

Yves Mersch
Member of the Executive Board

[COURTESY TRANSLATION¹]

Mr. Ignazio Visco
Governor
Banca d'Italia
Italy

28 May 2019

Request of Banca d'Italia for an ECB opinion on draft amendments to the Banca d'Italia act of 22 June 2016 laying down secondary provisions on measures relating to the authenticity, fitness checking and recirculation of euro banknotes

Dear Governor Visco,

Thank you for your request for an opinion of the European Central Bank (ECB) on draft amendments to the Banca d'Italia act of 22 June 2016 laying down secondary provisions on measures relating to the authenticity, fitness checking and recirculation of euro banknotes (hereinafter the 'Regulation').

The ECB, after careful consideration of the draft amendments, has decided not to adopt a formal opinion in the present case.

The ECB understands that the draft amendments are limited to three specific aspects. Firstly, the draft amendments better regulate the activity of cash handlers and establish a register of cash handlers kept by Banca d'Italia in order to implement changes that were introduced into the Italian legal framework by Legislative Decree No 90/2017 which implemented Directive (EU) 2015/849 of the European Parliament and of the Council². Secondly, the draft amendments centralise the handling of euro banknotes suspected of being counterfeit which are to be handed over to the Head Office of Banca d'Italia in Rome. Thirdly, the draft amendments revise the safeguards applicable to the 'administrative sanctions procedure in the event of a breach of the Law in order to align the procedural rights afforded to affected persons with the judgment in *Grande Stevens and Others v Italy*³.

In addition, the ECB has already issued Opinion CON/2016/25 on the draft text of the Regulation⁴. Against this backdrop, the ECB considers that the proposed amendments to the Regulation touch only marginally on the ECB's fields of competence, in particular currency matters and means of payment⁵.

The ECB appreciates that you have sent the draft amendments to the Regulation for consultation to the ECB, and remains confident that Banca d'Italia will continue to consult the ECB on future draft legislative provisions that fall within the ECB's fields of competence under the Treaty and Decision 98/415/EC.

Yours sincerely,

[signed]

1 The official ECB letter is addressed in the official language of the concerned Member State.

2 Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).

3 Judgement of the European Court of Human Rights of 4 March 2014, *Grande Stevens and Others v Italy*, Nos 18640/10, 18647/10, 18663/10, 18668/10 and 18698/10.

4 All opinions are available on the ECB's website at www.ecb.europa.eu.

5 See the first and second indents of Article 2(1) of Council Decision 98/415/EC of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions.