



Council of the
European Union

197106/EU XXVII. GP
Eingelangt am 23/09/24

Brussels, 23 September 2024
(OR. en)

13436/24

Interinstitutional File:
2023/0355(COD)

CODEC 1806
JAI 1343
COPEN 400
DROIPEN 206
ECOFIN 986
UEM 287
GAF 42
PE 220

INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2014/62/EU as regards certain reporting requirements Outcome of the European Parliament's first reading and Corrigendum procedure (Strasbourg, 23 April 2024 and Strasbourg, 17 September 2024)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint Declaration on practical arrangements for the co-decision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this legislative file at first reading.

This file was expected² to undergo the Corrigendum procedure³ in the European Parliament after adoption by the outgoing European Parliament of its position at first reading.

¹ OJ C 145, 30.6.2007, p.5.

² 10819/24 + COR 1.

³ Rule 251, EP Rules of Procedure.

II. VOTE

At its sitting of 23 April 2024, the European Parliament adopted amendments number 1 to 4 (without legal linguistic revision) to the Commission proposal and a legislative resolution, constituting the European Parliament's position at first reading. It reflects what had been provisionally agreed between the Institutions.

After finalisation of the adopted text by the legal linguists, the European Parliament approved on 17 September 2024 a corrigendum to the position adopted at first reading.

With this corrigendum, the Council should be able to approve the position of the European Parliament as set out in the Annex⁴ hereto, thus bringing to a close the first reading for both Institutions.

The act would then be adopted in the wording which corresponds to the European Parliament's position.

⁴ The text of the corrigendum is set out in the Annex. It is presented in the form of a consolidated text, where changes to the Commission's proposal are highlighted in bold and italics. The symbol "■" indicates deleted text.

P9_TA(2024)0300

Amending Directive 2014/62/EU as regards certain reporting requirements

European Parliament legislative resolution of 23 April 2024 on the proposal for a decision of the European Parliament and of the Council amending Directive 2014/62/EU as regards certain reporting requirements (COM(2023)0582 – C9-0382/2023 – 2023/0355(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0582),
 - having regard to Article 294(2) and Article 83(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0382/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 17 April 2024 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0152/2024),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Position of the European Parliament adopted at first reading on 23 April 2024 with a view to the adoption of Directive (EU) 2024/... of the European Parliament and of the Council amending Directive 2014/62/EU as regards certain reporting requirements

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 83(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure¹,

¹ Position of the European Parliament of 23 April 2024 (not yet published in the Official Journal) and decision of the Council of...

Whereas:

- (1) Reporting requirements play a key role in ensuring the proper monitoring and correct enforcement of legal acts. However, it is important that such requirements be streamlined in order to ensure that they fulfil the purpose for which they were intended and to limit administrative burden.
- (2) Directive 2014/62/EU of the European Parliament and of the Council² requires Member States to transmit statistical data to the Commission, at least every two years, on the number of offences concerning counterfeit notes and coins and on the number of persons prosecuted for and convicted of such offences.

² Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (OJ L 151, 21.5.2014, p. 1).

- (3) With regard to counterfeiting the euro, Council Regulation (EC) No 1338/2001³ provides for reporting obligations with respect to the number of confiscated counterfeit notes and coins. The size and trends of the phenomenon of counterfeit notes and coins are well documented and known to the competent national authorities. For that specific area of crime, the obligation to report statistical data on criminal proceedings is therefore not essential to ensuring that the objectives of Directive 2014/62/EU are achieved and monitored.
- (4) Therefore, the requirement under Directive 2014/62/EU to transmit statistical data to the Commission should be abolished, in line with the communication of the Commission of 16 March 2023 entitled ‘Long-term competitiveness of the EU: looking beyond 2030’.

³ 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) *This Directive is based on a careful assessment of the particular circumstances of Directive 2014/62/EU and limited to the crime of counterfeiting notes and coins. This Directive is without prejudice to the need to ensure appropriate levels of reporting obligations in the field of Union criminal law.*
- (6) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union ('TEU') and to the Treaty on the Functioning of the European Union ('TFEU'), Denmark is not taking part in the adoption of this **Directive** and is not bound by it or subject to its application.

- (7) ■ In accordance with Article 3 *and Article 4a(1)* of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, Ireland has notified, by letter of 13 December 2023, its wish to take part in the adoption and application of this *Directive*.
- (8) Directive 2014/62/EU should therefore be amended accordingly. *Since the targeted amendment of that Directive solely concerns the removal of a reporting obligation, there is no specific obligation for the Member States to transpose this Directive,*

HAVE ADOPTED THIS *DIRECTIVE*:

Article 1

Article 11 of Directive 2014/62/EU is deleted.

Article 2

This **Directive** is addressed to the Member States in accordance with the Treaties.

Done at ...,

For the European Parliament
The President

For the Council
The President
