

Commission: Directive on Protecting the Euro by Criminal Law Must be Transposed More Efficiently

News

Thomas Wahl

The Commission is not fully satisfied as to how Member States have transposed [Directive 2014/62/EU](#) on the protection of the euro and other currencies against counterfeiting by criminal law. In a [report published on 9 May 2019 \(COM\(2019\) 311\)](#), the Commission concluded: “the majority of the Directive’s provisions have been transposed by the majority of the Member States. However, almost all Member States have transposition issues with one or several provisions, [...]”

The Directive updates a previous Framework Decision on the same subject by introducing a reinforced system on the level of sanctions, investigative tools, and the analysis, identification, and detection of counterfeit euro notes and coins during judicial proceedings.

Examples for recurrent flaws in the transposition of the Directive are:

- Some Member States established separate categories of minor/petty/or non-aggravated forms of the offences defined under Art. 3 and 4 of the Directive, where penalties remained below the level required by the Directive (see the provision on minimum/maximum sanctions in Art. 5 of the Directive);
- Many Member States did not transpose Art. 8(2) lit. b), which requires the establishment of jurisdiction over offences committed outside the territory of the Member States whose currency is the euro and on the territory of which the counterfeit euro or coins have been detected;
- A large majority of Member States did not adequately transpose Art. 10 of the Directive on the transmission of seized counterfeit currency to the National Analysis Centre (NAC)/Coin National Analysis Centre (CNAC);
- The provision on statistics (Art. 11) has not been transposed by almost all Member States.

In conclusion, the Commission report stresses that there is currently no need to revise the Directive, but Member States must take the appropriate measures to ensure full conformity with the provisions of Directive 2014/62. If necessary, the Commission will launch infringement proceedings.

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