.

Article 9

The Principality of Monaco shall undertake to:

- (a) apply all appropriate EU legal acts or rules listed in Annex A relevant to the application of Article 11(2), including those which are directly applied by the French Republic or those measures taken by the French Republic for the transposition of the relevant legal acts or rules in accordance with the modalities set out in Articles 11(2) and 11(3);
- (b) adopt measures to comply with the legal acts or rules listed in Annex B, which are either directly applied or transposed by the Member States, in accordance with the modalities set out in Articles 11(4), 11(5), and 11(6) of this Agreement, in the following fields:
 - banking and financial legislation, as well as the prevention of money laundering in the domains and in accordance with the modalities set out in Article 11;
 - prevention of fraud and counterfeiting of cash and non-cash means of payment, medals and tokens.
- (c) apply directly on its territory all legal acts and rules of the European Union related to euro banknotes and coins as well as those measures necessary for the use of the euro as a single currency adopted under Article 133 of the Treaty on the Functioning of the European Union, except in those cases for which this Agreement foresees different rules. The European Commission, via the Joint Committee, shall keep the Monegasque authorities informed of legal acts or rules relevant hereto.

Article 10

1. Credit institutions and, where appropriate, other financial institutions authorised to carry out their activities in the territory of the Principality of Monaco may, under the conditions stipulated in Article 11, participate in the interbank settlement and payment and securities settlement systems of the European Union under the same terms and conditions as credit institutions and, where relevant, other financial institutions established in the territory of the French Republic, under the proviso that said institutions fulfil the conditions required for access to those systems.
2. Credit institutions and, where appropriate, other financial institutions located in the territory of the Principality of Monaco are subject, under the conditions stipulated in Article 11, to the same measures adopted by the Banque de France in implementation of ECB provisions laying down the monetary policy instruments and procedures as those credit institutions and other financial institutions located in the territory of the French Republic.

Article 11

1. The legal acts adopted by the Council for the application of Article 129(4) of the Treaty on the Functioning of the European Union, in conjunction with Article 5(4), 19(1), or 34(3) of the Statutes of the European System of Central Banks and the European Central Bank (hereinafter: the Statutes), by the ECB in application of the above-mentioned legal acts

adopted by the Council or pursuant to Articles 5, 16, 18, 19, 20, 22, or 34(3) of the Statutes, or by the Banque de France for the purpose of implementing the legal acts adopted by the ECB, shall apply to the territory of the Principality of Monaco. This shall also apply to all possible amendments of these acts.

2. The Principality of Monaco shall apply the same rules as those established in the French Republic for the purposes of transposing European Union legal acts concerning the activities and prudential regulation of credit institutions and the prevention of systemic risks to payment and securities settlement systems contained in Annex A. To that effect, the Principality of Monaco shall apply, firstly, the provisions of the French Monetary and Financial Code relative to the activities and monitoring of credit institutions, in addition to implementing regulations in accordance with the Franco-Monegasque Agreement of 14 April 1945 concerning foreign exchange control and to the Exchanges of Letters between the Government of the French Republic and the Government of His Serene Highness the Prince of Monaco of 18 May 1963, 10 May 2001, 8 November 2005, and 20 October 2010, concerning banking regulations, and, secondly, the provisions of the French Monetary and Financial Code concerning the prevention of systemic risks to payment and securities settlement systems.

3. The list of texts contained in Annex A shall be amended by the Commission upon amendment of any relevant texts and also each time a new text is adopted by the European Union, taking into account the date of entry into force and of transposition of the texts. The legal acts and rules enumerated in Annex A shall be applied by the Principality of Monaco as of the date of their inclusion in French law, pursuant to the provisions mentioned in paragraph 2. At the time of each amendment, the Commission shall publish the updated list of texts in the Official Journal of the European Union (OJEU).

4. The Principality of Monaco shall adopt measures equivalent to those adopted by the Member States to apply the legal acts of the European Union enumerated in Annex B necessary for the implementation of this Agreement. The Joint Committee referred to in Article 13, via a procedure to be defined by the Joint Committee, shall examine the equivalence between the measures adopted by the Principality of Monaco and those adopted by Member States in the application of the above-mentioned acts.

5. Notwithstanding the procedure foreseen in paragraph 9 of this Article, the list of texts contained in Annex B shall be amended by a decision of the Joint Committee. To this effect, the Commission shall inform the Principality of Monaco as soon as it adopts a new piece of legislation in one of the domains covered by this Agreement and if it determines that said legislation should be included in the list of acts contained in Annex B. The Principality of Monaco will receive a copy of the proposals made by the institutions of the European Union during the various stages of the legislative process. The Commission shall publish the updated Annex B in the Official Journal of the European Union (OJEU).

The Joint Committee shall also decide on appropriate and reasonable deadlines for implementation, by the Principality of Monaco, of new legal acts and rules added in Annex B.

6. The Principality of Monaco shall adopt measures equivalent in effect to the Directives of the European Union contained in Annex B in relation to the combat of money laundering pursuant to the recommendations of the Financial Action Task Force (FATF). The Joint Committee shall decide, on a case-by-case basis, whether regulations of the European Union related to the combat of money laundering should be included in Annex B. The financial intelligence unit of the Principality of Monaco and those of the Member States of the European Union should actively pursue and coordinate their efforts to combat money laundering.

7. Credit institutions and, where appropriate, other financial institutions and reporting agents located within the territory of the Principality of Monaco shall be subject to sanctions and disciplinary procedures in case of infringement of the legal acts and rules referred to in the preceding paragraphs. The Principality of Monaco shall oversee the enforcement of sanctions imposed by the competent authorities, in accordance with the provisions of the present Article.

8. The legal acts referred to in the first paragraph of this Article shall enter into force in the Principality of Monaco on the same day as in the European Union for those acts published in the OJEU, and on the same day as in France for those acts that are published in the Official Journal of the French Republic (OJFR). The legal acts of general application referred to in the first paragraph of the present Article and not published in the OJEU or of the OJFR shall enter into force as of communication to the relevant Monegasques authorities. The legal acts of an individual nature referred to in the first paragraph of the present Article shall apply as of the date of notification to the party concerned.

9. Before granting authorisation to investment firms seeking to establish themselves in the territory of the Principality of Monaco for the purposes of offering investment services other than investment management for third parties and the transmission of orders, and without prejudice to the obligations laid down in paragraph 6 of the present Article, the Principality of Monaco shall undertake measures equivalent in effect to existing European Union legal acts governing these services. By way of derogation from the procedure laid down in paragraph 5 of the present Article, these acts shall be integrated into the list of acts contained in Annex B by the Commission.

Article 12

1. The Court of Justice of the European Union shall have exclusive competence for settling any dispute between the parties of this Agreement which may arise from any infringement of this Agreement, and which has not been solved within the Joint Committee. The parties to this Agreement commit to do whatever is necessary to first resolve any dispute within the confines of the Joint Committee.

2. If no amicable conclusion can be reached, the European Union – acting on a recommendation from the Commission, after consultation with the French Republic and the ECB on matters falling within its field of competence – or the Principality of Monaco may bring the matter before the Court of Justice, if the Joint Committee determines that one of the parties has not fulfilled an obligation or provision under the present Agreement. The

judgment of the Court shall be binding on the Parties, which shall take the necessary measures to comply with the judgment within a period to be decided by the Court in its judgment.

3. In the event that the European Union or the Principality of Monaco fails to take the necessary measures to comply with the judgment within the specified period, the other Party may immediately terminate the Agreement.

4. All questions concerning the validity of decisions of the institutions or bodies of the European Union implemented by virtue of this Agreement shall fall within the exclusive competence of the Court of Justice. In particular, any natural or legal person domiciled in the territory of the Principality of Monaco may exercise any right of appeal available to any natural or legal person located in the territory of the French Republic against legal acts addressed to them, whatever their form or nature.

Article 13

1. The Joint Committee shall be composed of representatives of the Principality of Monaco and of the European Union. It shall exchange views and information and adopt decisions under Articles 3, 6, and 11. It shall similarly examine the measures taken by the Principality of Monaco and try to resolve any disputes arising from the application of this Agreement. It shall adopt its own Rules of Procedure.

2. The delegation of the European Union shall be composed of representatives of the French Republic (holding the chairmanship), the European Commission, together with representatives of the European Central Bank. The delegation of the European Union shall adopt its rules and procedures by consensus.

3. The Monegasque delegation shall be composed of representatives designated by the Ministry of State and shall be presided by the Counsellor of Government for Finance and the Economy or his/her representative.

4. The Joint Committee shall meet at least once a year, as well as at such time as one of the members determines a meeting is necessary to ensure the functioning of the present Agreement, notably taking into account the relevant European, French, or Monegasque legislative developments. The chair of the Joint Committee shall rotate on an annual basis between the chair of the delegation of the European Union and the chair of the delegation of Monaco. The Joint Committee shall adopt its decisions unanimously.

5. The Secretariat of the Joint Committee shall be composed of two persons appointed, one by the chair of the delegation of Monaco, and the other by the chair of the delegation of the European Union. The Secretariat shall also participate in meetings of the Joint Committee.

Article 14

Each Party may terminate this Agreement subject to one year's notice.

Article 15

This Agreement shall be concluded and signed in French and, where necessary, may be translated into other languages of the European Union. Only the French version shall be considered authentic.

Article 16

The present Monetary Agreement shall enter into force on 1 December 2011.

Article 17

The Monetary Agreement of 24 December 2001 shall be repealed on the date on which this Agreement enters into force. References to the Agreement of 24 December 2001 shall be understood as meaning references to this Agreement.

ANNEX A⁽²⁾

Banking and Financial Legislation

Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (JO L 176, 27.6.2013, p. 338), with the exception of its Title V.

Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions: as regards the provisions applicable to the credit institutions (OJ L 372, 31.12.1986, p. 1).

Amended by:

Directive 2001/65/EC of the European Parliament and of the Council of 27 September 2001 amending Directives 78/660/EEC, 83/349/EEC and 86/635/EEC as regards the valuation rules for the annual and consolidated accounts of certain types of companies as well as of banks and other financial institutions (OJ L 283, 27.10.2001, p. 28).

Directive 2003/51/EC of the European Parliament and of the Council of 18 June 2003 amending Directives 78/660/EEC, 83/349/EEC, 86/635/EEC and 91/674/EEC on the annual and consolidated accounts of certain types of companies, banks and other financial institutions and insurance undertakings (OJ L 178, 17.7.2003, p. 16).

Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 amending Council Directives 78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings (OJ L 224, 16.8.2006, p. 1).

Council Directive 89/117/EEC of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents (OJ L 44, 16.2.1989, p. 40).

Directive 94/19/EC of the European Parliament and of the Council of 30 May 1994 on deposit-guarantee schemes (OJ L 135, 31.5.1994, p. 5).

Amended by:

Directive 2005/1/EC of the European Parliament and of the Council of 9 March 2005 amending Council Directives 73/239/EEC, 85/611/EEC, 91/675/EEC, 92/49/EEC and

⁽²⁾ According to Art 11(3) of the Monetary Agreement, the Commission shall amend the Annex upon amendment of any relevant texts and also each time a new text is adopted by the European Union. This Annex represents the latest version at the moment of the publication.

93/6/EEC and Directives 94/19/EC, 98/78/EC, 2000/12/EC, 2001/34/EC, 2002/83/EC and 2002/87/EC in order to establish a new organisational structure for financial services committees (OJ L 79, 24.3.2005, p. 9).

Directive 2009/14/EC of the European Parliament and of the Council of 11 March 2009 amending Directive 94/19/EC on deposit-guarantee schemes as regards the coverage level and the payout delay (OJ L 68, 13.3.2009, p. 3).

Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45).

Amended by:

Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (OJ L 146, 10.6.2009, p. 37).

Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120).

Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding up of credit institutions (OJ L 125, 5.5.2001, p. 15).

Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements (OJ L 168, 27.6.2002, p. 43).

Amended by:

Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (OJ L 146, 10.6.2009, p. 37).

Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1).

Amended by:

Directive 2005/1/EC of the European Parliament and of the Council of 9 March 2005 amending Council Directives 73/239/EEC, 85/611/EEC, 91/675/EEC, 92/49/EEC and 93/6/EEC and Directives 94/19/EC, 98/78/EC, 2000/12/EC, 2001/34/EC, 2002/83/EC and 2002/87/EC in order to establish a new organisational structure for financial services committees (OJ L 79, 24.3.2005, p. 9).

Directive 2008/25/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2002/87/EC on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate, as regards the implementing powers conferred on the Commission (OJ L 81, 20.3.2008, p. 40).

Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120).

Directive 2011/89/EU of the European Parliament and of the Council of 16 November 2011 amending Directives 98/78/EC, 2002/87/EC, 2006/48/EC and 2009/138/EC as regards the supplementary supervision of financial entities in a financial conglomerate (OJ L 326, 8.12.2011, p. 113).

Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC, for the provisions applicable to credit institutions and with the exception of the Articles 15, 31 to 33 and Title III (OJ L 145, 30.4.2004, p. 1 — Corrigendum OJ L 45, 16.2.2005, p. 18).

Amended by:

Directive 2006/31/EC of the European Parliament and of the Council of 5 April 2006 amending Directive 2004/39/EC on markets in financial instruments, as regards certain deadlines (OJ L 114, 27.4.2006, p. 60).

Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007 amending Council Directive 92/49/EEC and Directives 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC as regards procedural rules and evaluation criteria for the prudential assessment of acquisitions and increase of holdings in the financial sector (OJ L 247, 21.9.2007, p. 1).

Directive 2008/10/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2004/39/EC on markets in financial instruments, as regards the implementing powers conferred on the Commission (OJ L 76, 19.3.2008, p. 33).

Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC, and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120).

Supplemented by:

Commission Regulation (EC) No 1287/2006 of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards record-keeping obligations for investment firms, transaction reporting, market transparency, admission of financial instruments to trading, and defined terms for the purposes of that Directive (OJ L 241, 2.9.2006, p. 1).

Commission Directive 2006/73/EC of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive (OJ L 241, 2.9.2006, p. 26).

Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7).

Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC: concerning the provisions of Titles I and II of Directive 2007/64/EC (OJ L 319, 5.12.2007, p. 1 — Corrigendum OJ L 187, 18.7.2009, p. 5).

Amended by:

Directive 2009/111/EC of the European Parliament and of the Council of 16 September 2009 amending Directives 2006/48/EC, 2006/49/EC and 2007/64/EC as regards banks affiliated to central institutions, certain own funds items, large exposures, supervisory arrangements, and crisis management (OJ L 302, 17.11.2009, p. 97).

Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331 15.12.2010, p. 12).

Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

Supplemented by:

Commission Delegated Regulation (EU) No 1003/2013 of 12 July 2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to fees charged by the European Securities and Markets Authority to trade repositories (OJ L 279, 19.10.2013, p. 4).

Commission Delegated Regulation (EU) No 148/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories (OJ L 52, 23.2.2013, p. 1).

Commission Delegated Regulation (EU) No 149/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements, the clearing obligation, the public register, access to a trading venue, non-financial counterparties, and risk mitigation techniques for OTC derivatives contracts not cleared by a CCP (OJ L 52, 23.2.2013, p. 11).

Commission Delegated Regulation (EU) No 150/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the details of the application for registration as a trade repository (OJ L 52, 23.2.2013, p. 25).

Commission Delegated Regulation (EU) No 151/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, with regard to regulatory technical standards specifying the data to be published and made available by trade repositories and operational standards for aggregating, comparing and accessing the data (OJ L 52, 23.2.2013, p. 33).

Commission Delegated Regulation (EU) No 152/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on capital requirements for central counterparties (OJ L 52, 23.2.2013, p. 37).

Commission Delegated Regulation (EU) No 153/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on requirements for central counterparties (OJ L 52, 23.2.2013, p. 41).

Commission Implementing Regulation (EU) No 1247/2012 of 19 December 2012 laying down implementing technical standards with regard to the format and frequency of trade

reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 20).

Commission Implementing Regulation (EU) No 1248/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of applications for registration of trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 30).

Commission Implementing Regulation (EU) No 1249/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of the records to be maintained by central counterparties according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 32).

ANNEX B

Prevention of money laundering

Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15)

Amended by:

Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (OJ L 319, 5.12.2007, p. 1), concerning the provisions of Titles I and II of Directive 2007/64/EC.

Directive 2008/20/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, as regards the implementing powers conferred on the Commission (OJ L 76, 19.3.2008, p. 46)

Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7), with the exception of Title III of Directive 2009/110/EC.

Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120)

Supplemented by:

Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis (OJ L 214, 4.8.2006, p. 29)

Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds (OJ L 345, 8.12.2006, p. 1)

Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community (OJ L 309, 25.11.2005, p. 9)

Prevention of fraud and counterfeiting

Council Framework Decision 2001/413/JHA of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment (OJ L 149, 2.6.2001, p. 1)

Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins (OJ L 373, 21.12.2004, p. 1)

Amended by:

Council Regulation (EC) No 46/2009 of 18 December 2008 amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins (OJ L 17, 22.1.2009, p. 5)

Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 181, 4.7.2001, p. 6)

Amended by:

Council Regulation (EC) No 44/2009 of 18 December 2008 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 17, 22.1.2009, p. 1) EN C 310/10 Official Journal of the European Union 13.10.2012

Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (OJ L 140, 14.6.2000, p. 1)

Amended by:

Council Framework Decision 2001/888/JHA of 6 December 2001 amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (OJ L 329, 14.12.2001, p. 3)

Council Decision 2001/887/JHA of 6 December 2001 on the protection of the euro against counterfeiting (OJ L 329, 14.12.2001, p. 1)

Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) (OJ L 121, 15.5.2009, p. 37)

Council Decision 2001/923/EC of 17 December 2001 establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles' programme) (OJ L 339, 21.12.2001, p. 50)

Amended by:

Council Decision 2006/75/EC of 30 January 2006 amending and extending Decision 2001/923/EC establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles' programme) (OJ L 36, 8.2.2006, p. 40)

Council Decision 2006/849/EC of 20 November 2006 amending and extending Decision 2001/923/EC establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles' programme) (OJ L 330, 28.11.2006, p. 28)

Banking and Financial Legislation

Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on investment compensation schemes (OJ L 84, 26.3.1997, p. 22) EN 13.10.2012 Official Journal of the European Union C 310/11

MONETARY AGREEMENT

between the European Union and the Republic of San Marino

THE EUROPEAN UNION,

and

THE REPUBLIC OF SAN MARINO,

Whereas:

- (1) On 1 January 1999, the euro replaced the currency of each Member State participating in the third stage of Economic and Monetary Union, among which Italy, pursuant to Council Regulation (EC) No 974/98⁽¹⁾ of 3 May 1998.
- (2) Before the introduction of the euro, Italy and the Republic of San Marino had concluded bilateral agreements on monetary matters, and lastly the *Convenzione monetaria tra la Repubblica Italiana e la Repubblica di San Marino*, concluded on 21 December 1991.
- (3) The Declaration No 6 annexed to the Final Act of the Treaty on European Union stated that the Community should facilitate the renegotiation of existing arrangements with the Republic of San Marino as might become necessary as a result of the introduction of the single currency.
- (4) The Italian Republic concluded on 29 November 2000, on behalf of the European Community, a Monetary Agreement with the Republic of San Marino⁽²⁾.
- (5) In accordance with this Monetary Agreement, the Republic of San Marino uses the euro as its official currency and grants legal tender status to euro banknotes and coins. It should ensure that European Union (EU) rules on banknotes and coins denominated in euro — including those related to its protection against counterfeiting — are applicable within its territory. The Republic of San Marino shall undertake all the necessary measures to combat counterfeiting and to cooperate with the European Commission, the European Central Bank (ECB) and Europol. Until a cooperation agreement between Europol and the Republic of San Marino is signed, the Republic of San Marino shall cooperate with Europol via the competent Italian authorities in this area.

⁽¹⁾ OJ L 139, 11.5.1998, p. 1.

⁽²⁾ OJ C 209, 27.7.2001, p. 1.

- (6) The Republic of San Marino should take particular account of the recommendations of the Financial Action Task Force (FATF), notably FATF calls to its members and FATF-style regional body members to apply necessary countermeasures against identified high risk jurisdictions. The Republic of San Marino, which is represented in the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism, takes duly account of the recommendations made or to be made in the Republic of San Marino mutual evaluation reports so as to enhance its response to money laundering threats.
- (7) This Agreement does not impose any obligation on the ECB and national central banks to include the financial instruments of the Republic of San Marino in the list(s) of assets eligible for monetary policy operations of the European System of Central Banks.
- (8) The Republic of San Marino has a banking sector which expects to operate in closer connection with that of the euro area. Relevant EU banking and financial legislation, legislation concerning the prevention of money laundering, the prevention of fraud and counterfeiting of non-cash means of payment and statistical reporting requirements should therefore be made progressively applicable to the Republic of San Marino with a view to ensuring a more level playing field.
- (9) A Joint Committee composed of representatives of the Republic of San Marino, the Italian Republic, the Commission and the ECB should be established in order to examine the application of this Agreement, decide the annual ceiling for coin issuance and assess the measures taken by the Republic of San Marino for implementing relevant EU legislation.

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of San Marino shall be entitled to use the euro as its official currency in accordance with Council Regulation (EC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro⁽³⁾ and Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro. The Republic of San Marino shall grant legal tender status to euro banknotes and coins.

Article 2

The Republic of San Marino shall not issue any banknotes, coins or monetary surrogates of any kind unless the conditions for such issuance have been agreed with the European Union. The conditions for issuing euro coins as from the entry into force of this Agreement are laid down in the following articles.

⁽³⁾ OJ L 162, 19.6.1997, p. 1.

Article 3

The annual ceiling (in value terms) for the issuance of euro coins by the Republic of San Marino shall be calculated by the Joint Committee established by the present Agreement as the sum of:

- a fixed part, whose initial amount for the first year following the entry into force of this Agreement is set at EUR 2 600 000. The Joint Committee may revise annually the fixed part with a view to taking into account both inflation — on the basis of the HICP inflation of Italy in the last 12 months for which the data are available at the moment of the calculation — and the possible significant trends affecting the euro coins collector market,
- a variable part, corresponding to the average per capita coin issuance of the Italian Republic in the last 12 months for which the data are available multiplied by the number of inhabitants of San Marino.

Article 4

1. Euro coins issued by the Republic of San Marino shall be identical to those issued by the Member States of the European Union which have adopted the euro as far as the face value, legal tender status, technical characteristics, artistic features of the common side and shared artistic features of the national side are concerned.
2. The Republic of San Marino shall notify in advance the draft national sides of its euro coins to the European Commission, which shall check their compliance with the EU rules.

Article 5

1. Euro coins issued by the Republic of San Marino shall be minted by the Istituto Poligrafico e Zecca dello Stato of the Italian Republic.
2. By derogation to paragraph 1, San Marino may have its coins minted by an EU mint striking euro coins other than the one mentioned in paragraph 1, with the agreement of the Joint Committee.
3. At least 70 % of euro coins intended for circulation shall be put into circulation at face value as of the year following the entry into force of this Agreement. This proportion shall reach 80 % after three years. Thereafter, the Joint Committee will regularly review the adequacy of this proportion.
4. The Republic of San Marino may issue euro collector coins. They shall be included in the annual ceiling referred to in Article 3. The issuance of euro collector coins by the Republic of San Marino shall be in accordance with the European Union guidelines laid down for euro collector coins, which, *inter alia*, require the adoption of technical characteristics, artistic features and denominations that enable euro collector coins to be distinguished from coins intended for circulation.

Article 6

1. The volume of euro coins issued by the Republic of San Marino shall be added to the volume of coins issued by Italy for the purposes of European Central Bank approval of the total volume of the issue by the Italian Republic in accordance with Article 128(2) of the Treaty on the Functioning of the European Union.
2. No later than 1 September each year, the Republic of San Marino shall notify the European Commission and the Italian Republic of the volume and the face value of the euro coins that it intends to issue during the following year. It shall also inform the European Commission about the intended conditions of issuance of these coins, in particular the proportion of collector coins and the detailed arrangements for the introduction of circulation coins.
3. Upon the signature of this Agreement, the Republic of San Marino shall communicate the information as mentioned in paragraph 2 for the year following the date of entry into force of the Agreement.

Article 7

1. This Agreement does not prejudice the right of the Republic of San Marino to continue issuing gold coins denominated in scudi.
2. Collector coins and gold coins denominated in scudi issued by the Republic of San Marino shall not be legal tender in the European Union.

Article 8

1. The Republic of San Marino shall undertake to adopt all appropriate measures, through direct transposition or possibly equivalent actions, with a view to implementing the EU legal acts and rules listed in the Annex to this Agreement, in the field of:
 - (a) euro banknotes and coins;
 - (b) banking and financial law, in particular in relation to the activity and supervision of the institutions concerned;
 - (c) prevention of money laundering, prevention of fraud and counterfeiting of cash and non-cash means of payment, medals and tokens and statistical reporting requirements. Regarding legislation on the collection of statistical information, the detailed rules of implementation and the technical adaptations (including the appropriate derogations taking into account the specific status of San Marino) shall be agreed with the European Central Bank not later than 18 months before the required start of the statistical reporting;
 - (d) the measures necessary for the use of the euro as a single currency adopted under Article 133 of the Treaty on the Functioning of the European Union.

2. The legal acts and rules referred to in paragraph 1 shall be implemented by the Republic of San Marino in accordance with the deadlines specified in the Annex, which run as of the entry into force of this Agreement.

3. The ceiling referred to in Article 3:

- (a) shall be automatically and temporarily cut by 1/3 if and when a deadline specified in the Annex is not met, for as long as the EU legal acts or rules concerned have not been adopted;
- (b) may be temporarily cut by 1/2 on a decision of the Council acting by qualified majority on a proposal from the Commission and after having heard representatives of the Republic of San Marino if and when the Republic of San Marino fails during more than two years to comply with one or several EU legal acts or rules listed in the Annex, that it has adopted within the agreed deadline.

3. The ceiling shall be restored to its normal level using the same procedure as soon as the Republic of San Marino has adopted the appropriate measures to address the issues at the origin of the temporary cut.

4. The Republic of San Marino may request technical assistance of the entities constituting the delegation of the European Union in order to facilitate implementation of relevant EU legislation.

5. The Annex shall be amended by the Commission once a year or more often if deemed appropriate, with a view to taking into account the new relevant EU legal acts and rules and the amendments to the existing ones. The Joint Committee shall thereafter decide on appropriate and reasonable deadlines for the implementation by the Republic of San Marino of the new legal acts and rules added to the Annex.

6. The Joint Committee may, in exceptional cases, revise an existing deadline specified in the Annex.

7. The updated Annex shall be published in the Official Journal of the European Union.

Article 9

Credit institutions and, where appropriate, other financial institutions authorised to carry out their activities in the territory of the Republic of San Marino may have access to interbank settlement and payment and securities settlement systems in the euro area under appropriate terms and conditions to be determined by the Bank of Italy, in agreement with the European Central Bank.

Article 10

The Court of Justice of the European Union shall have exclusive competence for settling any dispute between the parties which may arise from the application of this Agreement and which have not been solved within the Joint Committee.

If the European Union, represented by the European Commission and acting on a recommendation by the EU delegation in the Joint Committee, or the Republic of San Marino considers that the other party has not fulfilled an obligation under this Agreement, it may bring the matter before the Court of Justice. The judgment of the Court shall be binding on the parties, which shall take the necessary measures to comply with the judgment within a period to be decided by the Court in its judgment.

Article 11

1. A Joint Committee shall be established. It shall be composed of representatives of the Republic of San Marino and of the European Union. The Joint Committee shall adopt its Rules of Procedure by consensus. The delegation of the European Union shall be composed of representatives of the European Commission and of the Italian Republic, together with the representatives of the European Central Bank. The Joint Committee shall meet at least once a year. The Chair shall rotate on an annual basis between a representative of the European Union and a representative of the Republic of San Marino. The Joint Committee shall adopt its decisions unanimously.

The Joint Committee shall exchange views and information and adopt the decisions referred to in Articles 3, 5 and 8. It shall examine the measures taken by the Republic of San Marino and shall endeavour to solve any disputes resulting from the implementation of this Agreement.

The European Union shall be the first to chair the Joint Committee upon the entry into force of this Agreement, as laid down in Article 13.

Article 12

Each party may terminate this Agreement subject to one year's notice.

Article 13

This Agreement shall enter into force on the first day of the month following the date on which the Parties have notified each other that their ratification, conclusion or adoption procedures have been completed in accordance with the rules applicable to each Party.

Article 14

The Monetary Agreement of 29 November 2000 shall be repealed from the date of entry into force of the present Agreement. References to the Agreement of 29 November 2000 shall be understood as references to the present Agreement.

ANNEX (4)

| Legal provisions to be implemented | Deadline for implementing |
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| Prevention of money laundering | |
| Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15) | 1 September 2013 |
| <i>Amended by:</i> Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (OJ L 319, 5.12.2007, p. 1) | |
| Directive 2008/20/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, as regards the implementing powers conferred on the Commission (OJ L 76, 19.3.2008, p. 46) | |
| Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7) | |
| Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, | |

⁽⁴⁾ According to Art 8(5) of the Monetary Agreement, the Commission shall amend the Annex once a year or more often if deemed appropriate, with a view to taking into account new EU legislative acts or amendments to existing ones. This Annex represents the latest version at the moment of the publication.

2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120)

Supplemented by:

Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (OJ L 332, 18.12.2007, p. 103)

Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis (OJ L 214, 4.8.2006, p. 29)

Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds (OJ L 345, 8.12.2006, p. 1)

Corrigendum to Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds (OJ L 345, 8.12.2006 — OJ L 323, 8.12.2007, p. 59)

Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community (OJ L 309, 25.11.2005, p. 9)

Council Framework Decision 2001/500/JHA of 26 June 2001 on money

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| laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1) | |
| Council Decision 2000/642/JHA of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information (OJ L 271, 24.10.2000, p. 4) | 1 September 2013 |
| Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49) | 1 October 2014 ⁽⁵⁾ |
| Prevention of fraud and counterfeiting | |
| Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 181, 4.7.2001, p. 6) | 1 September 2013 |
| <i>Amended by:</i> | |
| Council Regulation (EC) No 44/2009 of 18 December 2008 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 17, 22.1.2009, p. 1) | |
| Council Decision 2003/861/EC of 8 December 2003 concerning analysis and cooperation with regard to counterfeit euro coins (OJ L 325, 12.12.2003, p. 44) | 1 September 2013 |
| Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins (OJ L 373, 21.12.2004, p. 1) | 1 September 2013 |
| <i>Amended by:</i> | |
| Council Regulation (EC) No 46/2009 of 18 December 2008 amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins (OJ L 17, 22.1.2009, p. 5) | |
| Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (OJ L 140, | 1 September 2013 |

⁽⁵⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

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| 14.6.2000, p. 1) | |
| <i>Amended by:</i> | |
| Council Framework Decision 2001/888/JHA of 6 December 2001 amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (OJ L 329, 14.12.2001, p. 3) | |
| Council Decision 2001/887/JHA of 6 December 2001 on the protection of the euro against counterfeiting (OJ L 329, 14.12.2001, p. 1) | 1 September 2013 |
| Council Framework Decision 2001/413/JHA of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment (OJ L 149, 2.6.2001, p. 1) | 1 September 2013 |
| Rules on euro banknotes and coins | |
| Council Regulation (EC) No 975/98 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation (OJ L 139, 11.5.1998, p. 6) | 1 September 2013 |
| <i>Amended by:</i> | 1 October 2013 ⁽⁶⁾ |
| Council Regulation (EC) No 423/1999 of 22 February 1999 amending Regulation (EC) No 975/98 on denominations and technical specifications of euro coins intended for circulation (OJ L 52, 27.2.1999, p. 2) | |
| Council Regulation (EU) No 566/2012 of 18 June 2012 amending Regulation (EC) No 975/98 on denominations and technical specifications of euro coins intended for circulation (OJ L 169, 29.6.2012, p. 8) | |
| Council Conclusions of 10 May 1999 on the quality management system for euro coins | 1 September 2013 |
| Council Conclusions of 23 November 1998 and of 5 November 2002 on collector coins | 1 September 2013 |

⁽⁶⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

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| Commission Recommendation 2009/23/EC of 19 December 2008 on common guidelines for the national sides and the issuance of euro coins intended for circulation — C(2008) 8625 (OJ L 9, 14.1.2009, p. 52) | 1 September 2013 |
| Communication from the Commission of 22 October 2001 on copyright protection of the common face design of the euro coins — C(2001) 600 final (OJ C 318, 13.11.2001, p. 3) | 1 September 2013 |
| Regulation (EU) No 1210/2010 of the European Parliament and of the Council of 15 December 2010 concerning authentication of euro coins and handling of euro coins unfit for circulation (OJ L 339, 22.12.2010, p. 1) | 1 September 2013 |
| Guideline ECB/2003/5 of the European Central Bank of 20 March 2003 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 78, 25.3.2003, p. 20) | 1 September 2013 |
| <i>Amended by:</i> Guideline ECB/2013/11 of the European Central Bank of 19 April 2013 amending Guideline ECB/2003/5 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 118, 30.4.2013, p. 43) | 1 October 2013 ⁽⁷⁾ |
| Decision ECB/2003/4 of the European Central Bank of 20 March 2003 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (OJ L 78, 25.3.2003, p. 16) | 1 September 2013 |
| <i>Amended by:</i> Decision ECB/2013/10 of the European Central Bank of 19 April 2013 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (OJ L 118, 30.4.2013, p. 37) | 1 October 2013 (1) |
| Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the European Central Bank to impose sanctions (OJ L 318, 27.11.1998, p. 4) | 1 September 2013 |
| Decision ECB/2010/14 of the European Central Bank of 16 September 2010 on the authenticity and fitness checking and recirculation of euro | 1 September |

⁽⁷⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

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| banknotes (OJ L 267, 9.10.2010, p. 1) | 2013 |
| <i>Amended by:</i> Decision ECB/2012/19 of the European Central Bank of 7 September 2012 amending Decision ECB/2010/14 on the authenticity and fitness checking and recirculation of euro banknotes (OJ L 253, 20.9.2012, p. 19) | 1 October 2013 ⁽⁸⁾ |
| Regulation (EU) No 651/2012 of the European Parliament and of the Council of 4 July 2012 on the issuance of euro (OJ L 201, 27.7.2012, p. 135) | 1 October 2013 ⁽⁹⁾ |
| Regulation (EU) No 1214/2011 of the European Parliament and of the Council of 16 November 2011 on the professional cross-border transport of euro cash by road between euro-area Member States (CIT Regulation) (OJ L 316, 29.11.2011, p. 1) | 1 October 2014 ⁽¹⁰⁾ |
| Banking and financial legislation | |
| Commission Directive 2006/73/EC of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive (OJ L 241, 2.9.2006, p. 26) | 1 September 2018 |
| Commission Regulation (EC) No 1287/2006 of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards record-keeping obligations for investment firms, transaction reporting, market transparency, admission of financial instruments to trading, and defined terms for the purposes of that Directive (OJ L 241, 2.9.2006, p. 1) | 1 September 2018 |
| Directive 97/5/EC of the European Parliament and of the Council of 27 January 1997 on cross-border credit transfers (OJ L 43, 14.2.1997, p. 25) | 1 September 2018 |
| Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential | 1 September |

⁽⁸⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

⁽⁹⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

⁽¹⁰⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

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| supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338) | 2017 (¹¹) |
| Corrigendum to Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 208, 2.8.2013, p. 73) | |
| Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1) | 1 September 2017 (¹²) |
| Corrigendum to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 208, 2.8.2013, p. 68) | |
| Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7) | 1 September 2016 |
| Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (OJ L 319, 5.12.2007, p. 1) | 1 September 2016 |
| Corrigendum to Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (OJ L 319, 5.12.2007) (OJ L 187, 18.7.2009, p. 5) | |
| <i>Amended by:</i> | |
| Directive 2009/111/EC of the European Parliament and of the Council of 16 September 2009 amending Directives 2006/48/EC, 2006/49/EC and | |

⁽¹¹⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

⁽¹²⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

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| 2007/64/EC as regards banks affiliated to central institutions, certain own funds items, large exposures, supervisory arrangements, and crisis management (OJ L 302, 17.11.2009, p. 97) | |
| Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (OJ L 372, 31.12.1986, p. 1) Corrigendum to Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (OJ L 60, 3.3.1987, p. 17) | 1 September 2016 |
| <i>Amended by:</i> | |
| Directive 2001/65/EC of the European Parliament and of the Council of 27 September 2001 amending Directives 78/660/EEC, 83/349/EEC and 86/635/EEC as regards the valuation rules for the annual and consolidated accounts of certain types of companies as well as of banks and other financial institutions (OJ L 283, 27.10.2001, p. 28) | |
| Directive 2003/51/EC of the European Parliament and of the Council of 18 June 2003 amending Directives 78/660/EEC, 83/349/EEC, 86/635/EEC and 91/674/EEC on the annual and consolidated accounts of certain types of companies, banks and other financial institutions and insurance undertakings (OJ L 178, 17.7.2003, p. 16) | |
| Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 amending Council Directives 78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings (OJ L 224, 16.8.2006, p. 1) | |
| Directive 94/19/EC of the European Parliament and of the Council of 30 May 1994 on deposit-guarantee schemes (OJ L 135, 31.5.1994, p. 5) | 1 September 2016 |
| <i>Amended by:</i> | |
| Directive 2005/1/EC of the European Parliament and of the Council of 9 March 2005 amending Council Directives 73/239/EEC, 85/611/EEC, | |

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| <p>91/675/EEC, 92/49/EEC and 93/6/EEC and Directives 94/19/EC, 98/78/EC, 2000/12/EC, 2001/34/EC, 2002/83/EC and 2002/87/EC in order to establish a new organisational structure for financial services committees (OJ L 79, 24.3.2005, p. 9)</p> <p>Directive 2009/14/EC of the European Parliament and of the Council of 11 March 2009 amending Directive 94/19/EC on deposit-guarantee schemes as regards the coverage level and the payout delay (OJ L 68, 13.3.2009, p. 3)</p> | |
| <p>Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding up of credit institutions (OJ L 125, 5.5.2001, p. 15)</p> | 1 September 2018 |
| <p>Council Directive 89/117/EEC of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents (OJ L 44, 16.2.1989, p. 40)</p> | 1 September 2018 |
| <p>Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1)</p> | 1 September 2018 |
| <p><i>Amended by:</i></p> <p>Directive 2005/1/EC of the European Parliament and of the Council of 9 March 2005 amending Council Directives 73/239/EEC, 85/611/EEC, 91/675/EEC, 92/49/EEC and 93/6/EEC and Directives 94/19/EC, 98/78/EC, 2000/12/EC, 2001/34/EC, 2002/83/EC and 2002/87/EC in order to establish a new organisational structure for financial services committees (OJ L 79, 24.3.2005, p. 9)</p> <p>Directive 2008/25/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2002/87/EC on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate, as regards the implementing powers</p> | |

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| conferred on the Commission (OJ L 81, 20.3.2008, p. 40) | |
| Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120) | |
| Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 145, 30.4.2004, p. 1) | 1 September 2018 |
| Corrigendum to Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 45, 16.2.2005, p. 18) | |
| <i>Amended by:</i> | |
| Directive 2006/31/EC of the European Parliament and of the Council of 5 April 2006 amending Directive 2004/39/EC on markets in financial instruments, as regards certain deadlines (OJ L 114, 27.4.2006, p. 60) | |
| Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007 amending Council Directive 92/49/EEC and Directives 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC as regards procedural rules and evaluation criteria for the prudential assessment of acquisitions and increase of holdings in the financial sector (OJ L 247, 21.9.2007, p. 1) | |
| Directive 2008/10/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2004/39/EC on markets in financial instruments, as regards the implementing powers conferred on the | |

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| Commission (OJ L 76, 19.3.2008, p. 33) | |
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Directive 2010/78/UE of the European Parliament and of the Council amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC, and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120)

Supplemented by:

Commission Directive 2006/73/EC of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive (OJ L 241, 2.9.2006, p. 26)

Commission Regulation (EC) No 1287/2006 of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards record-keeping obligations for investment firms, transaction reporting, market transparency, admission of financial instruments to trading, and defined terms for the purposes of that Directive (OJ L 241, 2.9.2006, p. 1)

Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (OJ L 266, 9.10.2009, p. 11)

1 September
2018

Amended by:

1 September
2018⁽¹³⁾

Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22)

⁽¹³⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

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| Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements (OJ L 168, 27.6.2002, p. 43) | 1 September 2018 |
| <i>Amended by:</i> | |
| Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (OJ L 146, 10.6.2009, p. 37) | |
| Commission Recommendation 97/489/EC of 30 July 1997 concerning transactions by electronic payment instruments and in particular the relationship between issuer and holder (OJ L 208, 2.8.1997, p. 52) | 1 September 2018 |
| Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on investment compensation schemes (OJ L 84, 26.3.1997, p. 22) | 1 September 2018 |
| Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45) | 1 September 2018 |
| <i>Amended by:</i> | |
| Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (OJ L 146, 10.6.2009, p. 37) | |
| Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120) | |
| Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120) | 1 September 2018 |

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| November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120) | 2016 |
| Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12) | 1 September 2016 |
| Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84) | 1 September 2016 |
| Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board (OJ L 331, 15.12.2010, p. 1) | 1 September 2016 |
| Council Regulation (EU) No 1096/2010 of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board (OJ L 331, 15.12.2010, p. 162) | 1 September 2016 |
| Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1) | 1 October 2017 ⁽¹⁴⁾ |
| <i>Supplemented by:</i> | |
| Commission Delegated Regulation (EU) No 148/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories (OJ L 52, 23.2.2013, p. 1) | |

⁽¹⁴⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

Commission Delegated Regulation (EU) No 149/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements, the clearing obligation, the public register, access to a trading venue, non-financial counterparties, and risk mitigation techniques for OTC derivatives contracts not cleared by a CCP (OJ L 52, 23.2.2013, p. 11)

Commission Delegated Regulation (EU) No 150/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the details of the application for registration as a trade repository (OJ L 52, 23.2.2013, p. 25)

Commission Delegated Regulation (EU) No 151/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, with regard to regulatory technical standards specifying the data to be published and made available by trade repositories and operational standards for aggregating, comparing and accessing the data (OJ L 52, 23.2.2013, p. 33)

Commission Delegated Regulation (EU) No 152/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on capital requirements for central counterparties (OJ L 52, 23.2.2013, p. 37)

Commission Delegated Regulation (EU) No 153/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on requirements for central counterparties (OJ L 52, 23.2.2013, p. 41)

Commission Implementing Regulation (EU) No 1247/2012 of 19 December 2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 20)

Commission Implementing Regulation (EU) No 1248/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of applications for registration of trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 30)

Commission Implementing Regulation (EU) No 1249/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of the records to be maintained by central counterparties according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 32)

Legislation on collection of statistical information

Regulation (EC) No 25/2009 of the European Central Bank of 19 December 2008 concerning the balance sheet of the monetary financial institutions sector (ECB/2008/32) (OJ L 15, 20.1.2009, p. 14) 1 September 2016

Amended by:

Regulation (EU) No 883/2011 of 25 August 2011 amending Regulation (EC) No 25/2009 concerning the balance sheet of the monetary financial institutions sector (ECB/2008/32) (OJ L 228, 3.9.2011, p. 13)

Regulation (EC) No 63/2002 of the European Central Bank of 20 December 2001 concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations (ECB/2001/18) (OJ L 10, 12.1.2002, p. 24) 1 September 2016

Amended by:

Regulation (EU) No 674/2010 of the European Central Bank of 23 July 2010 amending Regulation (EC) No 63/2002 (ECB/2001/18) concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations (ECB/2010/7) (OJ L 196, 28.7.2010, p. 23)

Regulation (EC) No 290/2009 of the European Central Bank of 31 March 2009 amending Regulation (EC) No 63/2002 (ECB/2001/18) concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations (ECB/2009/7) (OJ L 94, 8.4.2009, p. 75)

Regulation (EC) No 2181/2004 of the European Central Bank of 16 December 2004 amending Regulation (EC) No 2423/2001 (ECB/2001/13) concerning the consolidated balance sheet of the monetary financial institutions sector and Regulation (EC) No 63/2002 (ECB/2001/18) concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations (ECB/2004/21) (OJ L 371, 18.12.2004, p. 42)

Guideline ECB/2007/9 of the European Central Bank of 1 August 2007 on monetary, financial institutions and markets statistics (OJ L 341, 27.12.2007, p. 1) 1 September 2016

Corrigendum to the Guideline of the European Central Bank ECB/2007/9 of 1 August 2007 on monetary, financial institutions and markets statistics (OJ L 84, 26.3.2008, p. 393)

Amended by:

Guideline ECB/2008/31 of the European Central Bank of 19 December 2008 amending Guideline ECB/2007/9 on monetary, financial institutions and markets statistics (OJ L 53, 26.2.2009, p. 76)

Guideline ECB/2009/23 of the European Central Bank of 4 December 2009 amending Guideline ECB/2007/9 on monetary, financial institutions and markets statistics (OJ L 16, 21.1.2010, p. 6)

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| Guideline ECB/2011/13 of the European Central Bank of 25 August 2011 amending Guideline ECB/2007/9 on monetary, financial institutions and markets statistics (OJ L 228, 3.9.2011, p. 37) | |
| Guideline ECB/2002/7 of the European Central Bank of 21 November 2002 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 334, 11.12.2002, p. 24) <i>Amended by:</i> Guideline ECB/2005/13 of the European Central Bank of 17 November 2005 amending Guideline ECB/2002/7 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 30, 2.2.2006, p. 1) | 1 September 2016 |
| Guideline ECB/2006/6 of the European Central Bank of 20 April 2006 amending Guideline ECB/2002/7 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 115, 28.4.2006, p. 46) | |
| Guideline ECB/2007/13 of the European Central Bank of 15 November 2007 amending Guideline ECB/2002/7 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 311, 29.11.2007, p. 47) | |
| Guideline ECB/2008/6 of the European Central Bank of 26 August 2008 amending Guideline ECB/2002/7 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 259, 27.9.2008, p. 12) | |

**INFORMATION ON THE DATE OF ENTRY INTO FORCE
of the Monetary Agreement between the European Union
and the Republic of San Marino**

On 3 August 2012, the Republic of San Marino notified the European Union of the completion of its ratification procedures.

Likewise, on 29 August 2012, the European Union notified the Republic of San Marino of the completion of the procedures necessary for the entry into force of the above Monetary Agreement, signed at Brussels on 27 March 2012.

The Monetary Agreement accordingly entered into force on 1 September 2012 pursuant to Article 13 thereof.

**MONETARY AGREEMENT
between the European Union and the Vatican City State**

THE EUROPEAN UNION, represented by the European Commission and by the Italian Republic

and

THE VATICAN CITY STATE, represented by the Holy See within the meaning of Article 3 of the Lateran Treaty,

Whereas:

- (1) On 1 January 1999, the euro has replaced the currency of each Member State participating in the third stage of Economic and Monetary Union, among which Italy, pursuant to Council Regulation (EC) No 974/98 of 3 May 1998.
- (2) Italy and the Vatican City State were linked before the creation of the euro by bilateral agreements on monetary matters, and in particular the *Convenzione monetaria tra la Repubblica Italiana e lo Stato della Città del Vaticano*, concluded on 3 December 1991.
- (3) The Declaration No 6 annexed to the Final Act of the Treaty on European Union stated that the Community should facilitate the renegotiation of existing arrangements with the Vatican City State as might become necessary as a result of the introduction of the single currency.
- (4) The European Community, represented by the Italian Republic in association with the Commission and the ECB, concluded on 29 December 2000 a Monetary Agreement with the Vatican City State.
- (5) In accordance with this Monetary Agreement, the Vatican City State uses the euro as its official currency and grants legal tender status to euro banknotes and coins. It should ensure that EU rules on banknotes and coins denominated in euro — including those related to its protection against counterfeiting — are applicable within its territory.
- (6) This Agreement does not impose any obligation on the ECB and national Central Banks to include Vatican City State's financial instruments in the list(s) of securities eligible for monetary policy operations of the European System of Central Banks.
- (7) A Joint Committee composed of representatives of the Vatican City State, the Italian Republic, the Commission and the ECB should be established in order to examine the

application of this Agreement, decide the annual ceiling for coin issuance, examine the adequacy of the minimum proportion of coins to be introduced at face value and assess the measures taken by the Vatican City State for implementing relevant EU legislations.

- (8) The Court of Justice of the European Union should be the judicial body in charge of settling disputes which may arise from the application of the Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

The Vatican City State shall be entitled to use the euro as its official currency in accordance with Regulations (EC) No 1103/97 and (EC) No 974/98. The Vatican City State shall grant legal tender status to euro banknotes and coins.

Article 2

The Vatican City State shall not issue any banknote, coin or monetary surrogate of any kind unless the conditions for such issuance have been agreed with the European Union. The conditions for issuing euro coins as from 1 January 2010 are laid down in the following Articles.

Article 3

1. The annual ceiling (in value terms) for the issuance of euro coins by the Vatican City State shall be calculated by the Joint Committee established by the present Agreement as the addition of:

— *a fixed part*, whose initial amount for 2010 is set at EUR 2 300 000. The Joint Committee may revise annually the fixed part with a view to taking into account both inflation — on the basis of the HICP inflation of Italy in the year n-1 — and the possible significant evolutions affecting the euro coins collector market,

— *a variable part*, corresponding to the average per capita coin issuance of the Italian Republic in the year n-1 multiplied by the number of inhabitants of the Vatican City State.

2. The Vatican City State may also issue a special commemorative coin and/or collector coins in years when the Holy See is vacant. In case this special issuance brings the overall issuance above the ceiling laid down in paragraph 1, the value of this issuance shall be accounted for using the remaining part of the ceiling of the previous year and/or deduced from the ceiling of the following year.

Article 4

1. Euro coins issued by the Vatican City State shall be identical to those issued by the Member States of the European Union which have adopted the euro as far as the face value,

legal tender status, technical characteristics, artistic features of the common side and the shared artistic features of the national side are concerned.

2. The Vatican City State shall notify in advance the draft national sides of its euro coins to the Commission, which shall check its compliance with the EU rules.

Article 5

1. Euro coins issued by the Vatican City State shall be minted by the Istituto Poligrafico e Zecca dello Stato of the Italian Republic.

2. By derogation to paragraph 1, the Vatican City State may have its coins minted by an EU Mint striking euro coins other than the one mentioned in paragraph 1, with the agreement of the Joint Committee.

Article 6

1. The volume of euro coins issued by the Vatican City State shall be added to the volume of coins issued by Italy for the purposes of European Central Bank approval of the total volume of the issue by that Member State in accordance with Article 128(2) of the Treaty on the functioning of the European Union.

2. No later than 1 September of each year, the Vatican City State shall notify the Italian Republic of the volume and the face value of the euro coins that it intends to issue during the following year. It shall also notify to the Commission the intended conditions of issuance of these coins.

3. The Vatican City State shall communicate the information as mentioned in paragraph 2 for the year 2010 upon signature of this Agreement.

4. Without prejudice to the issuance of collector coins, the Vatican City State shall put in circulation at face value at least 51 % of the euro coins issued each year. The Joint Committee shall examine every five years the adequacy of the minimum proportion of coins to be introduced at face value and may decide to increase it.

Article 7

1. The Vatican City State may issue euro collector coins. They shall be included in the annual ceiling referred to in Article 3. The issuance of euro collector coins by the Vatican City State shall be in accordance with the EU guidelines laid down for euro collector coins, which, *inter alia*, require the adoption of technical characteristics, artistic features and denominations that enable euro collector coins to be distinguished from coins intended for circulation.

2. Collector coins issued by the Vatican City State shall not be legal tender in the European Union.

Article 8

1. The Vatican City State shall undertake to adopt all appropriate measures, through direct transpositions or possibly equivalent actions, with a view to implementing the EU legal acts and rules listed in the Annex to this Agreement, in the field of:

- (a) euro banknotes and coins,
- (b) prevention of money laundering, prevention of fraud and counterfeiting of cash and non-cash means of payment, medals and tokens and statistical reporting requirements.

If and when a banking sector is created in the Vatican City State, the list of legal acts and rules in the Annex shall be extended with a view to including EU banking and financial law and relevant ECB legal acts and rules, in particular on statistical reporting requirements.

2. The legal acts and rules referred to in paragraph 1 shall be implemented by the Vatican City State in accordance with the deadlines specified in the Annex.

3. The Annex shall be amended by the Commission every year, with a view to taking into account the new relevant EU legal acts and rules and the amendments to the existing ones. The Joint Committee shall thereafter decide on appropriate and reasonable deadlines for the implementation by the Vatican City State of the new legal acts and rules added to the Annex.

4. The updated Annex shall be published in the *Official Journal of the European Union*.

Article 9

Financial institutions located in the Vatican City State may have access to interbank settlement and payment and securities settlement systems within the euro area under appropriate terms and conditions determined by the Bank of Italy, in agreement with the European Central Bank.

Article 10

1. The Court of Justice of the European Union shall be the jurisdiction which shall have the exclusive competence for settling any persisting dispute between the parties which may arise from the application of this Agreement and which could not have been solved within the Joint Committee.

2. If the European Union (acting on a recommendation of the EU delegation in the Joint Committee) or the Vatican City State considers that the other Party has not fulfilled an obligation under this Agreement, it may bring the matter before the Court of Justice. The judgment of the Court shall be binding on the Parties, which shall take the necessary measures to comply with the judgment within a period to be decided by the Court in its judgment.

3. In case the European Union or the Vatican City State fails to take the necessary measures to comply with the judgment within the period, the other Party can terminate immediately the Agreement.

Article 11

A Joint Committee shall be established. It shall be composed of representatives of the Vatican City State and of the European Union. The delegation of the EU shall be composed of representatives of the Commission and of the Italian Republic, together with the representatives of the European Central Bank. The European Union delegation should adopt its Rules of Procedures by consensus.

The Joint Committee shall meet at least once a year. The Chair shall rotate on an annual basis between a representative of the European Union and a representative of the Vatican City State. The Joint Committee shall adopt its decisions unanimously.

The Joint Committee shall exchange views and information and adopt the decisions mentioned in the Articles 3, 6 and 8. It shall examine the measures taken by the Vatican City State and shall endeavour to solve potential dispute resulting from the implementation of this Agreement.

The European Union shall be the first chair of the Joint Committee upon the entry into force of this Agreement, as laid down in Article 13.

Article 12

Without prejudice to Article 10(3), each Party may terminate this Agreement with notice of one year.

Article 13

This Agreement shall enter into force on 1 January 2010.

Article 14

The Monetary Agreement of 29 December 2000 shall be repealed from the date of entry into force of the present Agreement. References to the Agreement of 29 December 2000 shall be understood as references to the present Agreement.

ANNEX (1)

| Legal provisions to be implemented | Deadline for implementing |
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| Prevention of money laundering | |
| Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15) | 31.12.2010 |
| <i>Amended by:</i> | |
| Directive 2008/20/EC of the European Parliament and of the Council of 11 March 2008 (OJ L 76, 19.3.2008, p. 46) | |
| <i>Supplemented by:</i> | |
| Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis (OJ L 214, 4.8.2006, p. 29) | |
| Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds (OJ L 345, 8.12.2006, p. 1) | |
| Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community (OJ L 309, 25.11.2005, p. 9) | |

⁽¹⁾ According to Art 8(3) of the Monetary Agreement, the Commission shall amend the Annex once a year with a view to taking into account new EU legislative acts or amendments to existing ones. This Annex represents the latest version at the moment of the publication.

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| Council Framework Decision 2001/500/JAI of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1) | |
| Prevention of fraud and counterfeiting | |
| Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 181, 4.7.2001, p. 6) | 31.12.2010 |
| <i>Amended by:</i> | |
| Council Regulation (EC) No 44/2009 of 18 December 2008 (OJ L 17, 22.1.2009, p. 1) | |
| Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins (OJ L 373, 21.12.2004, p. 1) | 31.12.2010 |
| <i>Amended by:</i> | |
| Council Regulation (EC) No 46/2009 of 18 December 2008 (OJ L 17, 22.1.2009, p. 5) | |
| Council Framework Decision 2000/383/JAI of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (OJ L 140, 14.6.2000, p. 1) | 31.12.2010 |
| <i>Amended by:</i> | |
| Council Framework Decision 2001/888/JAI of 6 December 2001 (OJ L 329, 14.12.2001, p. 3) | |
| Council Decision 2001/923/EC of 17 December 2001 establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles' programme) (OJ L 339, 21.12.2001, p. 50) | 31.12.2010 |
| <i>Amended by:</i> | |
| Council Decision 2006/75/EC of 30 January 2006 (OJ L 36, 8.2.2006, p. 40) | |
| Council Decision 2006/849/EC of 20 November 2006 (OJ L 330, | |

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| 28.11.2006, p. 28) | |
| <i>Supplemented by:</i> | |
| Council Decision 2001/887/JHA of 6 December 2001 on the protection of the euro against counterfeiting (OJ L 329, 14.12.2001, p. 1) | |
| Rules on euro banknotes and coins | |
| Regulation (EU) No 651/2012 of the European Parliament and of the Council of 4 July 2012 on the issuance of euro coins (OJ L 201, 27.7.2012, p. 135) | 31.12.2013 ⁽²⁾ |
| Council Regulation (EC) No 975/98 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation (OJ L 139, 11.5.1998, p. 6) | 31.12.2010 |
| <i>Amended by:</i> | 31.12.2013 ⁽³⁾ |
| Council Regulation (EC) No 423/1999 of 22 February 1999 (OJ L 52, 27.2.1999, p. 2) | |
| Council Regulation (EU) No 566/2012 of 18 June 2012 (OJ L 169, 29.6.2012, p. 8) | |
| Council Conclusions of 10 May 1999 on the quality management system for euro coins | 31.12.2010 |
| Council Conclusions of 23 November 1998 and of 5 November 2002 on collector coins | 31.12.2010 |
| Communication from the Commission of 22 October 2001 on copyright protection of the common face design of the euro coins — COM(2001) | 31.12.2010 |

⁽²⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(3) of the Monetary Agreement of 17 December 2009 between the European Union and the Vatican City State.

⁽³⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(3) of the Monetary Agreement of 17 December 2009 between the European Union and the Vatican City State.

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| 600 final (OJ C 318, 13.11.2001, p. 3) | |
| Guideline ECB/2003/5 of the European Central Bank of 20 March 2003 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 78, 25.3.2003, p. 20) | 31.12.2010 |
| <i>Amended by:</i> Guideline ECB/2013/11 of the European Central Bank of 19 April 2013 (OJ L 118, 30.4.2013, p. 43) | 31.12.2014 ⁽⁴⁾ |
| Decision ECB/2003/4 of the European Central Bank of 20 March 2003 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (OJ L 78, 25.3.2003, p. 16) | 31.12.2010 |
| <i>Amended by:</i> Decision ECB/2013/10 of the European Central Bank of 19 April 2013 (OJ L 118, 30.4.2013, p. 37) | 31.12.2014 ⁽⁵⁾ |
| Regulation (EU) No 1210/2010 of the European Parliament and of the Council of 15 December 2010 concerning authentication of euro coins and handling of euro coins unfit for circulation (OJ L 339, 22.12.2010, p. 1) | 31.12.2012 |
| Decision ECB/2010/14 of the European Central Bank of 16 September 2010 on the authenticity and fitness checking and recirculation of euro banknotes (OJ L 267, 9.10.2010, p. 1) | 31.12.2012 |
| <i>Amended by:</i> Decision ECB/2012/19 of the European Central Bank of 7 September 2012 (OJ L 253, 20.9.2012, p. 19) | 31.12.2013 ⁽⁶⁾ |

⁽⁴⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(3) of the Monetary Agreement of 17 December 2009 between the European Union and the Vatican City State.

⁽⁵⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(3) of the Monetary Agreement of 17 December 2009 between the European Union and the Vatican City State.

⁽⁶⁾ The Joint Committee agreed on these deadlines pursuant to Article 8(3) of the Monetary Agreement of 17 December 2009 between the European Union and the Vatican City State.

MONETARY AGREEMENT

between the European Union and the French Republic on keeping the euro in Saint-Barthélemy following the amendment of its status with regard to the European Union

THE EUROPEAN UNION, represented by the European Commission,

and

THE FRENCH REPUBLIC, acting for the benefit of the island of Saint-Barthélemy,

Whereas:

- (1) Saint-Barthélemy is an integral part of the French Republic but will no longer be part of the European Union as from 1 January 2012, in accordance with European Council Decision 2010/718/EU of 29 October 2010 amending the status with regard to the European Union of the island of Saint-Barthélemy⁽¹⁾;
- (2) The French Republic would like Saint-Barthélemy to retain the same currency as that of metropolitan France and to this end will continue to grant exclusive legal tender status in the territory of Saint-Barthélemy to euro banknotes and coins issued by the Eurosystem and the Member States that have adopted the euro;
- (3) It is necessary to ensure the continuing application in Saint-Barthélemy of existing and future provisions of European Union law necessary for the functioning of the Economic and Monetary Union, in order, in particular, to ensure the unity of the Eurosystem's monetary policy, equalise conditions of competition between financial institutions located in the euro area and prevent fraud and counterfeiting of cash and non-cash means of payment and money laundering;
- (4) This Agreement is concluded with a Member State acting for the benefit of a non-sovereign entity and, therefore, does not provide for the right to mint coinage. Currency issues and banking and financial law fall within the field of competence of the French State. In matters related to the proper functioning of the Economic and Monetary Union, the legislative and statutory provisions of French law apply automatically to Saint-Barthélemy by virtue of its status,

⁽¹⁾ OJ L 325, 9.12.2010, p. 4.

HAVE AGREED ON THE FOLLOWING PROVISIONS:

Article 1

The euro shall remain the currency of Saint-Barthélemy.

Article 2

The French Republic shall continue to grant legal tender status to euro-denominated banknotes and coins in Saint-Barthélemy.

Article 3

1. The French Republic shall continue to apply in Saint-Barthélemy the European Union legal acts and rules necessary for the functioning of the Economic and Monetary Union in the following fields:

- (a) euro banknotes and coins;
- (b) preventing fraud and counterfeiting of cash and non-cash means of payment;
- (c) medals and tokens;
- (d) measures necessary for the use of the euro as a single currency adopted on the basis of Article 133 of the Treaty on the Functioning of the European Union;
- (e) banking and financial legislation, including the legal acts adopted by the European Central Bank;
- (f) preventing money laundering;
- (g) statistical reporting requirements established by the Eurosystem.

2. The French Republic shall undertake to cooperate fully with Europol in the territory of Saint-Barthélemy as regards the prevention of fraud and counterfeiting of means of payment and preventing and combating money laundering.

Article 4

The measures taken by the competent French authorities to transpose the acts adopted by the European Union — including those of the European Central Bank — in the fields mentioned in Article 3(1) shall apply automatically and under the same conditions in Saint-Barthélemy.

Article 5

Those European Union acts adopted in the fields mentioned in Article 3(1) — including those of the European Central Bank — that are directly applicable in the Member States shall apply automatically and under the same conditions in Saint-Barthélemy.

Article 6

Credit institutions and, as applicable, other financial institutions authorised to carry out operations in Saint-Barthélemy shall have access to interbank settlement and payment systems and to securities settlement systems in the euro area under the same conditions as those applied to institutions located in metropolitan France.

Article 7

Every two years the French Republic shall present a report to the Commission and the European Central Bank on the application in Saint-Barthélemy of the European Union legal acts and rules covered by this Agreement. The report includes, in particular, a list of the directly applicable European Union acts, including those of the European Central Bank, that apply automatically to Saint-Barthélemy by virtue of Article 5. The first report will be communicated by the end of 2012.

Article 8

1. A joint committee shall be convened when needed. It shall be chaired by the Commission and composed of representatives of the European Union and of the French Republic.
2. The European Union delegation shall be headed by the Commission and include representatives of the European Central Bank.
3. The joint committee shall meet at the request of one of the members of the delegation of the European Union or of the French Republic in order to examine any problems that might arise from the application of this Agreement.

Article 9

The Court of Justice of the European Union shall have exclusive competence for settling any dispute between the parties that may arise from the application of this Agreement and that has not been settled within the joint committee.

Article 10

The European Union or the French Republic may terminate this Agreement subject to one year's notice.

Article 11

This Agreement shall enter into force on 1 January 2012 after the parties have notified each other of the completion of their own ratification procedures.

Article 12

This Agreement is drawn up in duplicate in English and French, both texts being equally authentic.

