

EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK

of 21 June 2005

at the request of the Council of the European Union on two proposed Council decisions on the exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles' programme)

(CON/2005/22)

(2005/C 161/07)

1. On 10 May 2005 the European Central Bank (ECB) received requests from the Council of the European Union for opinions on two proposed measures: a proposal for a Council decision amending and extending Council Decision of 17 December 2001 establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles' programme) (hereinafter the 'proposal'); and a proposal for a Council decision extending to the non-participating Member States the application of Council Decision amending and extending Council Decision of 17 December 2001 establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles' programme) (hereinafter the 'parallel proposal')⁽¹⁾.
2. The ECB's competence to deliver an opinion is based on the first indent of Article 105(4) of the Treaty establishing the European Community. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council has adopted this opinion.
3. The 'Pericles' programme was established by 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)⁽²⁾. Regarding both the proposal and the parallel proposal, the ECB, in accordance with the view it expressed in its opinion when consulted on the draft of Decision 2001/923/EC⁽³⁾, would like to state that it strongly welcomes and fully supports initiatives the aim of which is to protect the euro against counterfeiting through training, exchange and assistance programmes for selected target groups.
4. The ECB notes that the proposal's main objective is to extend the duration of the 'Pericles' programme (currently scheduled to end on 31 December 2005) until 31 December 2011, with the same yearly budget of EUR 1 million. The proposal also provides for administrative support for cross-border investigations, subject to prior assessment by Europol, where such support is not available from other European institutions. It proposes increasing the Community's contribution in co-financing information exchanges and external measures from 70 % to 80 %, and adopting a flexible approach regarding limitations on the number of projects Member States are entitled to present per year for financing under the 'Pericles' programme.
5. As a preliminary point, Article 123(4) of the Treaty might be an insufficient legal basis for the proposal, in particular taking into account the extension of the programme to administrative support for cross-border investigations.

⁽¹⁾ COM(2005) 127 final contains both the proposal (reference 2005/0029(CNS)) and the parallel proposal (reference 2005/0030 (CNS)).

⁽²⁾ OJ L 339, 21.12.2001, p. 50.

⁽³⁾ Paragraph 3 of ECB Opinion CON/2001/31 of 9 October 2001 at the request of the Council of the European Union on a proposal for a Council Decision establishing a training, exchange and assistance programme for the protection of the euro against counterfeiting (the Pericles programme) (OJ C 293, 19.10.2001, p. 3).

6. Concerning the substance of the proposal, the ECB emphasises the importance of ensuring that the length of the extension of the 'Pericles' programme is linked to the timing of the introduction of the euro in the new Member States. Since the target dates for the introduction of the euro in most of the new Member States range from 2008 to 2010 ⁽¹⁾, the proposed extension of the 'Pericles' programme until 31 December 2011 takes account of increased future needs in terms of training, information exchanges and assistance. The proposed extension of the 'Pericles' programme is also to be welcomed as it is likely to coincide with, and consequently take into account, the issuance of the second series of euro banknotes, to take place towards the end of the decade.
7. By the same token, the increase in the Community's contribution in co-financing information exchanges and external measures, and the adoption of a flexible approach regarding limitations on the number of projects Member States are entitled to present for financing, are two further positive steps towards providing assistance where it is most needed.
8. Proper coordination of the 'Pericles' programme with existing Community or EU programmes, as well as with Europol and ECB projects, is essential, as indicated in Article 5 of Decision 2001/923/EC. It is to that effect that the proposal makes administrative support for cross-border investigations eligible for financing only if such support is not available from other European institutions. The proposal provides for a prior assessment by Europol of the financing of the administrative support. Given that the financing of administrative support might also relate to cross-border investigations concerning counterfeit euro banknotes, the Council could also consider involving the ECB in the assessment. The ECB observes that it would be beneficial that initiatives to be funded under the 'Pericles' programme be examined jointly by the Commission, the ECB and Europol, and that the decision to be taken require the assent of these three bodies, within the framework of the Steering Group already established with the aim of developing a common strategy against counterfeiting of the euro.
9. The ECB notes that the proposal only provides for a limited amendment of follow-up and evaluation procedures. Taking into account the extension of the 'Pericles' programme for a further six years, the ECB recommends including a more ambitious, open and transparent evaluation procedure in Article 1(8) and 1(9) of the proposal. The ECB should be fully involved in evaluation of the relevance, efficiency and effectiveness of the 'Pericles' programme so that it will be able to provide a well-qualified opinion to the Council in relation to any future extensions of the programme.

Done at Frankfurt am Main, 21 June 2005.

The President of the ECB
Jean-Claude TRICHET

⁽¹⁾ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee, the Committee of the Regions and the European Central Bank - First report on the practical preparations for the future enlargement of the euro area, COM(2004) 748 final, 10 November 2004; available at: <http://europa.eu.int>.