



**COUNCIL OF
THE EUROPEAN UNION**



Council conclusions on strengthening cooperation and information exchange in the sphere of fighting currency counterfeiting, especially the euro

*3135th JUSTICE and HOME AFFAIRS Council meeting
Brussels, 13 and 14 December 2011*

The Council adopted the following conclusions:

"THE COUNCIL:

Recalling:

- The International Convention on fighting money counterfeiting signed in Geneva on 20 April 1929, together with the protocol and facultative protocol (dated the same day);
- Council Framework Decision 383/2000 of 29 May 2000 on increasing protection by establishing penal sanctions and other sanctions against money counterfeiting in connection with the introduction of the euro¹;
- Council Regulation (EC) 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting²;

¹ OJ L 140, 14.6.2000, p. 1.

² OJ L 181, 4.7.2001, p. 6.

P R E S S

- Council Regulation (EC) 1339/2001 of 28 June 2001 extending the effects of Regulation 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 currency³;
- Council Decision 2001/887/JHA of 6 December 2001 on the protection of the euro against counterfeiting⁴
- 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)⁵;
- Council Decision 2001/924/EC of 17 December 2001 extending the effects of the Decision establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting ("Pericles" programme) to the Member States which have not adopted the euro as the single currency;
- Council Decision 2005/511/JHA dated 12 July 2005 on protecting the euro against counterfeiting, by designating Europol as the Central Office for combating euro counterfeiting⁶;
- 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);
- 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); and
- The Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)⁷

³ OJ L 181, 4.7.2001, p. 11.

⁴ OJ L 329, 14.12.2001, p. 1.

⁵ OJ L 339, 21.12.2001, p. 50.

⁶ OJ L 185, 16.7.2005, p. 35.

⁷ OJ L 121, 15.05.2009, p.37.

Bearing in mind that:

1. The Eastern Partnership has been established as a joint undertaking of EU Member States and their partners from Eastern Europe based on common interests and commitments together with co-responsibility and a sense of duty⁸; 2. The most serious threats include financial abuse and other activities related to the presence of organised crime groups in the economy⁹. Since the consequences of money counterfeiting (especially regarding the euro) undermine the credibility of the monetary systems, decrease trust for the currency in international circulation and cause individual losses, this particular threat should be considered as related to the economic sphere;
3. The Stockholm Programme recommends fighting organised crime through a set of coordinated activities by EU agencies and Member States and through cooperation in this area with third states (page 21)¹⁰. The European Commission Communication (COM/2010/0171 final) on implementing the Stockholm Programme refers to “future measures on organised crime need to use the new institutional framework to the fullest extent possible. Trafficking in human beings, child pornography, cyber crime, financial crime, counterfeiting of means of payment and drugs trafficking, should be tackled in a comprehensive way” and to an EC Communication covering aspects of enforcing law in the fight against counterfeiting planned for 2013¹¹;
4. The Internal Security Strategy for the European Union “Towards a European security model”¹² contains a postulate of a “European approach and efforts of Member States for new instruments for countering organised crime groups and most serious criminal activities” (including euro counterfeiting)¹³;
5. The results of the questionnaire on the structures and competences of national central units for fighting money counterfeiting, that was directed at EU Member States, the Eastern Partnership and Russia¹⁴ contribute to developing general conclusions regarding strengthening the significance of national central offices for fighting money counterfeiting as well as the conclusions from the international seminar and personnel exchange within the Pericles programme “Euro protection and international cooperation in the system of fighting money counterfeiting” that took place in February 2011 in Warsaw point to the necessity of building a platform for expert exchange in the North–East Europe region with the participation of EU agencies, EU Member States and third states¹⁵.

⁸ The joint declaration adopted during the Eastern Partnership Summit in Prague on 7 May 2009: 8435/09.

⁹ Conclusions on the priorities of fighting organised crime based on OCTA and ROCTA (8301/09).

¹⁰ 17024/10.

¹¹ 8895/10.

¹² 7120/10 CO EUR-PREP 8 JAI 182.

¹³ 5842/2/10.

¹⁴ 13027/10 GENVAL 5.

¹⁵ „Protection of Euro and the international cooperation in the system of combating counterfeiting”, Post – seminar materials, study visit reports. Warsaw 2011.

The Council emphasises the major significance of the International Convention on fighting money counterfeiting signed on 20 April 1929 in Geneva, together with the protocol and the facultative protocol signed on the same day, for creating a system and the multidisciplinary tools necessary for the protection of currency against counterfeiting and fighting money counterfeiting crime in general both at the level of each country and at the level of international cooperation.

