

EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK

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)

(CON/2001/31)

(2001/C 293/03)

1. On 3 July 2001, the European Central Bank (ECB) received a request from the Council of the European Union (hereinafter referred to as the 'Council') for an opinion on proposal COM(2001) 248 final of 22 May 2001 for a Council Decision establishing a training, exchange and assistance programme for the protection of the euro against counterfeiting (the Pericles programme) (hereinafter referred to as the 'proposal').
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 (hereinafter referred to as the 'Treaty'). In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the ECB, this opinion has been adopted by the Governing Council of the ECB.
3. In general the ECB welcomes this initiative, the aim of which is to protect the euro against counterfeiting through training, exchange and assistance programmes for selected target groups. Since the ECB is aware of the progress and improvements made within the relevant Council working group in connection with the drafting of the proposal, this progress has been taken into account in this opinion.
4. The ECB would like to emphasise the need to avoid duplication or overlap with other Community programmes or with programmes established under Title VI of the Treaty on European Union (i.e. the third pillar of the European Union). Furthermore, the ECB considers that proper coordination of the Pericles programme with existing Community or EU programmes, as well as with projects of Europol and the ECB, is essential. Certain cooperation and coordination measures between Europol, the Commission and the ECB have been taken in preparing initiatives against counterfeiting of the euro through an informal steering group established by these bodies. Therefore, the ECB submits that initiatives to be funded under the Pericles programme should also be commented upon in this steering group. The efficiency of the Pericles programme should be a priority so that it achieves its aim of protecting the euro against counterfeiting. In this regard, the ECB notes that the proposal intends to attribute an appropriate role to Europol and the ECB. In the light of all the above, the ECB expects to be fully involved in the preparations of the various activities foreseen in the Pericles programme.
5. To achieve the aim of the Pericles programme, the activities funded under it need to be organised in order to raise the standard of technical and operational expertise for the prevention of counterfeiting of the euro in the Member States and third countries. This is why a common coordinated approach between Europol, the European Commission and the ECB in establishing the content, target groups and methodology of the Pericles programme is important and desirable.
6. The contents of the Pericles programme under the proposal appear to be very broad. Such an approach might lack consistency. While the various initiatives may individually be appropriate, collectively they may fail to raise and set the standards at Community level. This is particularly true in view of both the diversity of the target groups addressed by the Pericles programme and its limited financial funds (EUR 4 million over a period of four years). As regards initiatives concerning technical, scientific and operational exchange, careful consideration would be required before allowing ad-hoc initiatives in those areas.
7. As to the use of Article 123(4) of the Treaty as a legal basis, the ECB would like to point out that this might be insufficient if the Pericles programme is to continue beyond the introductory phase of the euro since this Article applies only to the 'rapid introduction' of the euro. In addition, the ECB doubts whether there will be a need for an extension of the Pericles programme beyond the introductory phase of the euro. Therefore, the ECB submits that it should be involved in the evaluation of the relevance, the efficiency and the effectiveness of the programme in order to give its opinion to the Council when the Council decides whether the Pericles programme should be continued or not.

8. Finally, the ECB takes note that the proposal will be accompanied by a parallel decision extending the proposal to the Member States not having adopted the euro as their single currency, following the precedent set by Council Regulation (EC) Nos 1338/2001 and 1339/2001 ⁽¹⁾. The appropriateness of this approach will have to be evaluated by the Council.

9. This opinion shall be published in the *Official Journal of the European Communities*.

Done at Frankfurt am Main on 9 October 2001.

The President of the ECB

Willem F. DUISENBERG

⁽¹⁾ OJ L 181, 4.7.2001, pp. 6 and 11 respectively.