3. SECONDARY LEGISLATION

3.1. GENERAL RULES ON EURO BANKNOTES

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 20 March 2003

on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community and in particular to Article 106(1) thereof,

Having regard to Articles 12.1, 14.3 and 16 of the Statute of the European System of Central Banks and of the European Central Bank,

Having regard to Decision ECB/2003/4 of 20 March 2003 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes⁽¹⁾,

Whereas:

- (1) Guideline of the European Central Bank of 7 July 1998 on certain provisions regarding euro banknotes, as amended on 26 August 1999 (ECB/1999/3)⁽²⁾, provides for enforcement of the European Central Bank's (ECB's) copyright on euro banknotes.
- (2) The rules on enforcement of the ECB's copyright require updating and supplementing with a comprehensive set of rules and procedures ensuring the protection of euro banknotes against non-compliant reproductions.
- (3) Article 106(1) of the Treaty and Article 16 of the Statute provide that the ECB has the exclusive right to authorise the issue of euro banknotes within the Community. These Articles also provide that the ECB and the national central banks may issue such notes. Pursuant to Article 10 of Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro⁽³⁾, the ECB and the national central banks of the participating Member States (hereinafter "NCBs") shall put euro banknotes into circulation. This right to authorise the issue of euro banknotes includes the competence to take measures

⁽¹⁾ OJ L 78, 25.03.2003, p. 16.

⁽²⁾ OJ L 258, 5.10.1999, p. 32.

⁽³⁾ OJ L 139, 11.5.1998, p. 1.

to protect the integrity of euro banknotes as a means of payment and to establish a minimum level of protection in all participating Member States. Where there is no risk of confusing reproductions of euro banknotes with genuine euro banknotes however, such reproductions should be permitted. In order to prevent such confusion Decision ECB/2003/4 has laid down common rules for the reproduction of euro banknotes.

- (4) Such rules on the reproduction of euro banknotes and the ECB's copyright on euro banknotes need to be applied and enforced, in close cooperation between the ECB and the NCBs and, if appropriate, between them and the relevant national authorities, and are to be applied without prejudice to national criminal laws prohibiting the production, uttering or possession of reproductions of euro banknotes that might be mistaken by the general public for genuine euro banknotes. In this context it is appropriate for the ECB to have recourse to the NCBs in order to prevent or take action against non-compliant reproductions of euro banknotes. In any case, the provisions of the present Guideline should be without prejudice to the application of criminal law, in particular regarding counterfeiting.
- (5) As an additional safeguard of the integrity of euro banknotes as a means of payment, the ECB and the NCBs will endeavour to raise the general public's awareness of ECB decisions concerning its rules on the reproduction of euro banknotes, in particular by publishing such decisions in the national media and in the Official Journal of the European Union.
- (6) The provisions on the exchange and withdrawal of euro banknotes in Decision ECB/2003/4 need to be implemented by the NCBs.
- (7) In order to raise further the general public's awareness of any ECB decision to withdraw types or series of euro banknotes, the NCBs will be entrusted with the task of making announcements in the national media.
- (8) In accordance with Articles 12.1 and 14.3 of the Statute, ECB guidelines form an integral part of Community law,

HAS ADOPTED THIS GUIDELINE:

Article I

Definition of non-compliant reproductions

A "non-compliant reproduction" means any reproduction referred to in Article 2(1) of Decision ECB/2003/4 that:

- (a) is unlawful as defined in Article 2 of Decision ECB/2003/4; or
- (b) infringes the ECB's copyright on euro banknotes for instance by adversely affecting the standing of euro banknotes.

Article 2

Enforcement of measures to counter non-compliant reproductions

1. Where an NCB becomes aware of a non-compliant reproduction in its national territory, it shall, by means of a standardised communication provided by the ECB, order the non-compliant party to stop producing the non-compliant reproduction, and shall, where deemed appropriate, order the party in possession of the non-compliant reproduction to hand over the non-compliant reproduction. Where an NCB becomes aware of a non-compliant reproduction made available electronically on websites, by wire or wireless means or by any other means that allow members of the public to access the non-compliant reproduction from a place and at a time individually chosen by them, it shall notify the ECB without delay. The ECB shall then take all possible steps to remove the non-compliant reproduction from the electronic location.

2. Where the non-compliant party does not comply with an order issued under paragraph 1, the relevant NCB shall inform the ECB without delay.

3. A subsequent decision to initiate an infringement procedure on the basis of Article 3(1) of Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the ECB to impose sanctions⁽⁴⁾ shall be taken by either the Executive Board of the ECB or the relevant NCB. Prior to taking such decision, the ECB and the relevant NCB shall consult each other and the NCB shall inform the ECB whether a separate infringement procedure has been, or alternatively can be, initiated under national criminal law, and moreover, whether there is any other appropriate legal basis for action against the non-compliant reproduction, such as copyright law. Where an infringement procedure has already been initiated, or alternatively is to be initiated under national criminal law, or there is any other appropriate legal basis for action against the non-compliant reproduction, no infringement procedure under Regulation (EC) No 2532/98 shall be initiated.

4. Where the ECB decides that an infringement procedure under Regulation (EC) No 2532/98 shall be initiated, it may require the NCBs to conduct legal proceedings. In this case, the ECB shall instruct the relevant NCBs and grant them any necessary powers of attorney. All legal costs shall be borne by the ECB. To the extent deemed appropriate and possible, the ECB or the NCB, as the case may be, shall ensure that the non-compliant reproductions are withdrawn.

5. The ECB shall take the steps described in this Article acting on its own if:
 - (a) the origin of the non-compliant reproduction cannot reasonably be established; or
 - (b) the non-compliant reproduction has been or will be produced in the territories of several participating Member States; or
 - (c) the non-compliant reproduction has been or will be produced outside the territories of the participating Member States.

⁽⁴⁾ OJ L 318, 27.11.1998, p. 4.

Article 3

Requests for confirmation of compliance of reproductions

1. All inquiries and requests for confirmation as to whether a reproduction is lawful as defined in Article 2 of Decision ECB/2003/4 shall be dealt with:
 - (a) on behalf of the ECB, by the NCB in the national territory in which such reproductions have been or will be produced; or
 - (b) by the ECB in the cases described in Article 2(5).
2. NCBs shall inform the ECB of all responses given to requests for confirmation under the provisions of paragraph 1. The ECB shall collect this information and shall distribute to the NCBs the consolidated information on responses to requests for confirmation. The ECB may also publish this consolidated information from time to time.

Article 4

Exchange of mutilated or damaged euro banknotes

1. The NCBs shall duly implement Decision ECB/2003/4.
2. When implementing Decision ECB/2003/4, and subject to any legal constraints, NCBs may destroy any mutilated or damaged euro banknotes or any parts thereof, unless there are legal grounds for them to be preserved or returned to the applicant.
3. The NCBs shall appoint a single organ or body to take decisions on the exchange of mutilated or damaged euro banknotes for the cases provided for in Article 3(1)(b) of Decision ECB/2003/4, and shall inform the ECB accordingly.

Article 5

Withdrawal of euro banknotes

The NCBs shall announce any decision of the Governing Council to withdraw an euro banknote type or series in the national media at their own expense in accordance with any instructions that may be issued by the Executive Board.

Article 6

Amendments to Guideline ECB/1999/3

Articles 1, 2 and 4 of Guideline ECB/1999/3 are hereby repealed. References to the repealed Articles shall be construed respectively as references to Articles 2, 4 and 5 of this Guideline.

Article 7

Final provisions

1. This Guideline is addressed to the national central banks of participating Member States.
2. This Guideline shall enter into force on the day following its publication in the Official Journal of the European Union.

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 19 April 2013

amending Guideline ECB/2003/5 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(1) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Articles 12.1, 14.3 and 16 thereof,

Having regard to Decision ECB/2013/10 of 19 April 2013 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes⁽¹⁾,

Whereas:

In light of experience in applying and interpreting Guideline ECB/2003/5 of 20 March 2003 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes⁽²⁾ and for the sake of consistent reference to genuine legal tender euro banknotes, it is appropriate to use only the term "damaged".

Therefore, Guideline ECB/2003/5 should be amended accordingly,

HAS ADOPTED THIS GUIDELINE:

Article 1

Amendment

Article 4 of Guideline ECB/2003/5 is replaced by the following:

"Article 4

⁽¹⁾ OJ L 118, 30.4.2013, p. 37.

⁽²⁾ OJ L 78, 25.3.2003, p. 20.

Exchange of damaged euro banknotes

1. The NCBs shall duly implement Decision ECB/2013/10⁽³⁾.
2. When implementing Decision ECB/2013/10, and subject to any legal constraints, NCBs may destroy any damaged euro banknotes or any parts thereof, unless there are legal grounds for them to be preserved or returned to the applicant.
3. The NCBs shall appoint a single organ or body to take decisions on the exchange of damaged euro banknotes for the cases provided for in Article 3(1)(b) of Decision ECB/2013/10, and shall inform the ECB accordingly."

Article 2

Taking effect

This Guideline shall take effect on the day of its notification to the national central banks of the Member States whose currency is the euro.

Article 3

Addressees

This Guideline is addressed to the national central banks of the Member States whose currency is the euro.

⁽³⁾ OJ L 118, 30.4.2013, p. 37.

**GUIDELINE OF THE EUROPEAN CENTRAL BANK
of 20 July 2012
on the Data Exchange for Cash Services**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(1) and (2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 16 thereof,

Whereas:

- (1) The euro banknote production is organised on a decentralised basis with pooling under which the annual production of different banknote denominations is pooled among the national central banks of Member States whose currency is the euro (hereinafter the "NCBs") according to the NCBs' percentage shares in the subscribed capital of the European Central Bank (the "ECB") for the relevant financial year calculated using the NCBs' weightings in the key for capital subscription referred to in Article 29.1 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the "Statute of the ESCB").
- (2) Under the principle of decentralisation as laid down in Articles 9.2 and 12.1 of the Statute of the ESCB, NCBs are entrusted with putting into and withdrawing from circulation all euro banknotes, including those issued by the ECB. In line with this principle, the physical handling of euro banknotes is carried out by the NCBs. Due to the decentralised production scenario with pooling, the efficient cross-border bulk transfers of euro banknotes contribute to the smooth functioning of the cash cycle in the euro area.
- (3) In February 2007 the ECB's Governing Council approved the timetable and a roadmap for further convergence of NCBs' cash services in the medium term with a view to increasing harmonisation and integration to allow stakeholders (in particular the banking industry and cash-in-transit companies) to obtain greater benefits from the single currency, thus, contributing to the Single euro Cash Area.
- (4) The Data Exchange for Cash Services (DECS) is aimed at further harmonising cash services in the Eurosystem. It maximises efficiency in the supply and withdrawal of cash and the functioning of the cash cycle in the euro area. As cash services currently

offered by NCBs vary to a significant extent, DECS ensures the interchangeability of data for cross-border cash transactions and bulk transfers of euro banknotes between NCBs that use different cash management systems. DECS does not affect the provision of cash services by NCBs at domestic level.

- (5) Given that the process of convergence of NCBs' cash services will require some flexibility, it is necessary to establish a simplified procedure to make technical amendments to this Guideline. Therefore, the Executive Board should be delegated the powers to make such amendments,

HAS ADOPTED THIS GUIDELINE:

Article 1

Subject matter and scope

This Guideline sets out the requirements the NCBs shall comply with in relation to the use of DECS. This Guideline only applies to the exchange of data between NCBs.

Article 2

Definitions

For the purposes of this Guideline, the following definitions shall apply:

- (a) "DECS" means the common interface that communicates with an NCB's cash management system enabling the mapping, routing and transformation of electronic data messages between NCBs using different cash management systems or cash management specifications related to cash transactions and bulk transfers;
- (b) "communication format" means a set of files based on Cash Single Shared Platform (CashSSP), Global Standards One (GS1) or other communication formats;
- (c) "cash management system" means the logistical cash management IT system used by an NCB based on the CashSSP, GS1 or other communication formats;
- (d) "cash management specifications" means the technical specifications of a given cash management system;
- (e) "cash" means euro banknotes and coins, excluding collector coins;
- (f) "cash lodgement" means a free-of-charge cross-border cash lodgement transaction between a client and a non-domestic NCB;
- (g) "cash withdrawal" means a free-of-charge cross-border cash withdrawal transaction between a client and a non-domestic NCB;

- (h) "cash transaction" means a free-of-charge cross-border cash lodgement or cross-border cash withdrawal;
- (i) "bulk transfer" means any cross-border transfer of euro banknotes between two NCBs or between a printing works and an NCB which is reported in the Currency Information System 2 (CIS 2)⁽¹⁾;
- (j) "domestic NCB" means an NCB that provides to clients established in its Member State an interface to its cash management system for cash transactions;
- (k) "non-domestic NCB" means an NCB that enters into a cash transaction with a client established outside its Member State;
- (l) "supplying NCB" means for bulk transfers of euro banknotes an NCB that is responsible for supplying euro banknotes to a receiving NCB from: (i) the production allocated to that supplying NCB; (ii) the supplying NCB's logistical stocks; (iii) the Eurosystem Strategic Stock;
- (m) "receiving NCB" means an NCB which receives euro banknotes from a supplying NCB or a printing works for bulk transfers of euro banknotes;
- (n) "cash-in-transit company" means an entity providing transport, storage and handling services of banknotes and coins for credit institutions;
- (o) "client" means a credit institution providing cash services incorporated in a Member State whose currency is the euro or, if applicable, a cash-in-transit company incorporated in a Member State whose currency is the euro that is registered in the database of a domestic NCB for the use of its cash management system and DECS;
- (p) "transaction order message" means a transaction message transmitted via DECS by a domestic/supplying NCB through its cash management system to a non-domestic/receiving NCB. This message is: (i) for cash withdrawals, an "order for cash withdrawal" sent by a client; (ii) for cash lodgements, a "notification of lodgement" sent by a client; (iii) for bulk transfers, a "bulk transfer message" sent by the supplying NCB;
- (q) "feedback validation message" means a transaction message sent by a non-domestic/receiving NCB to a domestic/supplying NCB via DECS through the domestic/supplying NCB's cash management system on receipt of a transaction order message;
- (r) "transaction confirmation message" means a transaction message sent after a transaction takes place: (i) to a client for cash transactions; or (ii) to a supplying NCB for bulk transfers via DECS through the domestic/supplying NCB's cash management system. This message is: (i) for cash withdrawals, a "withdrawal receipt" sent by a non-

⁽¹⁾ Guideline ECB/2008/8 of 11 September 2008 on data collection regarding the euro and the operation of the Currency Information System 2 (OJ L 346, 23.12.2008, p. 89).

- domestic NCB; (ii) for cash lodgements, a "lodgement receipt" sent by a non-domestic NCB; (iii) for bulk transfers, a "bulk transfer receipt" sent by a receiving NCB;
- (s) "transaction message" means a transaction order message, a feedback validation message and a transaction confirmation message;
 - (t) "printing works" means printing works that concluded contractual arrangements with an NCB for the production of euro banknotes;
 - (u) "future Eurosystem NCB" means the national central bank of a Member State that has fulfilled the conditions set for the adoption of the euro and in relation to which a decision on the abrogation of the derogation pursuant to Article 140(2) of the Treaty has been taken.

Article 3

NCB's obligations

1. NCBs shall connect their cash management systems to DECS to: (a) enable clients to exchange electronic data messages concerning cash transactions with a non-domestic NCB via the cash management system of their domestic NCB; and (b) facilitate the exchange of electronic data messages concerning bulk transfers between NCBs or, subject to Article 1, between a printing works and a receiving NCB, via the cash management system of the supplying NCB.
2. If an NCB uses a cash management system based on communication formats other than CashSSP or GS1, it shall convert the communication format of that cash management system to CashSSP or GS1 before transmitting an electronic data message concerning cash transactions or bulk transfers to DECS.
3. NCBs shall ensure that electronic data messages concerning cash transactions and bulk transfers exchanged via DECS are based on either CashSSP or GS1 communication formats.
4. NCBs shall ensure that transaction messages are stored for a minimum of 10 years.
5. NCBs shall establish a connection between their cash management system and DECS as soon as they are technically able to do so.

Article 4

Obligations of domestic NCBs in relation to cash transactions

1. Domestic NCBs shall ensure that they meet the technical requirements for communication via DECS.
2. Domestic NCBs shall put in place contractual arrangements with their clients stipulating that cash transactions, as defined in this Guideline, will be processed through DECS.

3. Domestic NCBs shall establish, maintain and regularly update a database of clients that agree to the use, conditions and technical requirements of DECS. They shall ensure that clients inform them without delay about any relevant change.
4. Before transmitting a transaction order message from a client to DECS, domestic NCBs shall take appropriate measures to verify whether the client is registered in the database referred to in paragraph 3, and whether the transaction order message was sent by a technical user entitled to do so by the client.
5. Domestic NCBs shall be held liable only for a failure to comply with their obligations under paragraph 4. Domestic NCBs shall not be held liable for the content of a transaction message.
6. Domestic NCBs shall not be parties to nor be held liable for cash transactions between clients and non-domestic NCBs.

Article 5

Obligations of non-domestic NCBs in relation to cash transactions

Non-domestic NCBs, as soon as operationally feasible, shall enter into contractual arrangements with the clients of domestic NCBs that intend to enter into cash transactions with that non-domestic NCB via DECS. These contractual arrangements shall govern, in particular:

- (a) the conditions and technical requirements for processing transaction messages via DECS, including the potential cancellation of transactions via DECS;
- (b) the physical handling of the cash transactions, e.g. general terms and conditions of packaging and delivery;
- (c) the rules and procedures for financial settlement between the client and the non-domestic NCB, including the verification of whether a cash transaction can legitimately be carried out;
- (d) the conduct of individual plausibility checks on the volumes of the cash transactions.

Article 6

Bulk transfers

NCBs shall ensure that for bulk transfers printing works use the communication format specified in the contractual arrangements between the NCBs and the printing works.

*Article 7***Requirements for transaction messages**

1. The transaction messages shall be processed via DECS as set out in Annex I.
2. In the transaction order messages and transaction confirmation messages NCBs shall indicate the local date and time values, unless they are automatically added by DECS using the Central European Time (CET) time zone.
3. A transaction order message shall, in particular:
 - (a) be sent separately for each individual cash transaction;
 - (b) contain items to be delivered to only one branch of a client or NCB;
 - (c) contain an order either for euro banknotes or euro coins;
 - (d) contain article items for single banknote pieces and for single coin pieces only;
 - (e) comply with the packaging requirements in Annex II;
 - (f) comply with the minimum quantity requirements in Annex II;
 - (g) comply with the requirements on the banknote denominations and series in Annex II;
 - (h) comply with the quality requirements in Annex II;
 - (i) comply with the labelling requirements in Annex II;
 - (j) contain the minimum data items set out in Annex III.

*Article 8***Compliance of future Eurosystem NCBs with the requirements of DECS**

An NCB shall include in the contractual arrangements that it enters into with a future Eurosystem NCB pursuant to Article 3(3) of Guideline ECB/2006/9 of 14 July 2006 on certain preparations for the euro cash changeover and on frontloading and sub-frontloading of euro banknotes and coins outside the euro area⁽²⁾, and taking into account Article 5 of Guideline ECB/2008/8, specific provisions requiring that the future Eurosystem NCB shall comply with the requirements of this Guideline.

⁽²⁾ OJ L 207, 28.7.2006, p. 39.

Article 9

NCB cooperation

NCBs shall duly cooperate in exchanging information about the operation of DECS, in particular, where an NCB is faced with potential or actual litigation initiated by a client stemming from a transaction processed through DECS.

Article 10

Role of the Executive Board

1. In accordance with Article 17.3 of the Rules of Procedure of the European Central Bank⁽³⁾, the Executive Board shall be authorised to make technical amendments to the Annexes to this Guideline, after taking into account the views of the Banknote Committee and the Legal Committee.
2. The Executive Board shall notify the Governing Council of any amendments made pursuant to paragraph 1 without undue delay and shall abide by any Governing Council decision on the matter.

Article 11

Entry into force

This Guideline shall enter into force on 1 October 2012.

Article 12

Addressees

This Guideline is addressed to the NCBs.

⁽³⁾ OJ L 80, 18.3.2004, p. 33.

ANNEX I

TYPE AND FLOW OF TRANSACTION MESSAGES PROCESSED VIA DECS

1. A transaction order message is sent by a client, for cash transactions, or by a supplying National Central Bank (NCB), for bulk transfers, which is transmitted by the domestic/supplying NCB via the Data Exchange for Cash Services (DECS) to the relevant non-domestic/receiving NCB.
2. Upon receipt of a transaction order message, a feedback validation message is sent by the non-domestic/receiving NCB to the domestic/supplying NCB via DECS, which the domestic/supplying NCB then transmits to the client, for cash transactions, or the supplying NCB, for bulk transfers.
3. After a transaction takes place, the non-domestic/receiving NCB sends a transaction confirmation message to the domestic/supplying NCB via DECS, which the domestic/supplying NCB then transmits to the client, for cash transactions, or the supplying NCB, for bulk transfers.

Table 1a: Type and flow of messages for cash lodgements

| | Cash Single Shared Platform (CashSSP) | Global Standards One (GS1) |
|---|--|-------------------------------|
| 1.Transaction order message: notification of lodgement | Notification For Deposit | Notification of Impayment |
| 2.Feedback validation message (on receipt of the transaction order message) | Feedback Validation | Service Message |
| 3.Transaction confirmation message (after transaction)*: lodgement receipt | Feedback Notification For Deposit | Confirmation of Receipt |

Table 1b: Type and flow of messages for cash withdrawals

| | CashSSP | GS1 |
|---|-------------------------------|--------------------------|
| 1.Transaction order message: order for cash withdrawal | Order For Withdrawal | Cash Order |
| 2.Feedback validation message (on receipt of the transaction order message) | Feedback Validation | Service Message |
| 3.Transaction confirmation message (after transaction)*: withdrawal receipt | Feedback Order For Withdrawal | Confirmation of Delivery |

Table 1c: Type and flow of messages for bulk transfers

| | CashSSP | GS1 |
|--|------------------------------------|-------------------------------|
| 1.Transaction order message: bulk transfer message | Notification For Delivery | Bulk Transfer Message |
| 2.Feedback validation message (on receipt of the transaction order message) | Feedback Validation | Service Message |
| 3.Transaction confirmation message (after transaction)*: bulk transfer receipt | Feedback Notification For Delivery | Confirmation of Bulk Transfer |

[*] If a non-domestic/receiving NCB receives excess parcels, an additional notification of lodgement/bulk transfer message shall be sent for the excess parcels. If the non-domestic/receiving NCB receives fewer parcels than expected, then either a new notification of lodgement/bulk transfer message shall be sent after closing the relevant transaction order message and sending a feedback validation message (for non-acceptance of the delivery), or only the received parcels will be included in the transaction confirmation (for partial acceptance of the delivery).

ANNEX II
PACKAGING AND QUALITY REQUIREMENTS

1. Packaging and quality requirements for cash transactions

| | Cash withdrawals | Cash lodgements |
|------------------------------|--|---|
| Minimum quantity banknote | <ul style="list-style-type: none">- For banknotes, only mono-denomination parcels are handled- For denominations EUR 5 to 100, 10 bundles (= 10000 units)- For banknote denominations EUR 200 and 500, 1 packet (= 100 units); National Central Banks (NCBs) may put several packets (also mixed EUR 200 and 500) into one parcel- For coins, at least one roll, depending on each NCB's business rules- A complete withdrawal is carried out once | <ul style="list-style-type: none">- For banknote denominations EUR 5 to 100, 10 bundles (= 10000 units); however, a client may send once per day incomplete parcels which contain a minimum of 1 bundle (= 1000 banknotes) of one denomination and a maximum 5 bundles (= 5 × 1000 banknotes) of one or more denominations- For banknote denominations EUR 200 and 500, 1 packet (= 100 units) |
| Banknote series (ES1 or ES2) | Indicated in the transaction order message. | Indicated in the transaction order message. For mixed bundles indications are based on the client's best estimate. NCBs can refuse the use of mixed bundles. |
| Quality | Only fit banknotes and coins. | Only unprocessed banknotes. |
| Reuse of transaction IDs | The non-domestic NCB decides if and after what time the Serial Shipping Container Code | The non-domestic NCB decides if and after what time the SSCC and CashSSP |

| | | |
|-----------|--|---|
| | (SSCC) and Cash Single Shared Platform (CashSSP) seal number are reused. The non-domestic NCB decides if and after what time the transaction reference numbers (= master SSCC) are reused. | seal number are reused. The non-domestic NCB decides if and after what time the transaction reference numbers (= master SSCC) are reused. |
| Packaging | Approved packaging type for banknotes. | Approved packaging type for banknotes. |

2. Packaging and quality requirements for bulk transfers

| | |
|--------------------------|--|
| Minimum quantity | One cardboard box (= 10000 banknotes). For other relevant Currency Information System 2 cross-border operations, there is no minimum quantity. |
| Banknote series | Indicated in the transaction order message. Where there are mixed bundles indications are based on the supplying NCB's best estimate. |
| Quality | Fit, new, unprocessed or unfit banknotes. |
| Reuse of transaction IDs | The receiving NCB decides if and after what time the SSCC and CashSSP seal number are reused. The receiving NCB decides if and after what time the transaction reference numbers (= master SSCC) are reused. |
| Labelling | The physical boxes have both Global Standards One (GS1) and CashSSP barcodes, except for banknote stocks which only bear the CashSSP barcode. There is no relabelling when passing on a parcel between NCBs, i.e. the same seal number/SSCC is used several times. |
| Packaging | <ul style="list-style-type: none"> - Approved packaging type - One denomination per pallet and/or box |

| | |
|--|--|
| | <ul style="list-style-type: none">- There can be different banknote series per pallet and/or box- All articles in a box shall be of the same quality type- Messages relate to either pallets containing boxes or only boxes (no pallets)- Combining pallets and boxes in the same message is not possible |
|--|--|

ANNEX III**MINIMUM DATA ITEMS TO BE INCLUDED IN THE ELECTRONIC DATA MESSAGES**

1. Minimum requirements relating to cash lodgements⁽⁴⁾

Data item

File sender

Message sender

Message receiver

Article owner

Transport company

Packer

Payer

Lodgement recipient

⁽⁴⁾ Additional information may be mandatory depending on the cash management system used by the sender.

Details of parcels and articles contained in them:

- identification number
 - banknote series
 - denomination
 - number of items
 - value
 - quality type
-

2. Minimum requirements relating to cash withdrawals⁽⁵⁾

Data item

File sender

Message sender

Message receiver

Transport company

⁽⁵⁾ Additional information may be mandatory depending on the cash management system used by the sender.

Payer

Pick up place

Location of delivery

Article owner

Details of the articles ordered:

- banknote series
 - denomination
 - number of items
-

3. Minimum requirements relating to bulk transfers

European Central Bank reference for the shipment

Supplying NCB (printing works)

Receiving NCB

Transport company (airline or cash-in-transit company)

Date of shipment

Total number of pallets

Total number of boxes

Total number of banknotes

Total value of banknotes (EUR)

Total weight of air freight (kg)

| Details of pallets: | Details of boxes: |
|----------------------------------|----------------------------------|
| —identification number (CashSSP) | —identification number (CashSSP) |
| —identification number (GS1) | —identification number (GS1) |
| —denomination | —denomination |
| —number of items | —number of items |
| —value | —value |
| | —quality |
| | —responsible NCB |

GLOSSARY

This Glossary defines the technical terms used in this Guideline and its Annexes.

"Approved packaging type" means a safebag, a sealbag, a reusable box, a cardboard box, a euro pallet and half pallet meeting the requirements as decided by the Governing Council of the European Central Bank (ECB);

"Banknote series" means a number of denominations of euro banknotes defined as a series in Decision ECB/2003/4 of 20 March 2003 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes⁽⁶⁾ or in a subsequent ECB legal act. The first series of euro banknotes as launched on 1 January 2002 consists of the denominations EUR 5, EUR 10, EUR 20, EUR 50, EUR 100, EUR 200 and EUR 500. Euro banknotes that have revised technical specifications or a revised design (e.g. a different signature for different Presidents of the ECB) only constitute a new banknote series if referred to as such in an amendment to Decision ECB/2003/4 or in subsequent ECB legal act;

"Eurosysten Strategic Stock" (ESS) means the stock of new and fit euro banknotes stored by certain national central banks (NCBs) to cope with a demand for euro banknotes which cannot be met from the logistical stocks⁽⁷⁾;

"Extended custodial inventory programme" (ECI programme) means a programme consisting of contractual arrangements between the ECB, an NCB and individual credit institutions (ECI banks), whereby the NCB: (i) supplies the ECI banks with euro banknotes, which they hold in custody outside Europe for the purpose of putting them into circulation; and (ii) credits the ECI banks for euro banknotes which are deposited by their customers, checked for authenticity and fitness, held in custody and notified to the NCB. The banknotes held in custody by the ECI banks, including those in transit between the NCB and the ECI banks, are fully collateralised until they are put into circulation by the ECI banks or returned to the NCB. Banknotes transferred from the NCB to ECI banks form part of the NCB's created banknotes (data item 1.1). Banknotes held in custody by ECI banks do not form part of the NCB's national net issuance of banknotes;

"Fit banknotes" means: (i) euro banknotes which have been returned to NCBs and which are fit for circulation in accordance with a separate ECB legal act on banknote processing by NCBs; or (ii) euro banknotes which have been returned to credit institutions, including NHTO entities and ECI banks, and which are fit for circulation in accordance with the minimum sorting standards laid down in Decision ECB/2010/14⁽⁸⁾;

⁽⁶⁾ OJ L 78, 25.3.2003, p. 16.

⁽⁷⁾ As referred to in a separate ECB legal act on the management of banknote stocks.

⁽⁸⁾ OJ L 267, 9.10.2010, p. 1.

"Logistical stocks" (LS) means all stocks of new and fit euro banknotes, other than the ESS, held by NCBs, and for the purposes of Guideline ECB/2008/8 by NHTO entities and ECI banks⁽⁹⁾;

"New banknotes" means euro banknotes which have not yet been put into circulation by NCBs, NHTO entities or ECI banks, or frontloaded by future Eurosystem NCBs;

"Notes-held-to-order scheme" or "NHTO scheme" means a scheme consisting of individual contractual arrangements between an NCB and one or more entities (NHTO entities) in the NCB's participating Member State, whereby the NCB: (i) supplies the NHTO entities with euro banknotes which they hold in custody outside the NCB's premises for the purpose of putting them into circulation; and (ii) credits or debits directly the NCB account held by the NHTO entities or by the credit institutions that are customers of the NHTO entities for euro banknotes which are deposited with or withdrawn from the custody premises by NHTO entities or by their customers and notified to the NCB. Banknotes transferred from the NCB to NHTO entities form part of the NCB's created banknotes (data item 1.1). Banknotes held in custody by NHTO entities do not form part of the NCB's national net issuance of banknotes;

"Unfit banknotes" means: (i) euro banknotes which have been returned to NCBs, but which are not fit for circulation in accordance with a separate ECB legal act on banknote processing by NCBs; or (ii) euro banknotes which have been returned to credit institutions, including NHTO entities and ECI banks, but which are not fit for circulation in accordance with the minimum sorting standards laid down in Decision ECB/2010/14 of 16 September 2010 on the authenticity and fitness checking and recirculation of euro banknotes;

"Unprocessed banknotes" means: (i) euro banknotes which have been returned to NCBs but which have not been checked for authenticity and fitness in accordance with a separate ECB legal act on banknote processing by NCBs; or (ii) euro banknotes which have been returned to credit institutions, including NHTO entities and ECI banks, but which have not been checked for authenticity and fitness in accordance with Decision ECB/2010/14.

⁽⁹⁾ As referred to in a separate ECB legal act on the management of banknote stocks.

**DECISION OF THE EUROPEAN CENTRAL BANK
of 13 December 2010
on the issue of euro banknotes**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(1) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the "Statute of the ESCB"), and in particular Article 16 thereof,

Whereas:

- (1) Under Article 128(1) of the Treaty and Article 16 of the Statute of the ESCB, the Governing Council of the European Central Bank (ECB) has the exclusive right to authorise the issue of euro banknotes within the Union. Under these provisions, the ECB and the NCBs may issue euro banknotes which are the only banknotes to have the status of legal tender within the Member States whose currency is the euro. Union law has foreseen a system of a plurality of issuers of banknotes. The ECB and the NCBs issue euro banknotes.
- (2) Pursuant to Article 10 of Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro⁽¹⁾, on 1 January 2002, the ECB and the NCBs put into circulation banknotes denominated in euro. Euro banknotes are expressions of the same and single currency, and subject to a single legal regime.
- (3) The issue of euro banknotes need not be subject to quantitative or other limits, since putting banknotes into circulation is a demand driven process.
- (4) Decision ECB/2003/4 of 20 March 2003 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes⁽²⁾ contains common rules on euro banknotes. The ECB has established common technical specifications for euro banknotes and quality control measures to ensure that they comply with such specifications. As a consequence, all euro banknotes have the same physical appearance and level of quality and there is no distinction between banknotes of the same denomination.

⁽¹⁾ OJ L 139, 11.5.1998, p. 1.

⁽²⁾ OJ L 78, 25.3.2003, p. 16.

- (5) All euro banknotes should be subject to identical acceptance and processing requirements by the Eurosystem members irrespective of which member put them into circulation. The practice of repatriation of banknotes denominated in national currency units to the issuing central bank does not apply to euro banknotes. The regime for the issue of the euro banknotes is based on the principle of non-repatriation of euro banknotes.
- (6) Pursuant to Article 29.1 of the Statute of the ESCB, each central bank which is a member of the European System of Central Banks is assigned a weighting in the key for subscription to the ECB's capital, as laid down by Decision ECB/2008/23 of 12 December 2008 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital⁽³⁾; this weighting is based on the population and gross domestic product of each Member State and governs the contributions to the ECB's capital, the transfers of the NCBs' foreign reserve assets to the ECB, the monetary income allocation of the NCBs, and the distribution of profits and sharing of losses of the ECB.
- (7) Euro banknotes are legal tender in all Member States whose currency is the euro and freely circulate within the euro area, are reissued by the Eurosystem members, and may also be stored or used outside the euro area. The liabilities in respect of the issue of the total value of euro banknotes in circulation should therefore be allocated to the Eurosystem members in accordance with an objective criterion. An appropriate criterion is the share of each NCB in the paid-up capital of the ECB. This share results from a proportional application of the capital key referred to in Article 29.1 of the Statute of the ESCB to NCBs. As this criterion is not applicable to the ECB, the percentage share of euro banknotes to be issued by the ECB is to be determined by the Governing Council.
- (8) Under Articles 9.2 and 12.1 of the Statute of the ESCB, establishing the principle of decentralisation for Eurosystem operations, the NCBs are entrusted with putting into and withdrawing from circulation all euro banknotes including those issued by the ECB. Consistent with this principle, the physical handling of euro banknotes is also carried out by the NCBs.
- (9) The difference between the value of euro banknotes allocated to each NCB in accordance with the banknote allocation key and the value of the euro banknotes that such NCB puts into circulation should give rise to intra-Eurosystem balances. As the ECB does not put euro banknotes into circulation, it should hold intra-Eurosystem claims on NCBs for a value equivalent to the share of euro banknotes that it issues. The remuneration of these intra-Eurosystem balances has an effect on the income positions of NCBs and is therefore the subject of Decision ECB/2010/23 of 25 November 2010 on the allocation of monetary income of the national central banks of Member States whose currency is the euro⁽⁴⁾, based on Article 32 of the Statute of the ESCB.

⁽³⁾ OJ L 21, 24.1.2009, p. 66.

⁽⁴⁾ Not yet published in the Official Journal.

- (10) Pursuant to Article 1 of Council Decision 2010/416/EU of 13 July 2010 in accordance with Article 140(2) of the Treaty on the adoption by Estonia of the euro on 1 January 2011⁽⁵⁾, Estonia fulfils the necessary conditions for adoption of the euro and the derogation granted to it under Article 4 of the 2003 Act of Accession⁽⁶⁾ will be abrogated with effect from 1 January 2011.
- (11) Given that Estonia will adopt the euro on 1 January 2011, Decision ECB/2001/15 of 6 December 2001 on the issue of euro banknotes⁽⁷⁾ needs to be amended in order to determine the banknote allocation key applying from 1 January 2011. Since Decision ECB/2001/15 has already been amended several times it should be recast in the interest of clarity,

HAS ADOPTED THIS DECISION:

Article I

Definitions

For the purposes of this Decision:

- (a) "NCB" means the national central bank of a Member State whose currency is the euro;
- (b) "euro banknotes" means those banknotes complying with the requirements of Decision ECB/2003/4 and with the technical specifications laid down by the Governing Council;
- (c) "subscribed capital key" means the NCBs' shares (expressed as percentages) in the ECB's subscribed capital that result from applying to the NCBs the weightings in the key referred to in Article 29.1 of the Statute of the ESCB and as applicable for the relevant financial year;
- (d) "banknote allocation key" means the percentages that result from taking into account the ECB's share in the total euro banknote issue and applying the subscribed capital key (rounded to the nearest multiple of 0,0005 of a percentage point) to the NCBs' share in this total. Where the resulting percentages do not total 100 %, the difference shall be compensated for: (i) if the total is below 100 %, by adding 0,0005 of a percentage point to the smallest shares in ascending order until exactly 100 % is reached; or (ii) if the total is above 100 %, by subtracting 0,0005 of a percentage point in descending order from the largest shares until exactly 100 % is reached. Annex I to this Decision specifies the banknote allocation key that shall apply from 1 January 2011.

⁽⁵⁾ OJ L 196, 28.7.2010, p. 24.

⁽⁶⁾ Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ L 236, 23.9.2003, p. 33).

⁽⁷⁾ OJ L 337, 20.12.2001, p. 52.

Article 2

Issue of euro banknotes

The ECB and the NCBs shall issue euro banknotes.

Article 3

Obligations of issuers

1. NCBs shall put into and withdraw from circulation euro banknotes, and perform any physical handling in relation to all euro banknotes, including those issued by the ECB.
2. NCBs shall accept all euro banknotes on the request of the holder for exchange against euro banknotes of the same value or, in the case of account holders, to be credited to accounts held at the recipient NCB.
3. NCBs shall treat all euro banknotes accepted by them as liabilities and process them in an identical manner.
4. NCBs shall not transfer euro banknotes accepted by them to other NCBs and shall keep such euro banknotes available for reissue. As an exception, and in accordance with any rules laid down by the ECB's Governing Council:
 - (a) mutilated, damaged, worn or withdrawn euro banknotes may be destroyed by the recipient NCB; and
 - (b) euro banknotes held by NCBs may, for logistical reasons, be redistributed in bulk within the Eurosystem.

Article 4

Allocation of euro banknotes within the Eurosystem

1. The total value of euro banknotes in circulation shall be allocated to the Eurosystem members by application of the banknote allocation key.
2. The difference between the value of euro banknotes allocated to each NCB in accordance with the banknote allocation key and the value of the euro banknotes that such NCB puts into circulation shall give rise to intra-Eurosystem balances. The ECB shall hold intra-Eurosystem claims on NCBs in proportion to their shares in the subscribed capital key, for a value equivalent to the value of euro banknotes that it issues.

Article 5

Repeal

Decision ECB/2001/15 is repealed. References to the repealed Decision shall be construed as references to this Decision.

Article 6

Entry into force

This Decision shall enter into force on 1 January 2011.

ANNEX I

BANKNOTE ALLOCATION KEY FROM 1 JANUARY 2011

| | |
|--|-------------------|
| European Central Bank | 8,0000 % |
| Nationale Bank van België/Banque Nationale de Belgique | 3,1895 % |
| Deutsche Bundesbank | 24,8995 % |
| Eesti Pank | 0,2355 % |
| Central Bank of Ireland | 1,4605 % |
| Bank of Greece | 2,5835 % |
| Banco de España | 10,9185 % |
| Banque de France | 18,6985 % |
| Banca d'Italia | 16,4310 % |
| Central Bank of Cyprus | 0,1800 % |
| Banque centrale du Luxembourg | 0,2295 % |
| Central Bank of Malta | 0,0830 % |
| De Nederlandsche Bank | 5,2440 % |
| Oesterreichische Nationalbank | 2,5530 % |
| Banco de Portugal | 2,3015 % |
| Banka Slovenije | 0,4325 % |
| Národná banka Slovenska | 0,9115 % |
| Suomen Pankki | 1,6485 % |
| TOTAL | 100,0000 % |

ANNEX II

REPEALED DECISION AND SUCCESSIVE AMENDMENTS

| | |
|----------------------|-----------------------------|
| Decision ECB/2001/15 | OJ L 337, 20.12.2001, p. 52 |
| Decision ECB/2003/23 | OJ L 9, 15.1.2004, p. 40 |
| Decision ECB/2004/9 | OJ L 205, 9.6.2004, p. 17 |
| Decision ECB/2006/25 | OJ L 24, 31.1.2007, p. 13 |
| Decision ECB/2007/19 | OJ L 1, 4.1.2008, p. 7 |
| Decision ECB/2008/26 | OJ L 21, 24.1.2009, p. 75 |

DECISION OF THE EUROPEAN CENTRAL BANK
of 21 June 2013
amending Decision ECB/2010/29 on the issue of euro banknotes

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(1) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 16 thereof,

Whereas:

- (1) In view of the accession of Croatia to the European Union and its national central bank (NCB), Hrvatska narodna banka, joining the European System of Central Banks on 1 July 2013, Decision ECB/2013/17 of 21 June 2013 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital⁽¹⁾ provides for the expansion of the key for subscription to the capital of the European Central Bank (hereinafter "capital key") and establishes, with effect from 1 July 2013, the new weightings assigned to each NCB in the expanded capital key (hereinafter the "capital key weightings").
- (2) Article 1(d) of Decision ECB/2010/29 of 13 December 2010 on the issue of euro banknotes⁽²⁾ defines the "banknote allocation key" and refers to Annex I to that Decision, which specifies the banknote allocation key applying since 1 January 2011. Given that new capital key weightings will apply from 1 July 2013, Decision ECB/2010/29 needs to be amended in order to determine the banknote allocation key applying from 1 July 2013,

HAS ADOPTED THIS DECISION:

⁽¹⁾ OJ L 187, 6.7.2013, p. 15.

⁽²⁾ OJ L 35, 9.2.2011, p. 26.

Article 1

Amendment

1. The final sentence of Article 1(d) of Decision ECB/2010/29 is replaced by the following:
"Annex I to this Decision specifies the banknote allocation key applying from 1 July 2013."
2. Annex I to Decision ECB/2010/29 is replaced by the text set out in the Annex to this Decision.

Article 2

Entry into force

This Decision shall enter into force on 1 July 2013.

ANNEX

BANKNOTE ALLOCATION KEY FROM 1 JULY 2013

| | |
|--|-------------------|
| European Central Bank | 8,0000 % |
| Nationale Bank van België/Banque Nationale de Belgique | 3,1975 % |
| Deutsche Bundesbank | 24,8130 % |
| Eesti Pank | 0,2355 % |
| Central Bank of Ireland | 1,4695 % |
| Bank of Greece | 2,5770 % |
| Banco de España | 10,916 % |
| Banque de France | 18,6945 % |
| Banca d'Italia | 16,4760 % |
| Central Bank of Cyprus | 0,1765 % |
| Banque centrale du Luxembourg | 0,2300 % |
| Central Bank of Malta | 0,0840 % |
| De Nederlandsche Bank | 5,2460 % |
| Oesterreichische Nationalbank | 2,5620 % |
| Banco de Portugal | 2,3325 % |
| Banka Slovenije | 0,4325 % |
| Národná banka Slovenska | 0,9100 % |
| Suomen Pankki | 1,6475 % |
| TOTAL | 100,0000 % |

DECISION OF THE EUROPEAN CENTRAL BANK
of 19 April 2013
on the denominations, specifications, reproduction, exchange and withdrawal of euro
banknotes

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(1) thereof,

Having regard to Article 16 of the Statute of the European System of Central Banks and of the European Central Bank,

Whereas:

- (1) The scope of Decision ECB/2003/4 of 20 March 2003 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes⁽¹⁾ needs to be extended to cover the future series of euro banknotes. To this end, a number of technical amendments to Decision ECB/2003/4 are required. In addition, in light of the experience in applying and interpreting Decision ECB/2003/4, it is necessary to further clarify and improve some of the rules and procedures. Therefore, to incorporate the abovementioned amendments, Decision ECB/2003/4 should be recast in the interests of clarity and transparency.
- (2) Article 128(1) of the Treaty and Article 16 of the Statute of the European System of Central Banks and of the European Central Bank provide that the European Central Bank (ECB) has the exclusive right to authorise the issue of euro banknotes within the Union. These provisions also provide that the ECB and the national central banks of the Member States whose currency is the euro (hereinafter "NCBs") may issue such notes. Pursuant to Article 10 of Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro⁽²⁾, the ECB and the NCBs shall put euro banknotes into circulation.
- (3) The European Monetary Institute (EMI) carried out the preparatory work for the production and issue of euro banknotes, and in particular with regard to the euro banknote designs, it facilitated the recognition and acceptance of the new euro

⁽¹⁾ OJ L 78, 25.3.2003, p. 16.

⁽²⁾ OJ L 139, 11.5.1998, p. 1.

banknote denominations and specifications by users by taking into account the specific visual and technical requirements of European associations of banknote users.

- (4) As successor to the EMI the ECB holds the copyright on the designs of the euro banknotes originally held by the EMI. The ECB and the NCBs, acting on behalf of the ECB, may enforce this copyright with regard to reproductions issued or distributed in breach of this copyright, such as, *inter alia*, reproductions which might adversely affect the standing of euro banknotes.
- (5) The ECB and the NCBs will, from time to time, introduce a new series of euro banknotes with enhanced security features, benefiting from advances in banknote technology since the first series was introduced.
- (6) The ECB's and the NCBs' right to issue euro banknotes includes the competence to take all necessary legal measures to protect the integrity of the euro banknotes as a means of payment. The ECB should take measures to provide for a minimum level of protection in all Member States whose currency is the euro in order to ensure that the general public can distinguish reproductions from euro banknotes, which are issued by the ECB and the NCBs and are not counterfeit notes under Article 2(a) of Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting⁽³⁾ (hereinafter "genuine euro banknotes"). It is therefore necessary to establish common rules according to which the reproduction of euro banknotes will be permitted.
- (7) This Decision should be without prejudice to the application of criminal law, in particular regarding counterfeiting.
- (8) Reproductions of euro banknotes in electronic form should only be regarded as lawful if the producer thereof adopts adequate technical measures to deter print-outs, where the general public might mistake the print-outs for genuine euro banknotes.
- (9) The competence to take measures to protect the integrity of genuine euro banknotes as a means of payment includes the competence to adopt a common regime under which the NCBs are prepared to exchange damaged genuine euro banknotes. Under this regime certain categories of euro banknotes are designated which should be withheld by NCBs when presented to them for exchange.
- (10) The part of the original euro banknote that needs to be presented in order to qualify for exchange is subject to minimum measurement requirements. These measurements should be expressed as a percentage of the surface area of the original euro banknote before it was damaged, in order to prevent the distortion of measurements, for instance in situations where the euro banknote is damaged due to shrinkage.
- (11) Regulation (EC) No 1338/2001 requires 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, to ensure

⁽³⁾ OJ L 181, 4.7.2001, p. 6.

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.

- (12) Given that damaging of genuine euro banknotes by anti-theft devices may occur in the context of a committed or attempted criminal offence, it should be ensured that in such cases banknotes can only be exchanged by the victim of such offence or attempted offence.
- (13) To encourage the proper handling of anti-theft devices by all institutions and economic agents referred to in Article 6(1) of Regulation (EC) No 1338/2001, it is appropriate for NCBs to charge the banknote handlers a fee to compensate for the analysis performed with regard to the exchange of genuine euro banknotes that have been damaged by anti-theft devices.
- (14) This fee should not be charged when the damage results from an attempted or actual robbery or theft, and, to avoid insignificant fees, should be charged only where a minimum number of damaged genuine euro banknotes is presented for exchange.
- (15) Genuine euro banknotes which have been damaged in bulk due to the activation of anti-theft devices should be presented for exchange, if required by NCBs, in sets consisting of a minimum number of euro banknotes.
- (16) To support endeavours to enhance the security of the cash cycle and to avoid penalising the use of anti-theft devices, it is appropriate to credit the institutions and economic agents, referred to in Article 6(1) of Regulation (EC) No 1338/2001, who present for exchange genuine euro banknotes accidentally damaged by anti-theft devices, on the day of receipt of such banknotes, in a manner similar to regular cash lodgements.
- (17) To support the European Union's prevention of the use of the financial system for money laundering and terrorist financing, it is appropriate for the Eurosystem to specify how to handle requests by any applicant to exchange damaged genuine euro banknotes with a value of at least EUR 7500. Such rules are without prejudice to any stricter identification and reporting requirements adopted by Member States in transposing Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing⁽⁴⁾.
- (18) The ECB's exclusive right to authorise the issue of euro banknotes within the Union includes the competence to withdraw euro banknotes and to establish a common regime under which the ECB and the NCBs can perform this withdrawal,

HAS ADOPTED THIS DECISION:

⁽⁴⁾ OJ L 309, 25.11.2005, p. 15.

Article I

Denominations and specifications

1. Euro banknotes shall include seven denominations of euro banknotes in the range of 5 euro to 500 euro, depicting the theme "Ages and styles of Europe", with the following basic specifications.

| Face value (EUR) | Dimensions (first series) | Dimensions (second series) | Dominant colour | Design |
|------------------|---------------------------|----------------------------|-----------------|----------------------------------|
| 5 | 120 × 62 mm | 120 × 62 mm | Grey | Classical |
| 10 | 127 × 67 mm | 127 × 67 mm | Red | Romanesque |
| 20 | 133 × 72 mm | 133 × 72 mm | Blue | Gothic |
| 50 | 140 × 77 mm | 140 × 77 mm | Orange | Renaissance |
| 100 | 147 × 82 mm | To be decided | Green | Baroque and rococo |
| 200 | 153 × 82 mm | To be decided | Yellow-brown | Iron and glass architecture |
| 500 | 160 × 82 mm | To be decided | Purple | Modern 20th century architecture |

2. The seven denominations in the euro banknote series shall bear the representation of gateways and windows on the front side (recto) and bridges on the reverse side (verso). All seven denominations shall be typical of the different European artistic periods referred to above. Other elements of the designs shall include:

- (a) the symbol of the European Union;
- (b) the name of the currency in the Roman and Greek alphabets and, additionally, for the second series of euro banknotes, the name of the currency in the Cyrillic alphabet;
- (c) the initials of the ECB in the European Union's official language variants; for the first series of euro banknotes, the initials of the ECB shall be limited to the following five official language variants: BCE, ECB, EZB, EKT and EKP and, additionally, for the second series of euro banknotes, the initials of the ECB shall be limited to the

following nine official language variants: BCE, ECB, ЕЦБ, EZB, EKP, EKT, EKB, BČE and EBC;

- (d) the © symbol which indicates that the copyright belongs to the ECB; and
- (e) the signature of the President of the ECB.

Article 2

Reproduction rules for euro banknotes

1. "Reproduction" shall mean any tangible or intangible image that uses all or part of a euro banknote as specified in Article 1, or parts of its individual design elements such as, inter alia, colour, dimensions and use of letters or symbols, which image may resemble or give the general impression of a genuine euro banknote, irrespective of:

- (a) the size of the image; or
 - (b) the material(s) or technique(s) used to produce it; or
 - (c) whether or not elements of the design of the euro banknote, such as the letters or symbols, have been altered or added to.
2. Reproductions which the general public might mistake for genuine euro banknotes shall be deemed unlawful.
3. Reproductions complying with the following criteria shall be deemed lawful, since there is no risk that the general public might mistake them for genuine euro banknotes:

- (a) one-sided reproductions of a euro banknote as specified in Article 1, provided that the size of the reproduction is equal to or greater than 125 % of both the length and width, or equal to or less than 75 % of both the length and the width of the respective euro banknote as specified in Article 1; or
- (b) two-sided reproductions of a euro banknote as specified in Article 1, provided that the size of the reproduction is equal to or greater than 200 % of both the length and width or equal to or less than 50 % of both the length and width of the respective euro banknote as specified in Article 1; or
- (c) reproductions of individual design elements of a euro banknote as specified in Article 1, provided that such a design element is not depicted on a background resembling a banknote; or
- (d) one-sided reproductions depicting a part of the front side or reverse side of a euro banknote, provided that such a part is smaller than one third of the original front side or reverse side of the euro banknote as specified in Article 1; or

- (e) reproductions made of a material clearly different from paper, which looks distinctly different from the material used for banknotes; or
- (f) intangible reproductions made available electronically on websites, by wire or wireless means or by any other means that allow members of the public to access these intangible reproductions from a place and at a time individually chosen by them, provided that:
 - the word SPECIMEN (sample) is incorporated diagonally across the reproduction in Arial font or a font similar to Arial font, and
 - the resolution of the electronic reproduction in its 100 % size does not exceed 72 dots per inch (dpi).

4. In the event of reproductions under paragraph 3(f),

- the length of the word SPECIMEN shall be at least 75 % of the length of the reproduction, and
- the height of the word SPECIMEN shall be at least 15 % of the width of the reproduction, and
- the word SPECIMEN shall be displayed in a non-transparent (opaque) colour contrasting with the dominant colour of the respective euro banknote as specified in Article 1.

5. The ECB and the NCBs shall, upon receiving a written request, provide confirmation that reproductions not complying with the criteria of paragraph 3, in so far as they cannot be mistaken by the general public for a genuine euro banknote as specified in Article 1, are also lawful. Where a reproduction is produced in the territory of only one Member State whose currency is the euro, requests as referred to above shall be addressed to the NCB of that Member State. In all other cases, such requests shall be addressed to the ECB.

6. Reproduction rules for euro banknotes also apply to euro banknotes that have been withdrawn or have lost their legal tender status under this Decision.

Article 3

Exchange of damaged genuine euro banknotes

1. NCBs shall, upon request, under the conditions laid down in paragraph 2 and in the relevant decision of the Governing Council referred to in Article 6, exchange damaged genuine euro banknotes where:

- (a) more than 50 % of the euro banknote is presented; or

- (b) 50 % or less of the euro banknote is presented, if the applicant proves that the missing parts have been destroyed.
2. Further to paragraph 1, the following additional conditions apply to the exchange of damaged genuine euro banknotes:
- (a) where doubt exists as to the applicant's legal title to the euro banknotes: identification shall be provided by the applicant, as well as proof that the applicant is the owner or otherwise authorised applicant;
 - (b) where doubt exists as to the authenticity of the euro banknotes: identification shall be provided by the applicant;
 - (c) where ink-stained, contaminated or impregnated genuine euro banknotes are presented: a written explanation as to the kind of stain, contamination or impregnation shall be provided by the applicant;
 - (d) where the genuine euro banknotes have been damaged by anti-theft devices: a written statement on the cause of neutralisation shall be provided by the applicant;
 - (e) where the genuine euro banknotes have been damaged by anti-theft devices in connection with an attempted or actual robbery, theft, or other criminal activity: the banknotes shall be exchanged only at the request of the owner or otherwise authorised applicant who is the victim of the attempted or actual criminal activity leading to the damage to the banknotes;
 - (f) where the genuine euro banknotes have been damaged by anti-theft devices and they are presented by institutions and economic agents referred to in Article 6(1) of Regulation (EC) No 1338/2001: a written statement on the cause of neutralisation, the reference and characteristics of the anti-theft device, details of the party presenting the damaged banknotes and the date of presentation thereof shall be provided by those institutions and economic agents;
 - (g) where the genuine euro banknotes have been damaged in bulk due to the activation of anti-theft devices: to the extent possible and if required by NCBs, they shall be presented in sets of 100 euro banknotes, provided that the amount of euro banknotes presented is sufficient to form such sets;
 - (h) where institutions and economic agents referred to in Article 6(1) of Regulation (EC) No 1338/2001 present for exchange, in one or more transactions, damaged genuine euro banknotes with a value of at least EUR 7500: documentation on the origin of the banknotes and identification of the customer or, where applicable, of the beneficial owner as defined in Directive 2005/60/EC, shall be provided by those institutions and economic agents. This obligation shall also apply in the event of doubt regarding whether the threshold value of EUR 7500 is reached. The rules laid down in this paragraph shall be without prejudice to any stricter identification and reporting requirements adopted by Member States in transposing Directive 2005/60/EC.

3. Notwithstanding the above:

- (a) where NCBs know or have sufficient reason to believe that the genuine euro banknotes have been intentionally damaged, they shall refuse to exchange and shall withhold the euro banknotes, in order to avoid the return of such euro banknotes into circulation or to prevent the applicant from presenting them to another NCB for exchange. However, they will exchange the damaged genuine euro banknotes if they either know or have sufficient reason to believe that applicants are bona fide, or if applicants can prove that they are bona fide. Euro banknotes which are damaged to a minor degree, e.g. by having annotations, numbers or brief sentences placed on them, will in principle not be considered to be intentionally damaged euro banknotes; and
- (b) where NCBs know or have sufficient reason to believe that a criminal offence has been committed they shall refuse to exchange the damaged genuine euro banknotes and shall withhold them, against acknowledgement of receipt, as evidence to be presented to the competent authorities to initiate or to support an ongoing criminal investigation. Unless otherwise decided by the competent authorities, the genuine euro banknotes shall at the end of the investigation qualify for exchange under the conditions laid down in paragraphs 1 and 2;
- (c) where NCBs know or have sufficient reason to believe that the damaged genuine euro banknotes are contaminated such that they pose a risk to health and safety, they shall exchange the damaged genuine euro banknotes, if the applicant can provide a health and safety assessment by the competent authorities.

Article 4

Establishment of a fee for the exchange of genuine euro banknotes damaged by anti-theft devices

- 1. NCBs shall charge institutions and economic agents referred to in Article 6(1) of Regulation (EC) No 1338/2001 a fee when they request NCBs, in accordance with Article 3, to exchange genuine euro banknotes that have been damaged by anti-theft devices.
- 2. The fee shall amount to 10 euro cent per damaged euro banknote.
- 3. The fee shall only be charged if at least 100 damaged euro banknotes are exchanged. The fee shall be charged for all exchanged euro banknotes.
- 4. No fee shall be charged where euro banknotes have been damaged in connection with an attempted or actual robbery, theft or other criminal activity.

Article 5

Crediting of value of genuine euro banknotes accidentally damaged by anti-theft devices and presented for exchange

1. NCBs shall credit the institutions and economic agents referred to in Article 6(1) of Regulation (EC) No 1338/2001 which hold an account at the relevant NCB the value of genuine euro banknotes that have been accidentally damaged by anti-theft devices on the day of receipt of those banknotes, provided that:
 - (a) the euro banknotes have not been damaged in connection with an actual robbery, theft or other criminal activity;
 - (b) the NCB can immediately verify that the requested amount corresponds at least roughly to the value of the banknotes presented; and
 - (c) all other information required by the NCB is submitted.
2. Any difference revealed after processing between the value of the accidentally damaged genuine euro banknotes presented for exchange and the amount credited prior to processing shall be debited or credited, as the case may be, to the presenting institution or economic agent.
3. The fees mentioned in Article 4 will be calculated on the basis of the effective number of the accidentally damaged genuine euro banknotes processed by the NCB.

Article 6

Withdrawal of euro banknotes

The withdrawal of a euro banknote type or series shall be regulated by a decision of the Governing Council published for general information in the Official Journal of the European Union and other media. This decision shall cover, as a minimum, the following points:

- the euro banknote type or series to be withdrawn from circulation, and
- the duration of the exchange period, and
- the date on which the euro banknote type or series will lose its legal tender status, and
- the treatment of the euro banknotes presented once the withdrawal period is over and/or they have lost their legal tender status.

Article 7

Entry into force and repeal

1. Decision ECB/2003/4 is hereby repealed.

2. References to Decision ECB/2003/4 shall be construed as references to this Decision.
3. This Decision shall enter into force on the day following its publication in the Official Journal of the European Union.

ANNEX
CORRELATION TABLE

| | |
|---------------------|---------------|
| Decision ECB/2003/4 | This Decision |
| Article 1 | Article 1 |
| Article 2 | Article 2 |
| Article 3 | Article 3 |
| Article 4 | Article 4 |
| Article 5 | Article 6 |
| Article 6 | Article 7 |

3.2. GENERAL RULES ON EURO COINS

COUNCIL REGULATION (EU) NO 729/2014

of 24 June 2014

on denominations and technical specifications of euro coins intended for circulation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the European Central Bank,

Whereas:

- (1) Council Regulation (EC) No 975/98 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation (¹) has been substantially amended several times (²). Since further amendments are to be made, it should be recast in the interests of clarity.
- (2) According to Article 128(2) of the Treaty, Member States may issue euro coins subject to approval by the European Central Bank (ECB) of the volume of the issue. The Council, on a proposal from the Commission and after consulting the European Parliament and the ECB, may adopt measures to harmonise the denominations and technical specifications of all coins intended for circulation to the extent necessary to permit their smooth circulation within the Union.
- (3) Euro banknotes range from 5 to 500 euro. The denominations of banknotes and coins need to allow for cash payments of amounts expressed in euro and cent to be facilitated.

¹) OJ L 139, 11.5.1998, p. 6.

²) See Annex II.

- (4) The single coinage system of the Union should encourage public confidence and entail technological innovations which ensure that it is a secure, reliable and efficient system.
- (5) The acceptance of the system by the public is one of the main objectives of the coinage system of the Union. Public confidence in the system depends on the physical characteristics of the euro coins, which should be as user-friendly as possible.
- (6) Consultations with consumer associations, the European Blind Union and representatives of the vending machines industry were carried out to take into account the specific requirements of important categories of coin users. In order to ensure a smooth changeover to the euro and to facilitate acceptance of the coinage system by users, easy distinction between coins through visual and tactile characteristics needed to be guaranteed.
- (7) The euro coins are more readily distinguishable and easier to become accustomed to because of the link between their diameter and face value.
- (8) Certain special security features are needed in order to reduce the scope for fraud for the 1 and 2 euro coins given their high value. Coins made in three layers and the combination of two different colours in a coin are considered to be the most efficient security features available.
- (9) European Parliament and Council Directive 94/27/EC⁽³⁾ limits the use of nickel in certain products in recognition that nickel could cause allergies under certain conditions. Coins are not covered by that Directive. It seems desirable to reduce the nickel content of coins for reasons of public health.
- (10) Giving the coins one common European and a distinctive national side is an appropriate expression of the idea of the European monetary union between Member States. The common European sides of euro coins bear both the name of the single currency and the denomination of the coin. The national side should neither repeat the name of the single currency nor the denomination of the coin.
- (11) A clear indication of the name of the issuing Member State should be put on the national side of the coin, in order to allow interested coin users to easily identify the issuing Member State.
- (12) The edge lettering of euro coins should be considered part of the national side and should therefore not repeat any indication of the denomination, except for the 2-euro coin, and provided that only the figure '2' or the term 'euro' in the relevant alphabet, or both, are used.
- (13) The designs on the national side of euro coins are decided upon by each Member State whose currency is the euro, and should take into account the fact that euro coins

⁽³⁾ European Parliament and Council Directive 94/27/EC of 30 June 1994 amending for the 12th time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations ([OJ L 188, 22.7.1994, p. 1](#)).

circulate in the whole euro area and not only in the issuing Member State. In order to ensure that coins are immediately recognisable as euro coins also from their national side, the design should be fully surrounded by the 12 stars of the Union flag.

- (14) In order to facilitate the recognition of circulation coins, and to ensure appropriate continuity in the minting, Member States should only be allowed to modify the designs used for the national sides of regular circulation coins once every 15 years, except if the Head of State referred to on a coin changes. This should, however, be without prejudice to changes necessary to prevent counterfeiting of the currency. Changes to the design of the common European side of circulation coins should be decided by the Council and voting rights should be restricted to Member States whose currency is the euro.
- (15) Individual Member States should be allowed to issue commemorative coins to celebrate subjects of major national or European relevance, whereas commemorative coins issued collectively by all Member States whose currency is the euro should be reserved for subjects of the highest European relevance. The 2-euro coin constitutes the most suitable denomination for this purpose, principally on account of the large diameter of the coin and its technical characteristics, which offer adequate protection against counterfeiting.
- (16) Taking into account that euro coins circulate in the whole euro area, to avoid the use of inappropriate designs, issuing Member States should inform each other and the Commission about draft designs for the national side of euro coins in advance of the planned issue date. The Commission should verify the compliance of the designs with the technical requirements of this Regulation. Submission of draft designs to the Commission should be made sufficiently in advance of the planned issue date for issuing Member States to modify the design if necessary.
- (17) Furthermore, uniform conditions for the approval of the designs of the national sides of euro coins should be laid down to avoid the choice of designs which could be considered as inappropriate in some Member States. In view of the fact that the competence for an issue as sensitive as the design of the national sides of the euro coins belongs to the issuing Member States, implementing powers should be conferred on the Council. Any implementing decisions taken on this basis by the Council would be closely connected to the acts adopted by the Council on the basis of Article 128(2) of the Treaty. Therefore, the suspension of the voting rights of the members of the Council representing Member States whose currency is not the euro for the adoption by the Council of those decisions should apply as set out in Article 139(4) of the Treaty. The procedure should allow the issuing Member States to modify the design in due time if so required,

HAS ADOPTED THIS REGULATION:

Article I

The series of euro coins shall include eight denominations in the range from 1 cent to 2 euro which shall meet the technical specifications set out in Annex I.

