

COMMISSION DECISION (EU) 2023/616**of 17 March 2023****amending Decision 2005/37/EC as regards the tasks performed by the European Technical and Scientific Centre (ETSC)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2003/861/EC ⁽¹⁾ of 8 December 2003 concerning analysis and cooperation with regard to counterfeit euro coins, and in particular Article 1 thereof,

Having regard to Council Decision 2003/862/EC ⁽²⁾ of 8 December 2003 extending the effects of Decision 2003/861/EC concerning analysis and cooperation with regard to counterfeit euro coins to those Member States which have not adopted the euro as their single currency, and in particular Article 1 thereof,

Whereas:

- (1) The European Technical and Scientific Centre (the 'ETSC') is established within the Commission's Directorate-General for Economic and Financial Affairs (DG ECFIN), in accordance with Article 1 of Commission Decision 2005/37/EC ⁽³⁾.
- (2) Pursuant to Article 7(2) of Council Regulation (EC) No 1338/2001 ⁽⁴⁾, the competent national authorities, the Commission and the European Central Bank are to cooperate to protect the euro against counterfeiting, by means of exchanging information and ensuring mutual assistance.
- (3) The ETSC performs its tasks in Brussels. Some of its tasks are carried out at the French Coin National Analysis Centre, established within the French Mint in Pessac.
- (4) Pursuant to Article 2 of Decision 2005/37/EC, the ETSC is to coordinate the implementation of the authentication procedures as required by Regulation (EU) No 1210/2010 of the European Parliament and of the Council ⁽⁵⁾.
- (5) The ETSC uses the available technical equipment in order to perform preliminary, non-destructive analysis of counterfeit euro coins. That includes, inter alia, microscopic, visual and technical analysis of counterfeit euro coins seized by Member States, preparation of the relevant technical documents and research using dedicated IT databases to identify common characteristics with already existing and classified categories of counterfeit euro coins.
- (6) It is necessary that the ETSC also perform advanced, non-destructive analysis with a view to identifying in a timely manner high quality counterfeit euro coins, defining their technical features and assessing promptly the threat level they pose. That type of advanced non-destructive analysis would enable the ETSC to take the appropriate, timely and effective policy decisions to tackle emerging threats and inform law enforcement authorities of emerging threats as part of the anti-counterfeiting strategy. To that end, the ETSC should be able to acquire the appropriate technical equipment for performing such advanced non-destructive analysis. Under the applicable financial regulations, the expenses related to technical equipment made available and to the personnel of the ETSC should be charged to the general budget of the European Union.

⁽¹⁾ OJ L 325, 12.12.2003, p. 44.

⁽²⁾ OJ L 325, 12.12.2003, p. 45.

⁽³⁾ Commission Decision 2005/37/EC of 29 October 2004 establishing the European Technical and Scientific Centre (ETSC) and providing for coordination of technical actions to protect euro coins against counterfeiting. (OJ L 19, 21.1.2005, p. 73).

⁽⁴⁾ Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 181, 4.7.2001, p. 6).

⁽⁵⁾ Regulation (EU) No 1210/2010 of the European Parliament and of the Council of 15 December 2010 concerning authentication of euro coins and handling of euro coins unfit for circulation (OJ L 339, 22.12.2010, p. 1).

- (7) The ETSC performs complementary, non-destructive analysis at the French Mint for finalising the classification of new types of counterfeit euro coins. On an *ad hoc* basis, the ETSC also performs complementary destructive analysis using the specialised technical equipment at the French Mint.
- (8) Therefore, Decision 2005/37/EC should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendments

Decision 2005/37/EC is amended as follows:

- (1) in Article 2, the following point (e) is added:

‘e) perform advanced and non-destructive analysis of high quality counterfeit euro coins to inform Europol and law enforcement authorities of emerging threats’;

- (2) Article 3 is replaced by the following:

‘Article 3

1. In accomplishing its functions, the ETSC shall carry out a preliminary technical analysis in Brussels, and a complementary analysis may be carried out at the French Coin National Analysis Centre established within the French Mint.

2. DG ECFIN shall make available to the ETSC the appropriate technical equipment in order to carry out non-destructive analysis in Brussels with a view to identifying and responding in a timely manner to upcoming threats related to high quality counterfeit euro coins.

3. The ETSC shall use the personnel and equipment of the French Mint for the necessary complementary analysis carried out in its premises. The French authorities shall place the appropriate personnel and equipment at the disposal of the ETSC as a priority. The French authorities shall be responsible for the maintenance of the technical equipment at the French Mint.

4. The costs for ETSC personnel and the necessary technical equipment for carrying out its tasks in Brussels shall be charged to the Union budget. The expenses related to the costs of ETSC personnel's missions to Pessac and justified sundry minor expenses that may occur while using the technical equipment at the laboratory of the French Mint shall be covered by the Union budget.

5. DG ECFIN may define, in cooperation with the French Mint, the administrative modalities applicable to the ETSC, when using the technical equipment of the French Mint.’;

- (3) in Article 4, the first paragraph is replaced by the following:

‘The Commission shall coordinate the necessary actions to protect euro coins against counterfeiting and ensure an effective and uniform implementation of the authentication procedures in the euro area, inter alia, through periodic meetings with Europol and counterfeit coin experts.’.

Article 2

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 17 March 2023.

For the Commission
The President
Ursula VON DER LEYEN