At the same time the Council acknowledges that:

1. The Geneva Convention on fighting money counterfeiting dated 20 April 1929, together with the protocol and the facultative protocol signed the same day, has not been ratified in some third states;
2. National central offices for fighting money counterfeiting have not been established in some third states, in spite of the fact that these countries have ratified the Convention;
3. National central offices for fighting money counterfeiting have been established in some Member States on the basis not of national legislation but of Police internal regulations, whilst the competences have been limited to a single law enforcement agency. At the same time, the Council draws attention to the fact that the establishment of national central offices for fighting money counterfeiting on the basis of national regulations at the correct level helps ensure the stability and transparency of the competences of the different bodies involved in the system of fighting money counterfeiting in a given country. (...)
4. Personnel resources, the structures set-up and the competences and operations model all affect the proper performance of tasks by the national central office for fighting money counterfeiting. Existing competences of national central offices vary greatly, already, and range from informative and coordination functions to those of coordination and investigation. Information collection is carried out by regional coordinators acting within or outside the structures of the national central offices, so this also constitutes an area for further streamlining. With this in mind, systematic evaluation of national central offices can be performed and some encouragement might be given for the further development of national central offices, with a view to their optimal functioning.

(...)

5. The widest possible international information exchange on euro counterfeiting is recommended, especially supporting fighting counterfeiting using Europol's assistance and including the widest possible cooperation in this field within the existing legal framework with Eastern European countries, with Interpol's assistance and that of the Liaison Officers, based on bilateral agreements.
6. The cooperation between national central offices for fighting money counterfeiting and respective units in the Eastern European countries is facilitated by their placement within the Police structures and their immediate connection to Police activities and ongoing investigations. It should be used for quick information exchange and undertaking joint investigations, international operations, as well as use of the remaining available tools for international cooperation.
7. The cooperation with the central bank, competent national bodies and private sector plays a crucial role in effective fighting of counterfeiting. The extent of involvement in this cooperation may affect in a positive way this fight, mainly through the creation of contact networks or multi-disciplinary forums for information exchange and training.

In this context the Council calls on the Member States and the European Commission, within the framework of their respective competences and with respect for the assistance rules applying to their respective institutional structures:

1. To encourage third States to ratify the International Convention on countering Money counterfeiting signed in Geneva on 20 April 1929, together with the protocol and facultative protocol signed on the same day.
2. To promote and support Europol's role as the Central Office for combating euro counterfeiting
3. To aim at working through existing framework to encourage cooperation with the Eastern Partnership countries and Russia in setting up a proper structure for the National Central Office for fighting money counterfeiting with nationwide competences and passing on good practices.

4. To give Euro counterfeiting adequate priority, which would be reflected by strengthening the structures of the NCOs in the EU and Eastern European countries.
5. To lend support to Eastern European countries in the process of setting up NCOs or strengthening cooperation with existing national central offices.
6. To promote and support the process of creation of national research units (dealing with the identification of counterfeit currencies and centralization of information) in the Eastern European region.
7. To promote information exchange between national central offices for fighting counterfeit money in different countries and cooperation with national analysis centres in line with the provisions of Council Regulation (EC) No 1338/2001 of 28 June 2001, Council Decision of 6. December 2001 on the protection of the euro against counterfeiting (2001/887JHA) and in close cooperation with Europol and making full use of tools such as Europol's virtual Platform for Experts (EPE) as well as analytical and operational capabilities in the field of currency counterfeiting.
8. To promote (...) applications such as the Pericles programme (an exchange, assistance and training programme for the protection of the euro against counterfeiting managed by the European Commission/OLAF) based on operational needs and identified threats, with a view to achieving the above-mentioned objectives and distributing knowledge more effectively between EU and Eastern European countries taking into account inputs received from respective experts groups, as for Pericles the Euro Counterfeiting Experts Group¹⁶.
9. To promote and lend support to the creation of an expert and multi-disciplinary platform for information exchange in the sphere of euro protection against counterfeiting and fighting money counterfeiting, taking as reference the already existing Euro south-East conference in the framework of Pericles programme.

¹⁶ The Euro Counterfeiting Expert Group is an advisory group chaired by OLAF. The group meets 3 times per year in Brussels and gathers anti-counterfeiting experts from Member States and representatives from ECB, Europol and Interpol SG.