Article 2

For the purposes of this Regulation, the following definitions shall apply:

- (1) ‘circulation coins’ means euro coins intended for circulation, the denominations and technical specifications of which are referred to in Article 1;
- (2) ‘regular coins’ means circulation coins excluding commemorative coins;
- (3) ‘commemorative coins’ means circulation coins which are intended to commemorate a specific subject as specified in Article 9.

Article 3

Circulation coins shall have a common European side and a distinctive national side.

Article 4

1. The national side of circulation coins shall not repeat any indication of the denomination, or any parts thereof, of the coin. It shall not repeat the name of the single currency or of its subdivision, unless such indication stems from the use of a different alphabet.
2. By way of derogation from paragraph 1, the edge lettering of the 2-euro coin may include an indication of the denomination, provided that only the figure ‘2’ or the term ‘euro’ in the relevant alphabet, or both, are used.

Article 5

The national side of all denominations of circulation coins shall bear an indication of the issuing Member State by means of the Member State's name, or an abbreviation of it.

Article 6

1. The national side of circulation coins shall bear a circle of 12 stars that shall fully surround the national design, including the year mark and the indication of the issuing Member State's name. This shall not prevent some design elements from extending into the circle of stars, provided that the stars are all clearly and fully visible. The 12 stars shall be depicted as on the Union flag.
2. The designs for the national side of circulation coins shall be chosen taking into account that euro coins circulate in all Member States whose currency is the euro.

Article 7

1. Changes to the designs used for the national sides of regular coins may only be made once every 15 years, without prejudice to changes necessary to prevent counterfeiting of the currency.

2. Without prejudice to paragraph 1, changes to the designs used for the national sides of regular coins may be made where the Head of State referred to on a coin changes. However, a temporary vacancy or the provisional occupation of the function of the Head of State shall not give any additional right to such a change.

Article 8

Issuing Member States shall update their national sides of regular coins in order to fully comply with this Regulation by 20 June 2062.

Article 9

1. Commemorative coins shall bear a different national design from that of the regular coins and shall only commemorate subjects of major national or European relevance. Commemorative coins issued collectively by all Member States whose currency is the euro shall only commemorate subjects of the highest European relevance and their design shall be without prejudice to the possible constitutional requirements of those Member States.
2. The edge lettering on commemorative coins shall be the same as on regular coins.
3. Commemorative coins may only have a face value of 2 euro.

Article 10

1. Member States shall inform each other of the draft designs of new national sides of circulation coins, including the edge lettering, and, for commemorative coins, of the estimated volume of issuance, before the formal approval of those designs.
2. The power to approve designs for new or modified national sides of circulation coins shall be conferred on the Council acting by qualified majority in accordance with the procedure set out in paragraphs 3 to 7.

When taking the decisions referred to in this Article, the voting rights of the Member States whose currency is not the euro shall be suspended.

3. For the purpose of paragraph 1, draft designs of circulation coins shall be submitted by the issuing Member State to the Council, to the Commission and to the other Member States whose currency is the euro, in principle at least three months before the planned issue date.
4. Within seven days following the submission referred to in paragraph 3, any Member State whose currency is the euro may, in a reasoned opinion addressed to the Council and to the Commission, raise an objection to the draft design proposed by the issuing Member State if that draft design is likely to create adverse reactions among its citizens.
5. Where the Commission considers that the draft design does not respect the technical requirements set out by this Regulation, it shall, within seven days following the submission referred to in paragraph 3, submit a negative assessment to the Council.

6. If no reasoned opinion or negative assessment has been submitted to the Council within the time limit referred to in paragraphs 4 and 5 respectively, the decision approving the design shall be deemed to be adopted by the Council on the day following the expiry of the time limit referred to in paragraph 5.

7. In all other cases, the Council shall decide without delay on the approval of the draft design, unless, within seven days following the submission of a reasoned opinion or of a negative assessment, the issuing Member State withdraws its submission and informs the Council of its intention to submit a new draft design.

8. All relevant information on new national circulation coin designs shall be published by the Commission in the *Official Journal of the European Union*.

Article 11

Articles 4, 5 and 6 and Article 9(2):

- (a) shall not apply to circulation coins which have been issued or produced prior to 19 June 2012;
- (b) shall, during a transitional period ending on 20 June 2062, not apply to the designs that were already legally in use on circulation coins on 19 June 2012.

Circulation coins that have been issued or produced during the transitional period may remain legal tender without limit in time.

Article 12

Regulation (EC) No 975/98 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

Article 13

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States, in accordance with the Treaties.

ANNEX I

TECHNICAL SPECIFICATIONS REFERRED TO IN ARTICLE 1

| Face value (euro) | Diameter in mm | Thickness in mm | Weight in gr | Shape | Colour | Composition | Edge |
|-------------------|----------------|-----------------|--------------|------------------------|-----------------------|---|--------------------------------|
| 2 | 25,75 | 2,20 | 8,5 | Round | External part: white | Copper-nickel (Cu75Ni25) | Edge lettering Fine milled |
| | | | | | Internal part: yellow | Three-layers: nickel-brass/nickel/nickel-brass CuZn20Ni5/Ni12/CuZn20Ni5 | |
| 1 | 23,25 | 2,33 | 7,5 | Round | External part: yellow | Nickel-brass (CuZn20Ni5) | Interrupted milled |
| | | | | | Internal part: white | Three-layers: Cu75Ni25/Ni7/Cu75Ni25 | |
| 0,50 | 24,25 | 2,38 | 7,8 | Round | Yellow | Nordic Gold Cu89Al5Zn5Sn1 | shaped edge with fine scallops |
| 0,20 | 22,25 | 2,14 | 5,7 | 'Spanish flower' shape | Yellow | Nordic Gold Cu89Al5Zn5Sn1 | Plain |
| 0,10 | 19,75 | 1,93 | 4,1 | Round | Yellow | Nordic Gold Cu89Al5Zn5Sn1 | shaped edge with fine scallops |
| 0,05 | 21,25 | 1,67 | 3,9 | Round | Red | Copper-covered steel | Smooth |
| 0,02 | 18,75 | 1,67 | 3 | Round | Red | Copper-covered steel | Smooth with a groove |
| 0,01 | 16,25 | 1,67 | 2,3 | Round | Red | Copper-covered steel | Smooth |

ANNEX II**REPEALED REGULATION WITH THE LIST OF ITS SUCCESSIVE AMENDMENTS**

| | |
|-------------------------------------|------------------------------|
| Council Regulation (EC) No 975/98 | (OJ L 139, 11.5.1998, p. 6). |
| Council Regulation (EC) No 423/1999 | (OJ L 52, 27.2.1999, p. 2). |
| Council Regulation (EU) No 566/2012 | (OJ L 169, 29.6.2012, p. 8). |

ANNEX III
CORRELATION TABLE

| | |
|---|------------------------------|
| Regulation (EC) No 975/98 | This Regulation |
| Article 1, introductory wording | Article 1 |
| Article 1a | Article 2 |
| Article 1b | Article 3 |
| Article 1c | Article 4 |
| Article 1d | Article 5 |
| Article 1e | Article 6 |
| Article 1f | Article 7 |
| Article 1g | Article 8 |
| Article 1h | Article 9 |
| Article 1i | Article 10 |
| Article 1j, introductory wording, point (a) and first sentence of point (b) | Article 11, first paragraph |
| Article 1j, second sentence of point (b) | Article 11, second paragraph |
| — | Article 12 |
| Article 2 | Article 13 |
| Article 1, table | Annex I |
| — | Annex II |
| — | Annex III |

**COMMUNICATION FROM THE COMMISSION
on copyright protection of the common face design of the euro coins**

Introduction

Under Council Regulation (EC) No 974/98 on the introduction of the euro⁽¹⁾, coins denominated in euro will be introduced as from 1 January 2002.

The denominations and technical specifications of the first series of euro coins were defined in a Council Regulation adopted on 3 May 1998 (Regulation (EC) No 975/98)⁽²⁾. Following this, a proposal to slightly modify that Regulation, for reasons of new developments, was adopted by the Commission on 29 July 1998. The first series of euro coins will include eight denominations: 1, 2, 5, 10, 20, 50 cent and 1 and 2 euro.

In spring 1996 Member States decided that the euro coins will have a common face and a national face and gave a mandate to the Commission to organise a competition at European level to select the design for the common face of the euro coins. The winning designs of the European coin design competition were selected by the Heads of States and Government in June 1997.

As provided in the competition's terms of reference, the copyrights on the winning designs were assigned to the Commission by the artist.

By this Communication the Commission intends to set out the arrangements which have been put in place for the enforcement of the copyrights and the applicable reproduction regime.

1. Holder of the copyright

The copyright on the design of the common face of the euro coins belongs to the European Community represented by the Commission. The European Commission has assigned to each of the Member States adopting the euro all the Community rights as regards the territory of such Member State. The Commission will assign the copyright to the other Member States once they adopt the euro.

2. Reproduction regime

The following common reproduction regime will be applied by the Commission and by the participating Member States as regards their territory.

⁽¹⁾ OJ L 139, 11.05.1998.

⁽²⁾ OJ L 139, 11.05.1998.

Reproduction of all or part of the common face design of the euro coins is authorised without recourse to a specific procedure in the following cases:

- for photographs, drawings, paintings, films, images, and generally reproductions in flat format (without relief) provided they are in faithful likeness and are used in ways which do not damage or detract from the image of the euro.
- for reproduction with relief on objects other than coins, medals and tokens or any other objects which might be confused with coins.
- for reproduction on tokens made in soft materials or made in plastic provided the size is at least 50% greater or smaller than the real coins.

Reproduction on medals and tokens made in metal or on any other object made in metal which might be confused with coins is not authorised.

Any other reproduction of all or part of the common face design of the euro coins has to be expressly authorised by the European Commission in the case of non-participating Member States, and by the designated authority of the Member State to which the copyright has been assigned in the case of participating Member States. (The list of designated authorities for the participating Member States is attached as Annex I)

The requests for authorisation addressed to the European Commission should be sent to the Directorate-General for Economic and Financial Affairs.

3. Enforcement

Enforcement of the copyright will be ensured by the participating Member States within their territory according to their national legislation and in compliance with the reproduction regime set out above. The Commission intends to enforce the copyright in the non-participating Member States and third countries according to the relevant national legislation.

If the Commission or the national entities to which the copyrights have been assigned, become aware of an unauthorised reproduction having occurred on the relevant territory, they will take immediate action to ensure that such reproduction ceases or is withdrawn. The Commission or the Member States (in the case of participating Member States) may decide to bring civil or criminal proceeding against the person responsible for the reproduction according to the corresponding national legislation.

The Commission intends to enforce the copyrights in coordination with the Member States. For that purpose Member States are invited to inform the Commission of any action they take to enforce the copyrights and on the implementation of the reproduction rules.

4. Review of present arrangements

By the time of the introduction of the euro coins on 1 January 2002, the Commission intends to review the implementation of the rules described above. The present arrangements might be adapted in the future in the light of the experience gained.

ANNEX I

LIST OF DESIGNATED AUTHORITIES AS MENTIONED IN PARAGRAPH 2 OF THE COMMUNICATION

| | |
|--------------|---|
| BELGIUM: | Ministère des Finances - Administration de la Trésorerie (Ministry of Finance - Treasury Administration) |
| GERMANY: | Bundesministerium der Finanzen (Federal Ministry of Finance) |
| GREECE: | Υπουργείο Οικονομίας και Οικονομικών — Γενικό Λογιστήριο του Κράτους — δ25 Διεύθυνση Κινησης Κεφαλαίων, Εγγυήσεων Δάνειων και Αξιών (Ministry of Finance - State Accounts Department) |
| SPAIN: | Dirección General del Tesoro y Política Financiera (Directorate-General of the Treasury and Financial Policy) |
| FRANCE: | Direction des Monnaies et médailles - Ministère de l'Economie des Finances et de l'Industrie de la République Française (Mint and Medals Directorate - Ministry of Economic and Financial Affairs and Industry) |
| IRELAND: | Minister for Finance |
| ITALY: | Ministero dell'Economia e delle Finanze (Ministry of Economic and Financial Affairs) |
| LUXEMBOURG: | Ministère des Finances - Service de la Trésorerie (Ministry of Finance - Treasury Department) |
| NETHERLANDS: | Ministerie van Financiën - Direktie Binnenlands Geldwezen (Ministry of Finance - Domestic Monetary and Financial Affairs Directorate) |
| AUSTRIA: | Münze Österreich AG (Austrian Mint) |
| PORTUGAL: | Imprensa Nacional - Casa da Moeda (National Printing Office - Mint) |
| FINLAND: | Valtiovarainministeriö (Ministry of Finance). |

**REGULATION (EU) NO 651/2012 OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL**

of 4 July 2012

on the issuance of euro coins

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 133 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the Opinion of the European Central Bank⁽¹⁾,

Acting in accordance with the ordinary legislative procedure⁽²⁾,

Whereas:

- (1) The Council conclusions of 23 November 1998 and of 5 November 2002 on euro coins intended for collection, the Commission Recommendation 2009/23/EC of 19 December 2008 on common guidelines for the national sides and the issuance of euro coins intended for circulation⁽³⁾, endorsed by Council conclusions of 10 February 2009, and the Commission Recommendation 2010/191/EU of 22 March 2010 on the scope and effects of legal tender of euro banknotes and coins⁽⁴⁾, recommend practices regarding the issuance of euro coins intended for circulation, including commemorative euro coins, consultation prior to the destruction of fit euro circulation coins and the use of euro collector coins.
- (2) The lack of mandatory provisions for the issuance of euro coins may result in different practices among Member States and does not achieve a sufficiently integrated framework for the single currency. In the interests of transparency and legal certainty, it is therefore necessary to introduce binding rules for the issuance of euro coins.

⁽¹⁾ OJ C 273, 16.9.2011, p. 2.

⁽²⁾ Position of the European Parliament of 22 May 2012 (not yet published in the Official Journal) and decision of the Council of 26 June 2012.

⁽³⁾ OJ L 9, 14.1.2009, p. 52.

⁽⁴⁾ OJ L 83, 30.3.2010, p. 70.

- (3) In accordance with Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro⁽⁵⁾, coins denominated in euro and cent and complying with the denominations and technical specifications laid down by the Council have the status of legal tender in all Member States whose currency is the euro. Denominations and technical specifications of euro coins are laid down in Council Regulation (EC) No 975/98 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation⁽⁶⁾.
- (4) Member States whose currency is the euro should also be able to issue 2-euro commemorative coins to celebrate specific subjects, subject to limits set per year and per issuing Member State for the number of issues of such coins. It is necessary to establish certain volume limits for commemorative euro coins in order to ensure that such coins remain a minor percentage of the total number of the 2-euro coins in circulation. Such volume limits should, however, allow for the issuance of a sufficient volume of coins to ensure that commemorative euro coins can circulate effectively.
- (5) Member States whose currency is the euro should also be able to issue euro collector coins, which are not intended for circulation and which should be readily distinguishable from circulation coins. Euro collector coins should have the status of legal tender only in the Member State of issuance and should not be issued with a view to their entry into circulation.
- (6) It is appropriate that issuances of euro collector coins are accounted for in the volume of coins to be approved by the European Central Bank, but on an aggregate basis rather than for each individual issue.
- (7) The use of different denominations of euro coins and euro banknotes, as currently devised, should be periodically and carefully examined by the competent institutions against the criteria of cost and public acceptability. In particular, the Commission should conduct an impact assessment on the continued issuance of 1- and 2-cent coins.
- (8) In order to avoid that fit euro circulation coins are destroyed by one Member State while there may be a need of such coins in another, Member States should consult each other prior to the destruction of such coins,

HAVE ADOPTED THIS REGULATION:

Article I

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) "circulation coins" means euro coins intended for circulation, the denominations and technical specifications of which are laid down in Regulation (EC) No 975/98;

⁽⁵⁾ OJ L 139, 11.5.1998, p. 1.

⁽⁶⁾ OJ L 139, 11.5.1998, p. 6.

(2) "commemorative coins" means circulation coins, which are intended to commemorate a specific subject as specified in Article 1h of Regulation (EC) No 975/98;

(3) "collector coins" means euro coins intended for collection that are not issued with a view to their entry into circulation.

Article 2

Types of euro coin

1. Member States may issue two types of euro coin: circulation coins and collector coins.

2. The Commission shall conduct an impact assessment on the continued issuance of 1- and 2-cent coins. That impact assessment shall include a cost-benefit analysis which takes into account the real production costs of those coins set against their value and benefits.

Article 3

Issuance of circulation coins

1. Circulation coins shall be issued and put into circulation at face value.

2. A minor proportion, not exceeding 5 % of the cumulated total net value and volume of circulation coins issued by a Member State, taking into account only years with positive net issuance, may be put on the market above face value if justified by the special quality of the coin, a special packaging or any additional services provided.

Article 4

Issuance of commemorative coins

1. Each Member State whose currency is the euro may only issue two commemorative coins per year, save where:

- (a) commemorative coins are collectively issued by all Member States whose currency is the euro; or
- (b) a commemorative coin is issued on the occasion of a temporary vacancy or a provisional occupation of the function of Head of State.

2. The total number of commemorative coins put into circulation for each individual issue shall not exceed the higher of the following two ceilings:

- (a) 0,1 % of the cumulated total net number of 2-euro coins put into circulation by all Member States whose currency is the euro up to the beginning of the year preceding the year of issuance of the commemorative coin; this ceiling may be raised to 2,0 % of the cumulated total net number of 2-euro coins of all Member States whose currency is the euro if a widely recognised and highly symbolic subject is commemorated, in which case the issuing Member State shall refrain from launching another

commemorative coin issue using the raised ceiling during the subsequent four years and shall set out the reasons for choosing the raised ceiling; or

- (b) 5,0 % of the cumulated total net number of 2-euro coins put into circulation by the Member State concerned up to the beginning of the year preceding the year of issuance of the commemorative coin.
- 3. The decision whether to issue commemorative coins with a common design collectively issued by all Member States whose currency is the euro shall be taken by the Council. The voting rights of the Member States whose currency is not the euro shall be suspended for the adoption of that decision.

Article 5

Issuance of collector coins

- 1. Collector coins shall have the status of legal tender only in the issuing Member State.

The identity of the issuing Member State shall be clearly and easily recognisable on the coin.

- 2. In order to be easily differentiated from circulation coins, collector coins shall meet all of the following criteria:

- (a) their face value must be different from the face values of circulation coins;
 - (b) their images must not be similar to the common sides of circulation coins, and if their images are similar to any national side of circulation coins, their overall appearance can still be easily differentiated;
 - (c) their colour, diameter and weight must differ significantly from circulation coins for at least two of these three characteristics; the difference shall be regarded as significant if the values including tolerances are outside the tolerance ranges fixed for circulation coins; and
 - (d) they must not have a shaped edge with fine scallops or a "Spanish flower" shape.
- 3. Collector coins may be put on the market at or above face value.
 - 4. The issuances of collector coins shall be accounted for on an aggregated basis in the volume of coin issuance to be approved by the European Central Bank.
 - 5. Member States shall take all appropriate measures to discourage the use of collector coins as a means of payment.

*Article 6***Consultation prior to the destruction of circulation coins**

Prior to the destruction of circulation coins which are not euro coins unfit for circulation within the meaning of point (b) of Article 2 of Regulation (EU) No 1210/2010 of the European Parliament and of the Council of 15 December 2010 concerning authentication of euro coins and handling of euro coins unfit for circulation⁽⁷⁾, Member States shall consult each other via the relevant subcommittee of the Economic and Financial Committee and inform the mint directors of the Member States whose currency is the euro.

*Article 7***Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

⁽⁷⁾ OJ L 339, 22.12.2010, p. 1.

**DECISION OF THE EUROPEAN CENTRAL BANK
of 6 December 2013
on the approval of the volume of coin issuance in 2014**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(2) and Article 140(2) thereof,

Having regard to Council Decision 2013/387/EU of 9 July 2013 on the adoption by Latvia of the euro on 1 January 2014⁽¹⁾, and in particular Article 1 thereof,

Whereas:

- (1) The European Central Bank (ECB) has the exclusive right from 1 January 1999 to approve the volume of coins issued by the Member States whose currency is the euro.
- (2) The derogation in favour of Latvia referred to in Article 4 of the 2003 Act of Accession has been abrogated with effect from 1 January 2014.
- (3) The 17 Member States whose currency is the euro and Latvia have submitted to the ECB for approval their estimates of the volume of euro coins to be issued in 2014, supplemented by explanatory notes on the forecasting methodology,

HAS ADOPTED THIS DECISION:

⁽¹⁾ OJ L 195, 18.7.2013, p. 24.

*Article 1***Approval of the volume of euro coins to be issued in 2014**

The ECB hereby approves the volume of euro coins to be issued by the Member States whose currency is the euro in 2014 as described in the following table:

EUR (million)

| | Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2014 |
|-------------|---|
| Belgium | 24,925 |
| Germany | 655 |
| Estonia | 11,14 |
| Ireland | 48,96 |
| Greece | 6,856 |
| Spain | 201,24 |
| France | 267 |
| Italy | 58,36 |
| Cyprus | 5,1 |
| Luxembourg | 45 |
| Malta | 10,04 |
| Netherlands | 97,5 |
| Latvia | 80,91 |
| Austria | 247 |
| Portugal | 20,4 |
| Slovenia | 12 |
| Slovakia | 21,4 |
| Finland | 60 |

*Article 2***Final provision**

This Decision is addressed to the Member States whose currency is the euro and Latvia.

3.3. LEGAL TENDER OF EURO BANKNOTES AND COINS

COMMISSION RECOMMENDATION
of 22 March 2010
on the scope and effects of legal tender of euro banknotes and coins

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) The legal tender status of euro banknotes is laid down by Article 128 of the Treaty on the Functioning of the European Union, in the chapter on monetary policy. According to Article 3(1)(c) of the Treaty on the Functioning of the European Union, the Union shall have exclusive competence as regards monetary policy for the Member States whose currency is the euro (the participating Member States).
- (2) According to Article 11 of Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro⁽¹⁾, the euro coins shall be the only coins which have the status of legal tender in the participating Member States.
- (3) There is currently some uncertainty at euro area level with regards to the scope of legal tender and the consequences thereof.
- (4) This recommendation is based on the main conclusions of a report prepared by a working group consisting of representatives from Ministries of Finance and National Central Banks of the euro area.
- (5) The Commission will review the implementation of this recommendation three years after its adoption and assess whether regulatory measures are needed.

HAS ADOPTED THIS RECOMMENDATION:

1. Common definition of legal tender

⁽¹⁾ OJ L 139, 11.5.1998, p. 1.

Where a payment obligation exists, the legal tender of euro banknotes and coins should imply:

- (a) Mandatory acceptance:
- (b) The creditor of a payment obligation cannot refuse euro banknotes and coins unless the parties have agreed on other means of payment.
- (c) Acceptance at full face value:
- (d) The monetary value of euro banknotes and coins is equal to the amount indicated on the banknotes and coins.
- (e) Power to discharge from payment obligations:

A debtor can discharge himself from a payment obligation by tendering euro banknotes and coins to the creditor.

2. Acceptance of payments in euro banknotes and coins in retail transactions

The acceptance of euro banknotes and coins as means of payments in retail transactions should be the rule. A refusal thereof should be possible only if grounded on reasons related to the "good faith principle" (for example the retailer has no change available).

3. Acceptance of high denomination banknotes in retail transactions

High denomination banknotes should be accepted as means of payment in retail transactions. A refusal thereof should be possible only if grounded on reasons related to the "good faith principle" (for example the face value of the banknote tendered is disproportionate compared to the amount owed to the creditor of the payment).

4. Absence of surcharges imposed on the use of euro banknotes and coins

No surcharges should be imposed on payments with euro banknotes and coins.

5. Euro Banknotes stained by Intelligent banknote neutralisation systems (IBNS)

Even if euro banknotes stained with security ink by Intelligent Banknote Neutralisation Systems (IBNS) are legal tender, Member States should communicate actively towards stakeholders (banks, retailers, general public) that stained banknotes must be brought back to National Central Banks as it is very likely that they are the product of a theft.

6. Total destruction of issued notes and coins by individuals

Member States should neither prohibit nor penalise total destruction of small quantities of euro banknotes or coins by individuals. They should however prohibit unauthorized destruction of large quantities of euro banknotes or coins.

7. Mutilation of notes and coins for artistic purposes

Member States should not encourage mutilation of euro banknotes or coins for artistic purposes but should tolerate it. Such mutilated banknotes or coins should be considered as unfit for circulation.

8. Competence to decide on the destruction of fit euro circulation coins

The decision to destroy fit euro circulation coins should not belong to any national authority in isolation. Prior to the destruction of fit euro circulation coins, the national competent authority should consult the Euro Coin Sub-Committee of the Economic and Financial Committee and inform the Mint Directors Working Group.

9. Legal tender of 1 and 2 euro cent coins and rounding rules

In Member States where rounding regimes have been adopted and prices consequently rounded to the nearest five cents, 1 and 2 euro cent coins should remain legal tender and should continue to be accepted as means of payments. Member States should however refrain from adopting new rounding rules since they affect negatively the power to discharge from a payment obligation by tendering the exact amount owed and since it may lead in some circumstances to a surcharge on cash payments.

10. Legal tender of euro collector coins

Member States should take all measures deemed appropriate to prevent euro collector coins from being used as means of payments (for example special packaging, clear communication, use of precious metal, sale prices above face value).

This Recommendation is addressed to all euro area Member States, the European Central Bank, European and national trade and consumer associations.

3.4. CROSS-BORDER TRANSPORT OF EURO CASH BY ROAD

**REGULATION (EU) NO 1214/2011 OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL**

of 16 November 2011

**on the professional cross-border transport of euro cash by road between euro-area
Member States**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 133 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Central Bank⁽¹⁾,

Acting in accordance with the ordinary legislative procedure⁽²⁾,

Whereas:

- (1) The introduction of the euro has considerably increased the need for cross-border transport of cash by road. Within the euro area, banks, the large retail sector and other professional cash handlers should be able to contract with the cash-in-transit (CIT) company that offers the best price and/or service and to take advantage of the cash services of the nearest national central bank (NCB) branch or CIT cash centre, even if it is located in another Member State. Furthermore, a large number of Member States whose currency is the euro (hereinafter "participating Member States") have arranged, or may want to arrange for, euro banknotes and coins to be produced abroad. The very principle of a single currency implies the freedom to move cash between participating Member States.

⁽¹⁾ OJ C 278, 15.10.2010, p. 1.

⁽²⁾ Position of the European Parliament of 27 September 2011 (OJ C 56E, 26.2.2013, p. 23.) and decision of the Council of 27 October 2011.

- (2) Due to the marked differences between Member States' national law, it is generally very difficult to carry out the professional cross-border transport of euro cash by road between participating Member States. This situation is in contradiction to the principle of the free circulation of the euro and is to the detriment of the principle of freedom to provide services, which are among the fundamental principles of the European Union.
- (3) This Regulation is the response to the possible presentation of harmonisation instruments for the transport of cash, as expressed in Article 38(b) of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market⁽³⁾.
- (4) With a view to improving CIT security for both the CIT security staff involved and the public, use of the intelligent banknote neutralisation system (IBNS) should be encouraged and, after a thorough analysis of the potential impacts by the Commission, should be capable of being developed in a manner entailing harmonisation of IBNS among the participating Member States, without prejudice to the rules set out in this Regulation on applicable transport arrangements.
- (5) In view of the particular dangers to the health and life of both CIT security staff and the general public that are associated with the activity of transporting cash, it is appropriate that the cross-border transport of euro cash be subject to holding a specific cross-border CIT-licence. Such a licence should be held in addition to the national CIT licence that is required in most participating Member States, the form of which this Regulation does not harmonise. It is, moreover, appropriate that CIT companies established in those participating Member States which do not have a specific approval procedure for CIT-companies in addition to their general rules for the security or transport sectors, demonstrate a minimum experience of 24 months of regularly transporting cash in the Member State of establishment without infringing national law before they are granted a cross-border CIT licence by that Member State. Such an approach would increase mutual confidence between Member States.
- (6) In order to avoid the duplication of obligations and the introduction of an unnecessarily burdensome procedure, it is furthermore appropriate to provide that the holder of a cross-border CIT licence is not required also to hold a Community licence for the international carriage of goods by road, as laid down in Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market⁽⁴⁾.
- (7) The professional cross-border transport of euro cash by road between participating Member States should fully comply with this Regulation or with the law of the Member State of origin, the host Member State and, if applicable, the Member State of transit.
- (8) This Regulation is designed to allow the professional cross-border transport of euro cash by road between participating Member States under conditions that guarantee the security of the transaction, the safety of the CIT security staff involved and of the

⁽³⁾ OJ L 376, 27.12.2006, p. 36.

⁽⁴⁾ OJ L 300, 14.11.2009, p. 72.

public and the free movement of euro cash. In accordance with normal market practice, it is also appropriate to allow a limited value of non-euro cash to be transported in the same CIT vehicle.

- (9) In view of the specific requirements facing cross-border CIT workers, it is appropriate that they follow a specific cross-border training module as detailed in Annex VI. In order to avoid unnecessary duplication, the cross-border training module should not include the elements already covered by compulsory training required for carrying out the domestic CIT activity.
- (10) Due to the specific conditions in the CIT sector, it is difficult to organise safe multi-day euro cash deliveries. It is therefore appropriate that a CIT vehicle carrying out the professional cross-border transport of euro cash by road return to its Member State of origin on the same day.
- (11) The Commission should put forward a proposal to amend the definition of "daytime" and/or of the minimum required length of ad-hoc initial training laid down in this Regulation in the event that the social partners at Union level agree that another definition is more appropriate.
- (12) According to Regulation (EC) No 1072/2009, the number of operations that may be carried out in the host Member State following the international carriage from another Member State is limited to three cabotage operations within 7 days. However, due to the specific characteristics of the CIT sector, it is normal practice for a CIT vehicle to carry out a much larger number of euro cash deliveries/pick-ups per day. It is therefore appropriate to derogate from Regulation (EC) No 1072/2009 by not imposing any limit upon the number of euro cash deliveries/pick-ups that a CIT vehicle may carry out in a host Member State during a single day.
- (13) National rules governing the behaviour of CIT security staff outside a CIT vehicle and governing the security of euro cash delivery/pick-up locations should not cover the possible use of banknote neutralisation systems in combination with the transport of banknotes in a fully-armoured CIT vehicle not equipped with IBNS.
- (14) Article 1(3)(a) of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services⁽⁵⁾ covers posting situations where an undertaking provides transnational services on its own account and under its direction under a contract concluded between the undertaking and the party for whom the services are intended.
- (15) Considering the specific nature of CIT transport services, there is a need to provide for the analogous application of Directive 96/71/EC to all cross-border euro cash transport services in order to provide legal certainty for operators and ensure the practical applicability of the Directive in that sector.

⁽⁵⁾ OJ L 18, 21.1.1997, p. 1.

- (16) Due to the specificity of the transport activities concerned and the occasional character of some of those activities, the analogous application of the minimum protection rules laid down in Directive 96/71/EC should be limited to the minimum rates of pay, including overtime rates, as referred to in Article 3(1)(c) of that Directive and these should be guaranteed for the duration of the whole working day in order not to impose an unnecessary administrative burden on the operators. As referred to in Directive 96/71/EC, and within the limits of the case law of the Court of Justice of the European Union, the concept of minimum rates of pay is defined by the national law or practice of the Member State where the worker is posted. Where, as a result of contracts, regulations, administrative provisions or practical arrangements, a CIT worker carries out cross-border transport for more than 100 working days in a calendar year in another Member State, it is appropriate that the minimum protection rules laid down in Directive 96/71/EC apply to such a worker mutatis mutandis.
- (17) The application of minimum protection rules in the host Member State should be without prejudice to the application of terms and conditions of employment which are more favourable to the worker under the law, collective agreement or employment contract in the worker's Member State of origin.
- (18) For the purpose of establishing the relevant minimum protection rules, it is appropriate that the provisions on information cooperation in Article 4 of Directive 96/71/EC apply mutatis mutandis. In this respect, Member States should be able to avail themselves of the administrative cooperation and exchange of information provided for in Directive 96/71/EC.
- (19) This Regulation is without prejudice to the application of Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community⁽⁶⁾.
- (20) In order to take into account technological progress and possible new European standards, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of the amendment of the technical rules on standards in regard to the IBNS, the armouring of CIT vehicles, bulletproof vests and weapons strong-boxes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and of the social partners. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (21) In accordance with the principle of proportionality, as set out in Article 5 of the Treaty on European Union, this Regulation does not go beyond what is necessary in order to achieve its objective, namely to facilitate the professional cross-border transport of euro cash by road between euro-area Member States,

HAVE ADOPTED THIS REGULATION:

⁽⁶⁾ OJ L 309, 25.11.2005, p. 9.

SECTION 1**COMMON RULES GOVERNING ALL CROSS-BORDER TRANSPORT OF EURO CASH BY ROAD*****Article 1*****Definitions**

For the purpose of this Regulation, the following definitions shall apply:

- (a) "participating Member States" means those Member States whose currency is the euro;
- (b) "cross-border transport of euro cash by road" means the professional transport, either for remuneration on behalf of third parties or carried out within a cash-in-transit (hereinafter "CIT") company, by a CIT vehicle by road of euro banknotes or coins from a participating Member State, for supplying euro banknotes or coins to, or collecting them from, one or more locations in one or more other participating Member States, and in the Member State of origin – without prejudice to the transport of a maximum of 20 % of non-euro cash in relation to the total value of cash transported in the same CIT vehicle – where the majority of euro cash deliveries/pick-ups made by a CIT vehicle during the same day is carried out on the territory of the host Member State, or, in the case of point-to-point transport, where the transport takes place between two different participating Member States;
- (c) "cross-border CIT licence" means a licence delivered by the granting authority of the Member State of origin which authorises the holder to carry out the cross-border transport of euro cash by road between participating Member States in accordance with the conditions laid down in this Regulation;
- (d) "granting authority" means the authority in the Member State of origin in charge of issuing the cross-border CIT licence;
- (e) "Member State of origin" means the participating Member State in whose territory the CIT company is established. The CIT company is considered to be established if it is actually pursuing an economic activity, in accordance with Article 49 TFEU, for an indefinite period, through a stable infrastructure from where the business of providing services is actually carried out;
- (f) "host Member State" means one or more participating Member States in which a CIT company provides the service of delivering/picking up euro cash other than its Member State of origin;
- (g) "Member State of transit" means one or more participating Member States other than the Member State of origin which the CIT vehicle crosses in order either to reach the host Member State or to return to the Member State of origin;
- (h) "daytime", when referring to transport, means transport carried out between 06.00 and 22.00;

- (i) "CIT security staff" means the employees instructed to drive the CIT vehicle in which the euro cash is being carried or to protect its contents;
- (j) "CIT vehicle" means a vehicle used for the professional transport of euro cash by road;
- (k) "vehicle of ordinary appearance" means a CIT vehicle which has a normal appearance and does not bear any distinctive signs indicating that it belongs to a CIT company or that it is used for the purposes of transporting euro cash;
- (l) "point-to-point transport" means transport from one secure location to another, without any intermediate stops;
- (m) "secured area" means a delivery/pick-up point for euro cash located within a building and secured against unauthorised access in terms of equipment (anti-intrusion systems) and access procedures for persons;
- (n) "secure location" means a location within a secured area, which is accessible to CIT vehicles and in which CIT vehicles can be loaded and unloaded in a secure manner;
- (o) to "neutralise" a banknote means to mutilate or damage it by staining or by other means as specified in Annex II;
- (p) "intelligent banknote neutralisation system" or "IBNS" means a system that meets the following conditions:(i) the banknote container continuously protects the banknotes by means of a euro cash neutralisation system, from a secured area to the euro cash delivery point or from the euro cash pick-up point to a secured area;(ii) the CIT security staff is not able to open the container outside the pre-programmed time periods and/or locations or to change the pre-programmed time periods and/or locations where the container can be opened once the euro cash transport operation has been initiated;(iii) the container is equipped with a mechanism for permanently neutralising the banknotes if any unauthorised attempt is made to open the container; and(iv) the requirements laid down in Annex II are complied with;
- (q) "end-to-end IBNS" means IBNS that is equipped for end-to-end use, namely the banknotes remain inaccessible to CIT security staff at all times and are under continuous protection by the IBNS from secured area to secured area or, for cassettes for Automated Teller Machines (ATMs) or other types of cash dispensers, from a secured area to the interior of the ATMs or the other types of cash dispensers;
- (r) "A1" and "B1", when referring to the level of language skills, mean the levels established by the Council of Europe's Common European Framework of Reference for Languages, as referred to in Annex VII;
- (s) "EU official languages" means the languages referred to in Article 1 of Regulation No 1 determining the languages to be used by the European Economic Community⁽⁷⁾.

⁽⁷⁾ OJ 17, 6.10.1958, p. 385.

Article 2

Exclusions

1. The transport of euro banknotes and coins shall be excluded from the scope of this Regulation where it is:
 - (a) carried out on the account of, and between, NCBs, or between banknote printing works and/or mints of participating Member States and the relevant NCBs; and
 - (b) escorted by the military or the police.

2. The exclusive transport of euro coins shall be excluded from the scope of this Regulation where it is:
 - (a) carried out on the account of, and between, NCBs, or between mints of participating Member States and the relevant NCBs; and
 - (b) escorted by the military or the police or by private security staff in separate vehicles.

Article 3

Place of departure, maximum duration and number of euro cash deliveries/pick-ups

1. Cross-border transport of euro cash provided in accordance with this Regulation shall be carried out during the daytime.

2. A CIT vehicle carrying out cross-border transport of euro cash shall start its journey from its Member State of origin and shall return to it on the same day.

3. By derogation from paragraphs 1 and 2, point-to-point transport may be carried out within a time-slot of 24 hours, provided that night-time transport of euro cash is allowed under national rules of the Member State of origin, of the Member State of transit and of the host Member State.

4. By way of derogation from Regulation (EC) No 1072/2009, there shall be no limit to the number of euro cash deliveries/pick-ups that a CIT vehicle may carry out in a host Member State during the same day.

Article 4

Cross-border CIT licence

1. A company wishing to undertake cross-border transport of euro cash by road shall apply for a cross-border CIT licence from the granting authority in its Member State of origin.

2. The cross-border CIT licence shall be granted for a period of 5 years by the national granting authority, provided that the applicant company meets the following conditions:

- (a) it is approved to carry out CIT transport within its Member State of origin or, if the Member State has no specific approval procedure for CIT companies in addition to its general rules for the security or transport sector, it is able to provide evidence that it has had regular business transporting cash for at least 24 months within its Member State of origin prior to the application with no infringements of that Member State's national law governing such activities;
 - (b) its managers and the members of its board do not have a relevant entry in a criminal record and are of good repute and integrity, according to, for instance, relevant police records;
 - (c) it has a valid civil liability insurance to cover at least third-party damage to life and property, regardless of whether the cash transported is insured thereunder;
 - (d) the applicant company, its CIT security staff, vehicles and security procedures employed in or applied for the purposes of cross-border transport of euro cash comply with this Regulation or, where expressly referred to in this Regulation, with national law specifically relating to the transport of cash.
3. The cross-border CIT licence shall be drawn up in accordance with the model and the physical characteristics defined in Annex I. CIT security staff in CIT vehicles engaged in the professional cross-border transport of euro cash by road shall, at all times, be able to show the inspection authorities the original or a certified copy of a valid cross-border CIT licence.
4. The cross-border CIT licence shall allow the company to carry out cross-border transport of euro cash under the terms of this Regulation. By way of derogation from Regulation (EC) No 1072/2009, the holder of such a licence shall not be required to possess a Community licence for the international carriage of goods by road.

Article 5

CIT security staff

1. All members of the CIT security staff shall satisfy the following requirements:
- (a) they do not have a relevant entry in a criminal record and are of good repute and integrity according to, for instance, relevant police records;
 - (b) they have a medical certificate certifying that their physical and mental health is adequate for the task to be performed;
 - (c) they have successfully followed at least 200 hours of ad hoc initial training, not including any training on the use of firearms.

The minimum requirements for the ad hoc initial training referred to in point (c) are set out in Annex VI. CIT security staff shall follow further training activities in the areas set out in point 3 of Annex VI, at least every 3 years.

2. At least one member of the CIT security staff in the CIT vehicle shall have at least A1-level language skills in the languages used by the local authorities and the population in the relevant areas of the Member State of transit and of the host Member State. The CIT vehicle shall, furthermore, be in constant radio contact, via the CIT company's control centre, with someone who has at least B1-level language skills in the languages used by the local authorities and the population in the relevant areas of the Member State of transit and of the host Member State, so as to ensure that effective communication with the national authorities is possible at all times.

Article 6

Carrying of weapons

1. CIT security staff shall comply with the law of the Member State of origin, of the Member State of transit and of the host Member State as regards the carrying of weapons and the maximum permitted calibre.

2. When entering the territory of a Member State the law of which does not allow CIT security staff to be armed, any weapons in the possession of the CIT security staff shall be placed in an on-board weapons strong-box which meets the European standard EN 1143-1. Such weapons shall remain inaccessible to the CIT security staff throughout the journey across that Member State's territory. They may be removed from the weapons strong-box when entering the territory of a Member State whose law allows CIT security staff to be armed and shall be removed from it when entering the territory of a Member State whose law requires CIT security staff to be armed. Opening the weapons strong-box shall require remote intervention by the CIT vehicle's control centre and shall be conditional upon verification by the control centre of the vehicle's exact geographical location.

The requirements set out in the first subparagraph shall also apply if the type or the calibre of the weapon is not allowed under the law of the Member State of transit or of the host Member State.

3. Where a CIT vehicle whose Member State of origin does not allow CIT security staff to carry arms, enters the territory of a Member State whose law requires CIT security staff to carry arms, the CIT company shall ensure that the CIT security staff on board is provided with the required weapons and that they fulfil the minimum training requirements of the host Member State.

4. CIT security staff who are armed or who travel in a CIT vehicle with arms on board shall have a professional weapons licence or authorisation issued by the national authorities of the Member State of transit and/or the host Member State, where those Member States allow CIT security staff to be armed, and fulfil all the national requirements for that professional weapons licence or authorisation. For that purpose, Member States may recognise the professional weapons licence or authorisation of the other Member State.

5. Member States shall establish a single central national contact point to which CIT companies established in other Member States may submit applications for a professional

weapons licence or authorisation for their CIT security staff. Federal Member States may establish contact points at State level. Member States shall inform the applicant of the outcome of the application within 3 months from the submission of a complete application file.

6. In order to make it easier for CIT security staff who are employed by a company established in another Member State to fulfil the national requirements for obtaining a professional weapons licence or authorisation, Member States shall provide for validation of equivalent professional weapons training followed in the Member State where the applicant's employer is established. If this is not possible, Member States shall ensure that the necessary professional weapons training is provided on their own territory in an EU official language which is an official language of the Member State where the applicant's employer is established.

Article 7

CIT vehicle equipment

1. CIT vehicles shall be equipped with a global navigation system. The CIT company's control centre shall be able continuously and accurately to locate its vehicles.

2. CIT vehicles shall be equipped with appropriate communication tools to allow contact to be made at any time with the control centre of the CIT company operating the vehicles and with the competent national authorities. The emergency numbers to contact the police authorities in the Member State of transit or in the host Member State shall be available in the vehicles.

3. CIT vehicles shall be equipped in a manner that allows the registration of the time and location of all euro cash deliveries/pick-ups in order to make it possible for the proportion of euro cash deliveries/pick-ups referred to in Article 1(b) to be checked at any time.

4. Where CIT vehicles are equipped with IBNS, the IBNS used shall comply with Annex II and shall have been homologated in a participating Member State. In reply to a request for verification made by the authorities of the Member State of origin, the host Member State or the Member State of transit, undertakings carrying out cross-border transport of euro cash in CIT vehicles using IBNS shall supply written evidence of approval of the IBNS model used within 48 hours.

Article 8

Role of the national police forces

This Regulation is without prejudice to the application of national rules that require:

(a) cash-transport operations to be notified to the police in advance;

- (b) CIT vehicles to be equipped with a device that allows them to be tracked at a remote distance by the police;
- (c) high-value point-to-point transport to be escorted by the police.

Article 9

Rules to ensure the security of the cash delivery/pick-up locations in the host Member State

This Regulation is without prejudice to the application of national rules governing the behaviour of CIT security staff outside a CIT vehicle and the security of the locations where cash is delivered/picked up in the Member State concerned.

Article 10

Removal of neutralised banknotes from circulation

CIT companies operating under this Regulation shall remove from circulation all banknotes that may have been neutralised that they encounter while carrying out their activities. They shall hand over those banknotes to the appropriate NCB branch of their Member State of origin and provide a written statement on the cause and nature of the neutralisation. If those banknotes are collected in a host Member State, the NCB of the host Member State shall be informed by the NCB of the Member State of origin.

Article 11

Mutual information

1. Member States shall submit to the Commission the rules referred to in Articles 8 and 9 as well as information on which IBNS have been homologated by them and shall immediately inform the Commission of any change affecting those rules and homologations. The Commission shall ensure that those rules as well as a list of homologated IBNS are published in all the EU official languages which are the official languages of the relevant participating Member States through the appropriate channels, with a view to informing swiftly all the actors involved in a CIT cross-border activity.
2. Member States shall keep a register of all the companies to which they have delivered a cross-border CIT licence and shall inform the Commission about its content. They shall update the register, including in relation to any decision to suspend or withdraw a licence pursuant to Article 22 and shall immediately inform the Commission of such update. To facilitate information-sharing, the Commission shall set up a central secured database containing data on licences issued, suspended or withdrawn, which shall be accessible to the relevant authorities of the participating Member States.
3. In implementing Article 5(1)(a), the Member State of origin shall take due account of information concerning the criminal record, repute and integrity of CIT security staff that is communicated to it by the host Member State.

4. Member States shall inform the Commission about their specific training requirements for CIT security staff for the purpose of the ad-hoc initial training referred to in Article 5(1)(c). The Commission shall ensure that that information is published in all the EU official languages which are the official languages of the relevant participating Member States through the appropriate channels, with a view to informing all the actors involved in a CIT cross-border activity.
5. Member States shall inform the Commission of the addresses and other contact details of the national contact points referred to in Article 6(5) and of relevant national law. The Commission shall ensure that this information is published through the appropriate channels, with a view to informing all the actors involved in a CIT cross-border activity.
6. Where a Member State withdraws the professional weapons licence or authorisation that it has delivered to a member of the CIT security staff of a company established in another Member State, it shall inform the granting authority of the Member State of origin thereof.
7. Member States shall inform the Commission of the addresses and other contact details of the relevant authorities referred to in Article 12(2). The Commission shall ensure that this information is published through the appropriate channels, with a view to informing all the actors involved in a CIT cross-border activity.

Article 12

Information prior to the start of cross-border transport

1. A company holding or having submitted an application for a cross-border CIT licence shall inform the granting authority at least 2 months before it begins its cross-border activity of the Member States in which it will carry out CIT transport. The Member State of origin shall subsequently immediately notify the Member States concerned that the cross-border activity is to start.
2. A company that intends to carry out cross-border cash transport shall provide in advance the relevant authority or authorities indicated by the host Member State with information on the type or types of transport it will use, the names of the persons who may carry out such transport and the type of any weapons carried.

SECTION 2

SPECIFIC RULES FOR EACH TYPE OF TRANSPORT

Article 13

Applicable transport arrangements

1. With respect to the cross-border transport of euro banknotes by road carried out on its territory, each Member State shall allow:

- (a) at least one of the options laid down in Article 14, 15, 16, 17 or 18; and
- (b) those options laid down in Articles 14, 15, 16, 17 and 18 that are comparable to the transport arrangements allowed for domestic CIT transport.

Article 17 shall apply to all Member States as regards point-to-point transport.

2. With respect to the cross-border transport of euro coins by road carried out on its territory, each Member State shall allow:

- (a) at least one of the options laid down in Article 19 or 20; and
- (b) those options laid down in Articles 19 and 20 that are comparable to the transport arrangements allowed for domestic CIT transport.

3. Transport which includes both euro banknotes and coins shall be covered by the transport arrangements for the cross-border transport of euro banknotes.

4. As regards the application of Articles 14, 15, 16 and 18, a Member State may decide that only end-to-end IBNS may be used on its territory for the servicing of off-premises ATMs or other types of off-premises cash dispensers, provided that the same rules apply for domestic CIT transport.

5. Participating Member States shall notify the Commission of the transport arrangements which are applicable in accordance with this Article. The Commission shall publish a corresponding information notice in the Official Journal of the European Union. The applicable transport arrangements shall take effect 1 month after publication of the information notice. Participating Member States shall use the same procedure when new transport arrangements become applicable pursuant to this Article.

6. If a host Member State or a Member State of transit finds that an IBNS displays serious deficiencies as regards the technical characteristics normally required, namely that the cash can be accessed without triggering the neutralisation mechanism or the IBNS has been modified after homologation in such a way that it no longer fulfils the homologation criteria, it shall inform the Commission and the Member State that granted the homologation and may ask that new tests be carried out on that IBNS. Pending the results of those new tests, Member States may provisionally prohibit the use of that IBNS on their territory. They shall, without delay, inform the Commission and the other participating Member States thereof.

Article 14

Transport of banknotes in an unarmoured CIT vehicle of ordinary appearance equipped with IBNS

Companies holding a cross-border CIT licence may carry out cross-border transport of euro banknotes by road using an unarmoured CIT vehicle equipped with IBNS, provided that the following conditions are met:

- (a) the vehicle is of ordinary appearance;
- (b) there are at least two CIT security staff per vehicle;
- (c) none of the CIT security staff wears a uniform.

Article 15

Transport of banknotes in an unarmoured CIT vehicle with a clear marking indicating that it is equipped with IBNS

Companies holding a cross-border CIT licence may carry out cross-border transport of euro banknotes by road using an unarmoured CIT vehicle equipped with IBNS, provided that the following conditions are met:

- (a) the vehicle and banknote containers bear very clear markings indicating that they are equipped with IBNS and those markings correspond to the pictograms depicted in Annex III;
- (b) there are at least two CIT security staff per vehicle.

Article 16

Transport of banknotes in a cabin-armoured CIT vehicle equipped with IBNS

Companies holding a cross-border CIT licence may carry out cross-border transport of euro banknotes by road using a cabin-armoured CIT vehicle equipped with IBNS, provided that the following conditions are met:

- (a) the cabin of the vehicle is armoured to withstand at least gunfire from firearms in accordance with the specifications set out in Annex V;
- (b) the vehicle and banknote containers bear very clear markings indicating that they are equipped with IBNS and those markings correspond to the pictograms depicted in Annex III;
- (c) the cabin of the vehicle is equipped with a bulletproof vest for each member of the CIT security staff on board, at least respecting the norm VPAM class 5, NIJ IIIA or an equivalent standard;
- (d) there are at least two CIT security staff per vehicle.

The CIT security staff may wear the bulletproof vests referred to in point (c) during the transport and shall wear them where required by the law of the Member State where they are situated.

*Article 17***Transport of banknotes in a fully-armoured CIT vehicle not equipped with IBNS**

Companies holding a cross-border CIT licence may carry out cross-border transport of euro banknotes by road using a fully-armoured CIT vehicle not equipped with IBNS, provided that the following conditions are met:

- (a) the parts of the vehicle in which the CIT security staff are present are armoured to withstand at least gunfire from firearms in accordance with the specifications set out in Annex V;
- (b) the cabin of the vehicle is equipped with a bulletproof vest for each member of the CIT security staff on board, at least respecting the norm VPAM class 5, NIJ IIIA or an equivalent standard;
- (c) there are at least three CIT security staff per vehicle.

The CIT security staff may wear the vests referred to in point (b) during the transport and shall wear them where required by the law of the Member State where they are situated.

*Article 18***Transport of banknotes in a fully-armoured CIT vehicle equipped with IBNS**

Companies holding a cross-border CIT licence may carry out cross-border transport of euro banknotes by road using a fully-armoured CIT vehicle equipped with IBNS, in accordance with Article 16(b) and Article 17(a) and (b).

There shall be at least two CIT security staff per vehicle.

*Article 19***Transport of coins in an unarmoured CIT vehicle**

Companies holding a cross-border CIT licence may carry out cross-border transport of euro coins by road using an unarmoured CIT vehicle carrying only coins, provided that the following conditions are met:

- (a) the vehicle is of ordinary appearance;
- (b) there are at least two CIT security staff per vehicle;
- (c) none of the CIT security staff wears a uniform.

Article 20

Transport of coins in a cabin-armoured CIT vehicle

Companies holding a cross-border CIT licence may carry out cross-border transport of euro coins by road using a cabin-armoured CIT vehicle carrying only coins, provided that the following conditions are met:

- (a) the cabin of the vehicle is armoured to withstand at least gunfire from firearms in accordance with the specifications set out in Annex V;
- (b) the vehicle bears very clear markings indicating that it is carrying only coins and those markings correspond to the pictogram depicted in Annex IV;
- (c) the cabin of the vehicle is equipped with a bulletproof vest for each member of the CIT security staff on board, at least respecting the norm VPAM class 5, NIJ IIIA or an equivalent standard;
- (d) there are at least two CIT security staff per vehicle.

The CIT security staff may wear the bulletproof vests referred to in point (c) during the transport and shall wear them where required by the law of the Member State where they are situated.

SECTION 3

FINAL PROVISIONS

Article 21

Compliance

During the period of validity of a cross-border CIT licence, Member States of origin shall ensure that the rules laid down in this Regulation are complied with, including via random inspections without prior notification to the company. Such inspections may also be carried out by host Member States.

Article 22

Penalties

1. Where the competent national authorities find that there has been an infringement of one of the terms under which the cross-border CIT licence was granted, the granting authority may send a warning to the company concerned, impose a fine, suspend the licence for a period ranging from 2 weeks to 2 months or withdraw the licence completely, depending on the nature or severity of the infringement. The granting authority may also prohibit the company concerned from applying for a new licence for a period of up to 5 years.

2. The Member State of transit or the host Member State shall communicate any infringement of this Regulation – including infringements of the national rules referred to in Articles 8 and 9 – to the competent national authorities of the Member State of origin, which shall decide on an appropriate penalty. The Member State of transit or the host Member State may furthermore impose a fine in case of infringement of the national rules referred to in Articles 8 and 9 or of the applicable transport arrangements referred to in Article 13. It may prohibit CIT security staff that have committed such infringements from carrying out cross-border cash transport on its territory if the infringement can be imputed to them.

3. The Member State of transit or the host Member State may suspend the right of a CIT company to transport euro cash by road on its territory for a maximum period of 2 months, pending a decision by the granting authority of the Member State of origin which shall be taken within that same period, where the CIT company:
 - (a) has not complied with the provisions of this Regulation relating to the minimum number of CIT security staff per CIT vehicle or relating to weapons;
 - (b) carries out its transport activity in a way that constitutes a danger to public order; or
 - (c) has committed repeated infringements of this Regulation.

4. The Member State that issued the professional weapons licence or authorisation may impose penalties on the CIT security staff in accordance with its national rules in case of infringement of its national weapons law.

5. The penalties shall be proportionate to the severity of the infringement.

Article 23

Emergency security measures

1. A Member State may decide to introduce temporary security measures going beyond those provided for in this Regulation in the event of an urgent problem affecting significantly the security of CIT operations. Such temporary measures shall affect all CIT transport in all or part of the national territory, shall apply for a maximum period of 4 weeks and shall be notified immediately to the Commission. The Commission shall ensure their swift publication through the appropriate channels.

2. The prolongation of the temporary measures provided for in paragraph 1 beyond a period of 4 weeks shall be subject to prior authorisation by the Commission. The Commission shall decide whether to grant such prior authorisation within 72 hours of receipt of a request.

Article 24

Remuneration of CIT security staff carrying out cross-border transport

CIT security staff carrying out cross-border transport in accordance with this Regulation shall be guaranteed the relevant minimum rates of pay, including overtime rates, in the host Member State in accordance with Article 3(1)(c) of Directive 96/71/EC. If the relevant minimum rates of pay in the host Member State are higher than the wage paid to the employee in the Member State of origin, the relevant minimum rates of pay, including overtime rates, of the host Member State shall apply for the whole working day. If transport is carried out in more than one host Member State during the same day and more than one of those Member States have higher relevant minimum rates of pay than the wage applied in the Member State of origin, the highest of those minimum rates of pay, including overtime rates, shall apply for the whole working day.

However, where, as a result of contracts, regulations, administrative provisions or practical arrangements, a CIT worker carries out cross-border transport for more than 100 working days, wholly or partially spent in a calendar year in another Member State, the terms and conditions of employment referred to in Directive 96/71/EC shall be applied fully for all the working days spent wholly or partially in that host Member State in that calendar year.

For the purpose of establishing the relevant terms and conditions of employment, Article 4 of Directive 96/71/EC shall apply mutatis mutandis.

Article 25

Committee on the cross-border transport of euro cash

1. A Committee on the cross-border transport of euro cash shall be established. It shall be chaired by the Commission and gather two representatives per participating Member State, together with two representatives of the European Central Bank.
2. The Committee shall meet at least once a year to exchange views on the implementation of this Regulation. For this purpose, it shall consult the stakeholders in the sector, including the social partners, and take their views into account as appropriate. It shall be consulted on the preparation of the review referred to in Article 26.

Article 26

Review

By 1 December 2016 and every 5 years thereafter, the Commission shall report to the European Parliament and to the Council on the implementation of this Regulation. For that purpose, it shall consult the stakeholders in the sector including the social partners followed by the Member States. The report shall, in particular, examine the possibility of establishing common training requirements for the carrying of arms by CIT -security staff and of amending Article 24 in the light of Directive 96/71/EC, take due account of technological progress in the area of IBNS, consider the potential added value of granting Union CIT

licences on a group basis and assess whether this Regulation needs to be revised accordingly.

Article 27

Amendment of technical rules

The Commission shall be empowered to adopt delegated acts in accordance with Article 28 concerning amendments to Annex II and to the technical rules on the standards applicable to the armouring of CIT vehicles and to bulletproof vests referred to in Articles 16, 17, 18 and 20, and to weapons strong-boxes referred to in Article 6(2), with a view to taking into account technological progress and possible new European standards.

Article 28

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 27 shall be conferred on the Commission for an indeterminate period of time from 30 November 2012.
3. The delegation of power referred to in Article 27 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified therein. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 27 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of 3 months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 3 months at the initiative of the European Parliament or of the Council.

Article 29

Entry into force

This Regulation shall enter into force 12 months after its publication in the Official Journal of the European Union.

It shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

ANNEX I
MODEL FOR CROSS-BORDER CIT LICENCE
EUROPEAN UNION

(Colour Pantone pink 176, format DIN A4 cellulose paper 100g/m² or more)

(First page of the licence)

(Text in (one of) the EU official language(s) which is an (are) official language(s) of the Member State issuing the licence)

| | |
|--|--------------------------------|
| Distinguishing sign of the Member State ⁽⁸⁾ issuing the licence | Name of the granting authority |
|--|--------------------------------|

LICENCE No ...

(or)

CERTIFIED TRUE COPY No

for the professional cross-border transport of euro cash by road

This licence entitles⁽⁹⁾.....

to engage in the professional cross-border transport of euro cash by road, for journeys or parts of journeys carried out within the territory of the Union, as laid down in Regulation (EU) No 1214/2011 of the European Parliament and of the Council of 16 November 2011 on the professional cross-border transport of euro cash by road between euro-area Member States⁽¹⁰⁾ and in Council Regulation (EU) No .../2011 of ... concerning the extension of the

⁽⁸⁾ The distinguishing signs of the Member States are: (BE) Belgium, (BG) Bulgaria, (CZ) Czech Republic, (DK) Denmark, (DE) Germany, (EE) Estonia, (IE) Ireland, (EL) Greece, (ES) Spain, (FR) France, (IT) Italy, (CY) Cyprus, (LV) Latvia, (LT) Lithuania, (LU) Luxembourg, (HU) Hungary, (MT) Malta, (NL) Netherlands, (AT) Austria, (PL) Poland, (PT) Portugal, (RO) Romania, (SI) Slovenia, (SK) Slovakia, (FI) Finland, (SE) Sweden, (UK) United Kingdom.

⁽⁹⁾ Name or business name and full address of the cash-in-transit company.

⁽¹⁰⁾ OJ L 316, 29.11.2011, p. 1.

scope of Regulation (EU) No 1214/2011 of the European Parliament and of the Council⁽¹¹⁾ and in accordance with the general provisions of this licence.

| | |
|---|---------|
| Particular remarks: | |
| | |
| This licence shall be valid for a five-year period, from... | To..... |
| Issued in...., | On..... |
|(12) | |

⁽¹¹⁾ OJ L 21, 24.1.2013, p. 1.

⁽¹²⁾ Signature and seal of the granting authority.

(Second page of the licence)

(Text in (one of) the EU official language(s) which is an (are) official language(s) of the Member State issuing the licence)

GENERAL PROVISIONS

This licence is issued under Regulation (EU) No 1214/2011.

It entitles the holder to engage in professional cross-border transport of euro cash by road, as defined in Regulation (EU) No 1214/2011, for journeys or parts of journeys carried out within the territory of the Member States covered by Regulation (EU) No 1214/2011 and subject to the conditions laid down in this licence.

This licence is valid for the holder only and is non-transferable.

The original of this licence must be kept by the cash-in-transit company.

A certified copy of this licence must be kept in the cash-in-transit vehicle.

The original or a certified copy of this licence must be presented at the request of any authorised inspecting officer.

Without prejudice to the provisions of Regulation (EU) No 1214/2011, the holder must comply with the laws, regulations and administrative provisions in force within the territory of each Member State, in particular with regard to transport and traffic.

ANNEX II

INTELLIGENT BANKNOTE NEUTRALISATION SYSTEM (IBNS)

I. Definitions and general provisions

An IBNS may contain either banknotes (packaged or unpackaged) or one or several cassettes for ATMs or other types of cash dispensers.

An IBNS must have been homologated in a participating Member State in order to be used for cross-border transport of euro cash under this Regulation. The homologation must be made according to an existing European specific standard. As long as there is no such standard, the homologation must be made in accordance with this Annex.

II. IBNS approval procedure

- (a) In order to be homologated, the IBNS must have passed various tests in a test laboratory that has been approved or recognised by a participating Member State. It must furthermore be accompanied by instructions for its use, which indicate the operating procedures and conditions that ensure the effectiveness of the destruction or neutralisation of the banknotes.

These tests must make it possible to ascertain that the following technical characteristics of the IBNS are satisfactory:

(i) Main required functions of the monitoring system

- permanently to monitor and record the instructions concerning the conditions for access to, and use of, the IBNS,
- continuously to verify compliance with these instructions and detect anomalous situations,
- automatically and immediately to neutralise the banknotes in the event of non-compliance with the instructions, detection of anomalous situations or opening of the container outside the pre-programmed time periods and/or locations.

(ii) Location where the monitoring system may be programmed and influence of CIT security staff on how the IBNS operates

An IBNS must be programmed only in a secured area. An end-to-end IBNS must only be programmed in a secure location.

CIT security staff must not have any means whatsoever of influencing the operation of the IBNS outside the pre-programmed time periods and/or locations. However, where there is a time-delay system for triggering the neutralisation, the CIT security staff may re-initiate the time delay once.

(iii) Location where the IBNS may be opened (for end-to-end systems)

An IBNS must only be opened in the pre-programmed destinations.

- (b) The IBNS must be retested every 5 years, even where the national approval is issued for an unlimited period. If the new tests are not conclusive, the homologation ceases to be valid for cross-border transport under this Regulation.
- (c) In order to pass the tests, one of the following results must be achieved upon performance of the tests:
 - it was not possible to access the banknotes and there was no damage to the IBNS, the mechanism of which remained operational, or
 - the IBNS was damaged but it was not possible to access the banknotes without triggering the neutralisation system.

III. Testing procedures

The method used to carry out the tests and the standards establishing the result which the systems tested must achieve are laid down in this Annex. However, adjustments may be made at national level so as to bring them into line with the existing test protocols followed by the laboratories in each Member State. In order for the IBNS to be homologated, the IBNS-manufacturer must ensure that the results of the testing procedures in this Annex are transmitted to the homologating authority.

