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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
Subject:	Proposal for a Decision of the European Parliament and of the Council amending Directive 2014/62/EU as regards certain reporting requirements - Mandate for negotiations with the European Parliament

I. BACKGROUND

1. On 17 October 2023, the Commission submitted to the Council and the European Parliament a proposal for a Decision of the European Parliament and of the Council amending Directive 2014/62/EU as regards certain reporting requirements[1]. This proposal is part of a set of proposals submitted by the Commission which have the aim of reducing the administrative burden for Member States.

2. The draft Decision is based on Article 83 (1) of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).

[1] 15802/23.

3. The Working Party on Judicial Cooperation in Criminal Matters and the JHA Counsellors discussed the proposal at their meetings on 13 February and 8 March 2024. Agreement was reached on the text in the annex to this note.

4. In the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) has responsibility for this file, Mr. Juan Fernando LOPEZ AGUILAR was appointed rapporteur. The LIBE Committee voted its report on 19 March 2024.

II. CONCLUSION

5. The Permanent Representatives Committee is therefore invited to confirm agreement on the text of the mandate for negotiations with the European Parliament, as set out in the annex to this note, to enable the Presidency to conduct those negotiations.

6. In accordance with the approach to legislative transparency endorsed by Coreper on 14 July 2020[2], and in full consistency with Regulation (EC) 1049/2001 and the Council's Rules of Procedure, the text of the mandate thus agreed will be made public unless the Permanent Representatives Committee objects.

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[2] 9493/20.

ANNEX

Proposal for a

DIRECTIVE ~~**DECISION**~~ **OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

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

PUBLIC

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,

Having regard to the opinion of the European Economic and Social Committee[3],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) Reporting requirements play a key role in ensuring proper monitoring and correct enforcement of legislation. However, it is important to streamline those requirements, in order to ensure that they fulfil the purpose for which they were intended and to limit the administrative burden.

[3] OJ C 271, 19.9.2013, p. 42.

(2) Article 11 of Directive 2014/62/EU of the European Parliament and of the Council[4] 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 the number of persons prosecuted for and convicted in connection with those offences.

(3) With regard to euro-counterfeiting, there are already reporting obligations on the number of confiscated counterfeit coins and banknotes in place, namely in Article 3(1) of Council Regulation (EC) No 1338/2001[5]. The size and trends of the phenomenon as such is well documented and known to the competent national authorities. For this specific area of crime, the obligation to report statistical data on criminal proceedings is therefore not essential to ensure that the objectives of Directive 2014/62/EU are achieved and monitored.

(4) Therefore, the requirement under Article 11 of Directive 2014/62/EU should be abolished, in line with the Commission's Communication on 'Long-term competitiveness of the EU: looking beyond 2030'[6].

(4bis) The Directive is based on a careful assessment of the particular circumstances of this legal instrument and is limited to this area of crime. It is without prejudice to the need to ensure appropriate levels of reporting obligations in the field of EU criminal law.

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4 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).

5 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.).

6 ***7604/23*** ~~COM(2023)168~~.

(5) 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*** ~~Decision~~ and is not bound by it or subject to its application.

(6) 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, ***by letter of 13 December 2023*** Ireland has notified its wish to take part in the adoption and application of this ***Directive*** ~~Decision~~.

(7) Directive 2014/62/EU should therefore be amended accordingly. ***Since the targeted amendment of that Directive solely concerns a deletion of a reporting obligation, there is no specific obligation for the Member States to transpose the amendment***.

HAVE ADOPTED THIS ***DIRECTIVE*** ~~DECISION~~:

Article 1

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

Article 2

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

PUBLIC