

GUIDELINE OF THE EUROPEAN CENTRAL BANK**of 26 August 1998****on certain provisions regarding euro banknotes, as amended on 26 August 1999****(ECB/1999/3)**

(1999/656/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

HAS ADOPTED THIS GUIDELINE:

Having regard to the Treaty establishing the European Community, (hereinafter referred to as the 'Treaty') and in particular to Article 106(1) thereof,

*Article 1***Enforcement of copyright**

Having regard to Articles 12.1, 14.3 and 16 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute'),

1. The NCBs shall take all necessary and feasible measures, according to their national legal systems, to ensure that there is no breach of the copyright of the euro banknote designs held by the ECB.

Having regard to ECB Decision ECB/1998/6 of 7 July 1998 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes ⁽¹⁾ as amended by ECB Decision of 26 August 1999 (ECB/1999/2) ⁽²⁾,

2. Whenever an NCB becomes aware of unauthorised reproduction of euro banknotes having occurred on its national territory, it shall take immediate action to ensure that such reproduction ceases and that any copies produced in this manner are withdrawn, and shall inform the ECB without delay.

(1) Whereas the copyright on the designs of the euro banknotes was received by the European Central Bank (ECB) from the European Monetary Institute (EMI); whereas such copyright needs to be administered and enforced, *inter alia*, in all participating Member States according to the individual national legal systems, and this situation warrants entrusting such functions to the national central banks (NCBs);

3. The Executive Board of the ECB may issue instructions on whether or not the situation requires the initiation of civil or criminal proceedings against the person responsible for the reproduction. For the conduct of legal proceedings, the ECB shall have recourse to the NCBs: it shall instruct them accordingly and provide them with the necessary powers of attorney. All legal costs shall be borne by the ECB.

(2) Whereas, in order to enhance the protection of euro banknotes against counterfeiting, it appears advisable to establish a Counterfeit Analysis Centre (CAC), in which the resources of the NCBs of the participating Member States and of the ECB could be pooled, and which would require the establishment of certain rules within the European System of Central Banks (ESCB);

4. The NCBs shall inform the ECB of any specific authorisation to reproduce the euro banknote designs granted under ECB Decision ECB/1998/6.

(3) Whereas, in order to widen the acknowledgement by the general public of any decision taken by the ECB to withdraw types or series of banknotes, in addition to the official publication of that decision by the ECB in the *Official Journal of the European Communities*, it is deemed to be appropriate to make announcements in the national media and for this task to be entrusted to the NCBs;

*Article 2***Exchange of mutilated or damaged banknotes**

(4) Whereas, in accordance with Articles 12.1 and 14.3 of the Statute, ECB Guidelines form an integral part of Community law,

1. The NCBs shall duly implement ECB Decision ECB/1998/6.

2. When implementing ECB Decision ECB/1998/6, and subject to any legal constraints, NCBs shall destroy any mutilated banknotes or the pieces thereof after a period of six months, unless there are legal grounds for them to be preserved or returned to the applicant.

3. The NCBs shall appoint a single organ or body to adopt decisions on the exchange of mutilated or damaged banknotes for the cases foreseen in Article 3(1)(b) of ECB Decision ECB/1998/6, and shall inform the ECB accordingly.

⁽¹⁾ OJ L 8, 14.1.1999, p. 36.

⁽²⁾ See page 29 of this Official Journal.

*Article 3***Counterfeit Analysis Centre and counterfeit currency database**

1. The Counterfeit Analysis Centre (CAC) and the counterfeit currency database (CCD) of the ESCB will be established by and run under the aegis of the ECB. The establishment of the CAC is intended to centralise the technical analysis of and data relating to the counterfeiting of euro banknotes issued by the ECB and the NCBs. All relevant technical and statistical data concerning the counterfeiting of euro banknotes shall be centrally stored in the CCD.

2. The location of the CAC and the CCD shall be Frankfurt am Main. The Governing Council shall appoint the head of the CAC, approve its budget and organise its staffing and resources.

3. Subject to legal constraints, the NCBs shall provide the CAC with originals of new types of counterfeit euro banknotes in their possession, for the purposes of technical investigation and central classification. The preliminary assessment of whether a specific counterfeit belongs to a classified type or to a new category shall be carried out by the NCBs.

4. All the technical data within the CCD shall be available to the ECB and to the NCBs of participating Member States. The CAC shall cooperate with the police forces of the participating Member States, with Europol and with the European Commission, as appropriate, regarding their respective areas of expertise. The individual staff members of the CAC may appear in

judicial proceedings to offer technical expertise in cases of counterfeiting, if requested. Any contacts established by the CAC with individual national authorities shall be effected together with the relevant NCB.

*Article 4***Withdrawal of banknotes**

The NCBs shall announce the withdrawal of a euro banknote type or series decided by the Governing Council in national newspapers at their own cost, following any instructions that may be issued by the Executive Board.

*Article 5***Final provisions**

This Guideline is addressed to the national central banks of participating Member States and shall have immediate effect.

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

Done at Frankfurt am Main on 26 August 1999.

*On behalf of the Governing Council of the
ECB*

Willem F. DUISENBERG