(a) Test of IBNS' resistance to different attack scenarios

Member States must carry out six of the various tests simulating attack scenarios, while the other tests may also be carried out in accordance with the applicable national rules.

For each of the tests carried out, the result must be a pass within the meaning of point II(c):

- compulsory tests:

1. cutting of the power supply;
2. breaking into the container;
3. opening the container by destructive means (e.g. sledgehammer);
4. rapid cutting ("guillotining");
5. immersion in liquid;

6. gradual and immediate exposure to extreme temperatures (hot and cold): e.g. cooling in liquid nitrogen and heating in a preheated oven,

- recommended tests that may also be carried out:

7. resistance to firearms (e.g. with 12-bore cartridges);

8. use of chemicals;

9. free drop;

10. exposure to significant electromagnetic surges;

11. exposure to significant electrostatic surges.

(b) Effectiveness of neutralisation of banknotes

The neutralisation processes currently used are staining, chemical destruction and pyrotechnical destruction. Since technological developments may occur, the list of processes used is non-exhaustive and purely indicative.

Following any unauthorised attempt to access the banknotes via the various forms of attack, the banknotes must be either destroyed or stained. A minimum of three tests must be carried out.

100 % of the banknotes must be irreversibly neutralised. It must furthermore be apparent for any holder of the banknotes that they have been subject to neutralisation.

A minimum of 10 % of the surface area of both sides of each banknote must be stained if the banknotes are in safe-bags. If the banknotes are not in safe-bags, a minimum of 20 % of the surface area of both sides of each banknote must be stained. For destruction systems, a minimum of 20 % of the surface area of each banknote must be destroyed in both cases.

(c) Content of the tests for banknotes' resistance to cleaning – for IBNS using staining

For such "cleaning", use must be made of different products or combinations of products. Different scenarios must be arranged so as to vary the temperature and duration of cleaning. Two procedures must be used for these cleaning tests:

- cleaning must be carried out immediately after staining, and

- cleaning must be carried out 24 hours after staining,

These tests must be carried out on a representative sample of real banknotes used in the euro area.

One of the following results must be obtained at the end of these tests:

- the cleaning leads to destruction of the banknotes,
- the cleaning leaves ink visible on a surface area of at least 10 % of each banknote (density test of the ink used),
- the cleaning leads to the mutilation of both the banknote's original colours and its security features.

IV. Safety guarantees for the systems used

Chemical substances released from IBNS in order to neutralise banknotes may be subject to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency⁽¹³⁾. That Regulation addresses risks to human health and the environment of substances manufactured, imported or used on their own, in a mixture, or in an article.

In order for the IBNS to be homologated, the manufacturer must verify whether it has to register or notify substances contained in its products or to communicate information on safe use to its customers. The manufacturer may also have legal obligations resulting from the inclusion of these substances in the candidate list of substances of very high concern or in the list of substances subject to authorisation set out in Regulation (EC) No 1907/2006. These obligations refer not only to the listed substances on their own or in mixtures, but also to their presence in articles.

A certificate must be supplied to the homologating authority of the Member State by the IBNS manufacturer, which includes the results of this verification and which lists the substances or elements used to ensure destruction or neutralisation of the banknotes and attests that they do not pose a serious risk to health in the case of inhalation by, or contact with, the skin of the CIT security staff or of the NCB staff. The certificate must furthermore indicate possible precautionary measures to be taken. The homologating authority must transmit the certificate to the NCBs of the participating Member States with respect to IBNS homologated by it.

To this effect, the certificate may include an analysis of the risks of exposure to the chemicals, i.e. maximum permissible duration of exposure for a quantity to be determined.

⁽¹³⁾ OJ L 396, 30.12.2006, p. 1.

ANNEX III
IBNS PICTOGRAMS

Pictogram for CIT vehicles equipped with IBNS



Pictogram for banknote containers equipped with IBNS



ANNEX IV

PICTOGRAM FOR CIT VEHICLES CARRYING EXCLUSIVELY COINS



ANNEX V

ARMOURING SPECIFICATIONS

The minimum armouring requirement referred to in Section 2 of this Regulation means that the armouring of the CIT vehicle is able to resist gunfire from a rifle of Kalashnikov type with a calibre of 7,62 mm × 39 mm using full steel jacket (plated) iron core ammunition with a mass of 7,97 grams (+/- 0,1 gram) with a velocity of at least 700 metres/second at a firing distance of 10 metres (+/- 0,5 metres).

ANNEX VI

MINIMUM REQUIREMENTS OF INITIAL TRAINING FOR CIT SECURITY STAFF THAT CARRY OUT CROSS-BORDER EURO CASH TRANSPORT

CIT workers taking part in professional cross-border transport of euro cash by road between Member States in the euro area must:

- (1) fully follow and complete at least the appropriate initial training as provided by their national regulations of reference and/or the relevant collective labour agreements or, in the absence thereof, the national CIT/security association's or internal company's training courses;
- (2) successfully pass the examinations following this initial training or any procedure aimed at testing the learning outcome;
- (3) fully follow and complete the additional and obligatory training module as provided for in this Annex consisting of at least:
 - cross-border CIT procedures,
 - Union law on CIT,
 - applicable national law covering CIT of the Member States of transit and the host Member States,
 - driving rules for CIT in the Member States of transit and the host Member States (including right for CIT vehicles to use specific driving lanes),
 - national security protocols in case of attack in the Member States of transit and the host Member States,
 - organisation and operating procedures of CIT transport protected by IBNS technology of the Member States of transit and the host Member States,
 - applicable national operational protocols, rules and regulations of the Member States of transit and the host Member States,
 - national protocols in case of emergency of the Member States of transit and the host Member States in case of breakdown, road accidents, and technical and mechanical failures of any CIT equipment and vehicle,
 - national administrative procedures and company rules within the Member States of transit and the host Member States regarding communication with the control point etc. of all Member States transited and of all host Member States,

- information and training regarding cooperation and appropriate protocols with national, regional and local police forces including with regards to checks carried out on CIT vehicles and security staff,
- applicable national and Union law and/or applicable collective agreements regarding working time, number of breaks necessary, working conditions, wages applicable,
- applicable national and Union law and/or applicable collective agreement stipulations regarding CIT security staff rest periods – when needed, how often, duration of each break period, secure location, communication with control centres, etc.,
- applicable security rules for deliveries/pick-ups (secure location, pavement risk management etc.),
- national law of reference regarding the use of weapons and their storage,
- offensive and defensive driving techniques,
- relevant training on the use of GPS, telephone and other technical equipment/systems used in cross-border CIT transport,
- national health and safety regulation in the Member States of transit and the host Member States relevant for workers transporting valuables and travelling with large vehicles by road and protocols in case of injury or sickness of employees,
- first aid training.

The training must furthermore include the following items:

- preventive and remedial measures in the areas of stress management and third party violence,
- risk assessment at work,
- language training as necessary to fulfil the language requirements set out in Article 5(2).

ANNEX VII

COUNCIL OF EUROPE'S COMMON EUROPEAN FRAMEWORK OF REFERENCE FOR LANGUAGES: LEVELS

User B1: Can understand the main points of clear standard input on familiar matters regularly encountered in work, school, leisure, etc. Can deal with most situations likely to arise whilst travelling in an area where the language is spoken. Can produce simple connected text on topics which are familiar or of personal interest. Can describe experiences and events, dreams, hopes & ambitions and briefly give reasons and explanations for opinions and plans.

User A1: Can understand and use familiar everyday expressions and very basic phrases aimed at the satisfaction of needs of a concrete type. Can introduce him/herself and others and can ask and answer questions about personal details such as where he/she lives, people he/she knows and things he/she has. Can interact in a simple way provided the other person talks slowly and clearly and is prepared to help.

COUNCIL REGULATION (EU) NO 55/2013**of 17 December 2012**

concerning the extension of the scope of Regulation (EU) No 1214/2011 of the European Parliament and of the Council on the professional cross-border transport of euro cash by road between euro area Member States

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 352 thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Central Bank⁽¹⁾,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) Regulation (EU) No 1214/2011 of the European Parliament and of the Council⁽²⁾ aims to facilitate the cross-border transport of euro cash between Member States. However, that Regulation only applies to the territory of those Member States which have adopted the euro as their single currency.
- (2) In the run-up to the euro changeover in a Member State, there is a need for euro cash to be transported from existing euro area Member States, since euro banknotes needed for the changeover are usually transported from existing euro area stocks, and euro coins are often fully or partly minted abroad.
- (3) It is therefore necessary that Regulation (EU) No 1214/2011 apply also to Member States that are preparing to adopt the euro. It should apply from the date of the decision

⁽¹⁾ Opinion of 5 October 2010 (OJ C 278, 15.10.2010, p. 1).

⁽²⁾ OJ L 316, 29.11.2011, p. 1.

of the Council to abrogate the derogations of the Member States concerned to participate in the euro.

- (4) Since the objective of this Regulation, namely to facilitate the professional cross-border transport of euro cash by road between current euro area Member States and Member States about to introduce the euro, cannot be sufficiently achieved by the Member States due to the very detailed and diverging national regulatory regimes on the matter, and can therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1214/2011 shall apply to the territory of a Member State that has not yet adopted the euro as from the date of the decision of the Council to abrogate the derogation of the Member State concerned to participate in the euro, taken in accordance with Article 140(2) of the Treaty on the Functioning of the European Union.

Article 2

This Regulation shall enter into force 12 months after its publication in the Official Journal of the European Union.

It shall be binding in its entirety and directly applicable in all Member States.

3.5. PROTECTION OF THE EURO AGAINST COUNTERFEITING

DIRECTIVE 2014/62/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 May 2014

on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 83(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Central Bank (¹),

Having regard to the opinion of the European Economic and Social Committee (²),

Acting in accordance with the ordinary legislative procedure (³),

Whereas:

- (1) As the single currency shared by the Member States of the euro area, the euro has become an important factor in the Union's economy and the everyday life of its citizens. However, since its introduction in 2002, as a currency continuously targeted by organised crime groups active in money counterfeiting, counterfeiting of the euro has caused financial damage of at least EUR 500 million. It is in the interests of the Union as a whole to oppose and pursue any activity that is likely to jeopardise the authenticity of the euro by counterfeiting.
- (2) Counterfeit money has a considerable ill-effect on society. It harms citizens and businesses that are not reimbursed for counterfeits even if received in good faith. It

⁽¹⁾ [OJ C 179, 25.6.2013, p. 9](#).

⁽²⁾ [OJ C 271, 19.9.2013, p. 42](#).

⁽³⁾ Position of the European Parliament of 16 April 2014 (not yet published in the Official Journal) and decision of the Council of 6 May 2014.

could lead to consumer concerns regarding the sufficient protection of cash and to the fear of receiving counterfeit notes and coins. It is therefore of fundamental importance to ensure trust and confidence in the authenticity of notes and coins for citizens, businesses and financial institutions in all Member States as well as in third countries.

- (3) It is essential to ensure that effective and efficient criminal law measures protect the euro and any other currency whose circulation is legally authorised in an appropriate way in all Member States.
- (4) Council Regulation (EC) No 974/98⁽⁴⁾ obliges the Member States whose currency is the euro to ensure adequate sanctions against counterfeiting and falsification of euro notes and coins.
- (5) Council Regulations (EC) No 1338/2001⁽⁵⁾ and (EC) No 1339/2001⁽⁶⁾ lay down measures necessary for the protection of the euro against counterfeiting, in particular measures to withdraw counterfeit euro notes and coins from circulation.
- (6) The International Convention for the Suppression of Counterfeiting Currency signed at Geneva on 20 April 1929 and its Protocol (the 'Geneva Convention')⁽⁷⁾ lays down rules to effectively prevent, prosecute and punish the offence of counterfeiting currency. In particular, it aims at ensuring that severe criminal penalties and other sanctions can be imposed for offences of counterfeiting currency. All contracting parties to the Geneva Convention have to apply the principle of non-discrimination to currencies other than their domestic currency.
- (7) This Directive supplements the provisions and facilitates the application of the Geneva Convention by the Member States. To that end, it is important that the Member States are parties to the Geneva Convention.
- (8) This Directive builds on and updates Council Framework Decision 2000/383/JHA⁽⁸⁾. It complements that Framework Decision with further provisions on the level of sanctions, on investigative tools and on the analysis, identification and detection of counterfeit euro notes and coins during judicial proceedings.
- (9) This Directive should protect any note and coin whose circulation is legally authorised, irrespective of whether it is made of paper, metal or any other material.
- (10) The protection of the euro and other currencies calls for a common definition of the criminal offences related to the currency counterfeiting as well as for common,

⁽⁴⁾ Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro ([OJ L 139, 11.5.1998, p. 1](#)).

⁽⁵⁾ Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting ([OJ L 181, 4.7.2001, p. 6](#)).

⁽⁶⁾ Council Regulation (EC) No 1339/2001 of 28 June 2001 extending the effects of Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting to those Member States which have not adopted the euro as their single currency ([OJ L 181, 4.7.2001, p. 11](#)).

⁽⁷⁾ No 2623, p. 372 League of Nations — Treaty Series 1931.

⁽⁸⁾ Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro ([OJ L 140, 14.6.2000, p. 1](#)).

effective, proportionate and dissuasive sanctions both for natural and legal persons. In order to ensure consistency with the Geneva Convention, this Directive should provide for the same offences to be punishable as in the Geneva Convention. Therefore, the production of counterfeit notes and coins and their distribution should be a criminal offence. Important preparatory work to those offences, for example the production of counterfeiting instruments and components, should be punished independently. The common aim of those definitions of offences should be to act as a deterrent to any handling of counterfeit notes and coins, instruments and other means for counterfeiting.

- (11) The misuse of legal facilities or material of authorised printers or mints for the production of unauthorised notes and coins for fraudulent use should also be a criminal offence. Such misuse covers the situation where a national central bank or mint or other authorised industry produces notes or coins exceeding the quota authorised by the European Central Bank (ECB). It also covers the situation where an employee of an authorised printer or mint abuses the facilities for his or her own purposes. That conduct should be punishable as a criminal offence even if the authorised quantities have not been exceeded, because the notes and coins produced would, once circulated, not be distinguishable from authorised currency.
- (12) Notes and coins which the ECB or the national central banks and mints have not yet formally issued should also fall under the protection of this Directive. Thus, for instance, euro coins with new national sides or new series of euro notes should be protected before they have officially been put into circulation.
- (13) Incitement, aiding and abetting and attempt to commit the main counterfeiting offences, including the misuse of legal facilities or material and including the counterfeiting of notes and coins not yet issued but designated for circulation, should also be penalised where appropriate. This Directive does not require Member States to render punishable an attempt to commit an offence relating to an instrument or component for counterfeiting.
- (14) Intention should be a part of all the elements constituting the offences laid down in this Directive.
- (15) Currency counterfeiting is traditionally a crime subject to a high level of sanctions in the Member States. That is due to the serious nature and the impact of the crime on citizens and businesses, and due to the need to ensure the trust of citizens and businesses in the genuine character of the euro and other currencies. That holds particularly true for the euro, which is the single currency of over 330 million people in the euro area and which is the second most important international currency.
- (16) Member States should provide for criminal sanctions in their national law in respect of the provisions of Union law on combating currency counterfeiting. Those sanctions should be effective, proportionate and dissuasive and should include imprisonment. The minimum level of the maximum term of imprisonment provided for in this Directive for the offences laid down herein should apply at least to the most serious forms of those offences.

- (17) The levels of the sanctions should be effective and dissuasive but should not go beyond what is proportionate to the offences. Although intentionally passing on counterfeit currency which has been received in good faith could be sanctioned with a different type of criminal sanction, including fines, in the national law of the Member States, those national laws should provide for imprisonment as a maximum sanction. Imprisonment sanctions for natural persons will serve as a strong deterrent for potential criminals, with effect all over the Union.
- (18) As this Directive establishes minimum rules, Member States can adopt or maintain more stringent rules for currency counterfeiting offences.
- (19) This Directive is without prejudice to the general rules and principles of national criminal law on the application and execution of sentences in accordance with the concrete circumstances in each individual case.
- (20) Since confidence in the genuine character of notes and coins can also be harmed or threatened by the conduct of legal persons, legal persons should be liable for the offences committed on their behalf.
- (21) To ensure the success of investigations and the prosecution of currency counterfeiting offences, those responsible for investigating and prosecuting such offences should have the possibility to make use of effective investigative tools such as those which are used in combating organised crime or other serious crimes. Such tools could, where appropriate, include, for example, the interception of communications, covert surveillance including electronic surveillance, the monitoring of bank accounts and other financial investigations. Taking into account, inter alia, the principle of proportionality, the use of such tools in accordance with national law should be commensurate with the nature and gravity of the offences under investigation. The right to the protection of personal data should be respected.
- (22) Member States should establish their jurisdiction in a manner consistent with the Geneva Convention and the provisions on jurisdiction in other Union criminal law, that is to say, over offences committed on their territory and over offences committed by their nationals, noting that in general offences are best dealt with by the criminal justice system of the country in which they occur.
- (23) The pre-eminent role of the euro for the economy and society of the Union, as well as the specific threat to the euro as a currency of worldwide importance as manifested by the existence of a considerable number of print-shops located in third countries, calls for an additional measure to protect it. Therefore, jurisdiction should be established over offences relating to the euro committed outside the territory of a given Member State if either the offender is in the territory of that Member State and is not extradited, or counterfeit euro notes or coins relating to the offence are detected in that Member State. Given the objectively different situation of the Member States whose currency is the euro, it is appropriate that the obligation to establish such jurisdiction only applies to those Member States. For the purpose of prosecution of the offences laid down in point (a) of Article 3(1), Article 3(2) and (3), where they relate to point (a) of Article 3(1), as well as incitement, aiding and abetting, and attempt to commit those offences,

jurisdiction should not be subordinated to the condition that the acts constitute an offence at the place where they were committed. When exercising such jurisdiction, Member States should take into account whether the offences are being dealt with by the criminal justice system of the country where they were committed, and should respect the principle of proportionality, in particular with regard to convictions by a third country for the same conduct.

- (24) For the euro, the identification of counterfeit euro notes and coins is centralised at the National Analysis Centres and the Coin National Analysis Centres respectively, which are designated or established in accordance with Regulation (EC) No 1338/2001. The analysis, identification and detection of counterfeit euro notes and coins should also be possible during on-going judicial proceedings in order to accelerate the detection of the source of production of counterfeits in a given criminal investigation or prosecution and to avoid and stop such types of counterfeits from further circulation, with due respect for the principle of a fair and effective trial. That would contribute to the efficiency of combating counterfeiting offences and would at the same time increase the number of transmissions of seized counterfeits during on-going criminal proceedings, subject to limited exceptions where only access to counterfeits should be provided. In general, the competent authorities should authorise the physical transmission of the counterfeits to the National Analysis Centres and Coin National Analysis Centres. In certain circumstances, for example where only a few counterfeit notes or coins constitute the evidence for the criminal proceedings, or where physical transmission would result in the risk of destruction of evidence, such as fingerprints, the competent authorities should instead be able to decide to give access to the notes and coins.
- (25) There is a need to collect comparable data on the offences laid down in this Directive. In order to gain a more complete picture of the problem of counterfeiting at Union level and thereby contribute to formulating a more effective response, Member States should transmit to the Commission relevant statistical data relating to the number of offences concerning counterfeit notes and coins and the number of persons prosecuted and sentenced.
- (26) In order to pursue the objective of fighting the counterfeiting of euro notes and coins, the conclusion of agreements with third countries, in particular those countries that use the euro as a currency, should be pursued in accordance with the relevant Treaty procedures.
- (27) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably the right to liberty and security, the respect for private and family life, the freedom to choose an occupation and right to engage in work, the freedom to conduct a business, the right to property, the right to an effective remedy and to a fair trial, the presumption of innocence and right of defence, the principles of the legality and proportionality of criminal offences and penalties, as well as the right not to be tried or punished twice in criminal proceedings for the same criminal offence. This Directive seeks to ensure full respect for those rights and principles and should be implemented accordingly.

- (28) This Directive aims to amend and expand the provisions of Framework Decision 2000/383/JHA. Since the amendments to be made are of a substantial number and nature, that Framework Decision should in the interests of clarity be replaced in its entirety for the Member States bound by this Directive.
- (29) Since the objective of this Directive, namely to protect the euro and other currencies against counterfeiting, cannot be sufficiently achieved by the Member States but can rather, by reasons of its scale and effects, be better achieved at Union level, the Union may adopt the measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union ('TEU'). In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.
- (30) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the TEU and to the Treaty on the Functioning of the European Union ('TFEU'), Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.
- (31) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the TEU and to the TFEU, Ireland has notified its wish to take part in the adoption and application of this Directive.
- (32) In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Directive and is not bound by it or subject to its application,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter

This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of counterfeiting of the euro and other currencies. It also introduces common provisions to strengthen the fight against those offences and to improve investigation of them and to ensure better cooperation against counterfeiting.

Article 2

Definitions

For the purposes of this Directive the following definitions apply:

- (a) ‘currency’ means notes and coins, the circulation of which is legally authorised, including euro notes and coins, the circulation of which is legally authorised pursuant to Regulation (EC) No 974/98;
- (b) ‘legal person’ means any entity having legal personality under the applicable law, except for States or public bodies in the exercise of State authority and for public international organisations.

Article 3

Offences

1. Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally:
 - (a) any fraudulent making or altering of currency, whatever means are employed;
 - (b) the fraudulent uttering of counterfeit currency;
 - (c) the import, export, transport, receiving or obtaining of counterfeit currency with a view to uttering the same and with knowledge that it is counterfeit;
 - (d) the fraudulent making, receiving, obtaining or possession of
 - (i) instruments, articles, computer programs and data, and any other means peculiarly adapted for the counterfeiting or altering of currency; or
 - (ii) security features, such as holograms, watermarks or other components of currency which serve to protect against counterfeiting.
2. Member States shall take the necessary measures to ensure that the conduct referred to in points (a), (b) and (c) of paragraph 1 is punishable also with respect to notes or coins being manufactured or having been manufactured by use of legal facilities or materials in violation of the rights or the conditions under which competent authorities may issue notes or coins.
3. Member States shall take the necessary measures to ensure that the conduct referred to in paragraphs 1 and 2 is punishable also in relation to notes and coins which are not yet issued, but are designated for circulation as legal tender.

Article 4

Incitement, aiding and abetting, and attempt

1. Member States shall take the necessary measures to ensure that inciting or aiding and abetting an offence referred to in Article 3 is punishable as a criminal offence.

2. Member States shall take the necessary measures to ensure that an attempt to commit an offence referred to in points (a), (b) or (c) of Article 3(1), Article 3(2), or Article 3(3) in relation to conduct referred to in points (a), (b) and (c) of Article 3(1) is punishable as a criminal offence.

Article 5

Sanctions for natural persons

1. Member States shall take the necessary measures to ensure that the conduct referred to in Articles 3 and 4 is punishable by effective, proportionate and dissuasive criminal sanctions.

2. Member States shall take the necessary measures to ensure that the offences referred to in point (d) of Article 3(1), the offences referred to in Article 3(2), and the offences referred to in Article 3(3) in relation to conduct referred to in point (d) of Article 3(1) shall be punishable by a maximum sanction which provides for imprisonment.

3. Member States shall take the necessary measures to ensure that the offences referred to in point (a) of Article 3(1) and in Article 3(3) in relation to conduct referred to in point (a) of Article 3(1) shall be punishable by a maximum term of imprisonment of at least eight years.

4. Member States shall take the necessary measures to ensure that the offences referred to in points (b) and (c) of Article 3(1) and in Article 3(3) in relation to conduct referred to in points (b) and (c) of Article 3(1) shall be punishable by a maximum term of imprisonment of at least five years.

5. In relation to the offence referred to in point (b) of Article 3(1), Member States may provide for effective, proportionate and dissuasive criminal sanctions other than that referred to in paragraph 4 of this Article, including fines and imprisonment, if the counterfeit currency was received without knowledge but passed on with the knowledge that it is counterfeit.

Article 6

Liability of legal persons

1. Member States shall take the necessary measures to ensure that legal persons can be held liable for the offences referred to in Articles 3 and 4 committed for their benefit by any person acting either individually or as part of an organ of the legal person who has a leading position within the legal person based on

- (a) a power of representation of the legal person;
- (b) an authority to take decisions on behalf of the legal person; or
- (c) an authority to exercise control within the legal person.

2. Member States shall ensure that a legal person can be held liable where the lack of supervision or control by a person referred to in paragraph 1 of this Article has made possible the commission of an offence referred to in Articles 3 and 4 for the benefit of that legal person by a person under its authority.
3. Liability of a legal person under paragraphs 1 and 2 of this Article shall not exclude criminal proceedings against natural persons who are perpetrators, instigators or accessories in the offences referred to in Articles 3 and 4.

Article 7

Sanctions for legal persons

Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 6 is subject to effective, proportionate and dissuasive sanctions, which shall include criminal or non-criminal fines and may include other sanctions such as

- (a) exclusion from entitlement to public benefits or aid;
- (b) temporary or permanent disqualification from the practice of commercial activities;
- (c) placing under judicial supervision;
- (d) judicial winding-up;
- (e) temporary or permanent closure of establishments which have been used for committing the offence.

Article 8

Jurisdiction

1. Each Member State shall take the necessary measures to establish its jurisdiction over the offences referred to in Articles 3 and 4, where
 - (a) the offence is committed in whole or in part within its territory; or
 - (b) the offender is one of its nationals.
2. Each Member State whose currency is the euro shall take the necessary measures to establish its jurisdiction over the offences referred to in Articles 3 and 4 committed outside its territory, at least where they relate to the euro and where
 - (a) the offender is in the territory of that Member State and is not extradited; or
 - (b) counterfeit euro notes or coins related to the offence have been detected in the territory of that Member State.

For the prosecution of the offences referred to in point (a) of Article 3(1), Article 3(2) and (3), where they relate to point (a) of Article 3(1), as well as incitement, aiding and abetting, and attempt to commit those offences, each Member State shall take the necessary measures to ensure that its jurisdiction is not subordinated to the condition that the acts are a criminal offence at the place where they were committed.

Article 9

Investigative tools

Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases, are available to persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 3 and 4.

Article 10

Obligation to transmit counterfeit euro notes and coins for analysis and detection of counterfeits

Member States shall ensure that during criminal proceedings the examination by the National Analysis Centre and Coin National Analysis Centre of suspected counterfeit euro notes and coins for analysis, identification and detection of further counterfeits is permitted without delay. The competent authorities shall transmit the necessary samples without any delay, and at the latest once a final decision concerning the criminal proceedings has been reached.

Article 11

Statistics

Member States shall, at least every two years, transmit data to the Commission on the number of offences laid down in Articles 3 and 4 and the number of persons prosecuted for and convicted of the offences laid down in Articles 3 and 4.

Article 12

Reporting by the Commission and review

By 23 May 2019, the Commission shall submit a report on the application of this Directive to the European Parliament and to the Council. The report shall assess the extent to which the Member States have taken the necessary measures to comply with this Directive. The report shall be accompanied, if necessary, by a legislative proposal.

*Article 13***Replacement of Framework Decision 2000/383/JHA**

Framework Decision 2000/383/JHA is hereby replaced in respect of the Member States bound by this Directive, without prejudice to the obligations of those Member States relating to the time-limit for transposition into national law of Framework Decision 2000/383/JHA.

For the Member States bound by this Directive, references to Framework Decision 2000/383/JHA shall be construed as references to this Directive.

*Article 14***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 23 May 2016. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

*Article 15***Entry into force**

This Directive shall enter into force on the day following its publication in the *Official Journal of the European Union*.

*Article 16***Addressees**

This Directive is addressed to the Member States in accordance with the Treaties.

COUNCIL REGULATION (EC) NO 1338/2001

of 28 June 2001

laying down measures necessary for the protection of the euro against counterfeiting

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third sentence of Article 123(4) thereof,

Having regard to the proposal from the Commission (¹),

Having regard to the opinion of the European Parliament (²),

Having regard to the opinion of the European Central Bank (³),

Whereas:

- (1) Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro (⁴), provides for euro notes to be put into circulation by the European Central Bank (ECB) and by the national central banks (NCB) of the participating Member States and for euro coins to be put into circulation by the participating Member States from 1 January 2002; a system for protecting the euro against counterfeiting must therefore be adopted rapidly so that it can be operational before euro notes and coins are put into circulation.
- (2) The arrangements put in place by the Council Act of 26 July 1995 drawing up the Convention on the establishment of a European Police Office (Europol Convention) (⁵) and by the Council Decision of 29 April 1999 extending Europol's mandate to deal with forgery of money and means of payment (⁶) are designed to combat counterfeiting in general.
- (3) In its framework Decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction

⁽¹⁾ OJ C 337 E, 28.11.2000, p. 264.

⁽²⁾ Opinion delivered on 3 May 2001 (not yet published in the Official Journal).

⁽³⁾ OJ C 19, 20.1.2001, p. 18.

⁽⁴⁾ OJ L 139, 11.5.1998, p. 1. Regulation as last amended by Regulation (EC) No 2596/2000 (OJ L 300, 29.11.2000, p. 2.)

⁽⁵⁾ OJ C 316, 27.11.1995, p. 1.

⁽⁶⁾ OJ C 149, 28.5.1999, p. 16 and corrigendum in OJ C 229, 12.8.1999, p. 14.

of the euro (⁷), the Council adopted provisions to ensure that the euro is protected in an appropriate way by effective measures under criminal law.

- (4) Measures to protect the euro against counterfeiting concern the Community as part of its responsibility in respect of the single currency; the legal protection of the euro cannot be satisfactorily ensured by the individual Member States alone, since euro notes and coins will circulate beyond the territories of the participating Member States. It is therefore necessary to adopt Community legislation defining the measures necessary for euro notes and coins to circulate in the proper conditions to ensure the overall effective and consistent protection of the euro against activities likely to jeopardise its credibility, and thus to adopt appropriate measures so that everything is ready in good time before 1 January 2002.
- (5) For the purposes of applying this Regulation it is necessary to define or to take over the existing definitions of certain concepts such as euro counterfeiting, technical and statistical data and the national authorities competent for research inter alia with a view to the gathering and analysis of data concerning counterfeiting, including the central offices provided for in Article 12 of the Geneva Convention.
- (6) It should be ensured that the technical and statistical data collected by the competent national authorities regarding counterfeit euro notes and coins and as far as possible unauthorised notes are communicated to the ECB while allowing the competent national authorities and, in accordance with its responsibilities, the Commission, to have access to such data. It is also envisaged that Europol will have access to such data on the basis of an agreement between it and the ECB.
- (7) The counterfeiting analysis centre (CAC) established and managed under the auspices of the ECB, in accordance with its Guideline (⁸), centralises the classification and analysis of technical data relating to counterfeit notes.
- (8) The technical scheme for handling counterfeit euro coins which the Council accepted on 28 February 2000 makes reference to the systematic gathering of technical information on euro counterfeiting by the ECB, the establishment at European level of a European Technical and Scientific Centre (ETSC) for the technical analysis and the classification of counterfeit euro coins and at national level of coin national analysis centres (CNAC).
- (9) Provision has been made for the ETSC to be established on a temporary basis as a distinct and independent administrative entity within the Paris Mint on the basis of an Exchange of Letters between the President of the Council and the French Minister for Finance of 28 February and 9 June 2000; its tasks must be defined in this Regulation; the future status and the permanent headquarters of the ETSC will be decided by the Council in due course.

⁽⁷⁾ OJ L 140, 14.6.2000, p. 1.

⁽⁸⁾ European Central Bank Guideline of 26 August 1998 on certain provisions regarding euro banknotes, as amended on 26 August 1999 (OJ L 258, 5.10.1999, p. 32).

- (10) It is necessary to provide for counterfeit euro notes to be handed over for identification to the national analysis centres — NAC; counterfeit coins should be handed over to the CNAC.
- (11) It is necessary to provide that credit institutions and any other establishments involved in the sorting and distribution to the public of notes and coins as a professional activity, including those whose activity consists in exchanging notes or coins, such as bureaux de change, shall be under an obligation to withdraw from circulation euro notes and coins which they know or have sufficient reason to believe to be counterfeit and hand them over to the competent national authorities. In addition, it is necessary to provide for the Member States to take steps so that sanctions they consider appropriate are imposed in the event of non-compliance by the said establishments with their obligations.
- (12) Close and regular cooperation between the competent national authorities, the Commission and the ECB must be organised to ensure effective and consistent protection of the euro, in particular as regards exchanges of information with the exception of personal data, mutual cooperation and assistance between Community and national authorities, scientific support and vocational training. To this end, the Commission will continue, without prejudice to the role attributed to the ECB in protecting the euro against counterfeiting, on a regular basis, in an appropriate advisory committee, with the leading players in the fight against counterfeiting of the euro (including the ECB, the ETSC, Europol and Interpol), the consultations on improving the conditions for the overall protection of the euro on the basis of legislative initiatives to reinforce the prevention and combating of counterfeiting
- (13) To ensure the exchange of full, up-to-date and comparable data, provision should be made for national centralisation of strategic and operational information and for the obligation to report data. To this end, provision should be made for Member States to take the necessary steps to enable central offices to fulfil their missions in accordance with the Geneva Convention in order to ensure the exchange of information between themselves and national Europol units.
- (14) The complementary nature of the tasks of the various Community partners, with the assistance Europol is able to provide in accordance with the Council Decision of 29 April 1999, must bring together all the tools required to protect the euro from the damaging consequences arising from illegal counterfeiting activities. Europol fulfils its functions without prejudice to the competence of the European Community; with strict regard to their respective competences, Europol and the European Community should establish forms of cooperation enabling them to perform their respective functions as effectively as possible; to this end, priority should be given to the organisation of close and regular cooperation on the basis of appropriate agreements to be concluded between Europol and the ECB, on the one hand, and between Europol and the Commission on the other hand in accordance with the relevant provisions of the Europol Convention.
- (15) Given that the euro will be used by non-member countries as a currency for international transactions, provision should be made for structured cooperation

involving all the relevant players in the event of counterfeiting in non-member countries.

- (16) The measures provided for by this Regulation do not affect the power of the Member States to apply national criminal law for the purposes of protecting the euro against counterfeiting,

HAS ADOPTED THIS REGULATION:

CHAPTER 1

PURPOSE AND DEFINITIONS

Article 1

Purpose

1. The purpose of this Regulation is to lay down measures necessary with a view to uttering euro notes and coins in such a manner as to protect them against counterfeiting.
2. For the purpose of applying this Regulation, ‘counterfeiting’ shall mean the following activities:
 - (a) any fraudulent making or altering of euro notes or euro coins, whatever means are employed;
 - (b) the fraudulent uttering of counterfeit euro notes or counterfeit euro coins;
 - (c) the import, export, transport, receiving or obtaining of counterfeit euro notes or counterfeit euro coins with a view to uttering the same and with knowledge that they are counterfeit;
 - (d) the fraudulent making, receiving, obtaining or possession of:
 - instruments, articles, computer programs and any other means peculiarly adapted for the fraudulent making or altering of euro notes or coins,
 - or
 - holograms or other components which serve to protect euro notes and coins against fraudulent making or alteration.
3. This Regulation shall apply, without prejudice to the application of national criminal law, to the protection of the euro against counterfeiting.

Article 2

Definitions

Within the meaning of this Regulation:

- (a) ‘counterfeit notes’ and ‘counterfeit coins’ shall mean notes and coins denominated in euro or which have the appearance of euro notes or coins and which have been fraudulently made or altered;
- (b) ‘competent national authorities’ shall mean the authorities designated by the Member States for:
 - identifying counterfeit notes and coins;
 - gathering and analysing technical and statistical data relating to counterfeit notes, in particular national central banks or other empowered bodies;
 - gathering and analysing technical and statistical data relating to counterfeit coins, in particular national mints, national central banks or other empowered bodies;
 - gathering data relating to counterfeiting of the euro and submitting them to analysis, in particular the national central offices referred to in Article 12 of the Geneva Convention;
- (c) ‘credit institutions’ shall mean the credit institutions referred to in Article 4(1)(a) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions (⁹);
- (d) ‘technical and statistical data’ shall mean data by means of which counterfeit notes or counterfeit coins may be identified (technical description of type of counterfeit) and data on the number of counterfeit notes and counterfeit coins by their origin, in particular geographical;
- (e) ‘Geneva Convention’ shall mean the International Convention for the Suppression of Counterfeiting Currency, signed at Geneva on 20 April 1929 (¹⁰);
- (f) ‘Europol Convention’ shall mean the Convention of 26 July 1995 on the establishment of Europol (¹¹);
- (g) ‘payment service providers’ shall mean the payment service providers referred to in Article 1(1) of Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market (¹²).

⁽⁹⁾ OJ L 177, 30.6.2006, p. 1.

⁽¹⁰⁾ League of Nations Treaty Series No 2623 (1931), p. 372.

⁽¹¹⁾ OJ C 316, 27.11.1995, p. 2.

⁽¹²⁾ OJ L 319, 5.12.2007, p. 1.

CHAPTER 2

TECHNICAL AND STATISTICAL DATA

Article 3

Gathering and access

1. Technical and statistical data relating to counterfeit notes and counterfeit coins discovered in the Member States shall be gathered and indexed by the competent national authorities. These data shall be communicated to the European Central Bank for storage and processing.
2. The European Central Bank shall gather and store technical and statistical data relating to counterfeit notes and counterfeit coins discovered in non-member countries.
3. The competent national authorities and, within its areas of responsibility, the Commission, shall have access to the technical and statistical data held by the European Central Bank. Europol shall have access to such data under an agreement between it and the European Central Bank in accordance with the relevant provisions of the Europol Convention and the provisions adopted on the basis of the latter.

Article 4

Obligation to transmit counterfeit notes

1. In agreement with the European Central Bank, Member States shall designate or establish a National Analysis Centre (NAC) in accordance with their national law and practice.
2. The competent national authorities shall permit the examination by the NAC of suspected counterfeit notes and shall without delay provide it with the necessary examples requested by the NAC of each type of suspected counterfeit note for analysis and identification and such technical and statistical data as are in their possession. The NAC shall send the European Central Bank every new type of suspected counterfeit note corresponding to the criteria adopted by the European Central Bank. For the purpose of facilitating the checking for authenticity of circulating euro notes, the transporting of counterfeit notes 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.
3. Paragraph 2 shall be applied in such a way that it does not prevent suspected counterfeit notes from being used or retained as evidence in criminal proceedings. The competent national authorities may however transmit to the NAC, and, where appropriate, to the ECB, part of a batch of these notes for examination or testing.

4. The European Central Bank shall communicate the relevant final results of its analysis and classification of every new type of counterfeit note to the competent national authorities and, according to its areas of responsibility, to the Commission. The European Central Bank shall communicate the results to Europol, in accordance with the agreement referred to in Article 3(3).

Article 5

Obligation to transmit counterfeit coins

1. Member States shall designate or establish a Coin National Analysis Centre (CNAC) in accordance with their national law and practice.
2. The competent national authorities shall permit the examination by the CNAC of suspected counterfeit coins and shall without delay provide the necessary examples requested by the CNAC of each type of suspected counterfeit coin for analysis and identification and such technical and statistical data as are in their possession. The CNAC shall send the European Technical and Scientific Centre (ETSC) every new type of suspected counterfeit coin corresponding to the criteria adopted by the European Technical and Scientific Centre; to that end the European Central Bank shall provide the CNAC with such technical and statistical data relating to counterfeit euro coins as are in its possession. 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.
3. Paragraph 2 shall be applied in such a way that it does not prevent suspected counterfeit coins from being used or retained as evidence in criminal proceedings. The competent national authorities may however transmit to the CNAC, and, where appropriate, to the ETSC, part of a batch of these coins for examination or testing.
4. 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. The European Central Bank shall communicate those results to Europol, in accordance with the agreement referred to in Article 3(3).

CHAPTER 3

OBLIGATIONS AND SANCTIONS

Obligations relating to credit institutions engaged in the processing and distribution to the public of notes and coins

1. 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:

- establishments whose activity consists in exchanging notes and coins of different currencies, such as bureaux de change,
- transporters of funds,

— 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,

1. 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 (¹³).

The institutions and economic agents referred to in the first subparagraph 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.

1a By way of derogation from the second subparagraph of paragraph 1, 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 (¹⁴), or by the Commission, in the case of coins (¹⁵).

(¹³) See the framework for the detection of counterfeits and fitness sorting by credit institutions and other professional cash handlers, available on the ECB website at the following address: <http://www.ecb.europa.eu/pub/pdf/other/recyclingeurobanknotes2005.en.pdf>

(¹⁴) The list published by the ECB is available at the following address: <http://www.ecb.int/euro/cashhand/devices/results/html/index.fr.html>

(¹⁵) The list published by the Commission is available at the following address: http://ec.europa.eu/anti_fraud/pages_euro/euro-coins/machines.pdf

2. Member States shall take the necessary measures to ensure that the establishments referred to in paragraph 1 which fail to discharge their obligations under the said paragraph are subject to effective, proportionate and deterrent sanctions.

3. Without prejudice to the dates fixed by the ECB for the implementation of the procedures it defines, Member States shall adopt the laws, regulations and administrative provisions for applying the first subparagraph of paragraph 1 of this Article by 31 December 2011 at the latest. They shall forthwith inform the Commission and the ECB thereof.

CHAPTER 4

COOPERATION AND MUTUAL ASSISTANCE

Article 7

Cooperation to protect the euro against counterfeiting

1. With a view to effective protection of the euro against counterfeiting, the Member States, the Commission and the European Central Bank shall cooperate, on the one hand, with each other, and, on the other hand, with Europol in accordance with the Europol Convention and with the provisions adopted on the basis of the latter. To that end the Commission and the European Central Bank shall negotiate with a view to the conclusion in due course of an agreement with Europol.

2. In particular, the competent national authorities, the Commission and the European Central Bank, in the performance of their respective tasks, shall cooperate in:

- exchanging information on preventing counterfeiting and combating the uttering of counterfeit notes and counterfeit coins;
- providing regular information on the impact of counterfeiting for the purposes of strategic analysis;
- ensuring mutual assistance in preventing counterfeiting and combating the uttering of counterfeit notes and counterfeit coins, which shall include, *inter alia*, scientific support and training with the logistical support of the Member States.

3. Within the framework of mutual assistance, the national central offices referred to in Article 12 of the Geneva Convention and the European Central Bank and, where necessary, the Commission shall, within the framework of their respective powers and without prejudice to the role of Europol, make provision for a system for the communication of technical data (early warning).

*Article 8***Centralisation of information at national level**

1. Member States shall ensure that, as soon as any case of counterfeiting is detected, information at national level is communicated to the national central office with a view to its being forwarded to Europol through the Europol national unit.
2. Member States shall take all measures necessary to ensure the exchange of information between the national central office and the Europol national unit.

*Article 9***External relations**

1. The Commission and the Member States shall cooperate with non-member countries and international organisations in close association with the European Central Bank. Such cooperation shall include the assistance necessary to prevent and combat counterfeiting of the euro, in accordance with the provisions relating to the prevention of unlawful activities contained in cooperation, association and pre-accession agreements.
2. The Council shall ensure that cooperation, association and pre-accession agreements between the European Community and non-member countries include provisions enabling Article 3(2) to be applied.

CHAPTER 5**FINAL PROVISIONS***Article 10***Competent national authorities**

1. Member States shall send the European Central Bank and the Commission a list of the competent national authorities referred to in Article 2(b).
2. Those lists shall be published in the Official Journal of the European Communities.

*Article 11***Unauthorised notes**

As far as possible the provisions laid down in Articles 3, 4, 7, 8 and 9 shall apply to notes denominated in euro which have been produced with the use of lawful facilities or equipment in violation of the provisions in accordance with which the competent authorities may issue currency, or uttered in violation of the conditions in accordance with which the competent authorities may utter currency and without the consent of those authorities.

Article 12

Applicability

Articles 1 to 11 shall have effect in those Member States which have adopted the euro as their single currency.

Article 13

Entry into force

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.

It shall apply from 1 January 2002. However, it shall apply from the date of its publication to notes and coins which have not yet been issued but which it is intended to issue.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

COMPETENT NATIONAL AUTHORITIES
referred to in Article 2(b) of Council Regulation (EC) No 1338/2001

Council Regulation (EC) No 1338/2001, laying down measures necessary for the protection of the euro against counterfeiting, provides for the publication in the *Official Journal of the European Communities* of the lists of the competent national authorities.

Council Regulation (EC) No 1339/2001 extended the effects of Regulation (EC) No 1338/2001 to the Member States which have not adopted the euro as their single currency.

In line with these Regulations, Member States have designated the authorities competent, at national level, for the fight against counterfeiting.

The Commission compiled the lists of these competent national authorities. These lists here below complete and update the lists of competent national authorities published in OJ C 173, 19.7.2002, p. 2.

The lists here below correspond to the four indents of Article 2(b) of Regulation (EC) No 1338/2001.

Authorities designated by the Member States for identifying counterfeit banknotes and coins

(as defined in the first indent of Article 2(b) of the Council Regulation (EC) No 1338/2001)

| Member State ⁽¹⁾ | Institution | |
|-----------------------------|---|--|
| Belgium | Office central de la répression du faux monnayage (Police Judiciaire Fédérale/Direction Ecofin) Boulevard Berlaimont, 14 1000 Bruxelles BELGIQUE Tel. +32 22215403/+32 22215409 Fax +32 22215410 | Centrale dienst ter beteugeling van valsnummerij (Federale Gerechtelijke Politie/Directie Ecofin) Berlaimontlaan 14 1000 Brussel BËLGIE Tel. +32 22215403/+32 22215409 Fax +32 22215410 |

⁽¹⁾ The protocol order of the Member States is based on the alphabetical order of their geographical names in the original language(s).

| Member State ⁽¹⁾ | Institution | |
|-----------------------------|--|--|
| Bulgaria | <p>1. Българска народна банка — Bulgarian National Bank Issue Department Issuing Policy and Control Directorate National Analysis Centre 1, Knyaz Alexander I Square 1000 Sofia BULGARIA Tel. +359 291451561 Fax +359 29802425 e-mail: nacbg@bnbank.org</p> <p>2. Chief Directorate ‘Combating organized crime’ — ‘Counterfeit Unit 45, Cherni Vruh Blvd 1407 Sofia BULGARIA e-mail: 170@mvr.bg</p> <p>3. Chief Directorate ‘Border police’ — ‘Operational search’ Unit 46, Maria Luisa Blvd, 1202 Sofia BULGARIA e-mail: nsqp@mvr.bg</p> <p>4. Chief Directorate ‘Combating crime, protection of public order and crime prevention’ — ‘Economic police’ Unit 235, Slivnica Blvd 1202 Sofia BULGARIA e-mail: ncp@mvr.bg</p> | |
| Czech Republic | <p>Česká Národní Banka — Czech National Bank Na Příkopě 28 115 03 Praha 1 ČESKÁ REPUBLIKA Contact persons — NCC: Miroslav Matějka Tel. +420 224413654 Fax +420 224417954 Petr Pikora Tel. +420 224412159 Fax +420 224412834 e-mail: ncc.cz@cnb.cz</p> | |
| Denmark | <p>Rigspolitiet Kriminalteknisk Center Dokumentsektionen NAC/CNAC</p> | |

| Member State ⁽¹⁾ | Institution | |
|------------------------------------|--|--|
| | <p>Slotherrensvej 113 2720 Vanløse DANMARK Tel. +45 45154575 Fax +45 45150136 e-mail: nacdk@politi.dk</p> | |
| Germany | <p>1. Bundeskriminalamt Wiesbaden SO 42 Thaerstraße. 11 65193 Wiesbaden DEUTSCHLAND National Central Office (NCO) Tel. +49 611551-5422 Fax +49 611551-5698 e-mail: so42@bka.bund.de</p> <p>2. Landeskriminalamt Baden-Würtemberg Inspektion 470/FG Taubenheimstr. 85 70372 Stuttgart DEUTSCHLAND Tel. +49 7115401-3589 e-mail: poststelle@lka.bwl.de</p> <p>3. Bayerisches Landeskriminalamt SG 621 Mailingerstr. 15 80636 München DEUTSCHLAND Tel. +49 891212-1621 e-mail: blka.sg621@polizei.bayern.de</p> <p>4. Der polizeipräsident in Berlin LKA 413 Tempelhofer Damm 12 12101 Berlin DEUTSCHLAND Tel. +49 30466494-1300 e-mail: lka413@polizei.verwalt-berlin.de</p> <p>5. Landeskriminalamt Brandenburg LKA 111 Tramper Chaussee 1 16225 Eberswalde DEUTSCHLAND Tel. +49 3334388-1116</p> | |

| Member State ⁽¹⁾ | Institution | |
|-----------------------------|--|--|
| | <p>e-mail: lage.auskunftsdiest@bb.extrapol.de</p> <p>6. Landeskriminalamt Bremen PD Kriminalpolizei LKA K 44/FG In der Vahr 76 28329 Bremen DEUTSCHLAND Tel. +49 421362-3844 e-mail: k44@polizei.bremen.de</p> | |
| | <p>7. Landeskriminalamt Hamburg LKA 522 Übersee-Ring 35 22297 Hamburg DEUTSCHLAND Tel. +49 4042867-5220 e-mail: lka52n@polizei.hamburg.de</p> | |
| | <p>8. Hessisches Landeskriminalamt HSG 42 Hölderlinstr. 1-5 65187 Wiesbaden DEUTSCHLAND Tel. +49 61183-4200 e-mail: hsg42.hlka@polizei.hessen.de</p> | |
| | <p>9. Landeskriminalamt Mecklenburg-Vorpommern Dez. 63.2 Retgendorfer Str. 2 19067 Rampe DEUTSCHLAND Tel. +49 386664-6328 e-mail: lka-mv@polmv.de</p> | |
| | <p>10. Landeskriminalamt Niedersachsen SG. 35.1 Schützenstr. 25 30161 Hannover DEUTSCHLAND Tel. +49 51126262-3512 e-mail: sg35-1@lka.polizei.niedersachsen.de</p> | |
| | <p>11. Landeskriminalamt Nordrhein-Westfalen SG. 31.4 Völklinger Str. 49 40221 Düsseldorf DEUTSCHLAND</p> | |

| Member State ⁽¹⁾ | Institution | |
|------------------------------------|---|--|
| | <p>Tel. +49 211939-3146 e-mail: sg31.42.lka@polizei.nrw.de</p> <p>12. Landeskriminalamt Rheinland-Pfalz Dez. 51/FG Valenciaplatz 1-7 55118 Mainz DEUTSCHLAND Tel. +49 613165-2437 e-mail: lka.51.dl@polizei.rlp.de</p> <p>13. Landeskriminalamt Saarland LKA 441 Mainzer Str. 134/136 66121 Saarbrücken DEUTSCHLAND Tel. +49 681962-3600 e-mail: lka-saarland-441@polizei.slpol.de</p> <p>14. Landeskriminalamt Sachsen Dez. 21-FG Neuländer Str. 60 01129 Dresden DEUTSCHLAND Tel. +49 351855-3464 e-mail: lka@sn.extrapol.de</p> <p>15. Landeskriminalamt Sachsen-Anhalt Abt.4, Dez. 41.2-3 Lübecker Str. 53-63 39124 Magdeburg DEUTSCHLAND Tel. +49 391250-2453 e-mail: 4_falschgeld@lka.pol.sachsen-anhalt.de</p> <p>16. Landeskriminalamt Thüringen Abt.6/Dez. 61.6 Am Schwemmbach 99099 Erfurt DEUTSCHLAND Tel. +49 361341-1814 e-mail: auswertung.lka@polizei.thueringen.de</p> <p>17. Landeskriminalamt Schleswig-Holstein SG 231 Mühlenweg 166 24116 Kiel DEUTSCHLAND</p> | |

| Member State ⁽¹⁾ | Institution | |
|------------------------------------|--|--|
| | <p>Tel. +49 431160-4231 e-mail: kiel.lka231@polizei.landsh.de</p> <p>18. Bundespolizei-präsidium Abt. 3/Ref. 31 Heinrich-Mann-Allee 103, Haus 44 14473 Potsdam DEUTSCHLAND Tel. +49 0261399-299 (Rizzerstraße 8, 56068 Koblenz)</p> <p>19. Deutsche Bundesbank Falschgeldstelle H 12 Hegelstraße 65 55122 Mainz DEUTSCHLAND Tel. +49 6131377-4400 Fax +49 6131377-4499 e-mail: nccde@bundesbank.de</p> | |
| Estonia | <p>1. Central Criminal Police of the Republic of Estonia Tööstuse 52 10416 Tallinn EESTI/ESTONIA Tel. +372 6123705 Fax +372 6123726 e-mail: keskkriminaalpolitsei@kkp.pol.ee Contact office: Criminal Intelligence Department (as NCO) Tel. +372 6123698 Ms Ülle Holme e-mail: ylle.holm@kkp.pol.ee</p> <p>2. Bank of Estonia NCC Cash and Security Department Estonia Bld.13 15095 Tallinn EESTI/ESTONIA Tel. 372 6680985 Fax +372 6680705</p> | |
| Ireland | <p>1. An Garda Siochána Examination Section Documents and Handwriting Garda Technical Bureau Garda Headquarters Phoenix Park Dublin 8</p> | |

| Member State ⁽¹⁾ | Institution | |
|------------------------------------|--|---|
| | <p>Tel. +353 16662590 Fax +353 16662595 IRELAND e-mail: docs@iol.ie</p> <p>2. An Garda Siochána Garda Bureau of Fraud Investigation Harcourt Square Harcourt Street Dublin 2 IRELAND Tel. +353 16663768 Fax +353 16663770 e-mail: gbficheques@garda.ie</p> <p>3. Central Bank and Financial Services Authority of Ireland Currency Centre PO Box 61 Sandyford Dublin 16 IRELAND Tel. +353 12198818 Fax +353 12950741 e-mail: cnac.ie@centralbank.ie</p> | |
| Greece | <p>1. Τράπεζα της Ελλάδος Διεύθυνση Ταμείων Μεσογείων 341 152 31 Χαλάνδρι/Halandri ΕΛΛΑΣ/GREECE Τηλ: +30 2106709191 Φαξ: +30 2106709195 e-mail: nccgr@bankofgreece.gr</p> <p>2. Αρχηγείο Ελληνικής Αστυνομίας Διεύθυνση Εγκληματολογικών Ερευνών Εργαστήριο διερεύνησης παραχώραξης, κιβδηλείας και πλαστότητας εντύπων και αξιών Λ. Αλεξάνδρας 173 115 22 Αθήνα/Athens ΕΛΛΑΣ/GREECE Τηλ: +30 2106476878, +30 2106476879</p> | <p>1. Bank of Greece Cash Department Mesogeion 341 152 31 Halandri GREECE Tel. +30 2106709191 Fax +30 2106709195 e-mail: nccgr@bankofgreece.gr</p> <p>2. Hellenic Police Headquarters Forensic Science Division False Documents & Counterfeit Currency Laboratory Hellenic National Analysis Center 173, Alexandras Avenue</p> <p>115 22 Athens GREECE Tel: +30 2106476878, +30 2106476879</p> |

| Member State ⁽¹⁾ | Institution | |
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| | <p>Φαξ: +30 2106470019 e-mail: forgelab@otenet.gr nac@otenet.gr</p> <p>3. Υπουργείο Οικονομίας και Οικονομικών Γενική Διεύθυνση Οικονομικής Πολιτικής Διεύθυνση Ευρωπαϊκής Ένωσης Τμήμα Ευρώ Νίκης 5-7, Σύνταγμα 101 80 Αθήνα/Athens ΕΛΛΑΣΑ/GREECE Τηλ: +30 2103332823 Φαξ: +30 2103332760 e-mail: m.kanetakis@m nec.gr</p> <p>4. Γενικό Λογιστήριο του Κράτους 25η Διεύθυνση κίνησης κεφαλαίων, εγγυήσεων και αξιών Πλανεπιστημίου 37 10165 Αθήνα/Athens ΕΛΛΑΣΑ/GREECE Τηλ: +30 2103338913 Φαξ: +30 2103338959 e-mail: mgeorgiou@mof-glk.gr</p> | <p>Fax: +30 2106470019 e-mail: forgelab@otenet.gr nac@otenet.gr</p> <p>3. Ministry of Economy and Finance Directorate General for Economic Policy Directorate for European Union affairs Unit for the Euro Nikis 5-7 Syntagma 101 80 Athens GREECE Tel +30 2103332823 Fax: +30 2103332760 e-mail: m.kanetakis@m nec.gr</p> <p>4. General accounting office of the State 25th Directorate funds transfers guarantees loans and securities Panepistimiou 37 10165 Athens GREECE Tel. +30 2103338913 Fax +30 2103338959 e-mail: mgeorgiou@mof-glk.gr</p> |
| Spain | <p>1. Ministerio del Interior Dirección General de la Policía Comisaría General de Policía Judicial Brigada de Investigación del Banco de España (O.C.N.) C/Alcalá, 522 28027 Madrid ESPAÑA Tel. +34 913386995 Fax +34 913386886 e-mail: bibe@dgp.mir.es</p> <p>2. Banco de España Emisión y Caja C/Alcalá, 522 28027 Madrid</p> | |

| Member State ⁽¹⁾ | Institution | |
|------------------------------------|---|--|
| | <p>ESPAÑA Tel. +34 913386332 Fax +34 913386887 e-mail: cnac.es@bde.es</p> | |
| France | <p>1. Direction Centrale de la Police Judiciaire Sous-Direction des Affaires Economiques et Financières Office Central pour la Répression du Faux Monnayage (OCRFM) 101-103 rue des Trois Fontanot 92000 Nanterre FRANCE Tel. +33 140978416, +33 0140978279 Fax +33 140978896 e-mail: valerie.maldonado@interieur.gouv.fr</p> <p>2. Banque de France (CAN et NCC) Direction Générale des Activités Fiduciaires et de Place DERCI — SEGESCO 32-1249 75049 Paris cedex 01 FRANCE Tel. +33 142926480 Fax +33 142924552 e-mail: nacfr@banque-france.fr</p> <p>3. CNAP: Direction des Monnaies et Medailles Etablissement Monétaire de Pessac Voie Romaine BP92 33604 Pessac cedex FRANCE Tel. +33 556077857 Fax +33 556077865 e-mail: alain.teste@monnaiedeparis.fr</p> <p>4. Gendarmerie Nationale Centre Technique de la Gendarmerie Service Technique des Recherches Judiciaires et de Documentation (STRJD) Fort de Rosny 1 boulevard Théophile Sueur 93111 Rosny sous Bois cedex FRANCE</p> <p>5. Direction du Renseignement et de la Documentation Direction Nationale du Renseignement et des Enquêtes Douanières (DNRED) 18, 22 rue de Charonne</p> | |

| Member State ⁽¹⁾ | Institution | |
|------------------------------------|---|--|
| | <p>75011 Paris FRANCE</p> <p>6. Direction des Affaires Criminelles et de Grâces Bureau de l'entraide pénale internationale Mission Justice auprès de la Direction Centrale de la Police Judiciaire 101 rue des Trois Fontanot 92000 Nanterre FRANCE</p> | |
| Italy | <p>1. Ufficio Centrale Nazionale del Falso Monetario Servizio per la Cooperazione Internazionale di Polizia presso la Direzione Centrale della Polizia Criminale Via Torre di Mezzavia 9/121 00173 Roma ITALIA Tel. +39 0646542208, +39 0646542640, +39 0646542639, +39 0646542649 Fax +39 0646542244, +39 0646542243 e-mail: ucifm.rome@dcpc.interno.it</p> <p>2. Guardia di Finanza Via XXI Aprile, 51 00162 Roma ITALIA Tel. +39 0644223020 Fax +39 064404148 e-mail: Iireparto.teletrattamento@gdf.it</p> <p>3. Arma dei Carabinieri Comando Carabinieri Antifalsificazione Monetaria Via Milazzo n. 24 00185 Roma ITALIA Tel. +39 064450391 Fax +39 064457440 e-mail: ccafmcdo@carabinieri.it</p> <p>4. Polizia di Stato presso Ministero dell'Interno Dipartimento della Pubblica Sicurezza Direzione Centrale Anticrimine della Polizia di Stato Via Tuscolana, 1548 00173 Roma ITALIA Tel. +39 0646522388</p> | |

| Member State ⁽¹⁾ | Institution | |
|------------------------------------|---|--|
| | <p>Fax +39 0646522318 e-mail: sco@interno.it</p> <p>5. Ministero dell'Economia e delle Finanze Dipartimento del Tesoro- Direzione III Ufficio Centrale Antifrode Mezzi di Pagamento (UCAMP) Via Venti Settembre, 97 00187 Roma ITALIA Tel. +39 0647613535 Fax +39 0647613089 e-mail: ucamp@tesoro.it</p> | |
| Cyprus | <p>1. The Central Bank of Cyprus Issue Section 80 Kennedy Avenue, 1076 Nicosia CYPRUS Tel. +357 22714100 Fax +357 22378189 e-mail: AnnaChristoforou@centralbank.gov.cy prodromosloucaides@centralbank.gov.cy</p> <p>2. The Cyprus Police Forensic Science Laboratory Forensic Science Laboratory Criminalistic Services Police Headquarters 1478 Nicosia CYPRUS Tel. +357 22607240 — 45 Fax +357 22808936 e-mail: forensiclab@police.gov.cy</p> | |
| Latvia | <p>Bank of Latvia Cashier's and Money Operations Department K. Valdemāra ielā 2A Rīgā, LV-1050 LATVIA Contact person — NCC: Mr. Andris Tauriņš e-mail: andris.taurins@bank.lv Tel. +371 67022391</p> | |
| Lithuania | <p>1. Bank of Lithuania Cash Department 6, Gedimino ave. LT-01103, Vilnius LIETUVA/LITHUANIA</p> | |

| Member State ⁽¹⁾ | Institution | |
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| | <p>Fax + 370 52680916 e-mail: naclt@lb.lt; ncclt@lb.lt; cnac@lb.lt</p> <p>2. Lithuanian Police Forensic Science Centre Liepyno str. 11A LT-08105, Vilnius LIETUVA/LITHUANIA Tel. + 370 522719663 Fax + 370 52719690</p> | |
| Luxembourg | <p>1. Service de Police Judiciaire 24, rue Bitbourg 2957 Luxembourg LUXEMBOURG Tel: +352 49976334 e-mail: germain.kinn@police.etat.lu</p> <p>2. Banque centrale du Luxembourg Département Caisse 2, boulevard Royal 2983 Luxembourg LUXEMBOURG Tel. +352 47744540 e-mail: ncclu@bcl.lu</p> | |
| Hungary | <p>Magyar Nemzeti Bank (The Central Bank of Hungary) Nemzeti Készpénzsakértői Központ (National Counterfeit Centre) Budapest V Szabadság tér 8-9 1054 MAGYARORSZÁG/HUNGARY Tel. +36 14213393 Fax +36 14213398 Email: NCCHU@mnb.hu</p> | |
| Malta | <p>The Central Bank of Malta Pjazza Kastilja, Valletta, VLT 1060, MALTA Tel. +356 25500000 Fax +356 25502500 e-mail: info@centralbankmalta.org</p> | |
| Netherlands | <p>1. Korps Landelijke Politiediensten Dienst Nationale Recherche Informatie Producteigenaar vals geld Europaweg 45 2711 EM Zoetermeer</p> | |

| Member State ⁽¹⁾ | Institution | |
|-----------------------------|--|--|
| | <p>NEDERLAND Tel. +31 793459352 e-mail: martin.naber@klpd.politie.nl</p> <p>2. De Nederlandsche Bank NV afdeling Cash Operations Nationaal Analyse Centrum Westeinde 1 1017 ZN Amsterdam NEDERLAND Tel. +31 (0) 205242864 Fax +31 (0) 205242502 e-mail: nacnl@dnb.nl</p> <p>3. Koninklijke Nederlandse Munt N.V. Nationaal Analyse Centrum voor Munten Leidseweg 90 3500 GK Utrecht NEDERLAND Tel. +31 302910440 Fax +31 302910432 e-mail: cnac.nl@coins.nl</p> | |
| Austria | <p>1. Oesterreichische Nationalbank Cashier's Division National Counterfeit Centre Otto Wagner Platz 3 1090 Wien ÖSTERREICH Tel. +43 1404201301 Fax +43 1404201392 e-mail: friedrich.hammerschmidt@oenb.at</p> <p>2. Oesterreichische Banknoten- und Sicherheitsdruck GmbH National Analysis Centre Garnisongasse 15 1096 Wien ÖSTERREICH Tel. +43 1316901408 Fax +43 1316901496 e-mail: johann.buran@oebs.co.at</p> <p>3. Münze Österreich Aktiengesellschaft Labor (CNAC) Am Heumarkt 1 1031 Wien ÖSTERREICH</p> | |

| Member State ⁽¹⁾ | Institution | |
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| | <p>Tel. +43 171715370 Fax +43 171715378 e-mail: cnac.at@austrian-mint.at</p> <p>4. Bundesministerium für Inneres Bundeskriminalamt Referat II/BK/3.4.1 Josef Holaubek Platz 1 1090 Wien ÖSTERREICH Tel. +43 12483685025 Fax +43 12483685191 e-mail: bmi-ii-bk-spoc@bmi.gv.at</p> | |
| Poland | <p>Narodowy Bank Polski (The National Bank of Poland) Departament Emisyjno-Skarbcowy ul. Świętokrzyska 11/12 00-919 Warszawa POLSKA/POLAND Mr. Grzegorz Biernat Tel. +48 226532911 Fax +48 228263853 e-mail: GrzegorzBiernat@mail.nbp.pl Mrs. Elżbieta Baśkiewicz Tel. +48 226532517 Fax +48 228263853 e-mail: Elzbieta.Basiewicz@mail.nbp.pl</p> | |
| Portugal | <p>1. Banco de Portugal — Sede Rua do Ouro, 27 1100-150 Lisboa PORUGAL Tel. +351 213213200</p> <p>2. Banco de Portugal — Complexo do Carregado Apartado 81 2584-908 Carregado PORUGAL Tel. +351 263856500</p> <p>3. Banco de Portugal — Edifício Portugal Rua Francisco Ribeiro, 2 1150-165 Lisboa PORUGAL Tel. +351 213130300</p> <p>4. Banco de Portugal — Filial Praça da Liberdade, no 92</p> | |

| Member State ⁽¹⁾ | Institution | |
|-----------------------------|---|--|
| | 4000-322 Porto PORTUGAL Tel. +351 222077200 | |
| | 5. Banco de Portugal — Delegação Regional dos Açores Praça do Município, 8 9500-101 Ponta Delgada PORTUGAL Tel. +351 296202860 | |
| | 6. Banco de Portugal — Delegação Regional da Madeira Avenida Arriaga, 8 9000-064 Funchal PORTUGAL Tel. +351 291202470 | |
| | 7. Banco de Portugal — Agência de Braga Praça da República, no 1 4710-305 Braga PORTUGAL Tel. +351 253609700 | |
| | 8. Banco de Portugal — Agência de Coimbra Largo da Portagem, no 16 3000-337 Coimbra PORTUGAL Tel. +351 239854200 | |
| | 9. Banco de Portugal — Agência de Castelo Branco Praça do Rei D. José I 6000-118 Castelo Branco PORTUGAL Tel. +351 272340170 | |
| | 10. Banco de Portugal — Agência de Évora Praça do Giraldo, no 61 7000-508 Évora PORTUGAL Tel. +351 266758000 | |
| | 11. Banco de Portugal — Agência de Faro Praça D. Francisco Gomes, no 11 8000-168 Faro PORTUGAL Tel. +351 289880500 | |
| | 12. Banco de Portugal — Agência de Viseu Praça da República 3510-105 Viseu | |

| Member State ⁽¹⁾ | Institution | |
|-----------------------------|---|--|
| | <p>PORTUGAL Tel. +351 232430900</p> <p>13. Imprensa Nacional — Casa da Moeda, S.A Avenida António José de Almeida 1000-136 Lisboa PORTUGAL</p> <p>14. Polícia Judiciária Direcção Central de Investigação da Corrupção e Criminalidade Económica e Financeira (DCICCEF) Rua Alexandre Herculano, 42-A 1250-011 Lisboa PORTUGAL Tel. +351 961517813 e-mail: uniceo@pj.pt</p> | |
| Romania | <p>Headquarters of Romanian Police General Directorate for Countering Organized Crime National Central Office Stefan cel Mare street no. 13-15 Bucharest ROMANIA Tel./Fax +4021.3104070 e-mail: onc-co@politiaromana.ro</p> | |
| Slovenia | <p>Center za forenzične preiskave Policije Oddelek za preiskave rokopisov in dokumentov (NAC/CNAC) Štefanova 2 SI-1501 Ljubljana SLOVENIJA Tel. +386 14284284 Fax +386 14284986 e-mail: dorijan.kerzan@policija.si or nac@bsi.si</p> | |
| Slovakia | <p>Národná banka Slovenska Odbor prípravy a analýzy platidiel (NCC) Imricha Karvaša 1 813 25 Bratislava SLOVENSKO/SLOVAKIA Contact person: RNDr. Gabriel Schlosser Tel. +421 257872718 e-mail: gabriel.schlosser@nbs.sk</p> | |
| Finland | <p>1. Suomen Pankki Maksuvälineosasto</p> | <p>1. Bank of Finland Currency Department</p> |

| Member State ⁽¹⁾ | Institution | |
|------------------------------------|---|--|
| | <p>PL 160 FI-00101 Helsinki SUOMI/FINLAND Tel. +358 108313470 Fax +358 108313466 e-mail: currency@bof.fi</p> <p>2. Keskusrikospoliisi</p> <p>Rikostekninen laboratorio Jokiniemenkuja 4, PL 285 FI-01301 Vantaa SUOMI/FINLAND Tel. +358 718780141 Fax +358 718786303 e-mail: nacfi@krp.poliisi.fi</p> <p>3. Sisäasiainministeriö, Poliisiosasto, Kansainvälinen yksikkö</p> <p>PL 26 FI-00023 Valtioneuvosto SUOMI/FINLAND Tel. +358 916042853 Mobile: +358 407256206 Fax +358 916043477 e-mail: jutta.purontaus@poliisi.fi</p> | <p>P.O. Box 160 FI-00101 Helsinki FINLAND Tel. +358 108313470 Fax +358 108313466 e-mail: currency@bof.fi</p> <p>2. National Bureau of Investigation</p> <p>Forensic Laboratory Jokiniemenkuja 4 P.O. Box 285 FI-01301 Vantaa FINLAND Tel. +358 718780141 Fax +358 718786303 e-mail:nacfi@krp.poliisi.fi</p> <p>3. Ministry of the Interior, Police Department, International Affairs Unit</p> <p>P.O.Box 26 FI-00023 Government FINLAND Tel. +358 916042853 Mobile: +358 407256206 Fax +358 916043477 e-mail: jutta.purontaus@poliisi.fi</p> |
| Sweden | <p>1. Rikskriminalpolisen Kriminalpolisenheten Finanspolisen P.O. Box 12256/Polhemsgatan 30 SE-102 26 Stockholm SVERIGE Tel. +46 84013800 Fax +46 84013789 e-mail: finanspolisen@polisen.se</p> <p>2. Statens Kriminaltekniska Laboratorium Dokumentenheten /Kemi & Teknikenheten Brigadgatan 13 SE-58194 Linköping SVERIGE Tel. +46 13241400</p> | |

| Member State ⁽¹⁾ | Institution | |
|------------------------------------|--|--|
| | Fax +46 13145715 e-mail: skl@skl.polisen.se | |
| United Kingdom | <p>1. National Central Office for the Suppression of Counterfeit Currency Serious Organised Crime Agency (SOCA) POB 8000 London SE11 5EN UNITED KINGDOM Tel. +44 2072388000 (ask for UKNCO aka Counterfeit Currency Unit) Fax +44 2072388049 e-mail: UKNCO@soca.x.gsi.gov.uk</p> <p>2. The Royal Mint Llantrisant Pontyclun CF72 8YT UNITED KINGDOM Tel. +44 1443623369 Fax +44 1443 623336 e-mail: Phil.Hawkins@royalmint.gov.uk</p> <p>3. Bank of England Counterfeit Section Debden Cash Centre Bank of England Printing Works Langston Road Loughton Essex IG10 3TN UNITED KINGDOM Tel. +44 2084181688 Fax +44 2084181779 e-mail: neil.macnab@bankofengland.gsi.gov.uk</p> <p>4. The Commissioner of Currency The Financial & Development Secretary The Treasury Building John Mackintosh Square GIBRALTAR</p> | |

Authorities designated by the Member States for gathering and analyzing technical and statistical data relating to counterfeit banknotes

(National Analysis Centres)

(as defined in the second indent of Article 2(b) of the Council Regulation (EC) No 1338/2001)

(1) The protocol order of the Member States is based on the alphabetical order of their geographical names in the original language(s).

(2) Counterfeit banknotes found in the Vatican City State and in the Republic of San Marino are within the competence of this authority.

| Member State ⁽²⁾ | Institution | |
|-----------------------------|---|--|
| Belgium | Banque Nationale de Belgique Département Imprimerie Boulevard de Berlaimont 14 1000 Bruxelles BELGIQUE Tel.+32 22214129 e-mail: yves.timmermans@nbb.be e-mail: thierry.jadin@nbb.be | Nationale Bank van België Departement Drukkerij de Berlaimontlaan 14 1000 Brussel BÉLGIE Tel. +32 22214129 e-mail: yves.timmermans@nbb.be e-mail: thierry.jadin@nbb.be |
| Bulgaria | 1. Българска народна банка — Bulgarian National Bank Issue Department Issuing Policy and Control Directorate National Analysis Centre 1, Knyaz Alexander I Square 1000 Sofia BULGARIA Tel. +359 291451561 Fax +359 29802425 e-mail: nacbg@bnbank.org | |
| Czech Republic | Česká národní banka — Czech National Bank Na Příkopě 28 115 03 Praha 1 ČESKÁ REPUBLIKA Contact persons — NAC: Jiří Rott Tel. +420 224413475/Fax +420 224417475 Eva Krulová Tel. +420 224413911/Fax +420 224412834 Jaroslav Moravec Tel. +420 224413078/Fax +420 224417078 | |

⁽²⁾) The protocol order of the Member States is based on the alphabetical order of their geographical names in the original language(s).

| Member State ⁽²⁾ | Institution | |
|------------------------------------|---|---|
| | e-mail: nac.cz@cnb.cz | |
| Denmark | Rigspolitiets Kriminalteknisk Center. Dokumentsektionen NAC/CNAC Slotherrensvej 113 2720 Vanløse DANMARK Tel. +45 45154575 Fax +45 45150136 e-mail: nacd@politi.dk | |
| Germany | Deutsche Bundesbank Falschgeldstelle (NCC/NAC/CNAC) H 12 Hegelstraße 65 55122 Mainz DEUTSCHLAND Tel. +49 6131377-4400 Fax +49 6131377-4499 e-mail: nccde@bundesbank.de | |
| Estonia | NAC/CNAC Pärnu mnt 328 11611 Tallinn EESTI/ESTONIA Tel. +372 6125300 Fax +372 6125309 e-mail: kohtuekspertiis@kekk.pol.ee | |
| Ireland | Central Bank and Financial Services Authority Of Ireland NAC Ireland Currency Centre PO Box 61 Sandyford Dublin 16 IRELAND Tel. +353 12198818 Fax +353 12950741 e-mail: cnac.ie@centralbank.ie | |
| Greece | Αρχηγείο Αστυνομίας Διεύθυνσης Ερευνών Εργαστήριο παραχάραξης, Ελληνικής Εγκληματολογικών διερεύνησης | Hellenic Police Headquarters Forensic Science Division False Documents & Counterfeit Currency Laboratory Hellenic National Analysis Center NAC GR |

| Member State ⁽²⁾ | Institution |
|------------------------------------|--|
| | <p>κιβδηλείας και πλαστότητας εντύπων και αξών Εθνικό κέντρο ανάλυσης χαρτονομισμάτων ευρώ (N.A.C.) Λ. Αλεξάνδρας 173 115 22 Αθήνα/Athens ΕΛΛΑΣ/GREECE Τηλ: +30 2106476878, +30 2106476879 Φαξ: 0030-210-6470019 e-mail: forgelab@otenet.gr nac@otenet.gr</p> |
| Spain | <p>Banco de España Emisión y Caja Centro Nacional de Análisis (C.N.A.) C/Alcalá, 522 28027 Madrid ESPAÑA Tel. +34 913386332 Fax +34 913386887 e-mail: cnac.es@bde.es</p> |
| France | <p>Banque de France (CAN et NCC) Direction Générale des Activités Fiduciaires et de Place DERCI — SEGESCO 32-1249 75049 Paris cedex 01 FRANCE Tel. +33 142926480 Fax +33 142924552 e-mail: nacfr@banque-france.fr</p> |
| Italy ⁽³⁾ | <p>Banca d'Italia Centro Nazionale di Analisi delle Banconote (CAN) Servizio Cassa Generale Divisione circolazione dei biglietti Via Nazionale 91 00184 Roma ITALIA Tel: +39 0647923782 — 0647924878 Fax: +39 0647923896 e-mail: NacIT@bancaditalia.it</p> |

⁽³⁾ Counterfeit banknotes found in the Vatican City State and in the Republic of San Marino are within the competence of this authority

| Member State ⁽²⁾ | Institution |
|------------------------------------|---|
| Cyprus | <p>The Cyprus Police Forensic Science Laboratory Forensic Science Laboratory Criminalistic Services Police Headquarters 1478 Nicosia CYPRUS Tel. +357 22607240-45 Fax +357 22808936 e-mail: forensiclab@police.gov.cy</p> |
| Latvia | <p>Latvia State Police Forensic Research Department Brūnīeku iela 72b Rīgā, LV-1009 LATVIJA Contact persons — NAC: Mr. Elmārs Bērziņš e-mail: elmars.berzins@ec.vp.gov.lv Tel. +371 67208459</p> |
| Lithuania | <p>Bank of Lithuania Cash Department 6, Gedimino ave. LT-01103, Vilnius LIETUVA/LITHUANIA Fax +370 52680916 e-mail: naclt@lb.lt</p> |
| Luxembourg | <p>Banque centrale du Luxembourg Département Caisse 2, boulevard Royal 2983 Luxembourg LUXEMBOURG Tel. +352 47744540 e-mail: ncclu@bcl.lu</p> |
| Hungary | <p>Magyar Nemzeti Bank (The Central Bank of Hungary) Nemzeti Bankjegyszakértői Központ (National Analysis Centre) Budapest V Szabadság tér 8-9 1054 MAGYARORSZÁG/HUNGARY Tel. +36 14213393 Fax +36 14213398 e-mail: NCCHU@mnb.hu</p> |
| Malta | <p>The Central Bank of Malta National Analysis Centre</p> |

| Member State ⁽²⁾ | Institution |
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| | <p>Currency Surveillance Unit Pjazza Kastilja, Valletta, VLT 1060, MALTA Tel: +356 25505004 Fax: +356 25502500 e-mail: nac.mt@centralbankmalta.com</p> |
| Netherlands | <p>De Nederlandsche Bank NV afdeling Cash Operations Nationale Analyse Centrum Westeinde 1 1017 ZN Amsterdam NEDERLAND Tel: +31 (0) 20 524 2864 Fax: +31 (0) 20 524 2502 e-mail: nacln@dnb.nl</p> |
| Austria | <p>Oesterreichische Banknoten- und Sicherheitsdruck GmbH Nationales Analyse Center Garnisongasse 15 1096 Wien ÖSTERREICH Tel. +43 1316901408 Fax +43 1316901496 e-mail: johann.buran@oebs.co.at</p> |
| Poland | <p>Narodowy Bank Polski (The national Bank of Poland) Departament Emisyjno-Skarbcowy ul. Świętokrzyska 11/12 00-919 Warszawa POLSKA/POLAND (NAC) Mr. Juliusz Dobrołęcki Tel. +48 226532648 Fax +48 228263853 e-mail: Juliusz.Dobrolecki@mail.nbp.pl Mrs. Aleksandra Rzoska Tel. +48 226532714 Fax +48 228263853 e-mail: Aleksandra.Rzoska@mail.nbp.pl</p> |
| Portugal | <p>Centro Nacional de Analise de Notas (CNAN) Laboratório de Polícia Científica (LPC) Polícia Judiciária Rua Gomes Freire, 174 1169-007 Lisboa PORTUGAL</p> |

| Member State ⁽²⁾ | Institution | |
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| | Tel. +351 21864 1256 or 1721 Fax +351 213578753 e-mail: nac.pt@pj.pt | |
| Romania | National Analysis Centre National Bank of Romania 25, Lipscani Street, Sector 3 030031 Bucharest ROMANIA e-mail: razvan.dumitriu@bnro.ro Tel. +40 213070151 Fax +40 213223566 | |
| Slovenia | Center za forenzične preiskave Policije Oddelek za preiskave rokopisov in dokumentov (NAC/CNAC) Štefanova 2 SI-1501 Ljubljana SLOVENIJA Tel.: +386 14284284 Fax.: +386 14284986 e-mail: dorijan.kerzan@policija.si or nac@bsi.si | |
| Slovakia | Národná banka Slovenska Odbor prípravy a analýzy platidiel (NAC) Imricha Karvaša 1 813 25 Bratislava SLOVENSKO/SLOVAKIA Contact person: Mária Nahálková Tel: +421 257872721 e-mail: maria.nahalkova@nbs.sk | |
| Finland | Keskusrikospoliisi Rikostekninen laboratorio Jokiniemenkuja 4 PL 285 FI-01301 Vantaa SUOMI/FINLAND Tel. +358 718780141 Fax +358 718786303 e-mail: nacfi@krp.poliisi.fi Tel. +358 718786319 Fax +358 718786303 e-mail: Pirjo.Miettinen@poliisi.fi | National Bureau of Investigation Forensic Laboratory Jokiniemenkuja 4 P.O. Box 285 FI-01301 Vantaa FINLAND Tel. +358 718780141 Fax +358 718786303 e-mail: nacfi@krp.poliisi.fi Tel. +358 718786319 Fax +358 718786303 e-mail: Pirjo.Miettinen@poliisi.fi |
| Sweden | Statens Kriminaltekniska Laboratorium Dokumentenheten Brigadgatan 13 | |

| Member State ⁽²⁾ | Institution |
|------------------------------------|---|
| | <p>SE-58194 Linköping SVERIGE Tel. +46 13241400 Fax +46 13145715 skl@skl.polisen.se</p> |
| United Kingdom | <p>Bank of England Counterfeit Section Debden Cash centre Bank of England Printing Works Langston Road Loughton Essex IG10 3TN UNITED KINGDOM Tel. +44 2084181688 Fax +44 2084181779 e-mail: neil.macnab@bankofengland.gsi.gov.uk</p> |

Authorities designated by the Member States for gathering and analysing technical and statistical data relating to counterfeit coins

(Coin National Analysis Centres)

(as defined in the third indent of Article 2(b) of the Council Regulation (EC) No 1338/2001)

| Member State ⁽⁴⁾ | Institution | |
|-----------------------------|--|---|
| Belgium | Centre national d'analyse des pièces (CNAP) Monnaie Royale de Belgique Bld. Pacheco, 32 1000 Bruxelles BELGIQUE Tel: +32 22210729/+32 22210762 Fax: +32 22210818 e-mail: CNAC.BE@minfin.fed.be | Nationaal Analyse Centrum voor Munten (NACM) Koninklijke Munt van België Pachecolaan 32 1000 Brussel BËLGIE Tel: +32 22210729/+32 22210762 Fax: +32 22210818 e-mail: CNAC.BE@minfin.fed.be |
| Bulgaria | 1. Българска народна банка — Bulgarian National Bank Issue Department Issuing Policy and Control Directorate National Analysis Centre 1, Knyaz Alexander I Square 1000 Sofia BULGARIA Tel. +359 291451561 Fax +359 29802425 e-mail: nacbg@bnbank.org | |
| Czech Republic | Česká národní banka — Czech National Bank Na Příkopě 28 115 03 Praha 1 ČESKÁ REPUBLIKA Contact persons — CNAC: Jaroslav Moravec Tel. +420 224413078/Fax +420 224417078 Jiří Rott Tel. +420 224413475/ Fax +420 224417475 e-mail: cnac.cz@cnb.cz | |
| Denmark | Rigspolitiet Kriminalteknisk Center Dokumentsektionen NAC/CNAC Slotherrensvej 113 | |

⁽⁴⁾ The protocol order of the Member States is based on the alphabetical order of their geographical names in the original language(s).

| Member State ⁽⁴⁾ | Institution | | | | | | | | |
|---|--|--------------------------------|----------------------------------|---|-------------|---|-------------|--|--|
| | <p>2720 Vanløse DANMARK Tel. +45 45154575 Fax +45 45150136 e-mail: nacdk@politi.dk</p> | | | | | | | | |
| Germany | <p>Deutsche Bundesbank Falschgeldstelle (NCC/NAC/CNAC) H 12 Hegelstraße 65 55122 Mainz DEUTSCHLAND Tel. +49 6131377-4400 Fax +49 6131377-4499 e-mail: nccde@bundesbank.de</p> | | | | | | | | |
| Estonia | <p>NAC/CNAC Pärnu mnt 328 11611 Tallinn EESTI/ESTONIA Tel: +372 6125300 Fax: +372 6125309 e-mail: kohtuekspertiis@kekk.pol.ee</p> | | | | | | | | |
| Ireland | <p>Central Bank and Financial Services Authority of Ireland CNAC — Ireland Currency Centre Sandyford Road Dublin 16 IRELAND Tel: +353 1219 8818 Fax: +353 12950741 e-mail: cnac.ie@centralbank.ie</p> | | | | | | | | |
| Greece | <table border="0" data-bbox="308 1100 650 1451"> <tr> <td data-bbox="308 1100 459 1156">Αρχηγείο Αστυνομίας</td> <td data-bbox="459 1100 650 1156">Ελληνικής διερεύνησης</td> </tr> <tr> <td data-bbox="308 1156 459 1251">Εργαστήριο παραχώραξης, κιβωτολείας και πλαστότητας εντύπων και αξιών</td> <td data-bbox="459 1156 650 1251">διερεύνησης</td> </tr> <tr> <td data-bbox="308 1251 459 1378">Εθνικό κέντρο ανάλυσης κερμάτων ευρώ (C.N.A.C.)</td> <td data-bbox="459 1251 650 1378">πλαστότητας</td> </tr> <tr> <td data-bbox="308 1378 459 1451">Λ. Αλεξάνδρας 173 115 22 Αθήνα/Athens ΕΛΛΑΣ/GREECE</td> <td data-bbox="459 1378 650 1451"></td> </tr> </table> <p>Hellenic Police Headquarters Forensic Science Division False Documents & Counterfeit Currency Laboratory Hellenic National Analysis Center CNAC GR 173, Alexandras Avenue 115 22 Athens GREECE Tel. +30 2106476878, +30 2106476879 Fax: +30 2106470019 e-mail: forgelab@otenet.gr</p> | Αρχηγείο Αστυνομίας | Ελληνικής διερεύνησης | Εργαστήριο παραχώραξης, κιβωτολείας και πλαστότητας εντύπων και αξιών | διερεύνησης | Εθνικό κέντρο ανάλυσης κερμάτων ευρώ (C.N.A.C.) | πλαστότητας | Λ. Αλεξάνδρας 173 115 22 Αθήνα/Athens ΕΛΛΑΣ/GREECE | |
| Αρχηγείο Αστυνομίας | Ελληνικής διερεύνησης | | | | | | | | |
| Εργαστήριο παραχώραξης, κιβωτολείας και πλαστότητας εντύπων και αξιών | διερεύνησης | | | | | | | | |
| Εθνικό κέντρο ανάλυσης κερμάτων ευρώ (C.N.A.C.) | πλαστότητας | | | | | | | | |
| Λ. Αλεξάνδρας 173 115 22 Αθήνα/Athens ΕΛΛΑΣ/GREECE | | | | | | | | | |

| Member State ⁽⁴⁾ | Institution |
|------------------------------------|---|
| | Τηλ: +30 2106476878, +30 2106476879 Φαξ: +30 2106470019 e-mail: forgelab@otenet.gr nac@otenet.gr |
| Spain ⁽⁵⁾ | Banco de España Emisión y Caja Centro Nacional de Análisis de Moneda (C.N.A.M.) C/Alcalá, 522 28027 Madrid ESPAÑA Tel. +34 913386332 Fax +34 913386887 e-mail: cnac.es@bde.es |
| France | CNAP: Direction des Monnaies et Medailles Etablissement Monétaire de Pessac Voie Romaine BP92 33604 Pessac cedex FRANCE Tel. +33 556077857 Fax +33 556077865 e-mail: alain.teste@monnaiedeparis.fr |
| Italy ⁽⁶⁾ | CNAC Italia Centro Nazionale di Analisi delle Monete Istituto Poligrafico e Zecca dello Stato Sezione Zecca — Attività Qualità Via Gino Capponi no 49 00179 Roma ITALIA Tel: +39 0685083720, +39 0685083600 Fax: +39 0685083729 e-mail: cnac.it@ipzs.it |
| Cyprus | The Cyprus Police Forensic Science Laboratory Forensic Science Laboratory Criminalistic Services Police Headquarters 1478 Nicosia CYPRUS |

⁽⁵⁾ Practical analysis delegated to: Centro Nacional de Análisis de Falsificaciones de Moneda, Fábrica nacional de Moneda y Timbre — Real Casa de Moneda, Dirección de Ingeniería. Laboratorio C/ Jorge Juan, 106, 28009 Madrid, ESPAÑA

⁽⁶⁾ Counterfeit banknotes found in the Vatican City State and in the Republic of San Marino are within the competence of this authority

| Member State ⁽⁴⁾ | Institution |
|------------------------------------|--|
| | Tel: +357 22607240 — 45 Fax: +357 22808936 e-mail: forensiclab@police.gov.cy |
| Latvia | Latvia State Police Forensic Research Department Brūnieceku iela 72b Rīgā, LV-1009 LATVIJA Contact persons — CNAC: Mr. Elmārs Bērziņš Tel. +371 67208459 e-mail: elmars.berzins@ec.vp.gov.lv |
| Lithuania | Bank of Lithuania Cash Department 6, Gedimino ave. LT-01103, Vilnius LIETUVA/LITHUANIA Fax + 370 52680916 e-mail: cnaclt@lb.lt |
| Luxembourg | Banque centrale du Luxembourg Centre national d'analyse des pièces Département Caisse 2, Boulevard Royal 2983 Luxembourg LUXEMBOURG Tel. +352 47744540 e-mail: cnac@bcl.lu |
| Hungary | Magyar Nemzeti Bank (The Central Bank of Hungary) Nemzeti Érmeszakértői Központ (Coin National Analysis Centre) Budapest V Szabadság tér 8-9 1054 MAGYARORSZÁG/HUNGARY Tel: +361 4213393 Fax: +361 4213398 e-mail: NCCHU@mnb.hu |
| Malta | The Central Bank of Malta Coin National Analysis Centre Currency Surveillance Unit Pjazza Kastilja, Valletta, VLT 1060, MALTA |

| Member State ⁽⁴⁾ | Institution |
|------------------------------------|---|
| | Tel: +356 25505004 Fax: +356 25502500 e-mail: cnac.mt@centralbankmalta.com |
| Netherlands | Koninklijke Nederlandse Munt N.V. Nationale Analyse Centrum voor Munten Leidseweg 90 3500 GK Utrecht NEDERLAND Tel: +31 30 2910440 Fax: +31 30 2910432 e-mail: cnac.nl@coins.nl |
| Austria | Münze Österreich AG Labor (CNAC) Am Heumarkt 1 1031 Wien ÖSTERREICH Tel. +43 171715370 Fax +43 171715378 e-mail: cnac.at@austrian-mint.at |
| Poland | Narodowy Bank Polski (The National Bank of Poland) Departament Emisyjno-Skarbcowy (CNAC) ul. Świętokrzyska 11/12 00-919 Warszawa POLSKA/POLAND Mr. Juliusz Dobrołęcki Tel.+48 226532648 Fax +48 228263853 e-mail: Juliusz.Dobrolecki@mail.nbp.pl Mrs. Aleksandra Rzoska Tel. +48 226532714 Fax +48 228263853 e-mail: Aleksandra.Rzoska@mail.nbp.pl Mrs. Małgorzata Śmierzyńska Tel. +48 22 653 25 96 Fax +48 22 826 38 53 |
| Portugal | Centro Nacional de Analise de Moedas (CNAM) Laboratório de Polícia Científica (LPC) (Att. Area de Fisica) Polícia Judiciária Rua Gomes Freire, 174 1169-007 Lisboa PORTUGAL Tel: +351 21864 1446 or 1257 or 1564 |

| Member State ⁽⁴⁾ | Institution | |
|------------------------------------|--|---|
| | Fax: +351 213540217 e-mail: cnac.pt@pj.pt | |
| Romania | Coin National Analysis Centre National Bank of Romania 25, Lipscani Street, Sector 3 030031 Bucharest ROMANIA e-mail: cristian.ciornei@bnro.ro Tel. +40 213070151 Fax +40 213223566 | |
| Slovenia | Center za forenzične preiskave Policije Oddelek za preiskave rokopisov in dokumentov (NAC/CNAC) Štefanova 2 SI-1501 Ljubljana SLOVENIJA Tel. +386 14284284 Fax +386 14284986 e-mail: dorijan.kerzan@policija.si or nac@bsi.si | |
| Slovakia | Národná banka Slovenska Odbor prípravy a analýzy platidiel (CNAC) Imricha Karvaša 1 813 25 Bratislava SLOVENSKO/SLOVAKIA Contact persons: Ing. Dušan Sukup Tel. +421 257872717 e-mail: dusan.sukup@nbs.sk Ing. Kristián Slovák Tel. +421 257872708 e-mail: kristian.slovak@nbs.sk | |
| Finland | Keskusrikospoliisi Rikostekninen laboratorio Jokiniemenkuja 4, PL 285 FI-01301 Vantaa SUOMI/FINLAND Tel. +358 718780141 Fax +358 718786303 e-mail:cnac.fi@krp.poliisi.fi Tel. +358 718786358 Fax +358 718786303 e-mail: lawrence.gunaratnam@poliisi.fi | National Bureau of Investigation Forensic Laboratory Jokiniemenkuja 4 P.O. Box 285 FI-01301 Vantaa FINLAND Tel. +358 718780141 Fax +358718786303 e-mail:cnac.fi@krp.poliisi.fi Tel. +358 718786358 Fax +358 718786303 e-mail: lawrence.gunaratnam@poliisi.fi |

| Member State ⁽⁴⁾ | Institution |
|-------------------------------|---|
| Sweden | Statens Kriminaltekniska Laboratorium Kemi och Teknikenheten Brigadgatan 13 SE-58194 Linköping SVERIGE Tel: +46 13241400 Fax: +46 13145715 e-mail: skl@skl.polisen.se |
| United Kingdom ⁽⁷⁾ | Coin National Analysis Centre (CNAC) Central Office for the Suppression of Counterfeit Currency National Criminal Intelligence Service (NCIS) POB 8000 London SE11 5EN UNITED KINGDOM Tel. +44 2072388000 Fax +44 2072388049 |

⁽⁷⁾ The Royal Mint (Llantristian, Pontyclun, CF72 8YT, United Kingdom) is responsible for providing technical support to the CNAC.

Authorities designated by the Member States for gathering data relating to counterfeiting of the euro and submitting them to analysis

(as defined in the fourth indent of Article 2(b) of the Council Regulation (EC) No 1338/2001)

| Member State ⁽⁸⁾ | | Institution |
|------------------------------------|---|---|
| Belgium | Office central de la répression du faux monnayage (Police Judiciaire Fédérale/Direction Ecofin) Boulevard Berlaimont, 14 1000 Bruxelles BELGIQUE Tel. +32 22215403/+32 22215409 Fax +32 22215410 | Centrale dienst ter beteugeling van valsmonterij (Federale Gerechtelijke Politie/Directie Ecofin) Berlaimontlaan 14 1000 Brussel BËLGIE Tel. +32 22215403/+32 22215409 Fax +32 22215410 |
| Bulgaria | Chief Directorate ‘Combating organized crime’ ‘National operational and coordination centre for combating counterfeiting bnaknotes and coins’ Unit 45, Cherni Vruh Blvd, 1407 Sofia e-mail: 170@mvr.bg | |
| Czech Republic | Policie České republiky Služba kriminální policie a vyšetřování Útvar pro odhalování organizovaného zločinu Odbor padělání — Národní centrála proti penžokazectví (NCO) P.O. BOX 41/V6 156 80 Praha 5 — Zbraslav ČESKÁ REPUBLIKA Contact persons: Tel. +420 974843980 — Mr. Jiří BROŽ e-mail: brozj@mvcr.cz Tel. +420 974842045 — Ms. Marie Kubásková e-mail: ncpraha@mvcr.cz | |

⁽⁸⁾ The protocol order of the Member States is based on the alphabetical order of their geographical names in the original language(s).

| Member State ⁽⁸⁾ | Institution | |
|------------------------------------|--|---|
| | Fax: +420 974842598 | |
| Denmark | Rigspolitiet Nationalt Efterforsknings Center (NEC) Polititorvet 14 1780 København V DANMARK Tel. +45 33910910 ext: 5398 Fax +45 33322771 e-mail: nec@politi.dk | |
| Germany | Bundeskriminalamt Wiesbaden SO 42 Thaerstraße 11 65193 Wiesbaden DEUTSCHLAND National Central Office (NCO) Tel. +49 611551-5422 Fax. +49 611551-5698 e-mail: so42@bka.bund.de | |
| Estonia | Central Criminal Police of the Republic of Estonia Tööstuse 52 10416 Tallinn EESTI/ESTONIA Tel. +372 6123705 Fax: +372 6123726 e-mail: keskkriminaalpolitsei@kkp.pol.ee Contact office: Criminal Intelligence Department (as NCO) Tel. +372 6123698 Ms Ülle Holme-mail: ylle.holm@kkp.pol.ee | |
| Ireland | An Garda Siochána Garda Bureau of Fraud Investigation Harcourt Square Harcourt Street Dublin 2 IRELAND Tel: +353 16663768 Fax: +353 16663770 e-mail: gbf_i_cheques@garda.ie | |
| Greece | Αρχηγείο Αστυνομίας Διεύθυνση Εγκληματολογικών Ερευνών Εργαστήριο διερεύνησης | Hellenic Police Headquarters Forensic Science Division False Documents & Counterfeit Currency Laboratory Hellenic National Analysis Center |

| Member State ⁽⁸⁾ | Institution |
|------------------------------------|---|
| | <p>παραχάραξης, κιβδηλείας και πλαστότητας εντύπων και αξιών Λ. Αλεξάνδρας 173 115 22 Αθήνα/Athens ΕΛΛΑΣ/GREECE Τηλ: +30 2106476878, +30 2106476879 Φαξ: +30 2106470019 e-mail: forgelab@otenet.gr nac@otenet.gr</p> |
| Spain | <p>Ministerio del Interior Dirección General de la Policía Comisaría General de Policía Judicial Brigada de Investigación del Banco de España (O.C.N.) C/Alcalá, 522 28027 Madrid ESPAÑA Tel. +34 913386995 Fax +34 913386886 e-mail: bibe@dgp.mir.es</p> |
| France | <p>Direction Centrale de la Police Judiciaire Sous-Direction des Affaires Economiques et Financières Office Central pour la Répression du Faux Monnayage (OCRFM) 101-103 rue des Trois Fontanot 92000 Nanterre FRANCE Tel. +33 140978416, +33 0140978279 Fax +33 140978896 e-mail: valerie.maldonado@interieur.gouv.fr</p> |
| Italy | <p>Ministero dell' Economia e delle Finanze Dipartimento del Tesoro — Direzione III Ufficio Centrale Antifalsificazione Mezzi di Pagamento (UCAMP) Via Venti Settembre, 97 00187 Roma ITALIA Tel +39 0647613535 Fax +39 0647613089 e-mail: ucamp@tesoro.it</p> |
| Cyprus | <p>The Cyprus Police Forensic Science Laboratory Forensic Science Laboratory Criminalistic Services</p> |

| Member State ⁽⁸⁾ | Institution | | |
|------------------------------------|---|--|---|
| | <p>Police Headquarters 1478 Nicosia CYPRUS Tel: +357 22607240 — 45 Fax: +357 22808936 e-mail: forensiclab@police.gov.cy</p> | | |
| Latvia | <p>Latvia State Police Economic Police Department Central Criminal Police Department Čiekurkalna 1. līnija 1 korpus 4 Rīgā, LV-1026 LATVIJA Contact person — NCO: Mr. Rauls Kviesītis: e-mail: epd@vp.gov.lv Tel. +371 67208511</p> | | |
| Lithuania | <p>Lithuanian Criminal Police Bureau Crime Investigation Chief Board Currency Counterfeiting Investigation Unit Tel: +370 52719948 Fax: +370 52719707 e-mail: vytautas.gailiusas@policija.lt</p> | | |
| Luxembourg | <p>Le Procureur Général d'Etat Cité judiciaire 2080 Luxembourg LUXEMBOURG Tel. +352 475981-1</p> | | |
| Hungary | <p>Országos Rendőr-főkapitányság Bűnügyi Főigazgatóság Gazdaságvédelmi és Pénzhamisítás Elleni Osztály Postal address: Országos Rendőr-főkapitányság Bűnügyi Főigazgatóság Gazdaságvédelmi és Pénzhamisítás Elleni Osztály Budapest, XIII. Teve u. 4-6. 1139 MAGYARORSZÁG/HUNGA</p> | <p>Rendőr-főkapitányság Bűnügyi Főigazgatóság Gazdaságvédelmi és Pénzhamisítás Elleni Osztály Postal address: Országos Rendőr-főkapitányság Bűnügyi Főigazgatóság Gazdaságvédelmi és Pénzhamisítás Elleni Osztály Budapest, XIII. Teve u. 4-6. 1139 MAGYARORSZÁG/HUNGARY</p> | <p>Hungarian National Police Headquarters General Directorate for Criminal Investigation National Central Office Postal address: Országos Rendőr-főkapitányság Bűnügyi Főigazgatóság Gazdaságvédelmi és Pénzhamisítás Elleni Osztály Budapest, XIII. Teve u. 4-6. 1139 MAGYARORSZÁG/HUNGARY Tel. +36 1 443-5500/33-435 Fax +36 1 443-5500/33-003</p> |

| Member State ⁽⁸⁾ | Institution | |
|------------------------------------|--|----------------------------|
| | <p>RY Tel. +36 1 443-5500/33-435 Fax +36 1 443-5500/33-003 Email: gypo@orkf.police.hu</p> | Email: gypo@orkf.police.hu |
| Malta | <p>National Counterfeit Office Economic Crimes Unit Police General Headquarters Floriana MALTA Tel: +356 22942713/4 E-mail: nco.police@gov.mt ian-joseph.abdilla@gov.mt</p> | |
| Netherlands | <p>Korps Landelijke Politiediensten Dienst Nationale Recherche Informatie Producteigenaar vals geld Europaweg 45 2711 EM Zoetermeer NEDERLAND Tel: +31 793459352 e-mail: martin.naber@klpd.politie.nl</p> | |
| Austria | <p>Bundesministerium für Inneres Bundeskriminalamt Referat II/BK/3.4.1 Josef Holaubek Platz 1 1090 Wien ÖSTERREICH Phone: +43 12483685025 Fax: +43 12483685191 e-mail: bmi-ii-bk-spoc@bmi.gv.at</p> | |
| Poland | <p>Zespół ds. Zwalczania Falszerstw Pieniądzy Centralne Biuro Śledcze (NCO) Komenda Główna Policji ul. Puławska 148/150 02-624 Warszawa POLSKA/POLAND Tel. +48 226012909 Fax: +48 226012995 e-mail: nco_Poland@policja.gov.pl Mr. Tomasz Malczyk Tel. +48 226014023</p> | |
| Portugal | <p>Pólicia Judiciária Direcção Central de Investigação da Corrupção e Criminalida</p> | |

| Member State ⁽⁸⁾ | Institution | |
|-----------------------------|---|--|
| | <p>de Económica e Financeira (DCICCEF) Rua Alexandre Herculano, 42-A 1250-011 Lisboa Tel. +351 961517813 e-mail: uniceo@pj.pt</p> | |
| Romania | <p>Headquarters of Romanian Police General Directorate for Countering Organized Crime National Central Office Stefan cel Mare street no. 13-15 Bucharest ROMANIA Tel./Fax +40 213104070 e-mail: onc-co@politiaromana.ro</p> | |
| Slovenia | <p>Center za forenzične preiskave Policije Oddelek za preiskave rokopisov in dokumentov (NAC/CNAC) Štefanova 2 SI-1501 Ljubljana SLOVENIJA Tel. +386 14284284 Fax +386 14284986 e-mail: dorijan.kerzan@policija.si or nac@bsi.si</p> | |
| Slovakia | <p>Ministerstvo vnútra SR Prezídium Policajného zboru Úrad justičnej a kriminálnej polície Odbor ekonomickej kriminality Oddelenie boja proti falšovaniu a pozmeňovaniu (NCO) Račianska 45 812 72 Bratislava SLOVENSKO/SLOVAKIA Contact person: Martin Oravský Tel: +421 961050128, +421 907704296 Fax: +421 961059071 e-mail: oravsky@minv.sk</p> | |
| Finland | <p>Keskusrikospoliisi Rikostietopalvelu Omaisuusrikollisuus Jokiniemenkuja 4 PL 285 FI-01301 Vantaa SUOMI/FINLAND Tel. +358 71 878 6771 Fax +358 71 878 6765 e-mail:</p> | <p>National Bureau of Investigation Criminal Intelligence Division Property Crimes Unit Forgery of Money Section Jokiniemenkuja 4 P.O. Box 285 FI-01301 Vantaa FINLAND Tel. +358 71 878 6771 Fax +358 71 878 6765</p> |

| Member State ⁽⁸⁾ | Institution | |
|------------------------------------|--|-------------------------------------|
| | raharikokset@krp.poliisi.fi | e-mail: raharikokset@krp.poliisi.fi |
| Sweden | <p>Rikskriminalpolisen- Kriminalpolisenheten Finanspolisen P.O. Box 12256/Polhemsgatan 30 SE-102 26 Stockholm SVERIGE Tel. +46 84013800 Fax +46 84013789 e-mail: finanspolisen@polisen.se</p> | |
| United Kingdom | <p>Central Office for the Suppression of Counterfeit Currency National Criminal Intelligence Service (NCIS) POB 8000 London SE11 5EN UNITED KINGDOM Tel. +44 2072388000 (ask for UKNCO aka Counterfeit Currency Unit) Fax +44 2072388049</p> | |

COUNCIL REGULATION (EC) NO 1339/2001

of 28 June 2001

**extending the effects of Regulation (EC) No 1338/2001 laying down measures necessary
for the protection of the euro against counterfeiting to those Member States which
have not adopted the euro as their single currency**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission (¹),

Having regard to the opinion of the European Parliament (²),

Whereas:

- (1) In adopting Regulation (EC) No 1338/2001 (³), the Council provided that Articles 1 to 11 thereof will have effect in those Member States which have adopted the euro as their single currency.
- (2) However, it is important that the euro should enjoy the same level of protection in those Member States which have not adopted it and the necessary provisions should be taken to that end,

HAS ADOPTED THIS REGULATION:

Article I

The application of Articles 1 to 11 of Regulation (EC) No 1338/2001 as amended by Regulation (EC) No 44/2009 (⁴) shall be extended to those Member States which have not adopted the euro as their single currency.

⁽¹⁾ OJ C 337 E, 28.11.2000, p. 264.

⁽²⁾ Opinion delivered on 3 May 2001 (not yet published in the Official Journal).

⁽³⁾ See page 6 of this Official Journal.

Article 2

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.

It shall apply from 1 January 2002. However, it shall apply from the date of its publication to notes and coins which have not yet been issued but which it is intended to issue.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

⁴) Council Regulation (EC) No 44/2009 of 18 December 2008 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 17, 22.1.2009, p. 1).

DECISION OF THE EUROPEAN CENTRAL BANK

of 8 November 2001

on certain conditions regarding access to the Counterfeit Monitoring System (CMS)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community and in particular to Article 106(1) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular to Article 16 thereof,

Whereas:

- (1) Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting⁽¹⁾ establishes certain measures in connection with the collection and storage of data related to counterfeit banknotes and coins and with access to these data.
- (2) The fight against counterfeiting cannot be dealt with only at a euro area level; to this effect, the Council of the European Union has taken measures in relation to the euro under Title VI of the Treaty on European Union (i.e. the third pillar); also, Council Regulation (EC) No 1339/2001 extends the effects of Council Regulation (EC) No 1338/2001 to those Member States which have not adopted the euro as their single currency⁽²⁾.
- (3) The processes and systems already in place for the analysis of counterfeits and for the collection of information relating to counterfeiting need to be built on; the ECB had established the Counterfeit Analysis Centre and the Counterfeit Currency Database; it has become appropriate to reorganise and rename the latter as the "Counterfeit Monitoring System" (CMS) and define its characteristics.
- (4) The ECB provides for the conditions that ensure the appropriate procedures for access to the relevant data of the CMS in compliance with Regulations (EC) No 1338/2001 and (EC) No 1339/2001. For this purpose, all national central banks (NCBs) of the European System of Central Banks need to establish their respective National Counterfeit Centres (NCCs) within each NCB and create the role of security administrator of the NCC. The ECB also reaches the necessary arrangements and agreements with the Commission and Europol in order to provide for their appropriate

⁽¹⁾ OJ L 181, 4.7.2001, p. 6.

⁽²⁾ OJ L 181, 4.7.2001, p. 11.

access to the data of the CMS and for the access of the European Technical and Scientific Centre also in compliance with Regulation (EC) No 1338/2001. Any access should respect the relevant minimum security standards. This respect is essential because of the confidential nature of the data of the CMS. The confidential nature of the data means that the information that each of the users of the CMS obtains from the CMS should be used exclusively for the purpose of fulfilling their responsibilities in the fight against counterfeiting of the euro. Limiting access to the data of the CMS helps to ensure confidentiality.

- (5) A manual of procedures and the minimum security standards in connection with the CMS are in the process of being approved by the Governing Council of the ECB. They will not be published due to the confidential nature of the data to be introduced and to be accessible in the CMS and to the importance of maintaining a confidential environment for the use of the CMS,

HAS DECIDED AS FOLLOWS:

Article 1

Definitions

The definitions contained in Regulation (EC) No 1338/2001 shall apply in this Decision.

Article 2

Counterfeit Monitoring System

1. The Counterfeit Currency Database (CCD) is renamed as the Counterfeit Monitoring System (CMS). All references to the CCD contained in any previous legal acts are now deemed to be made to the CMS.
2. The CMS consists of a central database containing all technical and statistical information on counterfeiting, both on euro banknotes and coins, whether originated in the Member States or in third countries. The CMS includes, inter alia, browsing and editing applications and facilities for the downloading and uploading of data and networks linking the different users of the CMS to the CMS.
3. The organisation and management of the CMS are the competence of the Executive Board of the ECB, which takes account for these purposes of the views of the Banknote Committee.

Article 3

Access to the data of the Counterfeit Monitoring System

1. Apart from the access of the NCBs to the CMS, access to the relevant data of the CMS is granted to the other competent national authorities, including the National Analysis Centres

(NACs) and the Coin National Analysis Centres (CNACs), as regards data related to coins, in accordance with Regulation (EC) No 1338/2001. For this purpose, the conditions established in Articles 5 to 9 of this Decision apply.

2. Access by the European Commission, the European Technical and Scientific Centre (ETSC) and Europol to the relevant data of the CMS is granted in accordance with Regulation (EC) No 1338/2001. The procedures for this access are specified in bilateral arrangements and agreements with the ECB, as appropriate.
3. Subject to any agreements concerning monetary relations between the Community and third parties, the ECB may grant access to the relevant data of the CMS to the designated authorities or centres of these third parties.
4. In addition to paragraph 3 above and on the basis of Article 9 of Regulation (EC) No 1338/2001, the ECB may grant access to the relevant data of the CMS to the designated authorities or centres of third countries. They may also be provided with ad hoc data of the CMS when this is deemed necessary by the Counterfeit Analysis Centre (CAC) of the ECB.

Article 4

Introduction of data into the Counterfeit Monitoring System by National Analysis Centres and Coin National Analysis Centres

The introduction by any and all NACs into the CMS of data relating to counterfeit euro banknotes which are discovered and the sending of every new type of suspected counterfeit euro banknotes to the CAC of the ECB takes place in accordance with Regulation (EC) No 1338/2001 and with the relevant manual of procedures approved by the Governing Council of the ECB with the contribution of the General Council of the ECB. Those NACs that are not an NCB or which have not been established within an NCB are consulted on the manual of procedures. The necessary adaptations of the manual of procedures regarding the introduction of data related to coins by the ETSC and the CNACs into the CMS will also take place.

Article 5

National Counterfeit Centres

1. The task of administering access to the CMS referred to in Article 3 in the Member States is performed by an NCC established in each NCB. This NCC also facilitates communication regarding all CMS-related matters in the Member States. The role of security administrator is created within each NCC in connection with these tasks.
2. Upon agreement of the ECB, the NCC authorises the different levels of access to the CMS referred to in Article 3, in accordance with paragraph one above. For this purpose, the necessary users names and the different categories of users and different levels of access among these users are created and established by the security administrator of the NCC referred to above.

Article 6

Compliance with the security standards of the Counterfeit Monitoring System

The minimum security standards to be followed by all authorities or centres (NAC and/or CNAC) where there are users of the CMS and by such users, in connection with access to the CMS, are adopted by the Governing Council of the ECB with the contribution of the General Council of the ECB. They are notified to the NCCs.

Article 7

Confidentiality

1. Each authority or centre in which there are users of the CMS informs them of the confidential nature of the data of the CMS and of any limitations on access applicable to each of the users of that authority or centre and of the other authorities or centres, as these limitations are communicated to the latter by the security administrator of the relevant NCC from time to time. The relevant NCC may request that each authority or centre signs a confidentiality declaration in which it states that it has taken due notice of the content of this Decision. Each authority or centre consults with the relevant NCC on any relevant matter in connection with the confidentiality of the data of the CMS. The NCCs consult with the CAC of the ECB about the outcome of any such request or consultation.
2. The relevant NCC is consulted on communications containing CMS data addressed to the public, to credit institutions and to the manufacturers of relevant equipment. It also consults with the CAC of the ECB.
3. The ECB consults with the relevant NCC in connection with any suspension of access. Both the ECB and the relevant NCC may suspend access to the CMS of any users of the CMS when this is necessary to preserve the confidential nature of the data of the CMS. The relevant NCC consults with the authority or centre to which such users belong in order for the appropriate conditions for the utilisation of the CMS to be restored.
4. The minimum security standards mentioned in Article 6, as well as the manual of procedures mentioned in Article 4, once approved by the Governing Council, shall not be published due to their confidential nature.

Article 8

Monitoring

NCCs establish, in consultation with the relevant authorities or centres, procedures allowing the monitoring of their compliance with Articles 6 and Article 7 and the adoption of appropriate measures in connection therewith. These procedures also allow for the participation of the ECB in such monitoring. In consultation with the NCBs, the ECB also establishes procedures to monitor compliance by the NCCs with this Decision.

Article 9

Implementation

The Executive Board of the ECB shall take any measures to implement this Decision which are necessary for the efficiency and the security of the CMS, including any measures relating to the manual of procedures or the minimum security standards respectively mentioned in Articles 4 and 6. For these purposes, it shall take account of the views of the Banknote Committee. The Executive Board shall inform the Governing Council of any measures that it takes in application of this Article. In addition, the ECB may generally provide technical clarifications and specifications concerning the utilisation or the security of the CMS.

Article 10

Final provisions

This Decision shall enter into force on 1 December 2001.

This Decision shall be published in the Official Journal of the European Communities.

**COUNCIL DECISION
of 6 December 2001
on the protection of the euro against counterfeiting**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31 and Article 34(2)(c) thereof,

Having regard to the initiative by the French Republic⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Whereas:

- (1) Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro⁽³⁾ lays down that currency denominated in euro shall start to be put into circulation as from 1 January 2002 and obliges the participating Member States to ensure adequate sanctions against counterfeiting and falsification of euro banknotes and coins.
- (2) The measures to protect the euro put in place by previous instruments should be supplemented and strengthened by provisions ensuring close cooperation between the competent authorities of the Member States, the European Central Bank, the national central banks, Europol and Eurojust to suppress offences involving counterfeiting of the euro.
- (3) On 29 May 2000 the Council adopted Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro⁽⁴⁾.
- (4) On 28 June 2001 the Council adopted Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting⁽⁵⁾ and Regulation (EC) No 1339/2001 extending the effects of Regulation (EC) No 1338/2001

⁽¹⁾ OJ C 75, 7.3.2001, p. 1.

⁽²⁾ Opinion delivered on 23 October 2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 139, 11.5.1998, p. 1.

⁽⁴⁾ OJ L 140, 14.6.2000, p. 1.

⁽⁵⁾ OJ L 181, 4.7.2001, p. 6.

laying down measures necessary for the protection of the euro against counterfeiting to those Member States which have not adopted the euro as their single currency⁽⁶⁾,

HAS DECIDED AS FOLLOWS:

Article 1

Definitions

For the purposes of this Decision:

- (a) "counterfeit notes" and "counterfeit coins" mean notes and coins defined as such by Article 2 of Regulation (EC) No 1338/2001;
- (b) "counterfeiting and offences related to counterfeiting of the euro" means the conduct, in relation to the euro, described in Articles 3 to 5 of Council Framework Decision 2000/383/JHA;
- (c) "competent authorities" means the authorities designated by the Member States to centralise information, in particular the national central offices, and to detect, investigate or punish counterfeiting and offences related to counterfeiting of the euro;
- (d) "Geneva Convention" means the International Convention for the Suppression of Counterfeiting Currency, signed at Geneva on 20 April 1929 and its Protocol;
- (e) "Europol Convention" means the Convention of 26 July 1995 on the establishment of a European police office⁽⁷⁾.

Article 2

Expert analysis of notes and coins

Member States shall ensure that in the context of investigations into counterfeiting and offences related to counterfeiting of the euro:

- (a) the necessary expert analyses of suspected counterfeit notes are carried out by a National Analysis Centre (NAC) designated or established pursuant to Article 4(1) of Regulation (EC) No 1338/2001; and
- (b) the necessary expert analyses of suspected counterfeit coins are carried out by a Coin National Analysis Centre (CNAC) designated or established pursuant to Article 5(1) of Regulation (EC) No 1338/2001.

⁽⁶⁾ OJ L 181, 4.7.2001, p. 11.

⁽⁷⁾ OJ C 316, 27.11.1995, p. 2. Convention as last amended by Protocol of 30 November 2000 (OJ C 358, 13.12.2000, p. 2).

*Article 3***Forwarding of the results of expert analyses**

Member States shall ensure that the results of the analyses carried out by the NAC and the NCAC in accordance with Article 2 are communicated to Europol in accordance with the Europol Convention.

*Article 4***Obligation to communicate information**

1. Member States shall ensure that the national central offices referred to in Article 12 of the Geneva Convention communicate to Europol, in accordance with the Europol Convention, centralised information on investigations into counterfeiting and offences related to counterfeiting of the euro, including information obtained from third countries. The Member States and Europol shall cooperate with a view to determining which information is to be communicated. The information shall, at least, include the particulars of the persons involved, the particulars of the offences, the circumstances in which the offences were discovered, the context of the seizure and links with other cases.
2. The competent authorities of the Member States shall, where appropriate, in investigations into counterfeiting and offences related to the counterfeiting of the euro make use of the facilities offered by the Provisional Judicial Cooperation Unit and, subsequently, the facilities for cooperation offered by Eurojust once it has been established, in accordance with the provisions laid down in the instruments establishing the Provisional Judicial Cooperation Unit and Eurojust.

*Article 5***Entry into force**

This Decision shall enter into force on the day of its publication in the Official Journal.

COUNCIL DECISION
of 8 December 2003
concerning analysis and cooperation with regard to counterfeit euro coins

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third sentence of Article 123(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Central Bank⁽¹⁾,

Whereas:

- (1) Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting⁽²⁾, and in particular Article 5 thereof, provides for the analysis and classification of counterfeit euro coins by the Coin National Analysis Centre (CNAC) in each of the Member States and by the European Technical and Scientific Centre (ETSC). The Commission has provided, since the year 2000, the framework for coordination of the relevant actions of those technical authorities.
- (2) Since October 2001, the ETSC has been carrying out its tasks on a temporary basis at the French Mint with administrative support and management provided by the Commission, in line with an Exchange of Letters between the President of the Council and the French Minister for Finance of 28 February and 9 June 2000.
- (3) In order to ensure the continuity and independence of the protection of euro coins against counterfeiting, the Commission should be given responsibility for performing the activities of the ETSC and for ensuring the coordination of the competent technical authorities in their actions in this field,

HAS ADOPTED THIS DECISION:

⁽¹⁾ OJ C 202, 27.8.2003, p. 31.

⁽²⁾ OJ L 181, 4.7.2001, p. 6.

Article 1

The Commission shall establish the European Technical and Scientific Centre and ensure its functioning and the coordination of the activities of the competent technical authorities to protect euro coins against counterfeiting.

Article 2

This Decision is addressed to the Member States which have adopted the euro as their single currency.

COUNCIL DECISION

of 8 December 2003

extending the effects of Decision 2003/861/EC concerning analysis and cooperation with regard to counterfeit euro coins to those Member States which have not adopted the euro as their single currency

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas:

- (1) In adopting Decision of 2003/861/EC concerning analysis and cooperation with regard to counterfeit euro coins the Council provided that it is to have effect in those Member States which have adopted the euro as their single currency.
- (2) It is important that the euro should enjoy the same level of protection in those Member States which have not adopted it and the necessary provisions should be taken to that end,

HAS ADOPTED THIS DECISION:

Article 1

Council Decision 2003/861/EC concerning analysis and cooperation with regard to counterfeit euro coins shall be extended to those Member States which have not adopted the euro as their single currency.

Article 2

This Decision is addressed to those Member States which have not adopted the euro as their single currency.

⁽¹⁾ Opinion delivered on 18 November 2003 (not yet published in the Official Journal).

COUNCIL REGULATION (EC) NO 2182/2004
of 6 December 2004
concerning medals and tokens similar to euro coins

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third sentence of Article 123(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Central Bank⁽¹⁾,

Whereas:

- (1) On 1 January 1999, the euro became the legal currency of the participating Member States in accordance with the requirements of Council Regulation (EC) No 974/1998 of 3 May 1998 on the introduction of the euro⁽²⁾ and of those third countries which have concluded an agreement with the Community on the introduction of the euro, namely Monaco, San Marino, and the Vatican City.
- (2) Council Regulation (EC) No 975/1998 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation⁽³⁾ defined the basic features of euro coins. Euro coins, following their introduction in January 2002, circulate throughout the euro area as sole legal tender in metallic form.
- (3) Commission Recommendation 2002/664/EC of 19 August 2002 concerning medals and tokens similar to the euro coins⁽⁴⁾ recommended that certain visual characteristics should be avoided in the sale and production, stocking, importation and distribution, for sale or for other commercial purposes, of medals and tokens whose size is close to that of euro coins.

⁽¹⁾ OJ C 134, 12.5.2004, p. 11.

⁽²⁾ OJ L 139, 11.5.1998, p. 1. Regulation as amended by Regulation (EC) No 2596/2000 (OJ L 300, 29.11.2000, p. 2).

⁽³⁾ OJ L 139, 11.5.1998, p. 6. Regulation as amended by Regulation (EC) No 423/1999 (OJ L 52, 27.2.1999, p. 2).

⁽⁴⁾ OJ L 225, 22.8.2002, p. 34.

- (4) The Commission Communication of 23 July 1997 on the use of the euro symbol established the symbol "€" and called upon all currency users to use the symbol for the description of monetary amounts denominated in euro.
- (5) The Commission communication of 22 October 2001 on copyright protection of the common face design of the euro coins⁽⁵⁾ defined the arrangements to be applied for the reproduction of the common face design of euro coins.
- (6) The visual characteristics of the euro coins were published by the Commission on 28 December 2001⁽⁶⁾.
- (7) Citizens may be led to believe that medals and tokens bearing the terms "euro" or "euro cent", the euro symbol, or a design similar to that which appears on the common face or on any of the national sides of the euro coins, have legal-tender status in any of the Member States that have adopted the euro, or in a participating third country.
- (8) There is an increasing risk that medals and tokens having a size and metal properties similar to euro coins may be unlawfully used in the place of euro coins.
- (9) It is therefore appropriate that 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.
- (10) It is for each Member State to introduce applicable sanctions for infringements, with a view to achieving an equivalent protection of the euro against similar medals and tokens throughout the Community.

HAS ADOPTED THIS REGULATION:

Article I

Definitions

For the purposes of this Regulation the following definitions shall apply:

- (a) "euro" means the legal currency of participating Member States as defined in Article 1 of Regulation (EC) No 974/98 and of those participating third countries which have concluded an agreement with the Community on the introduction of the euro (hereinafter referred to as participating third countries);
- (b) "euro symbol" means the symbol representing the euro '€' as shown and described in Annex I;
- (c) "medals and tokens" means those metallic objects, other than blanks intended for striking coins, which have the appearance and/or technical properties of a coin but are

⁽⁵⁾ OJ C 318, 13.11.2001, p. 3.

⁽⁶⁾ OJ C 373, 28.12.2001, p. 1.

not issued under national or participating third country legislative provisions or other foreign legislative provisions, and which therefore are neither a legal means of payment nor legal tender;

- (d) "gold", "silver" and "platinum" mean alloys containing gold, silver and platinum with a millesimal fineness in weight of at least 375, 500 and 850 respectively. This definition shall not concern hallmarking conventions applicable in Member States;
- (e) "European Technical and Scientific Centre" (hereinafter referred to as ETSC) means the entity established by the Commission Decision of 29 October 2004;
- (f) "reference band" shall have the meaning given to it in Section 1 of Annex II.

Article 2

Protective provisions

Subject to Articles 3 and 4, the production and sale of medals and tokens, and their importation and distribution for sale or for other commercial purposes, shall be prohibited in the following circumstances:

- (a) when the terms "euro" or "euro cent" or the euro symbol appear on their surface; or
- (b) when their size is inside the reference band; or
- (c) when any design appearing on the surface of medals and tokens is similar to any of the national obverse designs or to the common reverse face of euro coins, or is identical or similar to the edge design of the two-euro coin.

Article 3

Exemptions

1. Medals and tokens bearing the terms "euro" or "euro cent" or the euro symbol without an associated nominal value shall not be prohibited when their size is outside the reference band.

2. Medals and tokens whose size is inside the reference band shall not be prohibited when:

- (a) they are pierced with a hole of over 6 millimetres in the centre, or when their shape is polygonal but not exceeding six edges, provided the condition under point (c)(ii) is respected; or
- (b) they are made of gold or silver or platinum; or
- (c) when they fulfil the following conditions:

- (i) the combinations of diameter and edge height of medals and tokens are consistently outside the ranges defined in each of the cases specified in Section 2 of Annex II; and
- (ii) the combinations of diameter and metal properties of medals and tokens are consistently outside the ranges defined in each of the cases specified in Section 3 of Annex II.

Article 4

Derogations by authorisation

1. The Commission may grant specific authorisations to use the terms "euro" or "euro cent" or the euro symbol under controlled conditions of utilisation in cases where no risk of confusion exists. In such cases, the economic operator concerned within a Member State shall be clearly identifiable on the surface of the medal or token and the indication 'Not legal tender' must be stamped on the obverse or the reverse of the medal or token.
2. The Commission shall be competent to declare whether a design is "similar" within the meaning of Article 2(c).

Article 5

Existing medals and tokens

Medals and tokens issued before the entry into force of this Regulation which do not satisfy the conditions set out in Articles 2, 3 and 4 may continue to be used until the end of the year 2009, at the latest, unless they are capable of being used in place of euro coins. Those medals and tokens shall be recorded, if appropriate, according to the procedures applicable in the Member States and communicated to the ETSC.

Article 6

Sanctions

1. Member States shall lay down the rules on sanctions applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.
2. Member States shall adopt by 1 July 2005 the laws, regulations and administrative provisions for applying this Article. They shall forthwith inform the Commission thereof.

Article 7

Applicability

This Regulation shall apply in the participating Member States as defined in Regulation (EC) No 974/98.

Article 8

Entry into force

This Regulation shall enter into force on the day following its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

ANNEX I

APPEARANCE OF THE EURO SYMBOL AS MENTIONED IN ARTICLE 1



ANNEX II

1. Definition of the reference band referred to in Article 1

- (a) The reference band for the size of medals and tokens is the set of combinations between the values for diameter and values for edge height included in the reference range for diameter and the reference range for edge height respectively.
- (b) Reference range for diameter is the one between 19,00 millimetres and 28,00 millimetres.
- (c) Reference range for edge height is the one included between 7,00% and 12,00% of each value within the reference range for diameter.

2. Ranges referred to in Article 3(2)(c)(i)

Defined ranges

| | Diameter (mm) | Edge height (mm) |
|----|---------------|------------------|
| 1. | 19,45-20,05 | 1,63-2,23 |
| 2. | 21,95-22,55 | 1,84-2,44 |
| 3. | 22,95-23,55 | 2,03-2,63 |
| 4. | 23,95-24,55 | 2,08-2,68 |
| 5. | 25,45-26,05 | 1,90-2,50 |

3. Ranges referred to in Article 3(2)(c)(ii)

| | Diameter | Metal properties |
|----|-------------|--|
| 1. | 19,00-21,94 | Electrical conductivity between 14,00 and 18,00% IACS |
| 2. | 21,95-24,55 | Electrical conductivity between: 14,00 and 18,00% IACS; or 4,50 and 6,50% IACS, unless the medal or token is of single alloy and its magnetic moment is outside the range from 1,0 to 7,0 pVs.cm |

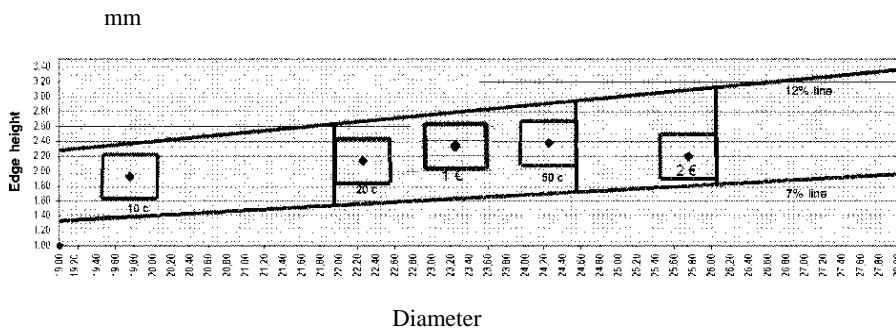
| | | |
|----|-------------|--|
| 3. | 24,56-26,05 | Electrical conductivity between: 15,00 and 18,00% IACS; or 13,00 and 15,00% IACS, unless the medal or token is of single alloy and its magnetic moment is outside the range from 1,0 to 7,0 pVs.cm |
| 4. | 26,06-28,00 | Electrical conductivity between 13,00 and 15,00 % IACS, unless the medal or token is of single alloy and its magnetic moment is outside the range from 1,0 to 7,0 pVs.cm |

4. Graphical representation

The following graph provides an indicative illustration of definitions in this Annex:

Rules for medals and tokens

REFERENCE BAND, LIMITS FOR DIMENSIONS AND METAL PROPERTIES



COUNCIL REGULATION (EC) NO 46/2009
of 18 December 2008
amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third sentence of Article 123(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Central Bank⁽¹⁾,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) Council Regulation (EC) No 2182/2004⁽²⁾ prohibits those medals and tokens similar to euro coins. Experience gained implementing the prohibition of medals and tokens similar to euro coins has highlighted the need to clarify the protective provisions and to make the decision-making process more transparent.
- (2) The public may be led to believe that some medals and tokens have legal tender status, not only when they bear a design similar to euro coins but also when they bear certain elements of the designs on euro coins. Therefore specific elements of the designs on legal tender euro coins should not be reproduced in the way they are depicted on euro coins. In addition, symbols that are representative of the issuing Member State's sovereignty should not be reproduced on medals and tokens in the way they are depicted on euro coins.
- (3) The Commission, after having consulted the counterfeit coin experts referred to in Commission Decision 2005/37/EC of 29 October 2004 establishing the European Technical and Scientific Centre (ETSC) and providing for coordination of technical actions to protect euro coins against counterfeiting⁽³⁾, should specify whether the

⁽¹⁾ OJ C 283, 7.11.2008, p. 1.

⁽²⁾ OJ L 373, 21.12.2004, p. 1.

⁽³⁾ OJ L 19, 21.1.2005, p. 73.

protective provisions referred to in Regulation (EC) No 2182/2004 have been respected and whether a metallic object is a medal/token.

- (4) The specific criteria that are employed by the Commission in declaring conformity with the protective provisions should be clarified and laid down.
- (5) The risk of mistaking a medal or a token bearing the terms "euro", "euro cent" or the euro symbol for a legal tender coin is greater where a nominal value is also associated with that medal or token. Therefore, in such cases, the indication "Not legal tender" should be stamped on the obverse or the reverse of the medal or token concerned.
- (6) Regulation (EC) No 2182/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article I

Amendments

Regulation (EC) No 2182/2004 is hereby amended as follows:

1. Article 2 shall be replaced by the following:

"Article 2

Protective provisions

1. Subject to Articles 3 and 4, the production and sale of medals and tokens, and their importation and distribution for sale or for other commercial purposes, shall be prohibited in the following circumstances:

- (a) when the terms "euro" or "euro cent" or the euro symbol appear on their surface;
- (b) when their size is inside the reference band; or
- (c) when a design appearing on their surface is similar to:
 - (i) any design, or parts thereof, appearing on the surface of euro coins, including in particular the terms "euro" or "euro cent", the 12 stars of the European Union, the image of the geographical representation and the numerals, in the way depicted on euro coins; or
 - (ii) those symbols representative of national sovereignty of Member States, as depicted on euro coins, including in particular the effigies of the Head of State, the coat of arms, the Mint marks, the Mint master marks, the name of the Member State;
 - (iii) the edge shape or the edge design of euro coins; or

(iv) the euro symbol.

2. The Commission shall specify:

- (a) whether a metallic object can be regarded as a medal or token within the meaning of Article 1(c);
- (b) whether a medal or a token falls within the prohibition of paragraph 1 of this Article.

Subject to paragraph 1 of this Article, the Commission shall take into consideration, inter alia, the quantities of medals and tokens produced, the selling price, the packaging, the inscriptions on the medals and tokens and advertisement of them.";

2. Article 3(1) shall be replaced by the following:

"1. Medals and tokens bearing the terms "euro" or "euro cent" or the euro symbol without an associated nominal value shall not be prohibited when their size is outside the reference band, unless a design similar to one of the elements referred to in Article 2(1)(c) appears on their surface.";

3. Article 4 shall be replaced by the following:

"Article 4

Derogations by authorisation

The Commission may grant specific authorisations to use the terms "euro" or "euro cent" or the euro symbol on the surface of medals and tokens, under controlled conditions of use, in cases where no risk of confusion exists. In such cases, the economic operator concerned within a Member State shall be clearly identifiable on the surface of the medal or token and, when the medal or token bears an associated nominal value, the indication "Not legal tender" must be stamped on the obverse or the reverse of the medal or token."

Article 2

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

**REGULATION (EU) NO 1210/2010 OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL****of 15 December 2010****concerning authentication of euro coins and handling of euro coins unfit for circulation**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 133 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Central Bank⁽¹⁾,Acting in accordance with the ordinary legislative procedure⁽²⁾,

Whereas:

- (1) Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting⁽³⁾ requires 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 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.
- (2) Commission Recommendation 2005/504/EC of 27 May 2005 concerning authentication of euro coins and handling of euro coins unfit for circulation⁽⁴⁾ provides for recommended practices regarding the authentication of euro coins and the handling of euro coins unfit for circulation. However, the lack of a mandatory common framework for coin authentication results in different practices among Member States and cannot, therefore, ensure uniform protection of the currency throughout the euro area.

⁽¹⁾ OJ C 284, 25.11.2009, p. 6.

⁽²⁾ Position of the European Parliament of 7 September 2010 (not yet published in the Official Journal) and decision of the Council of 29 November 2010.

⁽³⁾ OJ L 181, 4.7.2001, p. 6.

⁽⁴⁾ OJ L 184, 15.7.2005, p. 60.

- (3) To achieve effective and uniform authentication of euro coins throughout the euro area it is therefore necessary to introduce binding rules for the implementation of common procedures for the authentication of euro coins in circulation and for the implementation of control mechanisms of those procedures by the national authorities.
- (4) During the authentication process, genuine euro coins that are unfit for circulation should also be identified. The circulation of unfit coins makes them more difficult to use, particularly in coin-operated machines, and may create confusion for the users as to the authenticity of those coins. Unfit coins should be removed from circulation. Common binding rules for Member States are therefore necessary for handling and reimbursing euro coins unfit for circulation.
- (5) To coordinate the implementation of the authentication procedures, the details of testing and training requirements for coin authentication, the specifications for checking euro coins unfit for circulation and other practical implementation provisions should be further determined by the European Technical and Scientific Centre (ETSC) established by Commission Decision 2005/37/EC⁽⁵⁾, after having consulted the counterfeit coin experts group referred to in that Decision.
- (6) To allow for a gradual adjustment of their current system of rules and practices to the provisions of this Regulation, the Member States should, during a transitional period until 31 December 2014, be able to provide for derogations regarding the types of coin-processing machines to be used for the authentication of euro coins and for the number of those machines to be checked annually.
- (7) Each national authority handling euro coins unfit for circulation should be able to apply a handling fee in accordance with this Regulation in order to meet the expenses related to the process. Handling fees should not be applied to the submissions of small quantities of euro coins unfit for circulation. Member States should be able to provide for exemptions from handling fees for persons which cooperate closely with the authorities in removing counterfeit or unfit coins from circulation. Member States should be able to accept bags or boxes of mixed counterfeit and unfit coins without applying a surcharge if this serves public interest.
- (8) It should be for each Member State to introduce applicable penalties for infringements, with a view to achieving equivalent authentication of euro coins and handling of euro coins unfit for circulation throughout the euro area.
- (9) Since the objective of this Regulation, namely effective and uniform authentication of euro coins throughout the euro area, cannot be sufficiently achieved by the Member States due to the differences in national practices and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

⁽⁵⁾ OJ L 19, 21.1.2005, p. 73.

HAVE ADOPTED THIS REGULATION:

CHAPTER I SUBJECT MATTER AND DEFINITIONS

Article 1

Subject matter

This Regulation lays down procedures necessary for authentication of euro coins and for handling of euro coins unfit for circulation.

Article 2

Definitions

For the purpose of this Regulation the following definitions shall apply:

- (a) "authentication of euro coins" means the process of verifying that euro coins are authentic and fit for circulation;
- (b) "euro coins unfit for circulation" means euro coins that are genuine but that have been rejected during the authentication process or euro coins the appearance of which has been significantly altered;
- (c) "designated national authority" means the Coin National Analysis Centre or another authority designated by the Member State concerned;
- (d) "institutions" means the institutions referred to in the first subparagraph of Article 6(1) of Regulation (EC) No 1338/2001, excluding those referred to in the third indent thereof;
- (e) "CCEG" (Counterfeit Coin Experts Group) means the counterfeit coin experts referred to in Decision 2005/37/EC.

CHAPTER II AUTHENTICATION OF EURO COINS

Article 3

Authentication of euro coins

1. Institutions shall ensure that euro coins which they have received and which they intend to put back into circulation are subject to an authentication procedure. They shall implement that obligation by means of:

- (a) coin-processing machines included in the list of coin-processing machines, referred to in Article 5(2); or
 - (b) personnel trained in accordance with modalities defined by Member States.
2. Following authentication all suspected counterfeit coins and euro coins unfit for circulation shall be submitted to the designated national authority.
 3. Counterfeit euro coins handed over to the competent national authorities in accordance with Article 6 of Regulation (EC) No 1338/2001 shall not be subject to handling or other fees. As regards euro coins unfit for circulation, Chapter III of this Regulation shall apply.

Article 4

Testing requirement and coin-processing machines

1. When implementing Article 3(1)(a), institutions shall use only the types of coin-processing machines that have successfully passed a detection test carried out by the designated national authority or by the ETSC and that were listed on the website referred to in Article 5(2) at the time of their purchase. Institutions shall ensure that those machines are regularly adjusted to maintain their detection capability, taking into consideration the modifications introduced in the list referred to in Article 5(2). The detection test shall be designed to ensure that a coin-processing machine is capable of rejecting the known types of counterfeit euro coins and, in the process, euro coins unfit for circulation and all other coin-like objects that do not comply with the specifications of genuine euro coins.
2. For a transitional period until 31 December 2014, Member States may provide for specific derogations from the first sentence of paragraph 1 for coin-processing machines that were in use on 11 January 2011 and that have proved capable of detecting counterfeit euro coins, euro coins unfit for circulation and other coin-like objects that do not comply with the specifications of genuine euro coins, even if those machines are not included in the list referred to in Article 5(2). Such derogations shall be adopted after consulting the CCEG.

Article 5

Adjustment of coin-processing machines

1. With a view to enabling manufacturers of coin-processing machines to obtain the specifications necessary for the adjustment of their machines to detect counterfeit euro coins, testing in accordance with Article 4 may be carried out at the designated national authority, the ETSC or, following bilateral agreement, on the manufacturer's premises. Following the successful testing of a coin-processing machine, a detection test report summary shall be issued for the attention of the manufacturer of the machine and copied to the ETSC.

2. The Commission shall publish on its website a consolidated list of all coin-processing machines, for which a positive and valid detection test report summary is received or prepared by the ETSC.

Article 6

Controls by Member States

1. Member States shall put in place the controls provided for in this Article.
2. Member States shall perform annual on-the-spot controls in institutions with a view to verifying, through detection tests, the proper functioning of a representative number of coin-processing machines used. Where personnel of the institutions is expected to check manually the authenticity of euro coins to be put back into circulation, Member States shall obtain an assurance from the institutions that their personnel are duly trained for that purpose.
3. The number of coin-processing machines to be checked annually in each Member State shall be such that the volume of euro coins processed by those machines during that year represents at least 25 % of the total cumulated net volume of coins issued by that Member State from the introduction of euro coins until the end of the previous year. The number of coin-processing machines to be checked shall be calculated on the basis of the volume of the three highest denominations of euro coins intended for circulation. Member States shall endeavour to ensure that coin-processing machines are checked on a rotating basis.
4. In the event that the number of coin-processing machines to be checked annually in accordance with paragraph 3 is higher than the number of machines operating in a particular Member State, all the coin-processing machines operating in that Member State shall be checked annually.
5. For a transitional period until 31 December 2014, Member States may decide, after notifying the Commission, that the number of coin-processing machines to be checked annually shall be such that the volume of euro coins processed by those machines during that year represents at least 10 % of the total cumulated net volume of coins issued by that Member State from the introduction of the euro coins until the end of the previous year.
6. As part of the annual controls, Member States shall monitor the capacity of institutions to authenticate euro coins on the basis of:
 - (a) the existence of a written policy providing instructions relating either to the use of automatic coin-processing equipment or to manual sorting, as appropriate;
 - (b) the allocation of appropriate human resources;
 - (c) the existence of a written maintenance plan intended to keep coin-processing machines at their appropriate performance level;

- (d) the existence of written procedures for submitting counterfeit euro coins, euro coins unfit for circulation and other coin-like objects that do not comply with the specifications of genuine euro coins to the designated national authority; and
- (e) the existence of internal control procedures describing the modalities and the frequency of the controls to be carried out by institutions to ensure that their sorting centres and their personnel follow the instructions set out in this paragraph.

7. Where a Member State detects non-compliance with this Regulation, the institution concerned shall take the measures to ensure that the non-compliance is rectified promptly.

Article 7

Technical provisions

The Commission shall ensure that the ETSC define, within a reasonable time frame and after consulting the CCEG, the technical specifications for the detection test, and other practical implementation provisions, such as training practices, the period of validity of the detection test report summary, the information to be included in the list referred to in Article 5(2), the guidelines related to controls, checks and auditing by Member States, the rules for the rectification of non-compliance, and the relevant thresholds for accepting genuine coins.

CHAPTER III

HANDLING OF EURO COINS UNFIT FOR CIRCULATION

Article 8

Withdrawal and reimbursement of euro coins unfit for circulation

1. Member States shall withdraw from circulation euro coins unfit for circulation.
2. Member States shall reimburse or replace euro coins that have become unfit due to long circulation or accident or that have been rejected during the authentication procedure for any other reason. Member States may refuse reimbursement of euro coins unfit for circulation which have been altered either deliberately or by a process that could be reasonably expected to have the effect of altering them, notwithstanding reimbursement of coins collected for charitable purposes, such as "fountain coins".
3. Member States shall ensure that after withdrawal, euro coins unfit for circulation are destroyed by physical and permanent deformation, so that those coins cannot be put back into circulation or be submitted for reimbursement.

*Article 9***Handling fees**

1. A handling fee of 5 % of the nominal value of the submitted euro coins unfit for circulation may be withheld from the reimbursement or the replacement of those euro coins. In the event that an entire bag or box of euro coins is checked in accordance with Article 11(2), the handling fee may be supplemented by an additional 15 % fee of the nominal value of the submitted euro coins.
2. Member States may provide for general or partial exemptions from handling fees in cases where the natural or legal persons submitting the euro coins cooperate closely and regularly with the designated national authority in withdrawing from circulation counterfeit euro coins or euro coins unfit for circulation or where such exemptions serve the public interest.
3. Transport and related costs shall be borne by the natural or legal person submitting the euro coins.
4. Without prejudice to the exemption provided for in paragraph 2, a maximum quantity of one kilogramme of euro coins unfit for circulation per denomination per natural or legal person submitting euro coins shall be exempted from the handling fee each year. If that limit is exceeded, all the coins submitted may be subject to a fee.
5. Where an individual submission of coins includes coins treated with chemical or other hazardous substances to such a degree that they may be deemed to harbour a health risk for handlers, the charges levied in accordance with paragraph 1 shall be supplemented by a further fee equivalent to 20 % of the nominal value of the euro coins submitted.

*Article 10***Packaging of euro coins unfit for circulation**

1. The natural or legal person submitting euro coins for reimbursement or replacement shall sort them per denomination in standardised bags or boxes, as follows:
 - (a) the bags or boxes shall comprise:
 - (i) 500 coins for each of the denominations of EUR 2 and EUR 1,
 - (ii) 1000 coins for each of the denominations of EUR 0,50, EUR 0,20 and EUR 0,10,
 - (iii) 2000 coins for each of the denominations of EUR 0,05, EUR 0,02 and EUR 0,01,
 - (iv) for smaller quantities, 100 coins of each denomination;
 - (b) each bag or box shall bear the identifying details of the submitting natural or legal person, the value and the denomination contained, the weight, the date of packaging

and the bag or box number; the submitting natural or legal person shall provide a packaging list with an overview of the bags or boxes submitted; where coins have been treated with chemical or other hazardous substances, the standard packaging units shall be accompanied by a written declaration specifying the exact substances which have been used;

- (c) where the total quantity of euro coins unfit for circulation is smaller than the requirements referred to in point (a), those euro coins shall be sorted by denomination and may be submitted in non-standard packaging.
- 2. By derogation from paragraph 1, Member States may maintain different packaging requirements as provided for under their national rules on 11 January 2011.

Article 11

Checks of euro coins unfit for circulation

- 1. Member States may check submitted euro coins unfit for circulation as follows:
 - (a) the quantity declared shall be checked by weighing each bag or box;
 - (b) authenticity and visual appearance shall be checked on the basis of a sample of at least 10 % of the submission.
- 2. In the event that anomalies following the checks referred to in paragraph 1, or deviations from Article 10, are identified, the entire bag or box shall be checked.
- 3. Where the acceptance or processing of euro coins constitutes a health risk for handlers or a submission fails to meet packaging and labelling standards, Member States may refuse to accept such coins.

Member States may provide for measures to be adopted with respect to the natural or legal persons that submitted coins referred to in the first subparagraph.

CHAPTER IV **FINAL PROVISIONS**

Article 12

Reporting, communication and evaluation

- 1. Member States shall submit annually reports to the Commission on their activities as regards authentication of euro coins. The information provided shall include the number of controls carried out pursuant to Article 6(2) and coin-processing machines checked, the test results, the volume of coins processed by those machines, the number of suspected counterfeit coins analysed and the number of euro coins unfit for circulation reimbursed, as well as details of any derogations provided for under Article 4(2) or Article 6(5).

2. To enable Member States to monitor the compliance of institutions with this Regulation, they shall, if so requested, provide the Member States at least annually with at least the following information:

- (a) the types and number of coin-processing machines used;
- (b) the location of each coin-processing machine; and
- (c) the volume of coins processed per coin-processing machine, per year and per denomination, for at least the three highest denominations.

3. Member States shall ensure that information concerning the authorities designated for reimbursement or replacement of euro coins and specific modalities, such as packaging requirements and fees, is made available on the appropriate websites and through the appropriate publications.

4. After having analysed the reports received from the Member States, the Commission shall present an annual report to the Economic and Financial Committee on developments and results concerning authentication of euro coins and euro coins unfit for circulation.

5. The Commission shall present a report to the European Parliament and to the Council by 30 June 2014 on the operation and effects of this Regulation. That report may be accompanied, if appropriate, by legislative proposals implementing in further detail, or amending, this Regulation, in particular with respect to Articles 6 and 8.

Article 13

Penalties

Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Article 14

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.

It shall apply from 1 January 2012, with the exception of Chapter III, which shall apply from the date of entry into force of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

DECISION OF THE EUROPEAN CENTRAL BANK

of 16 September 2010

on the authenticity and fitness checking and recirculation of euro banknotes

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(1) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the Statute of the ESCB), and in particular Article 16 thereof,

Whereas:

- (1) Article 128(1) of the Treaty and Article 16 of the Statute of the ESCB provide that the European Central Bank (ECB) has the exclusive right to authorise the issue of euro banknotes within the Union. This right includes the competence to take measures to protect the integrity of euro banknotes as a means of payment.
- (2) To protect the integrity of euro banknotes and enable a proper detection of counterfeits, euro banknotes in circulation must be maintained in good condition to ensure that they can be easily and reliably checked for genuineness, and therefore euro banknotes must be checked for fitness. Furthermore, suspect counterfeit euro banknotes must be quickly detected and handed over to the competent national authorities.
- (3) Article 6 of Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting⁽¹⁾ originally obliged credit and other relevant institutions to withdraw from circulation all euro banknotes received by them which they know or have sufficient reason to believe to be counterfeit.
- (4) To establish harmonised standards on euro banknote recirculation, in 2005 the ECB published the banknote recycling framework which laid down common rules and procedures on authenticity and fitness checking of euro banknotes⁽²⁾, including operational standards for banknote handling machines. Subsequently, the ECB adopted common procedures for the testing of banknote handling machines by NCBs.

⁽¹⁾ OJ L 181, 4.7.2001, p. 6.

⁽²⁾ Recycling of euro banknotes: framework for the detection of counterfeits and fitness sorting by credit institutions and other professional cash handlers.

- (5) Regulation (EC) No 1338/2001 has been amended⁽³⁾ to the effect that the scope of its addressees has been extended and that they are now obliged to ensure that euro banknotes they have received and which they intend to put back into circulation are checked for authenticity and that counterfeits are detected. In this respect Regulation (EC) No 1338/2001 stipulates that, for euro notes, this check shall be carried out in line with the procedures defined by the ECB. It is therefore appropriate to lay down those procedures in a legal act.
- (6) Without prejudice to the Member States' competence to establish sanctions against the institutions referred to in Article 6(1) of Regulation (EC) No 1338/2001 that fail to discharge their obligations thereunder, the Eurosystem must be able to take appropriate administrative measures to ensure that the procedures defined by the ECB are complied with and that the rules and procedures established under this Decision are not circumvented with the consequent risk of counterfeit and unfit banknotes not being detected or being put back into circulation,

HAS ADOPTED THIS DECISION:

Article 1

Scope

This Decision lays down common rules and procedures on the authenticity and fitness checking and recirculation of euro banknotes under Article 6(1) of Regulation (EC) No 1338/2001.

Article 2

Definitions

For the purposes of this Decision:

1. "NCB" means the national central bank of a Member State whose currency is the euro.
2. "Cash handlers" means the institutions and economic agents referred to in Article 6(1) of Regulation (EC) No 1338/2001.
3. "Recirculation" means the action, by cash handlers, of putting back into circulation, directly or indirectly, euro banknotes that they have received, either from the public as payment or as a deposit in a bank account, or from another cash handler.
4. "Banknote handling machine" means a customer-operated or staff-operated machine as defined in Annex I.

⁽³⁾ By Council Regulation (EC) No 44/2009 of 18 December 2008 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 17, 22.1.2009, p. 1).

5. "Type of banknote handling machine" means a banknote handling machine that can be distinguished from other banknote handling machines as described in Annex I.
6. "Common test procedures" means the test procedures, as specified by the ECB, to be applied by NCBs in order to test types of banknote handling machine.
7. "Trained staff members" means employees of cash handlers who have: (a) knowledge of the different public security features of euro banknotes, as specified and published by the Eurosystem, and the ability to check them; and (b) knowledge of the sorting criteria listed in Annex IIIb and the ability to check euro banknotes in accordance with them.
8. "Counterfeit euro banknotes" means counterfeit banknotes as defined in Article 2(a) of Regulation (EC) No 1338/2001.
9. "Cash dispenser" means a self-service machine which, through the use of a bank card or other means, dispenses euro banknotes to the public, debiting a bank account, such as an automated teller machine (ATM) dispensing cash. Self-checkout terminals (SCoTs) with which the public can pay for goods or services either by bank card, cash or other payment instruments, having a cash-withdrawal function, are also considered cash dispensers.
10. "Competent national authorities" means authorities as defined in Article 2(b) of Regulation (EC) No 1338/2001.
11. "Unfit euro banknotes" means euro banknotes which are evaluated as unsuitable for recirculation following the fitness checking referred to in Article 6.
12. "Credit institution" means a credit institution as defined in Article 4(1)(a) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions⁽⁴⁾.

Article 3

General principles

1. The obligation of cash handlers to check euro banknotes for authenticity and fitness shall be carried out in line with procedures laid down in this Decision.
2. If two or more cash handlers are involved in the recirculation of the same euro banknotes, the cash handler responsible for the authenticity and fitness checking of these euro banknotes shall be designated in accordance with national regulations or, in the absence of such regulations, in contractual arrangements between the relevant cash handlers.
3. The authenticity and fitness checking shall be carried out either by a type of banknote handling machine successfully tested by an NCB, or manually by a trained staff member.

⁽⁴⁾ OJ L 177, 30.6.2006, p. 1.

4. Euro banknotes may only be recirculated via customer-operated machines or cash dispensers if they have been checked for authenticity and fitness by a type of banknote handling machine successfully tested by an NCB and classified as genuine and fit. However, this requirement shall not apply to euro banknotes that have been delivered directly to a cash handler by an NCB or by another cash handler that has already checked the euro banknotes for authenticity and fitness in this manner.

5. Staff-operated machines, when used for the purpose of authenticity and fitness checking, and customer-operated machines may only be put into operation by cash handlers if they have been successfully tested by an NCB and listed on the ECB's website as laid down in Article 9(2). The machines shall be used with the standard factory settings, including any updates thereof, that have been successfully tested unless stricter settings are agreed between the NCB and the cash handler.

6. Euro banknotes which have been checked for authenticity and fitness and classified as genuine and fit by trained staff members but not by a type of banknote handling machine successfully tested by an NCB may only be recirculated over the counter.

7. This Decision shall not apply to the authenticity and fitness checking of euro banknotes carried out by NCBs.

Article 4

Classification and treatment of euro banknotes by banknote handling machines

1. Euro banknotes checked by a customer-operated machine shall be classified and treated in accordance with Annex IIa.

2. Euro banknotes checked by a staff-operated machine shall be classified and treated in accordance with Annex IIb.

Article 5

Detection of counterfeit euro banknotes

Banknotes that are not authenticated as genuine euro banknotes following classification carried out in accordance with Annex IIa or IIb or following manual authenticity checking by a trained staff member shall immediately, in line with national regulations and in any case within a maximum of 20 working days, be handed over by cash handlers to the competent national authorities.

Article 6

Detection of unfit euro banknotes

1. Fitness checking shall be carried out in accordance with the minimum standards laid down in Annexes IIIa and IIIb.

2. An NCB may, after informing the ECB, lay down stricter standards for one or more denominations of euro banknotes if this is justified, for example by a deterioration in the quality of the euro banknotes in circulation in its Member State.
3. Unfit euro banknotes shall be handed over to an NCB in consideration of national regulations.

Article 7

Exceptions

1. NCBs may grant remote branches of credit institutions with a low level of cash operations permission for trained staff members to carry out manual fitness checking of euro banknotes to be recirculated via customer-operated machines or cash dispensers, provided that authenticity checking is carried out by a type of banknote handling machine successfully tested by an NCB. To apply for this permission, credit institutions shall provide the NCB of their Member State with evidence of the remoteness of the branch in question and the low level of its cash operations. Each NCB shall ensure that the volume of euro banknotes manually checked in this manner does not exceed a maximum of 5 % of the overall volume of euro banknotes which are distributed annually via customer-operated machines or cash dispensers. NCBs shall decide whether the 5 % threshold shall apply at the level of each credit institution or at that of all credit institutions at national level.
2. Where an exceptional event occurs as a result of which the euro banknote supply in a Member State is significantly impaired, cash handlers' trained staff members may, on a temporary basis, and subject to the relevant NCB's agreement that the event is exceptional, carry out manual authenticity and fitness checking of euro banknotes to be recirculated via customer-operated machines or cash dispensers.

Article 8

Eurosystem commitments

1. The information, as specified by the Eurosystem, on euro banknotes and their machine-readable security features shall be provided to manufacturers by the Eurosystem in advance of the issue of a new banknote series and thereafter to enable them to build banknote handling machines that are able to pass the common test procedures and to adapt to new requirements.
2. The information, as specified by the Eurosystem, on euro banknotes and their public security features shall be provided by the Eurosystem to cash handlers in advance of the issue of a new euro banknote series and thereafter to enable their staff members to be given any training required.
3. Training by cash handlers of their staff members to ensure that trained staff members are competent to check euro banknotes for authenticity and fitness shall be supported by the Eurosystem.

4. Cash handlers shall be informed by the Eurosystem of counterfeit threats when appropriate and may be required by the Eurosystem for action to be taken, including a temporary prohibition on the recirculation of the banknote denomination(s) concerned.

5. Manufacturers of banknote handling machines shall be informed by the Eurosystem of counterfeit threats as appropriate.

Article 9

Eurosystem's common test procedures for banknote handling machines

1. Types of banknote handling machines shall be tested by NCBs in accordance with the common test procedures.

2. All successfully tested types of banknote handling machines shall be listed on the ECB's website during the periods of validity of the test results, as referred to in paragraph 3. A type of banknote handling machine that becomes unable during this period to detect all counterfeit euro banknotes known to the Eurosystem shall be removed from the list in accordance with a procedure specified by the ECB.

3. Where a type of banknote handling machine is successfully tested, the test results shall be valid throughout the euro area for one year from the end of the month of their publication on the ECB's website, provided that it remains capable of detecting all counterfeit euro banknotes known to the Eurosystem during this period.

4. The Eurosystem shall not be held liable if a successfully tested type of banknote handling machine is unable to classify and treat euro banknotes in accordance with Annex IIa or IIb.

Article 10

Eurosystem monitoring activities and corrective measures

1. Subject to national law requirements, NCBs are authorised (i) to carry out on-site inspections, including unannounced ones, at cash handlers' premises to monitor their banknote handling machines, in particular the machines' capacity to check for authenticity and fitness and to trace suspect counterfeit euro banknotes and euro banknotes that are not clearly authenticated to the account holder; and (ii) to verify the procedures governing the operation and control of the banknote handling machines, the treatment of checked euro banknotes and any manual authenticity and fitness checking.

2. Subject to national law requirements, NCBs are authorised to take samples of processed euro banknotes to check them at their own premises.

3. When in the course of an on-site inspection an NCB detects non-compliance with the provisions of this Decision, it shall require the adoption by the cash handler of corrective measures within a specified time limit. Until the non-compliance is rectified, the requiring NCB may, on behalf of the ECB, prohibit the cash handler from recirculating the banknote

denomination(s) concerned. If the non-compliance is due to a failure of the type of banknote handling machine, this may lead to its removal from the list referred to in Article 9(2).

4. Where a cash handler does not cooperate with an NCB with regard to an inspection, this shall be considered as non-compliance.

Article 11

Reporting obligations

In order for the ECB and the NCBs to monitor the compliance of cash handlers with this Decision and to oversee developments in the cash cycle, NCBs shall be (i) informed in writing, including by electronic means, by cash handlers before a type of banknote handling machine is put into operation; and (ii) provided by cash handlers with the information specified in Annex IV.

Article 12

Costs

1. The Eurosystem shall not reimburse to cash handlers the costs incurred by them in the fulfilment of this Decision.
2. The Eurosystem shall not compensate for additional costs incurred by cash handlers due to the issue of euro banknotes with changed or new security features.

Article 13

Final provisions

1. This Decision shall enter into force on the day following its publication in the Official Journal of the European Union. It shall apply from 1 January 2011. Each NCB may decide to offer cash handlers of their Member States a transitional period for the reporting of statistical data according to Annex IV. Annex IV shall apply at the latest from 1 January 2012.
2. Cash handlers of Member States that adopt the euro on or after 1 January 2011 shall have a one-year transitional period from the date of adoption of the euro to apply this Decision.

ANNEX I

BANKNOTE HANDLING MACHINES

1. General technical requirements

1.1. To qualify as a banknote handling machine, a machine has to be capable of processing batches of euro banknotes, classifying the individual euro banknotes and physically separating the euro banknotes according to their classifications without the intervention of the machine operator, subject to Annex IIa and IIb. Banknote handling machines need to have the required number of dedicated output stackers and/or other means to ensure the reliable separation of the euro banknotes processed.

1.2. Banknote handling machines have to be adaptable to ensure that they are capable of reliably detecting new counterfeits. Moreover, they have to be adaptable to enable the setting up of more or less restrictive fitness sorting standards, if applicable.

2. Categories of banknote handling machines

Banknote handling machines are either customer-operated machines or staff-operated machines:

Table 1

Customer-operated machines

| A. Customer-operated machines where cash is deposited with customer tracing | | |
|--|--------------------------------|---|
| 1. | Cash-in machines (CIMs) | CIMs allow customers, by using a bank card or other means, to deposit euro banknotes in their bank accounts, but do not have any cash-dispensing function. CIMs check euro banknotes for authenticity and allow for traceability of the account holder; fitness checks are optional |
| 2. | Cash-recycling machines (CRMs) | CRMs allow customers, by using a bank card or other means, to deposit euro banknotes in their bank accounts and to withdraw euro banknotes from their bank accounts. CRMs check euro banknotes for authenticity and fitness and allow for traceability of the account holder. For withdrawals, CRMs may use genuine fit |

| | | |
|--|----------------------------------|---|
| | | euro banknotes that have been deposited by other customers in previous transactions |
| 3. | Combined cash-in machines (CCMs) | CCMs allow customers, by using a bank card or other means, to deposit euro banknotes in their bank accounts and to withdraw euro banknotes from their bank accounts. CCMs check euro banknotes for authenticity and allow for traceability of the account holder; fitness checks are optional. For withdrawals, CCMs do not use euro banknotes that have been deposited by other customers in previous transactions but only euro banknotes loaded separately into them |
| B. Other customer-operated machines | | |
| 4. | Cash-out machines (COM) | COMs are cash dispensers which check euro banknotes for authenticity and fitness before dispensing them to customers. COMs use euro banknotes loaded into them by cash handlers or other automated systems (e.g. vending machines) |

Table 2**Staff-operated machines**

| | | |
|----|---|--|
| 1. | Banknote processing machines (BPMs) | BPMs check euro banknotes for authenticity and fitness |
| 2. | Banknote authentication machines (BAMs) | BAMs check euro banknotes for authenticity |
| 3. | Teller assistant recycling machines (TARMs) | TARMs are cash recycling machines operated by cash handlers that check euro banknotes for authenticity and fitness. For withdrawals, TARMs may use genuine fit euro banknotes that have been deposited by other customers in previous transactions. In addition, they keep euro banknotes in safe custody and allow cash |

| | | |
|----|----------------------------------|---|
| | | handlers to credit or debit the bank accounts of customers |
| 4. | Teller assistant machines (TAMs) | TAMs are machines operated by cash handlers that check euro banknotes for authenticity. In addition, they keep euro banknotes in safe custody and allow cash handlers to credit or debit the bank accounts of customers |

Where customers feed euro banknotes to be deposited into TARMs or TAMs, or take the euro banknotes dispensed by these machines, these machines have to be considered customer-operated machines and have to classify and treat the euro banknotes in accordance with Annex IIa.

3. Types of banknote handling machines

The Eurosystem tests types of banknote handling machines. Types of banknote handling machines can be distinguished from each other through their specific detector systems, software and other components for the performance of their core functionalities. These are: (a) the authentication of genuine euro banknotes; (b) the detection and separation of euro banknotes suspected to be counterfeit; (c) the detection and separation of unfit euro banknotes from fit euro banknotes, if applicable; and (d) the tracing of objects identified as suspect counterfeit euro banknotes and of euro banknotes that are not clearly authenticated, if applicable.

ANNEX IIA

CLASSIFICATION AND TREATMENT OF EURO BANKNOTES BY CUSTOMER-OPERATED MACHINES

Euro banknotes are classified into one of the following categories and are physically separated by category. Machines which do not check euro banknotes for fitness do not need to distinguish between categories 4a and 4b.

Table 1

Classification and treatment of euro banknotes by customer-operated machines in which cash is deposited with customer tracing

| Category | Properties | Treatment |
|---|---|---|
| 1 Objects not recognised as euro banknotes | Not recognised as euro banknotes because of any of the following: <ul style="list-style-type: none">- non-euro banknotes- euro banknote-like objects wrong image or format- large folded corner(s) or missing part(s)- feeding or transportation error of the machine | Return by the machine to the customer |
| 2 Suspect counterfeit euro banknotes | Image and format recognised, but one or more authentication feature checked by the machine not detected or clearly out of tolerance | Withdraw from circulation To be handed over for authentication, together with information related to the account holder, to the competent national authorities immediately, at the latest 20 working days after deposit in the machine. Do not credit to the account holder |
| 3 Euro banknotes that are not clearly authenticated | Image and format recognised, but not all authentication features checked by the machine are recognised because of quality and/or tolerance deviations. In most cases unfit euro banknotes | Withdraw from circulation. The euro banknotes are processed separately and handed over for authentication to the competent national authorities immediately, at |

| | | |
|--|---|--|
| | | <p>the latest 20 working days after deposit in the machine. Information on the account holder is stored for eight weeks after the euro banknotes have been detected by the machine. This information is made available on request to the competent national authorities.</p> <p>Alternatively, in agreement with the competent national authorities, information allowing the traceability of the account holder can be handed over together with the euro banknotes to those authorities</p> <p>May be credited to the account holder</p> |
| 4a Euro banknotes that are identified as genuine and fit | All authenticity and fitness checks carried out by the machine giving positive results | <p>Can be used for recirculation</p> <p>Credited to the account holder</p> |
| 4b Euro banknotes that are identified as genuine and unfit | All authenticity checks carried out by the machine giving positive results. At least one fitness criterion checked giving a negative result | <p>Cannot be used for recirculation and are returned to the NCB</p> <p>Credited to the account holder</p> |

Categories 2 and 3 euro banknotes are not returned to the customer by a machine if the machine allows the cancellation of a deposit transaction. Retaining such euro banknotes when a transaction is cancelled can be done by storing them in a temporary storage area in the machine.

An NCB may agree with a cash handler that category 3 euro banknotes may not be physically separated from categories 4a and 4b euro banknotes, and that in such a case all three categories must be treated as category 3 euro banknotes.

Table 2

Classification and treatment of euro banknotes by other customer-operated machines

| Category | Properties | Treatment |
|--|---|--|
| A (i) Objects not recognised as euro banknotes; or (ii) suspect counterfeit euro banknotes; or (iii) euro banknotes that are not clearly authenticated | (i) Not recognised as euro banknotes because of any of the following: - non-euro banknotes - euro banknote-like objects - wrong image or format - large folded corner(s) or missing part(s) - feeding or transportation error of the machine (ii) Identified as suspect counterfeit euro banknotes because image and format recognised, but one or more authentication feature checked by the machine not detected or clearly out of tolerance (iii) Euro banknotes that are not clearly authenticated because image and format recognised, but not all authentication features checked by the machine recognised because of quality and/or tolerance deviations. In most cases unfit euro banknotes | Withdraw from circulation To be handed over for authentication to the competent national authorities immediately, at the latest 20 working days after detection by the machine |
| B1 Euro banknotes that are identified as genuine and fit | All authenticity and fitness checks carried out by the machine giving positive results | Can be dispensed to customers |
| B2 Euro banknotes that are identified as genuine and unfit | All authenticity checks carried out by the machine giving positive results. At least one fitness criterion checked giving a negative result | Cannot be dispensed to customers and are returned to the NCB |

ANNEX IIB

CLASSIFICATION AND TREATMENT OF EURO BANKNOTES BY STAFF-OPERATED MACHINES

Euro banknotes are classified into one of the following categories and are physically separated by category. Machines which do not check euro banknotes for fitness do not need to distinguish between categories B1 and B2.

Classification and treatment of euro banknotes by staff-operated machines

| Category | Properties | Treatment |
|---|---|--|
| A (i) Objects not recognised as euro banknotes; (ii) suspect counterfeit euro banknotes; or (iii) euro banknotes that are not clearly authenticated | <p>(i) Not recognised as euro banknotes because of any of the following:</p> <ul style="list-style-type: none"> - non-euro banknotes - euro banknote-like objects - wrong image or format - large folded corner(s) or missing part(s) - feeding or transportation error of the machine <p>(ii) Identified as suspect counterfeit euro banknotes because image and format recognised, but one or more authentication feature checked by the machine not detected or clearly out of tolerance</p> <p>(iii) Euro banknotes that are not clearly authenticated because image and format recognised, but not all authentication features checked by the machine recognised because of quality and/or tolerance deviations. In most cases unfit euro banknotes</p> | <p>Return by the machine to the operator for further evaluation and treatment</p> <p>(i) objects not recognised as euro banknotes: after visual evaluation by a staff member these are separated from the suspect counterfeit euro banknotes and euro banknotes that are not clearly authenticated;</p> <p>(ii) suspect counterfeit euro banknotes; and</p> <p>(iii) euro banknotes that are not clearly authenticated: these are processed separately and handed over for final authentication to the competent national authorities immediately, at the latest 20 working days after deposit in the machine.</p> |

| | | |
|--|---|---|
| B1 Euro banknotes that are identified as genuine and fit | All authenticity and fitness checks carried out by the machine giving positive results | Can be used for recirculation. Credited to the account holder |
| B2 Euro banknotes that are identified as genuine and unfit | All authenticity checks carried out by the machine giving positive results. At least one fitness criterion checked giving a negative result | Cannot be used for recirculation and are returned to the NCB. Credited to the account holder |

Specific classification and sorting rules for some staff-operated machines

1. BPMs classify and physically sort euro banknotes into categories A, B1 and B2 as set out in Annex IIb, for which at least three dedicated output stackers are needed to avoid the intervention of the machine operator.
2. BPMs with only two dedicated output stackers may however classify and sort euro banknotes if the following requirements are fulfilled:
 - (a) The authenticity and fitness checks are conducted in the same pass. In this pass, any category B1 euro banknotes must be sorted into one stationary output stacker, whereas both category A and B2 euro banknotes must be sorted into a separate stationary output stacker that does not have any physical contact with any category B1 euro banknote.
 - (b) If a category A euro banknote is identified as being present in the second output stacker, the operator must re-run the euro banknote(s) from the second output stacker. In this second pass, euro banknotes suspected to be counterfeits must be separated from the category B2 euro banknotes by sorting the former into a dedicated output stacker.
3. BAMs classify and physically sort euro banknotes into categories A and B, for which at least two dedicated output stackers are needed to avoid the intervention of the machine operator.

4. BAMs with only one dedicated output stacker may however classify and sort euro banknotes if the following requirements are fulfilled:

- (a) Each time a category A euro banknote is processed, the machine must stop the processing immediately and keep the category A euro banknote in a position that avoids any physical contact with authenticated euro banknotes.
- (b) The result of the authenticity check must be indicated for any single category A euro banknote on a display.
- (c) The machine must check for the presence of a category A euro banknote when it stops processing, and processing can only be resumed after the physical removal of the category A euro banknote by the operator.
- (d) For each stop of the processing mode no more than one category A euro banknote can be accessible to the operator.

ANNEX IIIA

MINIMUM STANDARDS FOR AUTOMATED FITNESS CHECKING OF EURO BANKNOTES

This Annex lays down minimum standards for automated fitness checking of euro banknotes by banknote handling machines.

In the course of the fitness checks, euro banknotes with any defect in respect of which a mandatory requirement has been defined as set out below are unfit.

The acceptable tolerance level for the fitness checks by banknote handling machines is 5 %. This means that a maximum of 5 % of the euro banknotes that do not meet the fitness criteria may be misclassified by the machines and sorted as fit.

Table 1

List of sorting criteria for automated fitness sorting

| | Defect | Definition |
|-----|---------------|---|
| 1. | Soil | General distribution of dirt across the entire euro banknote |
| 2. | Stain | Localised concentration of dirt |
| 3. | Graffiti | Added image or lettering written or marked in any manner on a euro banknote |
| 4. | De-inked note | Lack of ink on part or whole of the euro banknote, e.g. a washed euro banknote |
| 5. | Tear | Self-explanatory |
| 6. | Hole | Self-explanatory |
| 7. | Mutilation | Euro banknotes with part(s) missing, along least one edge (in contrast to holes) at |
| 8. | Repair | Parts of one or more euro banknotes joined together by tape or glue or other means |
| 9. | Crumples | Multiple random folds |
| 10. | Limpness | Structural deterioration resulting in a marked lack of stiffness |
| 11. | Fold | Self-explanatory |

| | | |
|-----|---------------|------------------|
| 12. | Folded corner | Self-explanatory |
|-----|---------------|------------------|

Further information on sorting criteria

1. Soil

Soil increases the optical density of euro banknotes. The following table specifies the maximum density increase of limit samples compared to new euro banknotes that euro banknotes may exhibit to be classified as fit:

Table 2

Optical density levels

| Denomination | Maximum density increase of limit sample compared to new euro banknote | Filter |
|--------------|--|---------|
| EUR 5 | 0,06 | Magenta |
| EUR 10 | 0,06 | Magenta |
| EUR 20 | 0,08 | Magenta |
| EUR 50 | 0,07 | Magenta |
| EUR 100 | 0,07 | Magenta |
| EUR 200 | 0,04 | Magenta |
| EUR 500 | 0,04 | Magenta |

Euro banknotes not meeting these criteria are unfit. NCBs keep reference euro banknotes showing a soil level derived from these criteria. The densitometric measurements of the reference euro banknotes are based on the following criteria:

- Standard for density measurements: ISO 5 parts 3 and 4
- Standard for the filters: DIN 16536
- Absolute measurements: standard calibration (white tile)
- Polarisation filter: on

- Aperture: 3 mm
- Illumination: D65/2
- Background: white tile standard calibration

The density increase of a reference banknote is the highest value between the averages of at least four measurement points measured on the front and on the back of the banknote in the unprinted area and without any watermark modulation.

2. Stain

Euro banknotes with a localised concentration of dirt covering at least 9 mm by 9 mm in the non-printed area or at least 15 mm by 15 mm in the printed area are unfit.

3. Graffiti

At present there is no mandatory requirement to detect graffiti.

4. De-inked note

De-inking of euro banknotes can occur, e.g. if they have been washed or subjected to aggressive chemical agents. These kinds of unfit euro banknotes might be detected by image detectors or UV detectors.

5. Tear

Euro banknotes with tears which are open and not partly or fully covered by the machine's transport belt(s) are unfit if the size of the tear is greater than indicated below.

Table 3

Tear

| Direction | Width | Length |
|------------|-------|--------|
| Vertical | 4 mm | 8 mm |
| Horizontal | 4 mm | 15 mm |
| Diagonal | 4 mm | 18 mm* |

*This is measured by drawing a straight line from the peak of the tear to the edge of the banknote where the tear begins (rectangular projection), rather than measuring the length of the tear itself.

6. Hole

Euro banknotes with holes which are not partly or fully covered by the machine's transport belt(s) are unfit if the area of the hole is greater than 10 mm².

7. Mutilation

Euro banknotes with lengths reduced by 6 mm or more or widths reduced by 5 mm or more are unfit. All measurements relate to differences from the nominal lengths and widths of the euro banknotes.

8. Repair

A repaired euro banknote is created by joining parts of euro banknote(s) together, e.g. by using tape or glue. A euro banknote with tape covering an area greater than 10 mm by 40 mm and which is more than 50µm thick is unfit.

9. Crumples

Crumpled euro banknotes can normally be identified if their level of reflectance or stiffness is reduced. There is no mandatory requirement.

10. Limpness

As far as possible, euro banknotes with very little stiffness are sorted as unfit. As limpness normally correlates with soiling, limp euro banknotes are generally also detected via soil sensors. There is no mandatory requirement.

11. Fold

Folded euro banknotes, because of their reduced length or width, can be detected by sensors checking the size of the euro banknotes. In addition, they can be detected by thickness sensors. However, due to technical limitations, only folds fulfilling the criteria laid down for mutilations, i.e. folds leading to a reduction in length greater than 6 mm or a reduction in width greater than 5 mm, can be identified and are unfit.

12. Folded corner

A euro banknote with a folded corner with an area of more than 130 mm² and a minimum length of the smaller edge greater than 10 mm is unfit.

ANNEX IIIB

MINIMUM STANDARDS FOR MANUAL FITNESS CHECKING OF EURO BANKNOTES

This Annex lays down minimum standards for manual fitness checking of euro banknotes by trained staff members.

In the course of the fitness checks, euro banknotes with any defect as set out in the table below, or with a clearly noticeable defect in one of the visible security features, are unfit. However, folded euro banknotes and euro banknotes with folded corners may be rectified by manual unfolding where possible. The fitness checks are carried out by a visual inspection of the individual euro banknotes and do not require the use of any tools.

List of sorting criteria for manual fitness checking

| | Feature | Description |
|-----|----------------------|---|
| 1. | Soil | Visually noticeable distribution of dirt across the euro banknote |
| 2. | Stain | Visually noticeable localised concentration of dirt |
| 3. | Graffiti | Visually noticeable added image or lettering written or marked in any manner on a euro banknote |
| 4. | De-inked note | Visually noticeable lack of ink on part or whole of the euro banknote, e.g. a washed euro banknote |
| 5. | Tear | Euro banknote with at least one tear at the edge |
| 6. | Hole | Euro banknote with at least one visually noticeable hole |
| 7. | Mutilation | Euro banknote with a part/parts missing along at least one edge (in contrast to holes), e.g. a missing corner |
| 8. | Repair | Parts of one or more euro banknotes joined together by tape, glue or other means |
| 9. | Crumples | Euro banknote with multiple random folds across it that strongly affect its visual appearance |
| 10. | Limpness | Euro banknote with structural deterioration resulting in a marked lack of stiffness |
| 11. | Folded euro banknote | Euro banknote that is folded, including a euro banknote that cannot be unfolded |
| 12. | Folded corner | Euro banknote with at least one clearly noticeable folded corner |

ANNEX IV

DATA COLLECTION FROM CASH HANDLERS

1. Objectives

The objectives of data collection are to enable the NCBs and the ECB to monitor the relevant activities of cash handlers and to oversee developments in the cash cycle.

2. General principles

2.1. Data on banknote handling machines are only reported when the machines are used for recirculation.

2.2. Cash handlers regularly provide the NCB of their Member State with the following:

- information on establishments where cash is handled such as branch offices, and
- information on banknote handling machines and cash dispensers.

2.3. In addition, cash handlers that recirculate euro banknotes via banknote handling machines and cash dispensers regularly provide the NCB of their Member State with the following:

- information on the volume of cash operations (number of euro banknotes processed) involving banknote handling machines and cash dispensers,
- information on remote branches of credit institutions with a low level of cash operations where fitness checks are carried out manually.

3. Type of data and reporting requirements

3.1. Depending on its nature, the data collected are divided into master data and operational data.

Master data

3.2. Master data cover information on: (a) the individual cash handlers and their banknote handling machines and cash dispensers in operation; and (b) remote branches of credit institutions.

3.3. Master data are provided to the NCB at the date of application of this Decision and every six months thereafter. The data specified in the template set out in Appendix 1 must be provided, although the NCB may require them to be provided in a different format. NCBs may for a transitional period ask for monthly reporting, if this was their practice prior to this Decision entering into force, or for quarterly reporting.

3.4. An NCB may decide, for monitoring reasons, to collect the data at local level, such as at branch offices.

3.5. An NCB may decide to exclude from the scope of the reporting requirements euro banknote handling machines only used to process euro banknotes distributed over the counter.

3.6. Data on remote branches specified in the template set out in Appendix 3 must be provided, although the NCB may require them to be provided in a different format.

Operational data

3.7. Data originating from the processing and recirculation of euro banknotes by cash handlers are classified as operational data.

3.8. An NCB may decide to exclude other economic agents, as referred to in Article 6(1) of Regulation (EC) No 1338/2001, from the obligation to report operational data if the number of euro banknotes they recirculate via cash dispensers is below a threshold determined by the NCB.

3.9. Data are provided on a six-monthly basis. The data are reported to the NCB at the latest two months after the relevant reporting period, i.e. end-February and end-August. Data may be provided using the template set out in Appendix 2. NCBs may for a transitional period ask for monthly reporting, if this was their practice prior to this Decision entering into force, or for quarterly reporting.

3.10. Data are provided by cash handlers which physically handle euro banknotes. If a cash handler has outsourced the checking for authenticity and fitness to another cash handler, the data are provided by the cash handler designated in accordance with Article 3(2).

3.11. Data are reported by cash handlers in terms of pieces (volume), aggregated at national level and broken down by euro banknote denomination. For remote branches of credit institutions, operational data is reported separately.

3.12. An NCB may decide, for monitoring reasons, to collect the data at local level, such as at branch offices.

3.13. An NCB may decide to exclude from the scope of the reporting requirements euro banknotes that are processed on euro banknote handling machines and distributed over the counter.

3.14. Cash handlers which have outsourced authenticity and fitness checking to other cash handlers may be requested to provide detailed information to the NCB on the latter.

3.15. Data on remote branches specified in the template set out in Appendix 3 must be provided, although the NCB may require them to be provided in a different format and may agree with cash handlers to collect more extensive data.

4. Confidentiality and publication of data

4.1. Both master data and operational data are treated as confidential.

4.2. The NCBs and the ECB may decide to publish reports or statistics using data acquired under this Annex. Any such publication is aggregated in such a way that no data can be attributed to single reporting entities.

APPENDIX 1
REPORTING TEMPLATE
Master data

This information is to be provided to:

[Name of NCB; contact details for queries; address]

1. Cash handler information

Cash handler's name:

Headquarters address:

Zip/postal code:

City:

Street:

Type of company:

- Credit institution
- Bureau de change
- Cash in transit company which is not a payment institution
- Trader (retailer)
- Casino
- Other, including payment institutions where not already categorised as one of the above (specify)

Contact persons:

Names:

Telephone Nos:

Telefax Nos:

E-mail addresses:

Outsourcing partner (if relevant)

Name:

Address:

Zip/postal code:

City:

2. Customer-operated machines

| Type | Manufacturer* | Machine name* | Identification* (detector system/software versions) | Total number in operation |
|---------|---------------|---------------|--|---------------------------|
| CIMs | | | | |
| CRMs | | | | |
| CCMs | | | | |
| COMs | | | | |
| TARMs** | | | | |
| TAMs** | | | | |

* These entries are completed following the corresponding entries on the ECB website, unless a unique identification number is made available by the ECB.

** Used as customer-operated machines.

3. Staff-operated machines

| Type | Manufacturer* | Machine name* | Identification* (detector system/software versions) | Total number in operation |
|---------|---------------|---------------|--|------------------------------|
| BPMs | | | | |
| BAMs | | | | |
| TARMs** | | | | |
| TAMs** | | | | |

* These entries are completed following the corresponding entries on the ECB website, unless a unique identification number is made available by the ECB.

** Used exclusively as staff-operated machines.

4. Cash dispensers

| | Type | Total number in operation |
|--------|------|---------------------------|
| ATMs | | |
| SCoTs | | |
| Others | | |

APPENDIX 2
REPORTING TEMPLATE
Operational data

1. Cash handler information

| | |
|---------------------|--|
| Cash handler's name | |
| Reporting period | |

2. Data

Please provide data aggregated at national or regional level, as decided by the NCB — excluding remote branches.

| | Total number of euro banknotes processed ⁽⁵⁾ | Of which sorted as unfit ⁽⁶⁾ | Of which recirculated ⁽⁷⁾ |
|---------|---|---|--------------------------------------|
| EUR 5 | | | |
| EUR 10 | | | |
| EUR 20 | | | |
| EUR 50 | | | |
| EUR 100 | | | |
| EUR 200 | | | |

⁽⁵⁾ This item covers both staff-operated and customer-operated machines.

⁽⁶⁾ This item covers both staff-operated and customer-operated machines.

⁽⁷⁾ Euro banknotes that are returned to NCBs, and euro banknotes recirculated over the counter which are not processed on a staff-operated machine, are excluded.

| | | | |
|---|--|--|--|
| EUR 500 | | | |
| Number of euro banknotes distributed via customer operated machines and cash dispensers | | | |

These data are mandatory for credit institutions.

APPENDIX 3

REMOTE BRANCHES OF CREDIT INSTITUTIONS

This information is provided only by credit institutions which have remote branches as referred to in Article 7(1).

1. Credit institution information

| | |
|---------------------------|--|
| Credit institution's name | |
| Reporting period | |

2. Data

| | | |
|-----------------------|---------|---|
| Name of remote branch | Address | Number of euro banknotes distributed via customer-operated machines and cash dispensers |
|-----------------------|---------|---|

DECISION OF THE EUROPEAN CENTRAL BANK

of 7 September 2012

**amending Decision ECB/2010/14 on the authenticity and fitness checking and
recirculation of euro banknotes**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(1) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 16 thereof,

Whereas:

- (1) On 16 September 2010 the European Central Bank (ECB) adopted Decision ECB/2010/14 on the authenticity and fitness checking and recirculation of euro banknotes⁽¹⁾, which lays down common rules and procedures protecting the integrity of euro banknotes as a means of payment.
- (2) In particular, the scope of Decision ECB/2010/14 needs to be amended to cover current and future series of euro banknotes thereby ensuring that the euro banknotes in circulation are genuine and fit and that suspect counterfeit euro banknotes are detected and handed over to the competent national authorities. To this end, a number of technical amendments to the annexes to Decision ECB/2010/14 should be made.
- (3) The minimum standards for automated fitness checking of euro banknotes, as set out in Annex IIIa to Decision ECB/2010/14, constitute requirements applying to the functionalities of banknote handling machines. They are therefore only of interest to manufacturers of banknote handling machines and have no impact on the authenticity and fitness checking procedures laid down in Decision ECB/2010/14, with which cash handlers have to comply. As they are outside the scope of Decision ECB/2010/14, the minimum standards for automated fitness checking should be integrated into the rules and procedures for the testing of banknote handling machines, data collection and monitoring.
- (4) In the light of experience gained in relation to Decision ECB/2010/14 it is necessary to improve some of the rules and procedures for reasons of clarity and efficiency.

⁽¹⁾ OJ L 267, 9.10.2010, p. 1.

(5) Decision ECB/2010/14 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article I

Amendments

Decision ECB/2010/14 is amended as follows:

(1) in Article 2, the following definition is added:

"13. "euro banknotes" means those banknotes complying with the requirements of Decision ECB/2003/4⁽²⁾) or any legal act replacing or complementing that Decision and with the technical specifications laid down by the Governing Council.

(2) in Article 3, paragraph 5 is replaced by the following:

"5. Staff-operated machines, when used for the purpose of authenticity and fitness checking, and customer-operated machines may only be put into operation by cash handlers if they have been successfully tested by an NCB and listed on the ECB's website as laid down in Article 9(2). The machines shall be used only for the denominations and series of euro banknotes listed on the ECB's website for the corresponding machines, with the standard factory settings, including any updates thereof, that have been successfully tested unless stricter settings are agreed between the NCB and the cash handler.";

(3) Article 6 is replaced by the following:

"Article 6

Detection of unfit euro banknotes

1. Manual fitness checking shall be carried out in accordance with the minimum standards laid down in Annex III.

2. Automated fitness checking shall be carried out by a successfully tested banknote handling machine according to the minimum standards which are published on the ECB's website and amended from time to time.

3. An NCB may, after informing the ECB, lay down stricter standards for one or more denominations or series of euro banknotes if this is justified, for example by a deterioration in the quality of the euro banknotes in circulation in its Member State. These stricter standards shall be published on that NCB's website.

⁽²⁾) OJ L 78, 25.3.2003, p. 16.";

4. Unfit euro banknotes shall be handed over to an NCB in consideration of national regulations.";

(4) in Article 8, paragraph 4 is replaced by the following:

"4. Cash handlers shall be informed by the Eurosystem of counterfeit threats when appropriate and may be required by the Eurosystem to take action, including imposing a temporary prohibition on the recirculation of the euro banknote denomination(s) of the series concerned.";

(5) in Article 9, paragraph 3 is replaced by the following:

"3. Where a type of banknote handling machine is successfully tested, the test results shall be valid throughout the euro area for one year from the end of the month in which the test was carried out, provided that it remains capable of detecting all counterfeit euro banknotes known to the Eurosystem during this period.";

(6) in Article 10, paragraph 3 is replaced by the following:

"3. When an NCB detects non-compliance by a cash handler with the provisions of this Decision, it shall require the adoption by the cash handler of corrective measures within a specified time limit. Until the non-compliance is rectified, the requiring NCB may, on behalf of the ECB, prohibit the cash handler from recirculating the euro banknote denomination(s) of the series concerned. If the non-compliance is due to a failure of the type of banknote handling machine, this may lead to its removal from the list referred to in Article 9(2).";

(7) Article 13 is replaced by the following:

"Article 13

Final provisions

1. This Decision shall enter into force on the day following its publication in the Official Journal of the European Union.

2. Cash handlers of Member States that adopt the euro following the date of adoption of this Decision shall apply it from the date of adoption of the euro.";

(8) Annexes I, IIa, IIb, IIIa, IIIb and IV are amended in accordance with the Annex to this Decision.

Article 2

Entry into force

This Decision shall enter into force on the day following its publication in the Official Journal of the European Union.

ANNEX

Annexes I, IIa, IIb, IIIa, IIIb and IV to Decision ECB/2010/14 are amended as follows:

1. Annex I is replaced by the following:

"ANNEX I BANKNOTE HANDLING MACHINES

1. General technical requirements

1.1. To qualify as a banknote handling machine, a machine has to be capable of processing euro banknotes, classifying the individual euro banknotes and physically separating the euro banknotes according to their classifications without the intervention of the machine operator, subject to Annex IIa and IIb. Banknote handling machines need to have the required number of dedicated output stackers and/or other means to ensure the reliable separation of the euro banknotes processed.

1.2. Banknote handling machines have to be adaptable to ensure that they are capable of reliably detecting new counterfeits. Moreover, they have to be adaptable to enable the setting up of more or less restrictive fitness sorting standards, if applicable.

2. Categories of banknote handling machines

Banknote handling machines are either customer-operated machines or staff-operated machines:

Table 1

Customer-operated machines

| A. Customer-operated machines where cash is deposited with customer tracing | | |
|--|--------------------------------|---|
| 1. | Cash-in machines (CIMs) | CIMs allow customers, by using a bank card or other means, to deposit euro banknotes in their bank accounts, but do not have any cash-dispensing function. CIMs check euro banknotes for authenticity and allow for traceability of the account holder; fitness checks are optional |
| 2. | Cash-recycling machines (CRMs) | CRMs allow customers, by using a bank card or other means, to deposit euro banknotes in their bank accounts and to withdraw euro banknotes from their bank accounts. CRMs check euro banknotes for authenticity and fitness and allow for traceability of the account |

| | | |
|----|----------------------------------|---|
| | | holder. For withdrawals, CRMs may use genuine fit euro banknotes that have been deposited by other customers in previous transactions |
| 3. | Combined cash-in machines (CCMs) | CCMs allow customers, by using a bank card or other means, to deposit euro banknotes in their bank accounts and to withdraw euro banknotes from their bank accounts. CCMs check euro banknotes for authenticity and allow for traceability of the account holder; fitness checks are optional. For withdrawals, CCMs do not use euro banknotes that have been deposited by other customers in previous transactions but only euro banknotes loaded separately into them |

B. Other customer-operated machines

| | | |
|----|-------------------------|--|
| 4. | Cash-out machines (COM) | COMs are cash dispensers which check euro banknotes for authenticity and fitness before dispensing them to customers. COMs use euro banknotes loaded into them by cash handlers or other automated systems (e.g. vending machines) |
|----|-------------------------|--|

A CRM may be used as a CIM or CCM if the detector systems, software and other components for the performance of their core functionalities are the same as the CRM type listed on the ECB website.

A CCM may be used as a CIM if the detector systems, software and other components for the performance of its core functionalities are the same as the CCM type listed on the ECB website.

Table 2

Staff-operated machines

| | | |
|----|-------------------------------------|--|
| 1. | Banknote processing machines (BPMs) | BPMs check euro banknotes for authenticity and fitness |
| 2. | Banknote authentication machines | BAMs check euro banknotes for |

| | (BAMs) | authenticity |
|----|---|---|
| 3. | Teller assistant recycling machines (TARMs) | TARMs are cash recycling machines operated by cash handlers that check euro banknotes for authenticity and fitness. For withdrawals, TARMs may use genuine fit euro banknotes that have been deposited by other customers in previous transactions. In addition, they keep euro banknotes in safe custody and allow cash handlers to credit or debit the bank accounts of customers |
| 4. | Teller assistant machines (TAMs) | TAMs are machines operated by cash handlers that check euro banknotes for authenticity. In addition, they keep euro banknotes in safe custody and allow cash handlers to credit or debit the bank accounts of customers |

Staff operated machines must process the banknotes in batches.

TARMs and TAMs may be used as customer-operated machines if the machine type has been tested and listed on the ECB's website as a CRM or CIM/CCM, respectively. In this case, a TARM is to be considered as a CRM and a TAM is to be considered as a CIM/CCM.

3. Types of banknote handling machines

The Eurosystem tests types of banknote handling machines. Types of banknote handling machines can be distinguished from each other through their specific detector systems, software and other components for the performance of their core functionalities. These are: (a) the authentication of genuine euro banknotes; (b) the detection and separation of euro banknotes suspected to be counterfeit; (c) the detection and separation of unfit euro banknotes from fit euro banknotes, if applicable; and (d) the tracing of objects identified as suspect counterfeit euro banknotes and of euro banknotes that are not clearly authenticated, if applicable.";

2. Annex IIa is replaced by the following:

"ANNEX IIA

CLASSIFICATION AND TREATMENT OF EURO BANKNOTES BY CUSTOMER-OPERATED MACHINES

Euro banknotes are classified into one of the following categories and are physically separated by category. Machines which do not check euro banknotes for fitness do not need to distinguish between categories 4a and 4b euro banknotes.

Table 1

Classification and treatment of euro banknotes by customer-operated machines in which cash is deposited with customer tracing

| | Category | Properties | Treatment |
|----|---|--|---|
| 1. | Objects not recognised as euro banknotes | <p>Not recognised as euro banknotes because of any of the following:</p> <ul style="list-style-type: none"> - euro banknotes not supported by the machine - non-euro banknotes - euro banknote-like objects - wrong image or format - large folded corner(s) or missing part(s) - feeding or transportation error of the machine | Return by the machine to the customer |
| 2. | Suspect counterfeit euro banknotes | Image and format recognised, but one or more authentication feature checked by the machine not detected or clearly out of tolerance | Withdraw from circulation To be handed over for authentication, together with information related to the account holder, to the competent national authorities immediately, at the latest 20 working days after deposit in the machine. Do not credit to the account holder |
| 3. | Euro banknotes that are not clearly authenticated | Image and format recognised, but not all authentication features checked by the machine are recognised because of quality and/or tolerance deviations. In most cases unfit euro banknotes | Withdraw from circulation The euro banknotes are processed separately and handed over for authentication to the NCB immediately, at the latest 20 working days after deposit in the machine Information on the account holder is |

| | | | |
|-----|---|---|--|
| | | | stored for eight weeks after the euro banknotes have been detected by the machine. This information is made available on request to the NCB. Alternatively, in agreement with the NCB, information allowing the traceability of the account holder can be handed over together with the euro banknotes to that NCB May be credited to the account holder |
| 4a. | Euro banknotes that are identified as genuine and fit | All authenticity and fitness checks carried out by the machine giving positive results | Can be used for recirculation Credited to the account holder |
| 4b. | Euro banknotes that are identified as genuine and unfit | All authenticity checks carried out by the machine giving positive results. At least one fitness criterion checked giving a negative result | Cannot be used for recirculation and are returned to the NCB Credited to the account holder |

Specific rules regarding Table 1:

1. Categories 2 and 3 euro banknotes are not returned to the customer by a machine if the machine allows the cancellation of a deposit transaction. Retaining such euro banknotes when a transaction is cancelled can be done by storing them in a temporary storage area in the machine.
2. Category 3 euro banknotes may not be physically separated from category 4b euro banknotes. In such case the timeframe for handing over the mixed category 3 and 4b euro banknotes to the NCB and the requirements for the customer tracing of the category 3 euro banknotes as specified for category 3 still apply.

Table 2

Classification and treatment of euro banknotes by other customer-operated machines

| | Category | Properties | Treatment |
|----|--------------------------------|---|----------------------------------|
| 1. | Objects not recognised as euro | Not recognised as euro banknotes because of any | Cannot be dispensed to customers |

| | | | |
|-----|---|--|---|
| | banknotes | of the following: - euro banknotes not supported by the machine - non-euro banknotes - euro banknote-like objects - wrong image or format - large folded corner(s) or missing part(s) - feeding or transportation error of the machine | |
| 2. | Suspect counterfeit euro banknotes | Image and format recognised, but one or more authentication feature checked by the machine not detected or clearly out of tolerance | Cannot be dispensed to customers To be handed over for authentication to the competent national authorities immediately, at the latest 20 working days after detection by the machine together with information related to the account holder if available |
| 3. | Euro banknotes that are not clearly authenticated | Image and format recognised, but not all authentication features checked by the machine are recognised because of quality and/or tolerance deviations. In most cases unfit euro banknotes | Cannot be dispensed to customers The euro banknotes are processed separately and handed over to the NCB for authentication immediately, at the latest 20 working days after deposit in the machine |
| 4a. | Euro banknotes that are identified as genuine and fit | All authenticity and fitness checks carried out by the machine giving positive results | Can be dispensed to customers |
| 4b. | Euro banknotes that are identified as genuine and unfit | All authenticity checks carried out by the machine giving positive results. At least one fitness criterion checked | Cannot be dispensed to customers and are returned to the NCB |

| | | | |
|--|--|--------------------------|--|
| | | giving a negative result | |
|--|--|--------------------------|--|

Specific rules regarding Table 2:

1. Category 1, 2 and 3 euro banknotes may not be physically separated. Mixed, all three categories must be treated as category 2 euro banknotes. If category 1, 2 and 3 euro banknotes can be separated on another banknote handling machine or, if agreed by an NCB, by trained staff members, they must be treated in accordance with Table 2.
2. Category 3 euro banknotes may not be physically separated from category 4b euro banknotes. In such case the timeframe for handing over the mixed category 3 and 4b euro banknotes to the NCB as specified in category 3 still applies.";
3. Annex IIb is replaced by the following:

"ANNEX IIB

CLASSIFICATION AND TREATMENT OF EURO BANKNOTES BY STAFF-OPERATED MACHINES

Euro banknotes are classified into one of the categories set out in Table 1. Categories 4a and 4b euro banknotes are to be physically separated from categories 1, 2 and 3 euro banknotes. Machines which do not check euro banknotes for fitness do not need to distinguish between categories 4a and 4b euro banknotes.

Table 1

Classification and treatment of euro banknotes by staff-operated machines

| | Category | Properties | Treatment |
|----|--|---|---|
| 1. | Objects not recognised as euro banknotes | Not recognised as euro banknotes because of any of the following: <ul style="list-style-type: none">- euro banknotes not supported by the machine- non-euro banknotes- euro banknote-like objects- wrong image or format- large folded corner(s) or missing part(s)- feeding or transportation error of the | Return by the machine to the operator for further evaluation and treatment. After visual evaluation by a staff member these can be returned by the cash handler to the customer. |

| | | machine | |
|-----|---|---|---|
| 2. | Suspect counterfeit euro banknotes | Image and format recognised, but one or more authentication feature checked by the machine not detected or clearly out of tolerance | Return by the machine to the operator for further treatment. These are processed separately and handed over for final authentication to the competent national authorities immediately, at the latest 20 working days after processing by the machine. |
| 3. | Euro banknotes that are not clearly authenticated | Image and format recognised, but not all authentication features checked by the machine are recognised because of quality and/or tolerance deviations. In most cases unfit euro banknotes | |
| 4a. | Euro banknotes that are identified as genuine and fit | All authenticity and fitness checks carried out by the machine giving positive results | Can be used for recirculation. Credited to the account holder. |
| 4b. | Euro banknotes that are identified as genuine and unfit | All authenticity checks carried out by the machine giving positive results. At least one fitness criterion checked giving a negative result | Cannot be used for recirculation and are returned to the NCB. Credited to the account holder. |

Specific rule regarding Table 1:

If euro banknotes in categories 2 and 3 can be physically separated by the machine itself or by another banknote handling machine, or, if the NCB agrees, by trained staff members, then category 3 euro banknotes can be provided together with category 4b euro banknotes to the NCB. In such case the time limit for handing category 2 euro banknotes to the competent national authority and mixed category 3 and 4b euro banknotes to the NCB still apply as specified in the table.

Specific classification and sorting rules for some staff-operated machines

- BPMs classify and physically sort euro banknotes of categories 1, 2 and 3 into one or more output stackers and euro banknotes of categories 4a and 4b into two separate output

stackers as set out in Annex IIb, for which at least three dedicated output stackers are needed to avoid the intervention of the machine operator.

2. BPMs with only two dedicated output stackers may however classify and sort euro banknotes if the following requirements are fulfilled:

- (a) The authenticity and fitness checks are conducted in the same pass. In this pass, category 4a euro banknotes must be sorted into one stationary output stacker, whereas euro banknotes of the other categories must be sorted into a separate stationary output stacker that does not have any physical contact with category 4a euro banknotes.
- (b) If a category 1, 2 or 3 euro banknote is identified as being present in the second output stacker, the operator must re-run the euro banknote(s) from the second output stacker. In this second pass, category 1, 2 and 3 euro banknotes must be separated from the category 4b euro banknotes by sorting the former into a dedicated output stacker and treated as specified in the table above. As the machine cannot physically separate category 1, 2 and 3 euro banknotes into different output stackers, they must all be considered and treated as category 2 euro banknotes.

3. BAMs classify and physically sort euro banknotes of categories 1, 2 and 3 into one output stacker and euro banknotes of categories 4a and 4b into a second output stacker, for which at least two dedicated output stackers are needed to avoid the intervention of the machine operator.

4. BAMs with only one dedicated output stacker may however classify and sort euro banknotes if the following requirements are fulfilled:

- (a) Each time a category 1, 2 or 3 euro banknote is processed, the machine must stop the processing immediately and keep that euro banknote in a position that avoids any physical contact with authenticated euro banknotes.
- (b) The result of the authenticity check must be indicated for any single euro banknote of category 1, 2 or 3 on a display. As the machine cannot physically separate category 1, 2 and 3 euro banknotes into different output stackers, they must all be considered and treated as category 2 euro banknotes.
- (c) The machine must check for the presence of a category 1, 2 or 3 euro banknote when it stops processing, and processing can only be resumed after the physical removal of the category 1, 2 or 3 euro banknote by the operator.
- (d) For each stop of the processing mode no more than one category 1, 2 or 3 euro banknote can be accessible to the operator.";

4. Annex IIIa is deleted, Annex IIIb is renumbered as Annex III;

5. Annex IV is replaced by the following:

"ANNEX IV

DATA COLLECTION FROM CASH HANDLERS

1. Objectives

The objectives of data collection are to enable the NCBs and the ECB to monitor the relevant activities of cash handlers and to oversee developments in the cash cycle.

2. General principles

2.1. Data on banknote handling machines are only reported when the machines are used to comply with this Decision.

2.2. Cash handlers regularly provide the NCB of their Member State with the following:

- information on establishments where cash is handled such as branch offices, and
- information on banknote handling machines and cash dispensers.

2.3. In addition, cash handlers that recirculate euro banknotes via banknote handling machines and cash dispensers regularly provide the NCB of their Member State with the following:

- information on the volume of cash operations (number of euro banknotes processed) involving banknote handling machines and cash dispensers,
- information on remote branches of credit institutions with a low level of cash operations where fitness checks are carried out manually.

3. Type of data and reporting requirements

3.1. Depending on its nature, the data collected are divided into master data and operational data.

Master data

3.2. Master data cover information on: (a) the individual cash handlers and their banknote handling machines and cash dispensers in operation; and (b) remote branches of credit institutions.

3.3. Master data are provided to the NCB at the date of application of this Decision and every six months thereafter. The data specified in the template set out in Appendix 1 must be provided, although the NCB may require them to be provided in a different format. NCBs may for a transitional period ask for monthly reporting, if this was their practice prior to this Decision entering into force, or for quarterly reporting.

3.4. An NCB may decide, for monitoring reasons, to collect the data at local level, such as at branch offices.

3.5. An NCB may decide to exclude from the scope of the reporting requirements banknote handling machines only used to process euro banknotes distributed over the counter or that are not used for recirculation. An NCB may require the cash handlers to indicate the CRMs and CCMs which are used respectively as CCMs/CIMs or CIMs.

3.6. Data on remote branches specified in the template set out in Appendix 3 must be provided, although the NCB may require them to be provided in a different format.

Operational data

3.7. Data originating from the processing and recirculation of euro banknotes by cash handlers are classified as operational data.

3.8. An NCB may decide to exclude other economic agents, as referred to in Article 6(1) of Regulation (EC) No 1338/2001, from the obligation to report operational data if the number of euro banknotes they recirculate via cash dispensers is below a threshold determined by the NCB.

3.9. Data are provided on a six-monthly basis. The data are reported to the NCB at the latest two months after the relevant reporting period, i.e. end-February and end-August. Data may be provided using the template set out in Appendix 2. NCBs may for a transitional period ask for monthly reporting, if this was their practice prior to this Decision entering into force, or for quarterly reporting.

3.10. Data are provided by cash handlers which physically handle euro banknotes. If a cash handler has outsourced the checking for authenticity and fitness to another cash handler, the data are provided by the cash handler designated in accordance with Article 3(2).

3.11. Data are reported by cash handlers in terms of pieces (volume), aggregated at national level and broken down by euro banknote denomination. A breakdown by banknote series is not required. For remote branches of credit institutions, operational data is reported separately.

3.12. An NCB may decide, for monitoring reasons, to collect the data at local level, such as at branch offices.

3.13. An NCB may decide to exclude from the scope of the reporting requirements euro banknotes that are processed on banknote handling machines and distributed over the counter.

3.14. Cash handlers which have outsourced authenticity and fitness checking to other cash handlers may be requested to provide detailed information to the NCB on the latter, including the outsourcing arrangements.

3.15. Data on remote branches specified in the template set out in Appendix 3 must be provided, although the NCB may require them to be provided in a different format and may agree with cash handlers to collect more extensive data.

4. Confidentiality and publication of data

4.1. Both master data and operational data are treated as confidential.

4.2. The NCBs and the ECB may decide to publish reports or statistics using data acquired under this Annex. Any such publication is aggregated in such a way that no data can be attributed to single reporting entities.

APPENDIX 1
REPORTING TEMPLATE
Master data

This information is to be provided to:

[Name of NCB; contact details for queries; address]

1. Cash handler information

Cash handler's name:

Headquarters address:

Zip/postal code:

City:

Street:

Type of company:

- Credit institution
- Bureau de change
- Cash in transit company which is not a payment institution
- Trader (retailer)
- Casino
- Other, including payment institutions where not already categorised as one of the above (specify)

Contact persons:

Names:

Telephone Nos:

Telefax Nos:

E-mail addresses:

Outsourcing partner (if relevant)

Name:

Address:

Zip/postal code:

City:

2. Customer-operated machines

| Machine category | Identification number* | Manufacturer* | Machine name* | Identification* (detector system/software versions) | Total number in operation |
|------------------|------------------------|---------------|---------------|---|---------------------------|
| CIMs | | | | | |
| CRMs | | | | | |
| CCMs | | | | | |
| COMs | | | | | |

*These entries are completed following the corresponding entries on the ECB website

3. Staff-operated machines

| Machine category | Identification number* | Manufacturer* | Machine name* | Identification* (detector system/software versions) | Total number in operation |
|------------------|------------------------|---------------|---------------|---|---------------------------|
| | | | | | |

| | | | | | |
|-------|--|--|--|--|--|
| BPMs | | | | | |
| BAMs | | | | | |
| TARMs | | | | | |
| TAMs | | | | | |

* These entries are completed following the corresponding entries on the ECB website

4. Cash dispensers

| | |
|--------|---------------------------|
| | Total number in operation |
| ATMs | |
| SCoTs | |
| Others | |

APPENDIX 2
REPORTING TEMPLATE
Operational data

1. Cash handler information

| | |
|---------------------|--|
| Cash handler's name | |
| Reporting period | |

2. Data

Please provide data aggregated at national or regional level, as decided by the NCB — excluding remote branches.

| | Total number of euro banknotes processed ⁽³⁾ | Of which sorted as unfit ⁽⁴⁾ | Of which recirculated ⁽⁵⁾ |
|---------|---|---|--------------------------------------|
| EUR 5 | | | |
| EUR 10 | | | |
| EUR 20 | | | |
| EUR 50 | | | |
| EUR 100 | | | |
| EUR 200 | | | |

⁽³⁾ This item covers both staff-operated and customer-operated machines.

⁽⁴⁾ This item covers both staff-operated and customer-operated machines.

⁽⁵⁾ Euro banknotes that are returned to NCBs, and euro banknotes recirculated over the counter, if the NCB so decides, are excluded.

| | | | |
|---|--|--|--|
| EUR 500 | | | |
| Number of euro banknotes distributed via customer operated machines and cash dispensers | | | |

If an NCB applies the exception for remote branches laid down in Article 7, these data are mandatory for the credit institutions of that Member State. Credit institutions must consult their NCBs to ascertain whether these data must be reported.

APPENDIX 3**REMOTE BRANCHES OF CREDIT INSTITUTIONS**

This information is provided only by credit institutions which have remote branches as referred to in Article 7(1).

1. Credit institution information

| | |
|---------------------------|--|
| Credit institution's name | |
| Reporting period | |

2. Data

| | | |
|-----------------------|---------|---|
| Name of remote branch | Address | Number of euro banknotes distributed via customer-operated machines and cash dispensers |
| | | |

3.6. PREVENTION OF MONEY LAUNDERING

DIRECTIVE 2005/60/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 26 October 2005

on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 47(2), first and third sentences, and Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee⁽¹⁾,

Having regard to the opinion of the European Central Bank⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽³⁾,

Whereas:

- (1) Massive flows of dirty money can damage the stability and reputation of the financial sector and threaten the single market, and terrorism shakes the very foundations of our society. In addition to the criminal law approach, a preventive effort via the financial system can produce results.
- (2) The soundness, integrity and stability of credit and financial institutions and confidence in the financial system as a whole could be seriously jeopardised by the efforts of criminals and their associates either to disguise the origin of criminal proceeds or to channel lawful or unlawful money for terrorist purposes. In order to avoid Member States' adopting measures to protect their financial systems which could be inconsistent

⁽¹⁾ Opinion delivered on 11 May 2005 (not yet published in the Official Journal).

⁽²⁾ OJ C 40, 17.2.2005, p. 9.

⁽³⁾ Opinion of the European Parliament of 26 May 2005 (not yet published in the Official Journal) and Council Decision of 19 September 2005.

with the functioning of the internal market and with the prescriptions of the rule of law and Community public policy, Community action in this area is necessary.

- (3) In order to facilitate their criminal activities, money launderers and terrorist financers could try to take advantage of the freedom of capital movements and the freedom to supply financial services which the integrated financial area entails, if certain coordinating measures are not adopted at Community level.
- (4) In order to respond to these concerns in the field of money laundering, Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering⁽⁴⁾ was adopted. It required Member States to prohibit money laundering and to oblige the financial sector, comprising credit institutions and a wide range of other financial institutions, to identify their customers, keep appropriate records, establish internal procedures to train staff and guard against money laundering and to report any indications of money laundering to the competent authorities.
- (5) Money laundering and terrorist financing are frequently carried out in an international context. Measures adopted solely at national or even Community level, without taking account of international coordination and cooperation, would have very limited effects. The measures adopted by the Community in this field should therefore be consistent with other action undertaken in other international fora. The Community action should continue to take particular account of the Recommendations of the Financial Action Task Force (hereinafter referred to as the FATF), which constitutes the foremost international body active in the fight against money laundering and terrorist financing. Since the FATF Recommendations were substantially revised and expanded in 2003, this Directive should be in line with that new international standard.
- (6) The General Agreement on Trade in Services (GATS) allows Members to adopt measures necessary to protect public morals and prevent fraud and adopt measures for prudential reasons, including for ensuring the stability and integrity of the financial system.
- (7) Although initially limited to drugs offences, there has been a trend in recent years towards a much wider definition of money laundering based on a broader range of predicate offences. A wider range of predicate offences facilitates the reporting of suspicious transactions and international cooperation in this area. Therefore, the definition of serious crime should be brought into line with the definition of serious crime in Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime⁽⁵⁾.
- (8) Furthermore, the misuse of the financial system to channel criminal or even clean money to terrorist purposes poses a clear risk to the integrity, proper functioning,

⁽⁴⁾ OJ L 166, 28.6.1991, p. 77. Directive as amended by Directive 2001/97/EC of the European Parliament and of the Council (OJ L 344, 28.12.2001, p. 76).

⁽⁵⁾ J L 182, 5.7.2001, p. 1.

reputation and stability of the financial system. Accordingly, the preventive measures of this Directive should cover not only the manipulation of money derived from crime but also the collection of money or property for terrorist purposes.

- (9) Directive 91/308/EEC, though imposing a customer identification obligation, contained relatively little detail on the relevant procedures. In view of the crucial importance of this aspect of the prevention of money laundering and terrorist financing, it is appropriate, in accordance with the new international standards, to introduce more specific and detailed provisions relating to the identification of the customer and of any beneficial owner and the verification of their identity. To that end a precise definition of "beneficial owner" is essential. Where the individual beneficiaries of a legal entity or arrangement such as a foundation or trust are yet to be determined, and it is therefore impossible to identify an individual as the beneficial owner, it would suffice to identify the class of persons intended to be the beneficiaries of the foundation or trust. This requirement should not include the identification of the individuals within that class of persons.
- (10) The institutions and persons covered by this Directive should, in conformity with this Directive, identify and verify the identity of the beneficial owner. To fulfil this requirement, it should be left to those institutions and persons whether they make use of public records of beneficial owners, ask their clients for relevant data or obtain the information otherwise, taking into account the fact that the extent of such customer due diligence measures relates to the risk of money laundering and terrorist financing, which depends on the type of customer, business relationship, product or transaction.
- (11) Credit agreements in which the credit account serves exclusively to settle the loan and the repayment of the loan is effected from an account which was opened in the name of the customer with a credit institution covered by this Directive pursuant to Article 8(1)(a) to (c) should generally be considered as an example of types of less risky transactions.
- (12) To the extent that the providers of the property of a legal entity or arrangement have significant control over the use of the property they should be identified as a beneficial owner.
- (13) Trust relationships are widely used in commercial products as an internationally recognised feature of the comprehensively supervised wholesale financial markets. An obligation to identify the beneficial owner does not arise from the fact alone that there is a trust relationship in this particular case.
- (14) This Directive should also apply to those activities of the institutions and persons covered hereunder which are performed on the Internet.
- (15) As the tightening of controls in the financial sector has prompted money launderers and terrorist financers to seek alternative methods for concealing the origin of the proceeds of crime and as such channels can be used for terrorist financing, the anti-money laundering and anti-terrorist financing obligations should cover life insurance intermediaries and trust and company service providers.

- (16) Entities already falling under the legal responsibility of an insurance undertaking, and therefore falling within the scope of this Directive, should not be included within the category of insurance intermediary.
- (17) Acting as a company director or secretary does not of itself make someone a trust and company service provider. For that reason, the definition covers only those persons that act as a company director or secretary for a third party and by way of business.
- (18) The use of large cash payments has repeatedly proven to be very vulnerable to money laundering and terrorist financing. Therefore, in those Member States that allow cash payments above the established threshold, all natural or legal persons trading in goods by way of business should be covered by this Directive when accepting such cash payments. Dealers in high-value goods, such as precious stones or metals, or works of art, and auctioneers are in any event covered by this Directive to the extent that payments to them are made in cash in an amount of EUR 15000 or more. To ensure effective monitoring of compliance with this Directive by that potentially wide group of institutions and persons, Member States may focus their monitoring activities in particular on those natural and legal persons trading in goods that are exposed to a relatively high risk of money laundering or terrorist financing, in accordance with the principle of risk-based supervision. In view of the different situations in the various Member States, Member States may decide to adopt stricter provisions, in order to properly address the risk involved with large cash payments.
- (19) Directive 91/308/EEC brought notaries and other independent legal professionals within the scope of the Community anti-money laundering regime; this coverage should be maintained unchanged in this Directive; these legal professionals, as defined by the Member States, are subject to the provisions of this Directive when participating in financial or corporate transactions, including providing tax advice, where there is the greatest risk of the services of those legal professionals being misused for the purpose of laundering the proceeds of criminal activity or for the purpose of terrorist financing.
- (20) Where independent members of professions providing legal advice which are legally recognised and controlled, such as lawyers, are ascertaining the legal position of a client or representing a client in legal proceedings, it would not be appropriate under this Directive to put those legal professionals in respect of these activities under an obligation to report suspicions of money laundering or terrorist financing. There must be exemptions from any obligation to report information obtained either before, during or after judicial proceedings, or in the course of ascertaining the legal position for a client. Thus, legal advice shall remain subject to the obligation of professional secrecy unless the legal counsellor is taking part in money laundering or terrorist financing, the legal advice is provided for money laundering or terrorist financing purposes or the lawyer knows that the client is seeking legal advice for money laundering or terrorist financing purposes.
- (21) Directly comparable services need to be treated in the same manner when provided by any of the professionals covered by this Directive. In order to ensure the respect of the rights laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Treaty on European Union, in the case of auditors,

external accountants and tax advisors, who, in some Member States, may defend or represent a client in the context of judicial proceedings or ascertain a client's legal position, the information they obtain in the performance of those tasks should not be subject to the reporting obligations in accordance with this Directive.

- (22) It should be recognised that the risk of money laundering and terrorist financing is not the same in every case. In line with a risk-based approach, the principle should be introduced into Community legislation that simplified customer due diligence is allowed in appropriate cases.
- (23) The derogation concerning the identification of beneficial owners of pooled accounts held by notaries or other independent legal professionals should be without prejudice to the obligations that those notaries or other independent legal professionals have pursuant to this Directive. Those obligations include the need for such notaries or other independent legal professionals themselves to identify the beneficial owners of the pooled accounts held by them.
- (24) Equally, Community legislation should recognise that certain situations present a greater risk of money laundering or terrorist financing. Although the identity and business profile of all customers should be established, there are cases where particularly rigorous customer identification and verification procedures are required.
- (25) This is particularly true of business relationships with individuals holding, or having held, important public positions, particularly those from countries where corruption is widespread. Such relationships may expose the financial sector in particular to significant reputational and/or legal risks. The international effort to combat corruption also justifies the need to pay special attention to such cases and to apply the complete normal customer due diligence measures in respect of domestic politically exposed persons or enhanced customer due diligence measures in respect of politically exposed persons residing in another Member State or in a third country.
- (26) Obtaining approval from senior management for establishing business relationships should not imply obtaining approval from the board of directors but from the immediate higher level of the hierarchy of the person seeking such approval.
- (27) In order to avoid repeated customer identification procedures, leading to delays and inefficiency in business, it is appropriate, subject to suitable safeguards, to allow customers to be introduced whose identification has been carried out elsewhere. Where an institution or person covered by this Directive relies on a third party, the ultimate responsibility for the customer due diligence procedure remains with the institution or person to whom the customer is introduced. The third party, or introducer, also retains his own responsibility for all the requirements in this Directive, including the requirement to report suspicious transactions and maintain records, to the extent that he has a relationship with the customer that is covered by this Directive.
- (28) In the case of agency or outsourcing relationships on a contractual basis between institutions or persons covered by this Directive and external natural or legal persons not covered hereby, any anti-money laundering and anti-terrorist financing obligations

for those agents or outsourcing service providers as part of the institutions or persons covered by this Directive, may only arise from contract and not from this Directive. The responsibility for complying with this Directive should remain with the institution or person covered hereby.

- (29) Suspicious transactions should be reported to the financial intelligence unit (FIU), which serves as a national centre for receiving, analysing and disseminating to the competent authorities suspicious transaction reports and other information regarding potential money laundering or terrorist financing. This should not compel Member States to change their existing reporting systems where the reporting is done through a public prosecutor or other law enforcement authorities, as long as the information is forwarded promptly and unfiltered to FIUs, allowing them to conduct their business properly, including international cooperation with other FIUs.
- (30) By way of derogation from the general prohibition on executing suspicious transactions, the institutions and persons covered by this Directive may execute suspicious transactions before informing the competent authorities, where refraining from the execution thereof is impossible or likely to frustrate efforts to pursue the beneficiaries of a suspected money laundering or terrorist financing operation. This, however, should be without prejudice to the international obligations accepted by the Member States to freeze without delay funds or other assets of terrorists, terrorist organisations or those who finance terrorism, in accordance with the relevant United Nations Security Council resolutions.
- (31) Where a Member State decides to make use of the exemptions provided for in Article 23(2), it may allow or require the self-regulatory body representing the persons referred to therein not to transmit to the FIU any information obtained from those persons in the circumstances referred to in that Article.
- (32) There has been a number of cases of employees who report their suspicions of money laundering being subjected to threats or hostile action. Although this Directive cannot interfere with Member States' judicial procedures, this is a crucial issue for the effectiveness of the anti-money laundering and anti-terrorist financing system. Member States should be aware of this problem and should do whatever they can to protect employees from such threats or hostile action.
- (33) Disclosure of information as referred to in Article 28 should be in accordance with the rules on transfer of personal data to third countries as laid down in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽⁶⁾. Moreover, Article 28 cannot interfere with national data protection and professional secrecy legislation.
- (34) Persons who merely convert paper documents into electronic data and are acting under a contract with a credit institution or a financial institution do not fall within the scope

⁽⁶⁾ OJ L 281, 23.11.1995, p. 31. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

of this Directive, nor does any natural or legal person that provides credit or financial institutions solely with a message or other support systems for transmitting funds or with clearing and settlement systems.

- (35) Money laundering and terrorist financing are international problems and the effort to combat them should be global. Where Community credit and financial institutions have branches and subsidiaries located in third countries where the legislation in this area is deficient, they should, in order to avoid the application of very different standards within an institution or group of institutions, apply the Community standard or notify the competent authorities of the home Member State if this application is impossible.
- (36) It is important that credit and financial institutions should be able to respond rapidly to requests for information on whether they maintain business relationships with named persons. For the purpose of identifying such business relationships in order to be able to provide that information quickly, credit and financial institutions should have effective systems in place which are commensurate with the size and nature of their business. In particular it would be appropriate for credit institutions and larger financial institutions to have electronic systems at their disposal. This provision is of particular importance in the context of procedures leading to measures such as the freezing or seizing of assets (including terrorist assets), pursuant to applicable national or Community legislation with a view to combating terrorism.
- (37) This Directive establishes detailed rules for customer due diligence, including enhanced customer due diligence for high-risk customers or business relationships, such as appropriate procedures to determine whether a person is a politically exposed person, and certain additional, more detailed requirements, such as the existence of compliance management procedures and policies. All these requirements are to be met by each of the institutions and persons covered by this Directive, while Member States are expected to tailor the detailed implementation of those provisions to the particularities of the various professions and to the differences in scale and size of the institutions and persons covered by this Directive.
- (38) In order to ensure that the institutions and others subject to Community legislation in this field remain committed, feedback should, where practicable, be made available to them on the usefulness and follow-up of the reports they present. To make this possible, and to be able to review the effectiveness of their systems to combat money laundering and terrorist financing Member States should keep and improve the relevant statistics.
- (39) When registering or licensing a currency exchange office, a trust and company service provider or a casino nationally, competent authorities should ensure that the persons who effectively direct or will direct the business of such entities and the beneficial owners of such entities are fit and proper persons. The criteria for determining whether or not a person is fit and proper should be established in conformity with national law. As a minimum, such criteria should reflect the need to protect such entities from being misused by their managers or beneficial owners for criminal purposes.

- (40) Taking into account the international character of money laundering and terrorist financing, coordination and cooperation between FIUs as referred to in Council Decision 2000/642/JHA of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information⁽⁷⁾, including the establishment of an EU FIU-net, should be encouraged to the greatest possible extent. To that end, the Commission should lend such assistance as may be needed to facilitate such coordination, including financial assistance.
- (41) The importance of combating money laundering and terrorist financing should lead Member States to lay down effective, proportionate and dissuasive penalties in national law for failure to respect the national provisions adopted pursuant to this Directive. Provision should be made for penalties in respect of natural and legal persons. Since legal persons are often involved in complex money laundering or terrorist financing operations, sanctions should also be adjusted in line with the activity carried on by legal persons.
- (42) Natural persons exercising any of the activities referred to in Article 2(1)(3)(a) and (b) within the structure of a legal person, but on an independent basis, should be independently responsible for compliance with the provisions of this Directive, with the exception of Article 35.
- (43) Clarification of the technical aspects of the rules laid down in this Directive may be necessary to ensure an effective and sufficiently consistent implementation of this Directive, taking into account the different financial instruments, professions and risks in the different Member States and the technical developments in the fight against money laundering and terrorist financing. The Commission should accordingly be empowered to adopt implementing measures, such as certain criteria for identifying low and high risk situations in which simplified due diligence could suffice or enhanced due diligence would be appropriate, provided that they do not modify the essential elements of this Directive and provided that the Commission acts in accordance with the principles set out herein, after consulting the Committee on the Prevention of Money Laundering and Terrorist Financing.
- (44) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁸⁾. To that end a new Committee on the Prevention of Money Laundering and Terrorist Financing, replacing the Money Laundering Contact Committee set up by Directive 91/308/EEC, should be established.
- (45) In view of the very substantial amendments that would need to be made to Directive 91/308/EEC, it should be repealed for reasons of clarity.
- (46) Since the objective of this Directive, namely the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, cannot be

⁽⁷⁾ OJ L 271, 24.10.2000, p. 4.

⁽⁸⁾ OJ L 184, 17.7.1999, p. 23.

sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

- (47) In exercising its implementing powers in accordance with this Directive, the Commission should respect the following principles: the need for high levels of transparency and consultation with institutions and persons covered by this Directive and with the European Parliament and the Council; the need to ensure that competent authorities will be able to ensure compliance with the rules consistently; the balance of costs and benefits to institutions and persons covered by this Directive on a long-term basis in any implementing measures; the need to respect the necessary flexibility in the application of the implementing measures in accordance with a risk-sensitive approach; the need to ensure coherence with other Community legislation in this area; the need to protect the Community, its Member States and their citizens from the consequences of money laundering and terrorist financing.
- (48) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. Nothing in this Directive should be interpreted or implemented in a manner that is inconsistent with the European Convention on Human Rights,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

1. Member States shall ensure that money laundering and terrorist financing are prohibited.
2. For the purposes of this Directive, the following conduct, when committed intentionally, shall be regarded as money laundering:
 - (a) the conversion or transfer of property, knowing that such property is derived from criminal activity or from an act of participation in such activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such activity to evade the legal consequences of his action;
 - (b) the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from criminal activity or from an act of participation in such activity;

- (c) the acquisition, possession or use of property, knowing, at the time of receipt, that such property was derived from criminal activity or from an act of participation in such activity;
- (d) participation in, association to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the actions mentioned in the foregoing points.

3. Money laundering shall be regarded as such even where the activities which generated the property to be laundered were carried out in the territory of another Member State or in that of a third country.

4. For the purposes of this Directive, "terrorist financing" means the provision or collection of funds, by any means, directly or indirectly, with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out any of the offences within the meaning of Articles 1 to 4 of Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism⁽⁹⁾.

5. Knowledge, intent or purpose required as an element of the activities mentioned in paragraphs 2 and 4 may be inferred from objective factual circumstances.

Article 2

1. This Directive shall apply to:

- (1) credit institutions;
- (2) financial institutions;
- (3) the following legal or natural persons acting in the exercise of their professional activities:
 - (a) auditors, external accountants and tax advisors;
 - (b) notaries and other independent legal professionals, when they participate, whether by acting on behalf of and for their client in any financial or real estate transaction, or by assisting in the planning or execution of transactions for their client concerning the:
 - (i) buying and selling of real property or business entities;
 - (ii) managing of client money, securities or other assets;
 - (iii) opening or management of bank, savings or securities accounts;
 - (iv) organisation of contributions necessary for the creation, operation or management of companies;

⁽⁹⁾ OJ L 164, 22.6.2002, p. 3.

- (v) creation, operation or management of trusts, companies or similar structures;
 - (c) trust or company service providers not already covered under points (a) or (b);
 - (d) real estate agents;
 - (e) other natural or legal persons trading in goods, only to the extent that payments are made in cash in an amount of EUR 15000 or more, whether the transaction is executed in a single operation or in several operations which appear to be linked;
 - (f) casinos.
2. Member States may decide that legal and natural persons who engage in a financial activity on an occasional or very limited basis and where there is little risk of money laundering or terrorist financing occurring do not fall within the scope of Article 3(1) or (2).

Article 3

For the purposes of this Directive the following definitions shall apply:

- (1) "credit institution" means a credit institution, as defined in the first subparagraph of Article 1(1) of Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions⁽¹⁰⁾, including branches within the meaning of Article 1(3) of that Directive located in the Community of credit institutions having their head offices inside or outside the Community;
- (2) "financial institution" means:
 - (a) an undertaking other than a credit institution which carries out one or more of the operations included in points 2 to 12 and 14 of Annex I to Directive 2000/12/EC, including the activities of currency exchange offices (bureaux de change) and of money transmission or remittance offices;
 - (b) an insurance company duly authorised in accordance with Directive 2002/83/EC of the European Parliament and of the Council of 5 November 2002 concerning life assurance⁽¹¹⁾, insofar as it carries out activities covered by that Directive;
 - (c) an investment firm as defined in point 1 of Article 4(1) of Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments⁽¹²⁾;
 - (d) a collective investment undertaking marketing its units or shares;

⁽¹⁰⁾ OJ L 126, 26.5.2000, p. 1. Directive as last amended by Directive 2005/1/EC (OJ L 79, 24.3.2005, p. 9).

⁽¹¹⁾ OJ L 345, 19.12.2002, p. 1. Directive as last amended by Directive 2005/1/EC.

⁽¹²⁾ OJ L 145, 30.4.2004, p. 1.

- (e) an insurance intermediary as defined in Article 2(5) of Directive 2002/92/EC of the European Parliament and of the Council of 9 December 2002 on insurance mediation(¹³), with the exception of intermediaries as mentioned in Article 2(7) of that Directive, when they act in respect of life insurance and other investment related services;
 - (f) branches, when located in the Community, of financial institutions as referred to in points (a) to (e), whose head offices are inside or outside the Community;
- (3) "property" means assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments in any form including electronic or digital, evidencing title to or an interest in such assets;
- (4) "criminal activity" means any kind of criminal involvement in the commission of a serious crime;
- (5) "serious crimes" means, at least:
- (a) acts as defined in Articles 1 to 4 of Framework Decision 2002/475/JHA;
 - (b) any of the offences defined in Article 3(1)(a) of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
 - (c) the activities of criminal organisations as defined in Article 1 of Council Joint Action 98/733/JHA of 21 December 1998 on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union(¹⁴);
 - (d) fraud, at least serious, as defined in Article 1(1) and Article 2 of the Convention on the Protection of the European Communities' Financial Interests(¹⁵);
 - (e) corruption;
 - (f) all offences which are punishable by deprivation of liberty or a detention order for a maximum of more than one year or, as regards those States which have a minimum threshold for offences in their legal system, all offences punishable by deprivation of liberty or a detention order for a minimum of more than six months;
- (6) "beneficial owner" means the natural person(s) who ultimately owns or controls the customer and/or the natural person on whose behalf a transaction or activity is being conducted. The beneficial owner shall at least include:
- (a) in the case of corporate entities:

⁽¹³⁾ OJ L 9, 15.1.2003, p. 3.

⁽¹⁴⁾ OJ L 351, 29.12.1998, p. 1.

⁽¹⁵⁾ OJ C 316, 27.11.1995, p. 49.

(i) the natural person(s) who ultimately owns or controls a legal entity through direct or indirect ownership or control over a sufficient percentage of the shares or voting rights in that legal entity, including through bearer share holdings, other than a company listed on a regulated market that is subject to disclosure requirements consistent with Community legislation or subject to equivalent international standards; a percentage of 25 % plus one share shall be deemed sufficient to meet this criterion;

(ii) the natural person(s) who otherwise exercises control over the management of a legal entity:

(b) in the case of legal entities, such as foundations, and legal arrangements, such as trusts, which administer and distribute funds:

(i) where the future beneficiaries have already been determined, the natural person(s) who is the beneficiary of 25 % or more of the property of a legal arrangement or entity;

(ii) where the individuals that benefit from the legal arrangement or entity have yet to be determined, the class of persons in whose main interest the legal arrangement or entity is set up or operates;

(iii) the natural person(s) who exercises control over 25 % or more of the property of a legal arrangement or entity;

(7) "trust and company service providers" means any natural or legal person which by way of business provides any of the following services to third parties:

(a) forming companies or other legal persons;

(b) acting as or arranging for another person to act as a director or secretary of a company, a partner of a partnership, or a similar position in relation to other legal persons;

(c) providing a registered office, business address, correspondence or administrative address and other related services for a company, a partnership or any other legal person or arrangement;

(d) acting as or arranging for another person to act as a trustee of an express trust or a similar legal arrangement;

(e) acting as or arranging for another person to act as a nominee shareholder for another person other than a company listed on a regulated market that is subject to disclosure requirements in conformity with Community legislation or subject to equivalent international standards;

(8) "politically exposed persons" means natural persons who are or have been entrusted with prominent public functions and immediate family members, or persons known to be close associates, of such persons;

(9) "business relationship" means a business, professional or commercial relationship which is connected with the professional activities of the institutions and persons covered by this Directive and which is expected, at the time when the contact is established, to have an element of duration;

(10) "shell bank" means a credit institution, or an institution engaged in equivalent activities, incorporated in a jurisdiction in which it has no physical presence, involving meaningful mind and management, and which is unaffiliated with a regulated financial group.

Article 4

1. Member States shall ensure that the provisions of this Directive are extended in whole or in part to professions and to categories of undertakings, other than the institutions and persons referred to in Article 2(1), which engage in activities which are particularly likely to be used for money laundering or terrorist financing purposes.

2. Where a Member State decides to extend the provisions of this Directive to professions and to categories of undertakings other than those referred to in Article 2(1), it shall inform the Commission thereof.

Article 5

The Member States may adopt or retain in force stricter provisions in the field covered by this Directive to prevent money laundering and terrorist financing.

CHAPTER II CUSTOMER DUE DILIGENCE

SECTION 1 *GENERAL PROVISIONS*

Article 6

Member States shall prohibit their credit and financial institutions from keeping anonymous accounts or anonymous passbooks. By way of derogation from Article 9(6), Member States shall in all cases require that the owners and beneficiaries of existing anonymous accounts or anonymous passbooks be made the subject of customer due diligence measures as soon as possible and in any event before such accounts or passbooks are used in any way.

Article 7

The institutions and persons covered by this Directive shall apply customer due diligence measures in the following cases:

(a) when establishing a business relationship;

- (b) when carrying out occasional transactions amounting to EUR 15000 or more, whether the transaction is carried out in a single operation or in several operations which appear to be linked;
- (c) when there is a suspicion of money laundering or terrorist financing, regardless of any derogation, exemption or threshold;
- (d) when there are doubts about the veracity or adequacy of previously obtained customer identification data.

Article 8

1. Customer due diligence measures shall comprise:

- (a) identifying the customer and verifying the customer's identity on the basis of documents, data or information obtained from a reliable and independent source;
- (b) identifying, where applicable, the beneficial owner and taking risk-based and adequate measures to verify his identity so that the institution or person covered by this Directive is satisfied that it knows who the beneficial owner is, including, as regards legal persons, trusts and similar legal arrangements, taking risk-based and adequate measures to understand the ownership and control structure of the customer;
- (c) obtaining information on the purpose and intended nature of the business relationship;
- (d) conducting ongoing monitoring of the business relationship including scrutiny of transactions undertaken throughout the course of that relationship to ensure that the transactions being conducted are consistent with the institution's or person's knowledge of the customer, the business and risk profile, including, where necessary, the source of funds and ensuring that the documents, data or information held are kept up-to-date.

2. The institutions and persons covered by this Directive shall apply each of the customer due diligence requirements set out in paragraph 1, but may determine the extent of such measures on a risk-sensitive basis depending on the type of customer, business relationship, product or transaction. The institutions and persons covered by this Directive shall be able to demonstrate to the competent authorities mentioned in Article 37, including self-regulatory bodies, that the extent of the measures is appropriate in view of the risks of money laundering and terrorist financing.

Article 9

1. Member States shall require that the verification of the identity of the customer and the beneficial owner takes place before the establishment of a business relationship or the carrying-out of the transaction.

2. By way of derogation from paragraph 1, Member States may allow the verification of the identity of the customer and the beneficial owner to be completed during the establishment

of a business relationship if this is necessary not to interrupt the normal conduct of business and where there is little risk of money laundering or terrorist financing occurring. In such situations these procedures shall be completed as soon as practicable after the initial contact.

3. By way of derogation from paragraphs 1 and 2, Member States may, in relation to life insurance business, allow the verification of the identity of the beneficiary under the policy to take place after the business relationship has been established. In that case, verification shall take place at or before the time of payout or at or before the time the beneficiary intends to exercise rights vested under the policy.

4. By way of derogation from paragraphs 1 and 2, Member States may allow the opening of a bank account provided that there are adequate safeguards in place to ensure that transactions are not carried out by the customer or on its behalf until full compliance with the aforementioned provisions is obtained.

5. Member States shall require that, where the institution or person concerned is unable to comply with points (a), (b) and (c) of Article 8(1), it may not carry out a transaction through a bank account, establish a business relationship or carry out the transaction, or shall terminate the business relationship, and shall consider making a report to the financial intelligence unit (FIU) in accordance with Article 22 in relation to the customer.

Member States shall not be obliged to apply the previous subparagraph in situations when notaries, independent legal professionals, auditors, external accountants and tax advisors are in the course of ascertaining the legal position for their client or performing their task of defending or representing that client in, or concerning judicial proceedings, including advice on instituting or avoiding proceedings.

6. Member States shall require that institutions and persons covered by this Directive apply the customer due diligence procedures not only to all new customers but also at appropriate times to existing customers on a risk-sensitive basis.

Article 10

1. Member States shall require that all casino customers be identified and their identity verified if they purchase or exchange gambling chips with a value of EUR 2000 or more.

2. Casinos subject to State supervision shall be deemed in any event to have satisfied the customer due diligence requirements if they register, identify and verify the identity of their customers immediately on or before entry, regardless of the amount of gambling chips purchased.

SECTION 2
SIMPLIFIED CUSTOMER DUE DILIGENCE

Article 11

1. By way of derogation from Articles 7(a), (b) and (d), 8 and 9(1), the institutions and persons covered by this Directive shall not be subject to the requirements provided for in those Articles where the customer is a credit or financial institution covered by this Directive, or a credit or financial institution situated in a third country which imposes requirements equivalent to those laid down in this Directive and supervised for compliance with those requirements.
2. By way of derogation from Articles 7(a), (b) and (d), 8 and 9(1) Member States may allow the institutions and persons covered by this Directive not to apply customer due diligence in respect of:
 - (a) listed companies whose securities are admitted to trading on a regulated market within the meaning of Directive 2004/39/EC in one or more Member States and listed companies from third countries which are subject to disclosure requirements consistent with Community legislation;
 - (b) beneficial owners of pooled accounts held by notaries and other independent legal professionals from the Member States, or from third countries provided that they are subject to requirements to combat money laundering or terrorist financing consistent with international standards and are supervised for compliance with those requirements and provided that the information on the identity of the beneficial owner is available, on request, to the institutions that act as depository institutions for the pooled accounts;
 - (c) domestic public authorities,
- or in respect of any other customer representing a low risk of money laundering or terrorist financing which meets the technical criteria established in accordance with Article 40(1)(b).
3. In the cases mentioned in paragraphs 1 and 2, institutions and persons covered by this Directive shall in any case gather sufficient information to establish if the customer qualifies for an exemption as mentioned in these paragraphs.
4. The Member States shall inform each other and the Commission of cases where they consider that a third country meets the conditions laid down in paragraphs 1 or 2 or in other situations which meet the technical criteria established in accordance with Article 40(1)(b).
5. By way of derogation from Articles 7(a), (b) and (d), 8 and 9(1), Member States may allow the institutions and persons covered by this Directive not to apply customer due diligence in respect of:
 - (a) life insurance policies where the annual premium is no more than EUR 1000 or the single premium is no more than EUR 2500;

- (b) insurance policies for pension schemes if there is no surrender clause and the policy cannot be used as collateral;
- (c) a pension, superannuation or similar scheme that provides retirement benefits to employees, where contributions are made by way of deduction from wages and the scheme rules do not permit the assignment of a member's interest under the scheme;
- (d) electronic money, as defined in Article 1(3)(b) of Directive 2000/46/EC of the European Parliament and of the Council of 18 September 2000 on the taking up, pursuit of and prudential supervision of the business of electronic money institutions⁽¹⁶⁾, where, if the device cannot be recharged, the maximum amount stored in the device is no more than EUR 150, or where, if the device can be recharged, a limit of EUR 2500 is imposed on the total amount transacted in a calendar year, except when an amount of EUR 1000 or more is redeemed in that same calendar year by the bearer as referred to in Article 3 of Directive 2000/46/EC,

or in respect of any other product or transaction representing a low risk of money laundering or terrorist financing which meets the technical criteria established in accordance with Article 40(1)(b).

Article 12

Where the Commission adopts a decision pursuant to Article 40(4), the Member States shall prohibit the institutions and persons covered by this Directive from applying simplified due diligence to credit and financial institutions or listed companies from the third country concerned or other entities following from situations which meet the technical criteria established in accordance with Article 40(1)(b).

SECTION 3 ENHANCED CUSTOMER DUE DILIGENCE

Article 13

1. Member States shall require the institutions and persons covered by this Directive to apply, on a risk-sensitive basis, enhanced customer due diligence measures, in addition to the measures referred to in Articles 7, 8 and 9(6), in situations which by their nature can present a higher risk of money laundering or terrorist financing, and at least in the situations set out in paragraphs 2, 3, 4 and in other situations representing a high risk of money laundering or terrorist financing which meet the technical criteria established in accordance with Article 40(1)(c).
2. Where the customer has not been physically present for identification purposes, Member States shall require those institutions and persons to take specific and adequate measures to compensate for the higher risk, for example by applying one or more of the following measures:

⁽¹⁶⁾ OJ L 275, 27.10.2000, p. 39.

- (a) ensuring that the customer's identity is established by additional documents, data or information;
- (b) supplementary measures to verify or certify the documents supplied, or requiring confirmatory certification by a credit or financial institution covered by this Directive;
- (c) ensuring that the first payment of the operations is carried out through an account opened in the customer's name with a credit institution.

3. In respect of cross-frontier correspondent banking relationships with respondent institutions from third countries, Member States shall require their credit institutions to:

- (a) gather sufficient information about a respondent institution to understand fully the nature of the respondent's business and to determine from publicly available information the reputation of the institution and the quality of supervision;
- (b) assess the respondent institution's anti-money laundering and anti-terrorist financing controls;
- (c) obtain approval from senior management before establishing new correspondent banking relationships;
- (d) document the respective responsibilities of each institution;
- (e) with respect to payable-through accounts, be satisfied that the respondent credit institution has verified the identity of and performed ongoing due diligence on the customers having direct access to accounts of the correspondent and that it is able to provide relevant customer due diligence data to the correspondent institution, upon request.

4. In respect of transactions or business relationships with politically exposed persons residing in another Member State or in a third country, Member States shall require those institutions and persons covered by this Directive to:

- (a) have appropriate risk-based procedures to determine whether the customer is a politically exposed person;
- (b) have senior management approval for establishing business relationships with such customers;
- (c) take adequate measures to establish the source of wealth and source of funds that are involved in the business relationship or transaction;
- (d) conduct enhanced ongoing monitoring of the business relationship.

5. Member States shall prohibit credit institutions from entering into or continuing a correspondent banking relationship with a shell bank and shall require that credit institutions take appropriate measures to ensure that they do not engage in or continue correspondent

banking relationships with a bank that is known to permit its accounts to be used by a shell bank.

6. Member States shall ensure that the institutions and persons covered by this Directive pay special attention to any money laundering or terrorist financing threat that may arise from products or transactions that might favour anonymity, and take measures, if needed, to prevent their use for money laundering or terrorist financing purposes.

SECTION 4

PERFORMANCE BY THIRD PARTIES

Article 14

Member States may permit the institutions and persons covered by this Directive to rely on third parties to meet the requirements laid down in Article 8(1)(a) to (c). However, the ultimate responsibility for meeting those requirements shall remain with the institution or person covered by this Directive which relies on the third party.

Article 15

1. Where a Member State permits credit and financial institutions referred to in Article 2(1)(1) or (2) situated in its territory to be relied on as a third party domestically, that Member State shall in any case permit institutions and persons referred to in Article 2(1) situated in its territory to recognise and accept, in accordance with the provisions laid down in Article 14, the outcome of the customer due diligence requirements laid down in Article 8(1)(a) to (c), carried out in accordance with this Directive by an institution referred to in Article 2(1)(1) or (2) in another Member State, with the exception of currency exchange offices and money transmission or remittance offices, and meeting the requirements laid down in Articles 16 and 18, even if the documents or data on which these requirements have been based are different to those required in the Member State to which the customer is being referred.

2. Where a Member State permits currency exchange offices and money transmission or remittance offices referred to in Article 3(2)(a) situated in its territory to be relied on as a third party domestically, that Member State shall in any case permit them to recognise and accept, in accordance with Article 14, the outcome of the customer due diligence requirements laid down in Article 8(1)(a) to (c), carried out in accordance with this Directive by the same category of institution in another Member State and meeting the requirements laid down in Articles 16 and 18, even if the documents or data on which these requirements have been based are different to those required in the Member State to which the customer is being referred.

3. Where a Member State permits persons referred to in Article 2(1)(3)(a) to (c) situated in its territory to be relied on as a third party domestically, that Member State shall in any case permit them to recognise and accept, in accordance with Article 14, the outcome of the customer due diligence requirements laid down in Article 8(1)(a) to (c), carried out in accordance with this Directive by a person referred to in Article 2(1)(3)(a) to (c) in another

Member State and meeting the requirements laid down in Articles 16 and 18, even if the documents or data on which these requirements have been based are different to those required in the Member State to which the customer is being referred.

Article 16

1. For the purposes of this Section, "third parties" shall mean institutions and persons who are listed in Article 2, or equivalent institutions and persons situated in a third country, who meet the following requirements:
 - (a) they are subject to mandatory professional registration, recognised by law;
 - (b) they apply customer due diligence requirements and record keeping requirements as laid down or equivalent to those laid down in this Directive and their compliance with the requirements of this Directive is supervised in accordance with Section 2 of Chapter V, or they are situated in a third country which imposes equivalent requirements to those laid down in this Directive.
2. Member States shall inform each other and the Commission of cases where they consider that a third country meets the conditions laid down in paragraph 1(b).

Article 17

Where the Commission adopts a decision pursuant to Article 40(4), Member States shall prohibit the institutions and persons covered by this Directive from relying on third parties from the third country concerned to meet the requirements laid down in Article 8(1)(a) to (c).

Article 18

1. Third parties shall make information requested in accordance with the requirements laid down in Article 8(1)(a) to (c) immediately available to the institution or person covered by this Directive to which the customer is being referred.
2. Relevant copies of identification and verification data and other relevant documentation on the identity of the customer or the beneficial owner shall immediately be forwarded, on request, by the third party to the institution or person covered by this Directive to which the customer is being referred.

Article 19

This Section shall not apply to outsourcing or agency relationships where, on the basis of a contractual arrangement, the outsourcing service provider or agent is to be regarded as part of the institution or person covered by this Directive.

CHAPTER III

REPORTING OBLIGATIONS

SECTION 1

GENERAL PROVISIONS

Article 20

Member States shall require that the institutions and persons covered by this Directive pay special attention to any activity which they regard as particularly likely, by its nature, to be related to money laundering or terrorist financing and in particular complex or unusually large transactions and all unusual patterns of transactions which have no apparent economic or visible lawful purpose.

Article 21

1. Each Member State shall establish a FIU in order effectively to combat money laundering and terrorist financing.
2. That FIU shall be established as a central national unit. It shall be responsible for receiving (and to the extent permitted, requesting), analysing and disseminating to the competent authorities, disclosures of information which concern potential money laundering, potential terrorist financing or are required by national legislation or regulation. It shall be provided with adequate resources in order to fulfil its tasks.
3. Member States shall ensure that the FIU has access, directly or indirectly, on a timely basis, to the financial, administrative and law enforcement information that it requires to properly fulfil its tasks.

Article 22

1. Member States shall require the institutions and persons covered by this Directive, and where applicable their directors and employees, to cooperate fully:
 - (a) by promptly informing the FIU, on their own initiative, where the institution or person covered by this Directive knows, suspects or has reasonable grounds to suspect that money laundering or terrorist financing is being or has been committed or attempted;
 - (b) by promptly furnishing the FIU, at its request, with all necessary information, in accordance with the procedures established by the applicable legislation.
2. The information referred to in paragraph 1 shall be forwarded to the FIU of the Member State in whose territory the institution or person forwarding the information is situated. The person or persons designated in accordance with the procedures provided for in Article 34 shall normally forward the information.

Article 23

1. By way of derogation from Article 22(1), Member States may, in the case of the persons referred to in Article 2(1)(3)(a) and (b), designate an appropriate self-regulatory body of the profession concerned as the authority to be informed in the first instance in place of the FIU. Without prejudice to paragraph 2, the designated self-regulatory body shall in such cases forward the information to the FIU promptly and unfiltered.
2. Member States shall not be obliged to apply the obligations laid down in Article 22(1) to notaries, independent legal professionals, auditors, external accountants and tax advisors with regard to information they receive from or obtain on one of their clients, in the course of ascertaining the legal position for their client or performing their task of defending or representing that client in, or concerning judicial proceedings, including advice on instituting or avoiding proceedings, whether such information is received or obtained before, during or after such proceedings.

Article 24

1. Member States shall require the institutions and persons covered by this Directive to refrain from carrying out transactions which they know or suspect to be related to money laundering or terrorist financing until they have completed the necessary action in accordance with Article 22(1)(a). In conformity with the legislation of the Member States, instructions may be given not to carry out the transaction.
2. Where such a transaction is suspected of giving rise to money laundering or terrorist financing and where to refrain in such manner is impossible or is likely to frustrate efforts to pursue the beneficiaries of a suspected money laundering or terrorist financing operation, the institutions and persons concerned shall inform the FIU immediately afterwards.

Article 25

1. Member States shall ensure that if, in the course of inspections carried out in the institutions and persons covered by this Directive by the competent authorities referred to in Article 37, or in any other way, those authorities discover facts that could be related to money laundering or terrorist financing, they shall promptly inform the FIU.
2. Member States shall ensure that supervisory bodies empowered by law or regulation to oversee the stock, foreign exchange and financial derivatives markets inform the FIU if they discover facts that could be related to money laundering or terrorist financing.

Article 26

The disclosure in good faith as foreseen in Articles 22(1) and 23 by an institution or person covered by this Directive or by an employee or director of such an institution or person of the information referred to in Articles 22 and 23 shall not constitute a breach of any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, and shall not involve the institution or person or its directors or employees in liability of any kind.

Article 27

Member States shall take all appropriate measures in order to protect employees of the institutions or persons covered by this Directive who report suspicions of money laundering or terrorist financing either internally or to the FIU from being exposed to threats or hostile action.

SECTION 2**PROHIBITION OF DISCLOSURE***Article 28*

1. The institutions and persons covered by this Directive and their directors and employees shall not disclose to the customer concerned or to other third persons the fact that information has been transmitted in accordance with Articles 22 and 23 or that a money laundering or terrorist financing investigation is being or may be carried out.
2. The prohibition laid down in paragraph 1 shall not include disclosure to the competent authorities referred to in Article 37, including the self-regulatory bodies, or disclosure for law enforcement purposes.
3. The prohibition laid down in paragraph 1 shall not prevent disclosure between institutions from Member States, or from third countries provided that they meet the conditions laid down in Article 11(1), belonging to the same group as defined by Article 2(12) of Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate⁽¹⁷⁾.
4. The prohibition laid down in paragraph 1 shall not prevent disclosure between persons referred to in Article 2(1)(3)(a) and (b) from Member States, or from third countries which impose requirements equivalent to those laid down in this Directive, who perform their professional activities, whether as employees or not, within the same legal person or a network. For the purposes of this Article, a "network" means the larger structure to which the person belongs and which shares common ownership, management or compliance control.
5. For institutions or persons referred to in Article 2(1)(1), (2) and (3)(a) and (b) in cases related to the same customer and the same transaction involving two or more institutions or persons, the prohibition laid down in paragraph 1 shall not prevent disclosure between the relevant institutions or persons provided that they are situated in a Member State, or in a third country which imposes requirements equivalent to those laid down in this Directive, and that they are from the same professional category and are subject to equivalent obligations as regards professional secrecy and personal data protection. The information exchanged shall be used exclusively for the purposes of the prevention of money laundering and terrorist financing.

⁽¹⁷⁾ OJ L 35, 11.2.2003, p. 1.

6. Where the persons referred to in Article 2(1)(3)(a) and (b) seek to dissuade a client from engaging in illegal activity, this shall not constitute a disclosure within the meaning of the paragraph 1.

7. The Member States shall inform each other and the Commission of cases where they consider that a third country meets the conditions laid down in paragraphs 3, 4 or 5.

Article 29

Where the Commission adopts a decision pursuant to Article 40(4), the Member States shall prohibit the disclosure between institutions and persons covered by this Directive and institutions and persons from the third country concerned.

CHAPTER IV
RECORD KEEPING AND STATISTICAL DATA

Article 30

Member States shall require the institutions and persons covered by this Directive to keep the following documents and information for use in any investigation into, or analysis of, possible money laundering or terrorist financing by the FIU or by other competent authorities in accordance with national law:

- (a) in the case of the customer due diligence, a copy or the references of the evidence required, for a period of at least five years after the business relationship with their customer has ended;
- (b) in the case of business relationships and transactions, the supporting evidence and records, consisting of the original documents or copies admissible in court proceedings under the applicable national legislation for a period of at least five years following the carrying-out of the transactions or the end of the business relationship.

Article 31

1. Member States shall require the credit and financial institutions covered by this Directive to apply, where applicable, in their branches and majority-owned subsidiaries located in third countries measures at least equivalent to those laid down in this Directive with regard to customer due diligence and record keeping.

Where the legislation of the third country does not permit application of such equivalent measures, the Member States shall require the credit and financial institutions concerned to inform the competent authorities of the relevant home Member State accordingly.

2. Member States and the Commission shall inform each other of cases where the legislation of the third country does not permit application of the measures required under the first subparagraph of paragraph 1 and coordinated action could be taken to pursue a solution.

3. Member States shall require that, where the legislation of the third country does not permit application of the measures required under the first subparagraph of paragraph 1, credit or financial institutions take additional measures to effectively handle the risk of money laundering or terrorist financing.

Article 32

Member States shall require that their credit and financial institutions have systems in place that enable them to respond fully and rapidly to enquiries from the FIU, or from other authorities, in accordance with their national law, as to whether they maintain or have maintained during the previous five years a business relationship with specified natural or legal persons and on the nature of that relationship.

Article 33

1. Member States shall ensure that they are able to review the effectiveness of their systems to combat money laundering or terrorist financing by maintaining comprehensive statistics on matters relevant to the effectiveness of such systems.
2. Such statistics shall as a minimum cover the number of suspicious transaction reports made to the FIU, the follow-up given to these reports and indicate on an annual basis the number of cases investigated, the number of persons prosecuted, the number of persons convicted for money laundering or terrorist financing offences and how much property has been frozen, seized or confiscated.
3. Member States shall ensure that a consolidated review of these statistical reports is published.

CHAPTER V

ENFORCEMENT MEASURES

SECTION I

INTERNAL PROCEDURES, TRAINING AND FEEDBACK

Article 34

1. Member States shall require that the institutions and persons covered by this Directive establish adequate and appropriate policies and procedures of customer due diligence, reporting, record keeping, internal control, risk assessment, risk management, compliance management and communication in order to forestall and prevent operations related to money laundering or terrorist financing.
2. Member States shall require that credit and financial institutions covered by this Directive communicate relevant policies and procedures where applicable to branches and majority-owned subsidiaries in third countries.

Article 35

1. Member States shall require that the institutions and persons covered by this Directive take appropriate measures so that their relevant employees are aware of the provisions in force on the basis of this Directive.

These measures shall include participation of their relevant employees in special ongoing training programmes to help them recognise operations which may be related to money laundering or terrorist financing and to instruct them as to how to proceed in such cases.

Where a natural person falling within any of the categories listed in Article 2(1)(3) performs his professional activities as an employee of a legal person, the obligations in this Section shall apply to that legal person rather than to the natural person.

2. Member States shall ensure that the institutions and persons covered by this Directive have access to up-to-date information on the practices of money launderers and terrorist financers and on indications leading to the recognition of suspicious transactions.
3. Member States shall ensure that, wherever practicable, timely feedback on the effectiveness of and follow-up to reports of suspected money laundering or terrorist financing is provided.

SECTION 2
SUPERVISION

Article 36

1. Member States shall provide that currency exchange offices and trust and company service providers shall be licensed or registered and casinos be licensed in order to operate their business legally. Without prejudice to future Community legislation, Member States shall provide that money transmission or remittance offices shall be licensed or registered in order to operate their business legally.
2. Member States shall require competent authorities to refuse licensing or registration of the entities referred to in paragraph 1 if they are not satisfied that the persons who effectively direct or will direct the business of such entities or the beneficial owners of such entities are fit and proper persons.

Article 37

1. Member States shall require the competent authorities at least to effectively monitor and to take the necessary measures with a view to ensuring compliance with the requirements of this Directive by all the institutions and persons covered by this Directive.
2. Member States shall ensure that the competent authorities have adequate powers, including the power to compel the production of any information that is relevant to

monitoring compliance and perform checks, and have adequate resources to perform their functions.

3. In the case of credit and financial institutions and casinos, competent authorities shall have enhanced supervisory powers, notably the possibility to conduct on-site inspections.
4. In the case of the natural and legal persons referred to in Article 2(1)(3)(a) to (e), Member States may allow the functions referred to in paragraph 1 to be performed on a risk-sensitive basis.
5. In the case of the persons referred to in Article 2(1)(3)(a) and (b), Member States may allow the functions referred to in paragraph 1 to be performed by self-regulatory bodies, provided that they comply with paragraph 2.

SECTION 3

COOPERATION

Article 38

The Commission shall lend such assistance as may be needed to facilitate coordination, including the exchange of information between FIUs within the Community.

SECTION 4

PENALTIES

Article 39

1. Member States shall ensure that natural and legal persons covered by this Directive can be held liable for infringements of the national provisions adopted pursuant to this Directive. The penalties must be effective, proportionate and dissuasive.
2. Without prejudice to the right of Member States to impose criminal penalties, Member States shall ensure, in conformity with their national law, that the appropriate administrative measures can be taken or administrative sanctions can be imposed against credit and financial institutions for infringements of the national provisions adopted pursuant to this Directive. Member States shall ensure that these measures or sanctions are effective, proportionate and dissuasive.
3. In the case of legal persons, Member States shall ensure that at least they can be held liable for infringements referred to in paragraph 1 which are committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:
 - (a) a power of representation of the legal person;
 - (b) an authority to take decisions on behalf of the legal person, or

(c) an authority to exercise control within the legal person.

4. In addition to the cases already provided for in paragraph 3, Member States shall ensure that legal persons can be held liable where the lack of supervision or control by a person referred to in paragraph 3 has made possible the commission of the infringements referred to in paragraph 1 for the benefit of a legal person by a person under its authority.

CHAPTER VI

IMPLEMENTING MEASURES

Article 40

1. In order to take account of technical developments in the fight against money laundering or terrorist financing and to ensure uniform implementation of this Directive, the Commission may, in accordance with the procedure referred to in Article 41(2), adopt the following implementing measures:

- (a) clarification of the technical aspects of the definitions in Article 3(2)(a) and (d), (6), (7), (8), (9) and (10);
- (b) establishment of technical criteria for assessing whether situations represent a low risk of money laundering or terrorist financing as referred to in Article 11(2) and (5);
- (c) establishment of technical criteria for assessing whether situations represent a high risk of money laundering or terrorist financing as referred to in Article 13;
- (d) establishment of technical criteria for assessing whether, in accordance with Article 2(2), it is justified not to apply this Directive to certain legal or natural persons carrying out a financial activity on an occasional or very limited basis.

2. In any event, the Commission shall adopt the first implementing measures to give effect to paragraphs 1(b) and 1(d) by 15 June 2006.

3. The Commission shall, in accordance with the procedure referred to in Article 41(2), adapt the amounts referred to in Articles 2(1)(3)(e), 7(b), 10(1) and 11(5)(a) and (d) taking into account Community legislation, economic developments and changes in international standards.

4. Where the Commission finds that a third country does not meet the conditions laid down in Article 11(1) or (2), Article 28(3), (4) or (5), or in the measures established in accordance with paragraph 1(b) of this Article or in Article 16(1)(b), or that the legislation of that third country does not permit application of the measures required under the first subparagraph of Article 31(1), it shall adopt a decision so stating in accordance with the procedure referred to in Article 41(2).

Article 41

1. The Commission shall be assisted by a Committee on the Prevention of Money Laundering and Terrorist Financing, hereinafter "the Committee".
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof and provided that the implementing measures adopted in accordance with this procedure do not modify the essential provisions of this Directive.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its Rules of Procedure.

4. Without prejudice to the implementing measures already adopted, the implementation of the provisions of this Directive concerning the adoption of technical rules and decisions in accordance with the procedure referred to in paragraph 2 shall be suspended four years after the entry into force of this Directive. On a proposal from the Commission, the European Parliament and the Council may renew the provisions concerned in accordance with the procedure laid down in Article 251 of the Treaty and, to that end, shall review them prior to the expiry of the four-year period.

CHAPTER VII

FINAL PROVISIONS

Article 42

By 15 December 2009, and at least at three-yearly intervals thereafter, the Commission shall draw up a report on the implementation of this Directive and submit it to the European Parliament and the Council. For the first such report, the Commission shall include a specific examination of the treatment of lawyers and other independent legal professionals.

Article 43

By 15 December 2010, the Commission shall present a report to the European Parliament and to the Council on the threshold percentages in Article 3(6), paying particular attention to the possible expediency and consequences of a reduction of the percentage in points (a)(i), (b)(i) and (b)(iii) of Article 3(6) from 25 % to 20 %. On the basis of the report the Commission may submit a proposal for amendments to this Directive.

Article 44

Directive 91/308/EEC is hereby repealed.

References made to the repealed Directive shall be construed as being made to this Directive and should be read in accordance with the correlation table set out in the Annex.

Article 45

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 15 December 2007. They shall forthwith communicate to the Commission the text of those provisions together with a table showing how the provisions of this Directive correspond to the national provisions adopted.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 46

This Directive shall enter into force on the 20th day after its publication in the Official Journal of the European Union.

Article 47

This Directive is addressed to the Member States.

ANNEX
CORRELATION TABLE

| This Directive | Directive 91/308/EEC |
|--|--------------------------------|
| Article 1(1) | Article 2 |
| Article 1(2) | Article 1(C) |
| Article 1(2)(a) | Article 1(C) first point |
| Article 1(2)(b) | Article 1(C) second point |
| Article 1(2)(c) | Article 1(C) third point |
| Article 1(2)(d) | Article 1(C) fourth point |
| Article 1(3) | Article 1(C), third paragraph |
| Article 1(4) | |
| Article 1(5) | Article 1(C), second paragraph |
| Article 2(1)(1) | Article 2a(1) |
| Article 2(1)(2) | Article 2a(2) |
| Article 2(1)(3)(a), (b) and (d) to (f) | Article 2a(3) to (7) |
| Article 2(1)(3)(c) | |
| Article 2(2) | |
| Article 3(1) | Article 1(A) |
| Article 3(2)(a) | Article 1(B)(1) |
| Article 3(2)(b) | Article 1(B)(2) |
| Article 3(2)(c) | Article 1(B)(3) |
| Article 3(2)(d) | Article 1(B)(4) |
| Article 3(2)(e) | |
| Article 3(2)(f) | Article 1(B), second paragraph |
| Article 3(3) | Article 1(D) |

| | |
|------------------------|---|
| Article 3(4) | Article 1(E), first paragraph |
| Article 3(5) | Article 1(E), second paragraph |
| Article 3(5)(a) | |
| Article 3(5)(b) | Article 1(E), first indent |
| Article 3(5)(c) | Article 1(E), second indent |
| Article 3(5)(d) | Article 1(E), third indent |
| Article 3(5)(e) | Article 1(E), fourth indent |
| Article 3(5)(f) | Article 1(E), fifth indent, and third paragraph |
| Article 3(6) | |
| Article 3(7) | |
| Article 3(8) | |
| Article 3(9) | |
| Article 3(10) | |
| Article 4 | Article 12 |
| Article 5 | Article 15 |
| Article 6 | |
| Article 7(a) | Article 3(1) |
| Article 7(b) | Article 3(2) |
| Article 7(c) | Article 3(8) |
| Article 7(d) | Article 3(7) |
| Article 8(1)(a) | Article 3(1) |
| Article 8(1)(b) to (d) | |
| Article 8(2) | |
| Article 9(1) | Article 3(1) |
| Article 9(2) to (6) | |

| | |
|-----------------------|------------------------|
| Article 10 | Article 3(5) and (6) |
| Article 11(1) | Article 3(9) |
| Article 11(2) | |
| Article 11(3) and (4) | |
| Article 11(5)(a) | Article 3(3) |
| Article 11(5)(b) | Article 3(4) |
| Article 11(5)(c) | Article 3(4) |
| Article 11(5)(d) | |
| Article 12 | |
| Article 13(1) and (2) | Article 3(10) and (11) |
| Article 13(3) to (5) | |
| Article 13(6) | Article 5 |
| Article 14 | |
| Article 15 | |
| Article 16 | |
| Article 17 | |
| Article 18 | |
| Article 19 | |
| Article 20 | Article 5 |
| Article 21 | |
| Article 22 | Article 6(1) and (2) |
| Article 23 | Article 6(3) |
| Article 24 | Article 7 |
| Article 25 | Article 10 |
| Article 26 | Article 9 |

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|---------------------------------|----------------------------------|
| Article 27 | |
| Article 28(1) | Article 8(1) |
| Article 28(2) to (7) | |
| Article 29 | |
| Article 30(a) | Article 4, first indent |
| Article 30(b) | Article 4, second indent |
| Article 31 | |
| Article 32 | |
| Article 33 | |
| Article 34(1) | Article 11(1) (a) |
| Article 34(2) | |
| Article 35(1), first paragraph | Article 11(1)(b), first sentence |
| Article 35(1), second paragraph | Article 11(1)(b) second sentence |
| Article 35(1), third paragraph | Article 11(1), second paragraph |
| Article 35(2) | |
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| Article 39(1) | Article 14 |
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| Article 44 | |
| Article 45 | Article 16 |
| Article 46 | Article 16 |

**REGULATION (EC) NO 1889/2005 OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL**
of 26 October 2005
on controls of cash entering or leaving the Community

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 95 and 135 thereof,

Having regard to the proposal from the Commission⁽¹⁾,

After consulting the European Economic and Social Committee,

Acting in accordance with the procedure referred to in Article 251 of the Treaty⁽²⁾,

Whereas:

- (1) One of the Community's tasks is to promote harmonious, balanced and sustainable development of economic activities throughout the Community by establishing a common market and an economic and monetary union. To that end the internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured.
- (2) The introduction of the proceeds of illegal activities into the financial system and their investment after laundering are detrimental to sound and sustainable economic development. Accordingly, Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering⁽³⁾ introduced a Community mechanism to prevent money laundering by monitoring transactions through credit and financial institutions and certain types of professions. As there is a risk that the application of that mechanism will lead to an increase in cash movements for illicit purposes, Directive 91/308/EEC should be supplemented by a control system on cash entering or leaving the Community.

⁽¹⁾ OJ C 227 E, 24.9.2002, p. 574.

⁽²⁾ Opinion of the European Parliament of 15 May 2003 (OJ C 67 E, 17.3.2004, p. 259), Council Common Position of 17 February 2005 (OJ C 144 E, 14.6.2005, p. 1), Position of the European Parliament of 8 June 2005 and Council Decision of 12 July 2005.

⁽³⁾ OJ L 166, 28.6.1991, p. 77. Directive as amended by Directive 2001/97/EC of the European Parliament and of the Council (OJ L 344, 28.12.2001, p. 76).

- (3) At present such control systems are applied by only a few Member States, acting under national legislation. The disparities in legislation are detrimental to the proper functioning of the internal market. The basic elements should therefore be harmonised at Community level to ensure an equivalent level of control on movements of cash crossing the borders of the Community. Such harmonisation should not, however, affect the possibility for Member States to apply, in accordance with the existing provisions of the Treaty, national controls on movements of cash within the Community.
- (4) Account should also be taken of complementary activities carried out in other international fora, in particular those of the Financial Action Task Force on Money Laundering (FATF), which was established by the G7 Summit held in Paris in 1989. Special Recommendation IX of 22 October 2004 of the FATF calls on governments to take measures to detect physical cash movements, including a declaration system or other disclosure obligation.
- (5) Accordingly, cash carried by any natural person entering or leaving the Community should be subject to the principle of obligatory declaration. This principle would enable the customs authorities to gather information on such cash movements and, where appropriate, transmit that information to other authorities. Customs authorities are present at the borders of the Community, where controls are most effective, and some have already built up practical experience in the matter. Use should be made of Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters⁽⁴⁾. This mutual assistance should ensure both the correct application of cash controls and the transmission of information that might help to achieve the objectives of Directive 91/308/EEC.
- (6) In view of its preventive purpose and deterrent character, the obligation to declare should be fulfilled upon entering or leaving the Community. However, in order to focus the authorities' action on significant movements of cash, only those movements of EUR 10000 or more should be subject to such an obligation. Also, it should be specified that the obligation to declare applies to the natural person carrying the cash, regardless of whether that person is the owner.
- (7) Use should be made of a common standard for the information to be provided. This will enable competent authorities to exchange information more easily.
- (8) It is desirable to establish the definitions needed for a uniform interpretation of this Regulation.
- (9) Information gathered under this Regulation by the competent authorities should be passed on to the authorities referred to in Article 6(1) of Directive 91/308/EEC.

⁽⁴⁾ OJ L 82, 22.3.1997, p. 1. Regulation as amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

- (10) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽⁵⁾ and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁽⁶⁾ apply to the processing of personal data by the competent authorities of the Member States pursuant to this Regulation.
- (11) Where there are indications that the sums of cash are related to any illegal activity, associated with the movement of cash, as referred to in Directive 91/308/EEC, information gathered under this Regulation by the competent authorities may be passed on to competent authorities in other Member States and/or to the Commission. Similarly, provision should be made for certain information to be transmitted whenever there are indications of cash movements involving sums lower than the threshold laid down in this Regulation.
- (12) Competent authorities should be vested with the powers needed to exercise effective control on movements of cash.
- (13) The powers of the competent authorities should be supplemented by an obligation on the Member States to lay down penalties. However, penalties should be imposed only for failure to make a declaration in accordance with this Regulation.
- (14) Since the objective of this Regulation cannot be sufficiently achieved by the Member States and can therefore, by reason of the transnational scale of money laundering in the internal market, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (15) This Regulation respects the fundamental rights and observes the principles recognised in Article 6(2) of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union, in particular in Article 8 thereof,

HAVE ADOPTED THIS REGULATION:

Article I

Objective

1. This Regulation complements the provisions of Directive 91/308/EEC concerning transactions through financial and credit institutions and certain professions by laying down harmonised rules for the control, by the competent authorities, of cash entering or leaving the Community.

⁽⁵⁾ OJ L 281, 23.11.1995, p. 31. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽⁶⁾ OJ L 8, 12.1.2001, p. 1.

2. This Regulation shall be without prejudice to national measures to control cash movements within the Community, where such measures are taken in accordance with Article 58 of the Treaty.

Article 2

Definitions

For the purposes of this Regulation:

1. "competent authorities" means the customs authorities of the Member States or any other authorities empowered by Member States to apply this Regulation;
2. "cash" means:
 - (a) bearer-negotiable instruments including monetary instruments in bearer form such as travellers cheques, negotiable instruments (including cheques, promissory notes and money orders) that are either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery and incomplete instruments (including cheques, promissory notes and money orders) signed, but with the payee's name omitted;
 - (b) currency (banknotes and coins that are in circulation as a medium of exchange).

Article 3

Obligation to declare

1. Any natural person entering or leaving the Community and carrying cash of a value of EUR 10000 or more shall declare that sum to the competent authorities of the Member State through which he is entering or leaving the Community in accordance with this Regulation. The obligation to declare shall not have been fulfilled if the information provided is incorrect or incomplete.

2. The declaration referred to in paragraph 1 shall contain details of:

- (a) the declarant, including full name, date and place of birth and nationality;
- (b) the owner of the cash;
- (c) the intended recipient of the cash;
- (d) the amount and nature of the cash;
- (e) the provenance and intended use of the cash;
- (f) the transport route;

(g) the means of transport.

3. Information shall be provided in writing, orally or electronically, to be determined by the Member State referred to in paragraph 1. However, where the declarant so requests, he shall be entitled to provide the information in writing. Where a written declaration has been lodged, an endorsed copy shall be delivered to the declarant upon request.

Article 4

Powers of the competent authorities

1. In order to check compliance with the obligation to declare laid down in Article 3, officials of the competent authorities shall be empowered, in accordance with the conditions laid down under national legislation, to carry out controls on natural persons, their baggage and their means of transport.
2. In the event of failure to comply with the obligation to declare laid down in Article 3, cash may be detained by administrative decision in accordance with the conditions laid down under national legislation.

Article 5

Recording and processing of information

1. The information obtained under Article 3 and/or Article 4 shall be recorded and processed by the competent authorities of the Member State referred to in Article 3(1) and shall be made available to the authorities referred to in Article 6(1) of Directive 91/308/EEC of that Member State.
2. Where it appears from the controls provided for in Article 4 that a natural person is entering or leaving the Community with sums of cash lower than the threshold fixed in Article 3 and where there are indications of illegal activities associated with the movement of cash, as referred to in Directive 91/308/EEC, that information, the full name, date and place of birth and nationality of that person and details of the means of transport used may also be recorded and processed by the competent authorities of the Member State referred to in Article 3(1) and be made available to the authorities referred to in Article 6(1) of Directive 91/308/EEC of that Member State.

Article 6

Exchange of information

1. Where there are indications that the sums of cash are related to any illegal activity associated with the movement of cash, as referred to in Directive 91/308/EEC, the information obtained through the declaration provided for in Article 3 or the controls provided for in Article 4 may be transmitted to competent authorities in other Member States.

Regulation (EC) No 515/97 shall apply mutatis mutandis.

2. Where there are indications that the sums of cash involve the proceeds of fraud or any other illegal activity adversely affecting the financial interests of the Community, the information shall also be transmitted to the Commission.

Article 7

Exchange of information with third countries

In the framework of mutual administrative assistance, the information obtained under this Regulation may be communicated by Member States or by the Commission to a third country, subject to the consent of the competent authorities which obtained the information pursuant to Article 3 and/or Article 4 and to compliance with the relevant national and Community provisions on the transfer of personal data to third countries. Member States shall notify the Commission of such exchanges of information where particularly relevant for the implementation of this Regulation.

Article 8

Duty of professional secrecy

All information which is by nature confidential or which is provided on a confidential basis shall be covered by the duty of professional secrecy. It shall not be disclosed by the competent authorities without the express permission of the person or authority providing it. The communication of information shall, however, be permitted where the competent authorities are obliged to do so pursuant to the provisions in force, particularly in connection with legal proceedings. Any disclosure or communication of information shall fully comply with prevailing data protection provisions, in particular Directive 95/46/EC and Regulation (EC) No 45/2001.

Article 9

Penalties

1. Each Member State shall introduce penalties to apply in the event of failure to comply with the obligation to declare laid down in Article 3. Such penalties shall be effective, proportionate and dissuasive.

2. By 15 June 2007, Member States shall notify the Commission of the penalties applicable in the event of failure to comply with the obligation to declare laid down in Article 3.

Article 10

Evaluation

The Commission shall submit to the European Parliament and the Council a report on the application of this Regulation four years after its entry into force.

Article 11

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from 15 June 2007.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

3.7. EURO CHANGEOVER

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 14 July 2006

on certain preparations for the euro cash changeover and on frontloading and sub-frontloading of euro banknotes and coins outside the euro area

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community, and in particular to Article 106(1) thereof,

Having regard to Article 16 and Article 26.4 of the Statute of the European System of Central Banks and of the European Central Bank,

Whereas:

- (1) Article 10 of Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro⁽¹⁾ states that "with effect from the respective cash changeover dates, the ECB and the central banks of the participating Member States shall put into circulation banknotes denominated in euro in the participating Member States".
- (2) To permit a smooth introduction of the euro in future participating Member States, a legal framework to enable the national central banks (NCBs) of these Member States to borrow euro banknotes and coins from the Eurosystem for the purpose of frontloading and sub-frontloading them prior to the cash changeover should be established, taking into account different possible national cash changeover scenarios.
- (3) Frontloading of euro banknotes and coins to eligible counterparties, and sub-frontloading to professional third parties, would contribute to a smooth cash changeover, alleviate the logistical burden of adopting the euro and contribute to reducing the costs associated with dual currency circulation.
- (4) Frontloading and sub-frontloading of euro banknotes and coins should not amount to putting such euro banknotes and coins into circulation as they will not have the status of legal tender in the future participating Member States before the cash changeover

⁽¹⁾ OJ L 139, 11.5.1998, p. 1. Regulation as last amended by Regulation (EC) No 2169/2005 (OJ L 346, 29.12.2005, p. 1).

date; consequently the contractual arrangements for loans of euro banknotes and coins should contain obligations to impose certain restrictions on eligible counterparties and professional third parties in order to avoid this happening.

- (5) Frontloading to eligible counterparties and sub-frontloading to professional third parties may only take place if statutory provisions in the future participating Member States provide sufficient protection, or contractual arrangements are established between the parties involved, in relation to: (i) loans of euro banknotes and coins for frontloading; (ii) frontloading; and (iii) sub-frontloading.
- (6) This Guideline should: (i) set out the rules to be applied for the contractual framework and conditions for frontloading and sub-frontloading; (ii) lay down the accounting and financial reporting requirements to be observed in relation to frontloading and sub-frontloading; and (iii) provide for appropriate arrangements to insure frontloaded and sub-frontloaded euro banknotes and coins.
- (7) While the primary competence for establishing the regime for the issue of euro coins lies with the participating Member States, future Eurosystem NCBs play an essential role in the distribution of euro coins. Therefore, the provisions of this Guideline which relate to euro coins should be viewed as recommendations to be applied by the NCBs within the framework for the issue of euro coins to be set up by the competent national authorities of the future participating Member States.
- (8) Providing the future Eurosystem NCBs with euro banknotes and coins for the purpose of frontloading entails certain financial risks. To cover these risks, the future Eurosystem NCBs should commit to repay the euro banknotes borrowed from the Eurosystem from the future banknote production requirements allocated to them. Furthermore, frontloading should only be permitted if eligible counterparties provide the relevant future Eurosystem NCB with sufficient eligible collateral.
- (9) The Eurosystem NCB delivering euro banknotes and coins for the purpose of frontloading and the future Eurosystem NCBs should conclude specific contractual arrangements to adhere to the rules and procedures laid down in this Guideline.
- (10) Unless national statutory provisions in force in the future participating Member States ensure that equivalent rules and procedures apply, the conditions laid down in this Guideline for frontloading and subsequent sub-frontloading must be incorporated in contractual arrangements between the future Eurosystem NCBs, eligible counterparties and professional third parties.
- (11) The ECB, as coordinator of frontloading, should be informed in advance of requests for frontloading, and the future Eurosystem NCBs should inform the ECB of any decisions to frontload,

HAS ADOPTED THIS GUIDELINE:

CHAPTER I

GENERAL PROVISIONS

Article 1

Definitions

For the purposes of this Guideline:

- "frontloading" means the physical delivery of euro banknotes and coins by a future Eurosystem NCB to eligible counterparties in the territory of a future participating Member State during the frontloading/sub-frontloading period;
- "frontloading/sub-frontloading period" means the period during which frontloading and sub-frontloading take place, which shall commence no sooner than four months prior to the cash changeover date and end at 00.00 (local time) on the cash changeover date;
- "sub-frontloading" means the delivery of frontloaded euro banknotes and coins by an eligible counterparty to professional third parties in the territory of a future participating Member State during the frontloading/sub-frontloading period;
- "euro area" means the territory of the participating Member States;
- "cash changeover date" means the date on which euro banknotes and coins become legal tender in a given future participating Member State;
- "participating Member State" means a Member State that has adopted the euro;
- "future participating Member State" means a non-participating Member State that has fulfilled the conditions set for the adoption of the euro and in relation to which a decision on the abrogation of the derogation (pursuant to Article 122(2) of the Treaty) has been taken;
- "non-participating Member State" means a Member State that has not adopted the euro;
- "Eurosystem" means the NCBs of the participating Member States and the ECB;
- "eligible counterparty" means an entity as defined in Article 5 which fulfils the requirements to receive euro banknotes and coins for the purpose of frontloading;
- "professional third parties" means certain commercial target groups, such as retailers, the cash-operated machine industry and cash in transit companies which are located in the same future participating Member State as an eligible counterparty, and which the eligible counterparty considers to have a legitimate need to be sub-frontloaded and to be able to satisfy the requirements in relation to sub-frontloading;
- "cash in transit company" means an entity providing transport, storage and handling services of banknotes and coins for credit institutions;

- "Eurosystem NCB" means the NCB of a participating Member State;
- "future Eurosystem NCB" means the NCB of a future participating Member State;
- "eligible collateral" means collateral as defined in Article 8;
- "delivering Eurosystem NCB" means a Eurosystem NCB that delivers to a future Eurosystem NCB euro banknotes and coins for the purpose of frontloading, regardless of which Eurosystem NCB is the legal owner of such banknotes and coins;
- "launch requirements" means the quantity of euro banknotes and coins that it is expected will be needed in a future participating Member State on the cash changeover date to cover demand for a period of one year;
- "Eurosystem business day" means a day on which the ECB or one or more NCBs are open for business, on which TARGET or the system replacing TARGET is open, and which is a settlement day for euro money market and foreign exchange transactions involving the euro;
- "TARGET" means the Trans-European Automated Real-time Gross settlement Express Transfer system;
- "credit institution" means an institution as defined in Article 1(1)(a) of Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions⁽²⁾;
- "legacy currency" means the national currency unit of a future participating Member State before the cash changeover date.

Article 2

Applicability of the provisions set out in this Guideline

1. The rules and procedures concerning frontloading and sub-frontloading laid down in this Guideline shall be applied to frontloading and sub-frontloading arrangements regardless of whether a future Eurosystem NCB: (i) borrows the banknotes and coins to be frontloaded; or (ii) produces or procures them.
2. This Guideline shall not apply to the physical delivery of euro banknotes and coins from Eurosystem NCBs to NCBs of non-participating Member States until the latter have the status of future Eurosystem NCBs.

⁽²⁾ OJ L 126, 26.5.2000, p. 1.

CHAPTER II

LOANS OF EURO BANKNOTES AND COINS FOR FRONTLOADING

Article 3

Delivery

1. One or more Eurosystem NCBs, as the case may be, may deliver euro banknotes and coins to a future Eurosystem NCB for the purpose of frontloading and launch requirements.
2. A delivering Eurosystem NCB shall not request collateral from a receiving future Eurosystem NCB.
3. The delivery of euro banknotes and coins by a Eurosystem NCB to a future Eurosystem NCB shall not take place before the delivering Eurosystem NCB and the receiving future Eurosystem NCB have concluded contractual arrangements stipulating that the conditions set out in this Guideline apply to the loan of euro banknotes and coins to the future Eurosystem NCB, and hence will be applied when establishing the arrangements for frontloading and sub-frontloading.
4. The delivery of euro banknotes and coins shall not commence before a decision on the abrogation of the derogation of a non-participating Member State has been adopted pursuant to Article 122(2) of the Treaty.
5. After having consulted the delivering Eurosystem NCB, the ECB shall clearly specify the stocks from which the euro banknotes and coins to be delivered will be taken, and the name of the delivering Eurosystem NCB. The delivering Eurosystem NCB shall ensure that a decision concerning the replenishment of such stocks has been taken.

Article 4

Conditions applicable to a loan of euro banknotes and coins

1. The conditions set out in this Article shall be specified in the contractual arrangements referred to in Article 3(3).
2. The exact volume, broken down by denomination of euro banknotes and coins to be delivered, and the time of delivery, shall be specified in any contractual arrangements.
3. Euro banknotes and coins shall be transported to a future Eurosystem NCB for the purpose of frontloading and launch requirements in accordance with the rules on security and insurance that normally apply to bulk transfers of euro banknotes and coins between the NCBs. The risk of destruction, loss, theft and robbery of the delivered euro banknotes and coins shall pass to the future Eurosystem NCB from the moment when the euro banknotes and coins leave the vaults of the delivering Eurosystem NCB.

4. A future Eurosystem NCB shall pay the cost of transporting euro banknotes and coins from a Eurosystem NCB to it. The delivering Eurosystem NCB shall ensure that the transport is carried out efficiently.

5. If a future Eurosystem NCB needs a bulk transfer of euro banknotes and coins from the Eurosystem within 12 months of the cash changeover date, these requirements will be regarded as part of the launch requirements and, as regards repayment, shall be treated similarly to frontloaded euro banknotes and coins, as provided for in paragraphs 6 to 8. In all other respects, the fulfilment of such requirements shall be treated in the same way as a bulk transfer.

6. A future Eurosystem NCB shall observe the following accounting and financial reporting obligations in relation to delivering Eurosystem NCB(s):

- (a) During the frontloading/sub-frontloading period, the future Eurosystem NCB shall record the amount of euro banknotes and coins delivered for the purpose of frontloading (and for launch requirements) off-balance sheet at their face value.
- (b) The future Eurosystem NCB shall report the amount of the frontloaded and sub-frontloaded euro banknotes and coins to the delivering Eurosystem NCB(s).
- (c) The future Eurosystem NCB shall report the total amount (broken down by denomination) of any frontloaded or sub-frontloaded euro banknotes that entered into circulation before the cash changeover date, as well as the date on which it became aware that these banknotes had entered into circulation.

7. From the cash changeover date, a future Eurosystem NCB shall observe the following accounting and financial reporting obligations:

- (a) Unless they have already been recorded pursuant to paragraph 10, frontloaded euro banknotes shall be recorded as on balance sheet items as at the cash changeover date.
- (b) The total amount of frontloaded euro banknotes, excluding any banknotes that entered into circulation before the cash changeover date reported under paragraph 6(c), shall be recorded in the balance sheet of the future Eurosystem NCB within the "banknotes in circulation" figure.
- (c) The difference between the total amount of frontloaded euro banknotes and the amounts of frontloaded euro banknotes that have been debited in the accounts of frontloaded eligible counterparties held with a future Eurosystem NCB under the provisions of Article 15 shall be treated as a collateralised, non-remunerated loan granted to the eligible counterparties and to be repaid by them in accordance with Article 15.

8. A future Eurosystem NCB shall repay the euro banknotes borrowed from a Eurosystem NCB for the purpose of frontloading by delivering an equivalent number and quality of euro banknotes that it produces or procures as a result of an allocation to it in the Eurosystem's euro banknote production for one or more consecutive years immediately following the year

in which the cash changeover takes place, in addition to its normal share in the Eurosystem's euro banknote production allocation for the years concerned. The calculation of the equivalent number and quality of banknotes to be repaid will be decided by the Governing Council. The equivalent number and quality of banknotes to be repaid for the euro second series will be calculated as established by the Governing Council in due time.

9. A future Eurosystem NCB shall conduct frontloading in accordance with the conditions set out in Chapters III and IV. No delivery shall take place until the future Eurosystem NCB and an eligible counterparty have concluded contractual arrangements that incorporate such conditions, unless national statutory provisions on frontloading ensure that equivalent conditions to those set out in Chapters III and IV apply to all eligible counterparties.

10. If frontloaded euro banknotes enter into circulation before the cash changeover date, a delivering Eurosystem NCB shall record them as having been issued and being in circulation. The delivering Eurosystem NCB shall record a claim vis-à-vis the future Eurosystem NCB amounting to the nominal value of the euro banknotes that entered into circulation before the cash changeover date. The future Eurosystem NCB shall pay to the delivering Eurosystem NCB remuneration on that claim. The remuneration shall be payable from the date when the future Eurosystem NCB became aware that these euro banknotes entered into circulation until the first Eurosystem business day following the cash changeover date. On that date, the liability of the future Eurosystem NCB and the related remuneration shall be settled by TARGET or a system replacing TARGET. The reference rate for the remuneration shall be the latest available marginal interest rate used by the Eurosystem in its tenders for main refinancing operations under paragraph 3.1.2 of Annex I to Guideline ECB/2000/7 of 31 August 2000 on monetary policy instruments and procedures of the Eurosystem⁽³⁾. In the event that more than one Eurosystem NCB delivers euro banknotes to the future Eurosystem NCB for the purpose of frontloading, the contractual arrangements referred to in Article 3(3) shall specify the delivering NCB which shall record the banknotes in circulation and the claim vis-à-vis the future Eurosystem NCB.

11. A future Eurosystem NCB shall report the following to the ECB:

- (a) the final total amount of frontloaded and sub-frontloaded euro banknotes (broken down by denomination); and
- (b) the final total amount of frontloaded and sub-frontloaded euro coins (broken down by denomination).

⁽³⁾ OJ L 310, 11.12.2000, p. 1. Guideline as last amended by Guideline ECB/2005/17 (OJ L 30, 2.2.2006, p. 26).

CHAPTER III

FRONTLOADING

Article 5

Eligible counterparties

Credit institutions established in a future participating Member State (including branches of foreign credit institutions located in the future participating Member State) and national post offices that have an account with their future Eurosystem NCB shall be considered eligible to receive euro banknotes and coins for the purpose of frontloading once the contractual arrangements provided for in Article 4(9) have been established.

Article 6

Delivery for frontloading

1. A future Eurosystem NCB may not start delivery of euro banknotes and coins for frontloading before the frontloading/sub-frontloading period has commenced.
2. A future Eurosystem NCB may frontload euro banknotes and coins in accordance with the provisions of this Guideline. The frontloading of euro banknotes and coins shall not commence before the future Eurosystem NCB and the receiving eligible counterparty have concluded contractual arrangements that incorporate the conditions set out in this Chapter and Chapter IV (unless equivalent rules and procedures have been established by statutory provisions in the future participating Member State in question).

Article 7

Provision of collateral

1. Eligible counterparties that are to be frontloaded shall provide their future Eurosystem NCB with eligible collateral, as defined in Article 8, to:
 - (a) cover the full face value of frontloaded euro banknotes and coins; and
 - (b) ensure performance of the obligations set out in Article 10 to be included in the contractual arrangements between the future Eurosystem NCB and the eligible counterparty.
2. If collateral is realised to ensure the performance of the obligations set out in Article 10, the eligible counterparty shall provide the future Eurosystem NCB with additional collateral to cover the full face value of frontloaded euro banknotes and coins, as required under paragraph 1(a).
3. The collateral shall be provided to the future Eurosystem NCB before it starts frontloading euro banknotes and coins, and shall cover risks arising from the start of delivery for frontloading.

4. The future Eurosystem NCB shall ensure that the collateral is fully enforceable. For this purpose it shall mobilise the eligible collateral by means of appropriate collateralisation procedures in a manner set out in Annex I to Guideline ECB/2000/7.
5. A future Eurosystem NCB shall implement adequate risk control measures to bear the risks relating to frontloading. It shall consult the ECB prior to frontloading on the risk control measures referred to in this Article. Where the market value of the eligible collateral is adjusted to take into account the applied risk control measures, the amount of collateral should be adjusted accordingly so that it always covers the full face value of frontloaded euro banknotes and coins which has not been debited on eligible counterparties' accounts with the future Eurosystem NCB that provided the frontloading euro banknotes and coins.
6. The contractual arrangements to be concluded before frontloading shall provide that an eligible counterparty shall grant the future Eurosystem NCB the right to realise the collateral if the frontloaded eligible counterparty breaches any of the obligations referred to in this Guideline as a precondition to frontloading and specifically agreed on between the eligible counterparty and the future Eurosystem NCB, and the frontloaded eligible counterparty does not pay the contractual penalties provided for in Article 10.

Article 8

Eligible collateral

1. All eligible assets for Eurosystem monetary policy operations as defined in Annex I to Guideline ECB/2000/7 shall be considered to be eligible collateral for frontloading purposes.
2. Assets denominated either in the legacy currencies of future participating Member States or in euro, which fulfil the uniform criteria laid down in Annex I to Guideline ECB/2000/7 and are eligible for Eurosystem monetary policy operations (with the exception of the criterion on the place of settlement and currency of denomination), shall be considered to be eligible collateral for frontloading purposes. The assets shall be held (settled) in the euro area, or in the future participating Member State, with a domestic securities settlement system (SSS) assessed against the ECB's "Standards for the use of EU Securities Settlement Systems in ESCB credit operations".
3. The following may also be provided as eligible collateral: (a) cash deposits denominated in a legacy currency; (b) cash deposits in euro on a dedicated account, remunerated at the same rate as applied for minimum reserves; or (c) deposits denominated in a legacy currency or in euro and in another form considered appropriate by the future Eurosystem NCB.

Article 9

Reporting

1. An eligible counterparty shall report to its future Eurosystem NCB:

(a) the final total amount of sub-frontloaded euro banknotes (broken down by denomination); and

(b) the final total amount of sub-frontloaded euro coins (broken down by denomination).

2. Immediately upon sub-frontloading, a frontloaded eligible counterparty shall provide its future Eurosystem NCB with information on the identity of the professional third parties that have been sub-frontloaded, as well as the amounts of sub-frontloaded euro banknotes and coins per individual customer. The future Eurosystem NCB shall treat such information as confidential and shall only use it to monitor how the professional third parties comply with their obligations relating to the avoidance of early circulation of euro banknotes and coins, and for reporting pursuant to Article 4(11).

3. A frontloaded eligible counterparty shall immediately inform the future Eurosystem NCB that frontloaded it (which shall then inform the ECB thereof):

- (a) if there is any reason to believe that any frontloaded euro banknotes or coins have entered into circulation before the cash changeover date; and
- (b) of the total amount (broken down by denomination) of frontloaded banknotes, if any, that entered into circulation before the cash changeover date.

Article 10

Commitments of an eligible counterparty regarding sub-frontloading

Before sub-frontloading takes place, the frontloaded eligible counterparties shall undertake to carry out sub-frontloading only in accordance with the rules and procedures laid down in this Guideline, which shall be agreed upon between themselves and the professional third parties to be sub-frontloaded. In particular, the following conditions shall be agreed before the eligible counterparty may sub-frontload:

- (a) The eligible counterparty shall ensure that the sub-frontloaded euro banknotes and coins remain on the premises of the sub-frontloaded professional third parties, where they shall be stored separately from any other euro banknotes and coins, other currency or other property, to avoid them entering into circulation prior to the cash changeover date. Such early circulation shall be subject to the payment of appropriate contractual penalties.
- (b) The eligible counterparty shall agree with the professional third party to be sub-frontloaded that the latter will allow the future Eurosystem NCB to carry out audits and inspections at the sub-frontloaded professional third party's premises in order to verify the presence of the sub-frontloaded euro banknotes and coins.
- (c) The eligible counterparty shall pay to the future Eurosystem NCB contractual penalties in an amount proportional to any damage suffered, however no less than 10 % of the sub-frontloaded amount if: (i) the future Eurosystem NCB is not given access to carry out the audit and inspections referred to in paragraph (b); or (ii) if the sub-frontloaded

euro banknotes and coins are not stored on the premises of the sub-frontloaded professional third party as set out in this Article. A future Eurosystem NCB shall not impose such contractual penalties: (i) if its future participating Member State has established a regulatory framework providing for an equivalent level of protection; or (ii) to the extent that a sub-frontloaded professional third party has already paid penalties pursuant to Article 16(2)(f).

Article 11

Statistical aspects

For the purposes of the application of Regulation (EC) No 2423/2001 (ECB/2001/13) of 22 November 2001 concerning the consolidated balance sheet of the monetary financial institutions sector⁽⁴⁾, a future Eurosystem NCB shall ensure that monetary financial institutions within its Member State do not record items and transactions relating to frontloaded euro banknotes and coins on their balance sheet during the frontloading/sub-frontloading period.

Article 12

Distribution to branches

A future Eurosystem NCB shall allow eligible counterparties to distribute frontloaded euro banknotes and coins only to their branches within the future participating Member State.

Article 13

Prohibition on early circulation

1. A future Eurosystem NCB shall prohibit eligible counterparties from disposing of the euro banknotes and coins delivered to them before 00:00 (local time) on the cash changeover date, unless otherwise provided for by this Guideline. In particular, the future Eurosystem NCB shall require that eligible counterparties store the frontloaded euro banknotes and coins in their vaults separately from any other euro banknotes and coins, other currency or other property, and safely in order to avoid destruction, theft, robbery or any other cause of early circulation.
2. Eligible counterparties shall ensure that there is no circulation of any frontloaded euro banknotes and coins prior to the cash changeover date.
3. In order to verify the presence of the frontloaded euro banknotes and coins and the arrangements under which the eligible counterparties carry out sub-frontloading, eligible counterparties shall grant their future Eurosystem NCB the right to audit and inspect their premises.

⁽⁴⁾ OJ L 333, 17.12.2001, p. 1. Regulation as last amended by Regulation (EC) No 2181/2004 (ECB/2004/21) (OJ L 371, 18.12.2004, p. 42).

4. Eligible counterparties shall undertake to pay penalties to the future Eurosystem NCB, in the event that the eligible counterparty breaches the obligations relating to frontloading, including but not limited to putting, or acting in a way that is conducive to putting, the frontloaded banknotes into circulation before the cash changeover date, or refusing to allow auditing or inspections. The future Eurosystem NCB shall ensure that such breaches are subject to contractual or statutory penalties, as appropriate, payable in an amount proportional to any damage suffered. The future Eurosystem NCB shall not impose such penalties if the future participating Member State in question has established a regulatory framework providing for an equivalent level of protection.

Article 14

Risk of destruction, loss, theft and robbery

Eligible counterparties shall bear the risk of destruction, loss, theft and robbery of frontloaded euro banknotes and coins from the moment when such banknotes and coins leave the vaults of the future Eurosystem NCB. A future Eurosystem NCB may require eligible counterparties to cover these risks by taking out adequate insurance or by any other appropriate means. However, the future Eurosystem NCB and the eligible counterparty shall agree that notwithstanding such insurance, the provisions of Article 15 relating to immediate debiting of frontloaded euro banknotes or coins that enter into circulation early and related remuneration payments shall apply. Notwithstanding the above, a future Eurosystem NCB and an eligible counterparty may agree that the future Eurosystem NCB shall take care of the practical arrangements relating to the transport of euro banknotes and coins for the purpose of frontloading on behalf of and at the risk of the eligible counterparty, or if the future Eurosystem NCB so wishes, at the risk of the future Eurosystem NCB.

Article 15

Debiting and crediting

1. Euro banknotes and coins frontloaded to eligible counterparties shall be debited in those counterparties' accounts with their future Eurosystem NCB at their face value, in accordance with the following "linear debiting model": the total amount of frontloaded euro banknotes and coins shall be debited in three equal instalments, on the settlement date of the first, fourth and fifth Eurosystem main refinancing operations following the cash changeover date.
2. If there are not enough funds available on a frontloaded eligible counterparty's account with the future Eurosystem NCB that frontloaded it to debit the account as provided for in paragraph 1, then the eligible counterparty shall be considered to have breached its obligation to pay for the frontloaded euro banknotes and coins.
3. Euro banknotes and coins delivered to eligible counterparties on or after the cash changeover date shall be debited in their respective accounts with future Eurosystem NCBs in accordance with current Eurosystem practice. Euro banknotes and coins returned by eligible counterparties on or after the cash changeover date shall likewise be credited to their respective accounts with future Eurosystem NCBs.

4. Banknotes and coins denominated in a legacy currency and returned by eligible counterparties shall be credited to their respective accounts with the future Eurosystem NCB in accordance with current Eurosystem practice.

5. If euro banknotes or coins enter into circulation prior to the cash changeover date then the amount of such banknotes or coins shall be immediately charged to the frontloaded eligible counterparty as foreign exchange. Any such euro banknotes shall be recorded as being "in circulation" in the accounts of the Eurosystem NCB that delivered them to the future Eurosystem NCB for the purpose of frontloading. The recording shall occur regardless of the reason for the banknotes entering into circulation prior to the cash changeover date.

CHAPTER IV

SUB-FRONTLOADING

Article 16

Conditions applying to delivery of euro banknotes and coins for sub-frontloading

1. Sub-frontloading of professional third parties may not start before the frontloading/sub-frontloading period has commenced.
2. Before any sub-frontloading may start, the eligible counterparty and the professional third parties shall conclude contractual arrangements that cover at least the following:
 - (a) Sub-frontloading shall take place at the full risk and responsibility of the professional third party and subject to any conditions agreed in accordance with this Guideline.
 - (b) The professional third party shall report all sub-frontloaded euro banknotes and coins to the ECB via its future Eurosystem NCB.
 - (c) The professional third party shall store sub-frontloaded euro banknotes and coins as required under Article 10(a), and shall not dispose of them prior to 00:00 (local time) on the cash changeover date.
 - (d) The professional third party shall grant its future Eurosystem NCB the right to audit and inspect its premises to verify the presence of sub-frontloaded banknotes and coins.
 - (e) The professional third party shall report to the future Eurosystem NCB the total amount (broken down by denomination) of sub-frontloaded banknotes, if any, that entered into circulation before the cash changeover date.
 - (f) The professional third party shall undertake to pay penalties to the future Eurosystem NCB in the event that the professional third party breaches the obligations relating to sub-frontloading, including but not limited to a breach of the obligation set out in paragraph (c) or a refusal to allow auditing or inspections, as referred to in paragraph (d). Such breaches shall be subject to contractual or statutory penalties, as appropriate, payable in an amount proportional to any damage suffered, however no less than 10 %

of the sub-frontloaded amount. The future Eurosystem NCB shall not impose such penalties if the future participating Member State in question has established a regulatory framework providing for an equivalent level of protection.

Article 17

Exclusion of the general public

1. A future Eurosystem NCB shall prohibit eligible counterparties from sub-frontloading euro banknotes and coins to the general public.
2. Paragraph 1 of this Article does not prohibit the provision to the general public of coin starter kits containing small amounts of euro coins of different denominations, as specified by the competent national authorities in some future participating Member States, as the case may be.

CHAPTER V
FINAL PROVISIONS

Article 18

Verification

Future Eurosystem NCBs shall forward to the ECB copies of any legal instruments and measures adopted in their Member State in relation to this Guideline at the latest three months prior to commencement of the frontloading/sub-frontloading period, however not before any decision on abrogation of the derogation has been taken in relation to such Member State.

Article 19

Euro coins

It is recommended that future Eurosystem NCBs should apply the provisions of this Guideline to euro coins unless otherwise provided for within the framework set up by their competent national authorities.

Article 20

Final provisions

1. This Guideline shall enter into force on 19 July 2006.
2. This Guideline is addressed to the NCBs of participating Member States.

GUIDELINE OF THE EUROPEAN CENTRAL BANK**of 19 June 2008****amending Guideline ECB/2006/9 on certain preparations for the euro cash changeover and on frontloading and sub-frontloading of euro banknotes and coins outside the euro area**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community, and in particular Article 106(1) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 16 thereof,

Whereas:

- (1) Guideline ECB/2006/9 of 14 July 2006 on certain preparations for the euro cash changeover and on frontloading and sub-frontloading of euro banknotes and coins outside the euro area⁽¹⁾ lays down the rules allowing the national central banks (NCBs) of future participating Member States to borrow euro banknotes and coins from the Eurosystem for the purpose of frontloading and sub-frontloading them before the cash changeover and defines the obligations to be fulfilled by eligible counterparties and professional third parties in order for them to be frontloaded and sub-frontloaded respectively.
- (2) Following the introduction of the euro in Slovenia, Cyprus and Malta pursuant to the rules contained in Guideline ECB/2006/9, the need to make various amendments aimed at improving the logistical aspects of the cash changeover in future participating Member States was identified.
- (3) In view of the difficulties likely to be faced by future Eurosystem NCBs in planning the volume and denominations of euro banknotes needed after the cash changeover date, such Eurosystem NCBs must have the possibility, immediately after the cash changeover date, to refine the denominational structure of their stocks of euro banknotes at low cost.
- (4) While only credit institutions and national post offices that have an account with their future Eurosystem NCB are currently entitled to sub-frontload euro banknotes and coins to professional third parties, experience gained so far with cash changeovers

⁽¹⁾ OJ L 207, 28.7.2006, p. 39.

pursuant to Guideline ECB/2006/9 has demonstrated the usefulness of involving cash in transit companies in sub-frontloading operations. Credit institutions and national post offices should therefore be allowed to appoint cash-in-transit companies as their agents for the purpose of sub-frontloading euro banknotes and coins.

- (5) To avoid the duplication of reporting obligations relating to the volume and denomination of frontloaded and sub-frontloaded euro banknotes and coins, the reporting procedure applicable to future Eurosystem NCBs and eligible counterparties must be simplified.
- (6) In view of the potentially numerous and frequent audits and inspections to be carried out by the future Eurosystem NCBs at the premises of frontloaded and sub-frontloaded entities to check that the latter do not put euro banknotes and coins into circulation before the cash changeover date, it is necessary to allow the future Eurosystem NCBs to entrust other public authorities with such tasks.
- (7) The contractual arrangements to be entered into between frontloaded and sub-frontloaded entities before any sub-frontloading taking place and the lack of financial incentives available to sub-frontloaded entities have proven, based on experience gained so far with cash changeovers pursuant to Guideline ECB/2006/9, to be detrimental to the success of sub-frontloading in relation to certain categories of retailers, e.g. convenience stores and other small retail outlets. It is therefore necessary to introduce a simplified sub-frontloading procedure to be used when only small amounts of euro banknotes and coins are involved.
- (8) The need to make various other minor amendments to Guideline ECB/2006/9 has also been identified,

HAS ADOPTED THIS GUIDELINE:

Article I

Guideline ECB/2006/9 is amended as follows:

1. Article 4 is amended as follows:

(a) the following text is added at the end of paragraph 5:

"However, a bulk transfer of euro banknotes shall not be considered part of the launch requirements if the future Eurosystem NCB holding the excess volume of one or more denominations of euro banknotes of equivalent value and quality as those contained in the bulk transfer, transfers these to the Eurosystem in exchange for such bulk transfer. Under these circumstances, no obligation to make repayment arises and the ECB shall bear the cost of transporting the euro banknotes.";

(b) paragraph 6(b) is deleted;

(c) in paragraph 8, the last sentence is replaced by the following:

"The equivalent number and quality of banknotes to be repaid for future series of euro banknotes will be calculated as established by the Governing Council in due time";

(d) paragraph 11 is replaced by the following:

"11. A future Eurosystem NCB shall report the following to the ECB and to the delivering Eurosystem NCB(s), taking into account the requirements laid down in a separate legal instrument:

- (a) the final total amount of frontloaded and sub-frontloaded euro banknotes (broken down by denomination); and
- (b) the final total amount of frontloaded and sub-frontloaded euro coins (broken down by denomination).".

2. The following text is added at the end of Article 5:

"Eligible counterparties may appoint cash in transit companies as agents acting on their behalf and at their risk for the purpose of storage and sub-frontloading of euro banknotes and coins to professional third parties on condition that: (i) notwithstanding the appointment of an agent, eligible counterparties comply with all applicable rules and procedures laid down in this Guideline; and (ii) eligible counterparties conclude contractual arrangements with cash in transit companies stipulating that the cash in transit companies shall fulfil the obligations laid down in Article 10(a) and (b) and in Articles 13(1) to 13(3).".

3. In Article 9, the following text is added at the end of paragraph 2:

"The future Eurosystem NCB shall report the information received from an eligible counterparty to the ECB, taking into account the requirements laid down in a separate legal instrument.".

4. Article 10 is amended as follows:

(a) point (b) is replaced by the following:

"(b) The eligible counterparty shall agree with the professional third party to be sub-frontloaded that the latter will allow the future Eurosystem NCB or any other competent public authority in accordance with Article 13(3), to carry out audits and inspections at the sub-frontloaded professional third party's premises in order to verify the presence of the sub-frontloaded euro banknotes and coins.";

(b) point (c) is replaced by the following:

"(c) The eligible counterparty shall pay to the future Eurosystem NCB contractual penalties in an amount proportional to any damage suffered, however no less than 10 % of the sub-frontloaded amount, if: (i) the future Eurosystem NCB or any other competent public authority is not given access to carry out the audit and inspections referred to in point (b); or (ii) if the sub-frontloaded euro banknotes and coins are not stored on the premises of the

sub-frontloaded professional third party as set out in this Article. A future Eurosystem NCB shall not impose such contractual penalties: (i) if its future participating Member State has established a regulatory framework providing for an equivalent level of protection; or (ii) to the extent that a sub-frontloaded professional third party has already paid penalties pursuant to Article 16(2)(f).".

5. Article 13 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. A future Eurosystem NCB shall prohibit eligible counterparties (including their appointed agents) from disposing of the euro banknotes and coins delivered to them before 00:00 (local time) on the cash changeover date, unless otherwise provided for by this Guideline. In particular, the future Eurosystem NCB shall require that eligible counterparties, including their appointed agents, store the frontloaded euro banknotes and coins in their vaults or in the vaults of their appointed agents, if any, separately from any other euro banknotes and coins, other currency and other property, and safely in order to avoid destruction, theft, robbery or any other cause of early circulation.";

(b) paragraph 3 is replaced by the following:

"3. In order to verify the presence of the frontloaded euro banknotes and coins and the arrangements under which the eligible counterparties carry out sub-frontloading, eligible counterparties, including their appointed agents, shall grant their future Eurosystem NCB the right to audit and inspect their premises. The future Eurosystem NCB may entrust another competent public authority with the audit and inspection of such premises, in which case the ECB shall be informed.".

6. Article 16 is amended as follows:

(a) paragraph 2(b) is deleted;

(b) paragraph 2(d) is replaced by the following:

"(d) the professional third party shall grant its future Eurosystem NCB or any other competent authority in accordance with Article 13(3) the right to audit and inspect its premises to verify the presence of sub-frontloaded euro banknotes and coins.";

(c) the following paragraph 3 is added:

"3. By derogation from the sub-frontloading procedure described in paragraph 2, the following simplified sub-frontloading procedure shall apply, amongst professional third parties, to retailers under the following conditions:

(a) the retailer is a micro enterprise as defined in Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized

enterprises⁽²⁾), i.e. it employs fewer than 10 persons and has an annual turnover and/or annual balance sheet total that does not exceed EUR 2 million;

(b) the face value of the euro banknotes and coins sub-frontloaded to a retailer do not exceed EUR 10000 in total;

(c) the retailer shall sign a standard form prepared by the future Eurosystem NCB in which it agrees not to dispose of the sub-frontloaded euro banknotes and coins before 00:00 (local time) on the cash changeover date. No other contractual arrangements shall be necessary; and

(d) the retailer shall store sub-frontloaded euro banknotes and coins as required under Article 10(a), and paragraph 2(d) shall apply accordingly.

(d) the following paragraph 4 is added:

"4. Under the conditions mentioned in paragraph 3, simplified sub-frontloading may only occur five calendar days before the cash changeover date. The value in the legacy currency corresponding to the face value of the euro banknotes and coins sub-frontloaded by an eligible counterparty to a retailer under the simplified sub-frontloading procedure shall be blocked on the retailer's account with the eligible counterparty, and debited on the cash changeover date.".

7. Article 18 is replaced by the following:

"Future Eurosystem NCBs shall forward to the ECB copies of any legal instruments and measures adopted in their Member State in relation to this Guideline at the latest one month before commencement of the frontloading/sub-frontloading period, however not before any decision on abrogation of the derogation has been taken in relation to such Member State.".

Article 2

This Guideline shall enter into force on the day following its publication in the Official Journal of the European Union.

Article 3

This Guideline is addressed to the NCBs of participating Member States.

⁽²⁾) OJ L 124, 20.5.2003, p. 36.";

**COMMISSION RECOMMENDATION
of 10 January 2008
on measures to facilitate future changeovers to the euro**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

- (1) While the first group of participants experienced a long transition phase during which the euro was their currency but euro cash was not yet introduced, most of the existing national plans for future changeovers foresee the introduction of euro coins and banknotes on the day of adoption of the euro. This difference and the wide availability of euro cash implies that the Member States preparing for the adoption of the euro should implement a different strategy to the one followed between 1999 and 2002.
- (2) In these different circumstances, the provisions of the Commission Recommendation of 11 October 2000 on measures to facilitate the preparation of the economic operators for the changeover to the euro⁽¹⁾ do not adequately address the questions raised by the change of context. Therefore, in order to take into consideration this new context and to profit from the experience acquired in the course of the introduction of euro cash in 2002, 2007 and 2008, a new Recommendation should be adopted,

HEREBY RECOMMENDS:

Article I

Steering the organisation of the changeover

1. Member States should set up appropriate and dedicated structures to plan, coordinate and facilitate all the necessary preparations for the introduction of the euro.
2. A national changeover plan covering all aspects of the organisation of the euro changeover should be prepared, discussed with the representatives of the main economic operators (credit institutions, retail sector, CIT companies, the vending industry, consumer associations, chambers of commerce etc.) and regularly updated.

⁽¹⁾ Recommendation 2000/C 303/05 (OJ C 303, 24.10.2000, p. 6).

*Article 2***Facilitating the preparation of the citizens for the euro**

1. National law should impose the dual display of prices and other monetary amounts to be paid, credited or debited. The mandatory dual display should start as soon as possible after the official adoption of the irrevocably fixed conversion rate between the national currency and the euro by the Council. Member States should discourage retailers from using dual display before the official adoption of the conversion rate. Member States should also require a separate display of any charges imposed by businesses for accepting payments in euro between the fixing of the conversion rate and the introduction of the euro. Using a conversion rate other than the conversion rate adopted by the Council should be prohibited. The dual display should remain mandatory for a period of a minimum of six months and a maximum of one year after the introduction of the euro. It should stop afterwards, in order to allow the citizens to get fully accustomed to the new currency.
2. Member States should ensure that the citizens are well informed of the arrangements for the changeover to the euro, of the provisions for the protection of the euro banknotes and coins and of the security features of euro cash, and they should help citizens to learn the new scale of value. This information drive should be maintained for some time after the euro introduction. In particular, special information programmes should be established for vulnerable persons (such as senior citizens, persons suffering from a physical, sensory or mental health problem, etc.) as well as for the persons for whom access to information is difficult (such as migrants and homeless persons, illiterate and innumerate persons, etc.).
3. Member States, credit institutions and enterprises should organise training sessions in order to familiarise the personnel working regularly with cash to the euro so as to ensure better recognition, correct identification of the security features and quicker manipulation of euro coins and banknotes. Furthermore, recurrent practical training sessions should be organised for people with visual impairment in order to help them develop a sensory memory for the new currency.
4. Public administrations should provide businesses, and especially SMEs, with precise information on the timetable for the changeover and the relevant legal, tax and accounting rules. Trade associations, euro info centres, chambers of trade and commerce, accountants and business advisers should ensure that the businesses with which they are in contact make the necessary preparations and are able to carry out all their transactions in euro as from the date of its introduction.
5. Credit institutions should inform their customers of the practical consequences of the changeover to the euro. They should, in particular, draw their attention to the fact that they will no longer be able to make scriptural payments or keep an account in any of the old national currency units after the date of the introduction of the euro.
6. Businesses should take action to raise the awareness of their employees and organise ad hoc training activities for members of their staff who are in contact with the public.

7. Member States should monitor the preparation of economic operators for the changeover to the euro, notably through regular surveys.

Article 3

Ensuring a quick introduction of euro cash

1. With a view to reducing the amounts of money to be physically exchanged, consumers should be encouraged to deposit their surplus cash holdings in the weeks before the changeover. Contracts usually involving national currency which are concluded after the Council decision fixing the irrevocable conversion rate should preferably refer to the euro to the extent that their validity extends beyond the date of the introduction of the euro.
2. Credit institutions and sales outlets should make use of the frontloading and sub-frontloading of euro banknotes and coins in the months before the changeover as foreseen by the European Central Bank⁽²⁾. Sales outlets should be sub-frontloaded with banknotes and coins in the last weeks preceding the changeover. Special arrangements, including notably kits of euro coins for retailers, should be foreseen for small retail outlets. In order to encourage sales outlets to participate in sub-frontloading, financially attractive deferred debiting conditions should be offered to them. Citizens should be able to acquire kits of euro coins during the three weeks before the changeover, with a view to ensure that each household could dispose of at least one kit.
3. Cash dispensers should be adapted to dispensing euro banknotes as from the introduction of the euro. Cash dispensers which, for technical reasons, cannot be adapted on time should be closed. Cash withdrawals and exchanges at credit institutions during the two weeks before and after the changeover should primarily be made in small denomination banknotes.
4. Sales outlets should be obliged to give change exclusively in euro as from its introduction, unless they are for practical reasons unable to do so. Ad hoc measures should be taken in order to facilitate their sub-frontloading with cash and reduce the difficulties linked to the increase of cash volume in sales outlets.
5. All electronic point-of-sale terminals should be switched to the euro on the day of its introduction. Consumers should be encouraged to use electronic payments more often during the first days after its introduction.
6. The main offices of credit institutions should be opened during the first days of the dual circulation period in order to facilitate the exchange of the national currency for euro. Furthermore, bank opening hours should be extended during the period of the changeover. Retailers should be provided with special facilities allowing a quicker cash supply with a view to avoiding queues.

⁽²⁾ See Guideline of the European Central Bank of 14 July 2006 on certain preparations for the euro cash changeover and on frontloading and sub-frontloading of euro banknotes and coins outside the euro area (ECB/2006/9, OJ L 207, 28.7.2006, p. 39).

*Article 4***Preventing abusive practices and a wrong perception of the evolution of prices by the citizens**

1. Agreements should be negotiated with the retail and services sector in order to ensure a neutral impact of the euro introduction on prices. Retailers should notably not increase prices because of the changeover and should try to minimize price changes when setting the prices in euro after the conversion. These agreements should be materialised in the adoption of a logo which is visible and easily recognisable for consumers. The logo should be advertised by means of communication and information campaigns. A close monitoring of the retailers' compliance with the commitments undertaken under the agreements should be put in place in cooperation with consumer associations. Dissuasive measures should be foreseen for cases of non-compliance, ranging from public disclosure of enterprise's name to possible fines for the most serious cases.
2. Member States should implement a close and frequent monitoring of the prices during the weeks following the adoption of the conversion rate until the end of the period of dual display of prices. Weekly information on the evolution of prices should, in particular, be offered to citizens during the weeks immediately before and after the changeover in order to prevent possible wrong perceptions.
3. The same bank charges applicable to payment transactions in national currency should be, after conversion, applicable to payment transactions in euro.

*Article 5***Final provision**

Member States are invited to support the implementation of this Recommendation.

*Article 6***Addressees**

This Recommendation is addressed to the Member States with a derogation as defined in Article 122 of the Treaty as well as to credit institutions, enterprises, trade associations and consumer organisations in these Member States.

LEGAL TEXTS

Legal texts can be accessed and downloaded free of charge at the following address:
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The introduction of the single currency on 1 January 1999 and the physical issuance of euro banknotes and coins on 1 January 2002 are key events in the history of the European Union.

The introduction of the euro has given rise to legislative activity also on setting the rules on euro cash. This compilation, issued by the European Commission, brings together core legal texts on euro banknotes and coins which are a commercial reality and integral part of the lives of more than 333 million citizens.

