Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins

COUNCIL REGULATION (EC) No 2182/2004

of 6 December 2004

concerning medals and tokens similar to euro coins

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third sentence of Article 123(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Central Bank[(1)],

Whereas:

(1) On 1 January 1999, the euro became the legal currency of the participating Member States in accordance with the requirements of Council Regulation (EC) No 974/1998 of 3 May 1998 on the introduction of the euro[(2)] and of those third countries which have concluded an agreement with the Community on the introduction of the euro, namely Monaco, San Marino, and the Vatican City.

(2) Council Regulation (EC) No 975/1998 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation[(3)] defined the basic features of euro coins. Euro coins, following their introduction in January 2002, circulate throughout the euro area as sole legal tender in metallic form.

(3) Commission Recommendation 2002/664/EC of 19 August 2002 concerning medals and tokens similar to the euro coins[(4)] recommended that certain visual characteristics should be avoided in the sale and production, stocking, importation and distribution, for sale or for other commercial purposes, of medals and tokens whose size is close to that of euro coins.

(4) The Commission Communication of 23 July 1997 on the use of the euro symbol established the symbol '€' and called upon all currency users to use the symbol for the description of monetary amounts denominated in euro.

(5) The Commission communication of 22 October 2001 on copyright protection of the common face design of the euro coins[(5)] defined the arrangements to be applied for the reproduction of the common face design of euro coins.

(6) The visual characteristics of the euro coins were published by the Commission on 28 December 2001[(6)].

(7) Citizens may be led to believe that medals and tokens bearing the terms 'euro' or 'euro cent', the euro symbol, or a design similar to that which appears on the common face

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 2182/2004. (See end of Document for details)*

or on any of the national sides of the euro coins, have legal-tender status in any of the Member States that have adopted the euro, or in a participating third country.

(8) There is an increasing risk that medals and tokens having a size and metal properties similar to euro coins may be unlawfully used in the place of euro coins.

(9) It is therefore appropriate that medals and tokens having visual characteristics, size or metal properties which are similar to euro coins should not be sold, produced, imported or distributed for the purpose of sale or for other commercial purposes.

(10) It is for each Member State to introduce applicable sanctions for infringements, with a view to achieving an equivalent protection of the euro against similar medals and tokens throughout the Community.

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

For the purposes of this Regulation the following definitions shall apply:

(a) ‘euro’ means the legal currency of participating Member States as defined in Article 1 of Regulation (EC) No 974/98 and of those participating third countries which have concluded an agreement with the Community on the introduction of the euro (hereinafter referred to as participating third countries);

(b) ‘euro symbol’ means the symbol representing the euro ‘€’ as shown and described in Annex I;

(c) ‘medals and tokens’ means those metallic objects, other than blanks intended for striking coins, which have the appearance and/or technical properties of a coin but are not issued under national or participating third country legislative provisions or other foreign legislative provisions, and which therefore are neither a legal means of payment nor legal tender;

(d) ‘gold’, ‘silver’ and ‘platinum’ mean alloys containing gold, silver and platinum with a millesimal fineness in weight of at least 375, 500 and 850 respectively. This definition shall not concern hallmarking conventions applicable in Member States;

(e) ‘European Technical and Scientific Centre’ (hereinafter referred to as ETSC) means the entity established by the Commission Decision of 29 October 2004;

(f) ‘reference band’ shall have the meaning given to it in Section 1 of Annex II.

I[F1 Article 2

Protective provisions

1 Subject to Articles 3 and 4, the production and sale of medals and tokens, and their importation and distribution for sale or for other commercial purposes, shall be prohibited in the following circumstances:

a when the terms ‘euro’ or ‘euro cent’ or the euro symbol appear on their surface;

b when their size is inside the reference band; or

c when a design appearing on their surface is similar to:

(i) any design, or parts thereof, appearing on the surface of euro coins, including in particular the terms 'euro' or 'euro cent', the 12 stars of the European Union, the image of the geographical representation and the numerals, in the way depicted on euro coins; or

(ii) those symbols representative of national sovereignty of Member States, as depicted on euro coins, including in particular the effigies of the Head of State, the coat of arms, the Mint marks, the Mint master marks, the name of the Member State;

(iii) the edge shape or the edge design of euro coins; or

(iv) the euro symbol.

2 The Commission shall specify:

a whether a metallic object can be regarded as a medal or token within the meaning of Article 1(c);

b whether a medal or a token falls within the prohibition of paragraph 1 of this Article.

Subject to paragraph 1 of this Article, the Commission shall take into consideration, *inter alia*, the quantities of medals and tokens produced, the selling price, the packaging, the inscriptions on the medals and tokens and advertisement of them.**]**

Textual Amendments

F1 Substituted by Council Regulation (EC) No 46/2009 of 18 December 2008 amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins.

Article 3

Exemptions

[F1 1 Medals and tokens bearing the terms 'euro' or 'euro cent' or the euro symbol without an associated nominal value shall not be prohibited when their size is outside the reference band, unless a design similar to one of the elements referred to in Article 2(1)(c) appears on their surface.**]**

2 Medals and tokens whose size is inside the reference band shall not be prohibited when:

a they are pierced with a hole of over 6 millimetres in the centre, or when their shape is polygonal but not exceeding six edges, provided the condition under point (c)(ii) is respected; or

b they are made of gold or silver or platinum; or

c when they fulfil the following conditions:

(i) the combinations of diameter and edge height of medals and tokens are consistently outside the ranges defined in each of the cases specified in Section 2 of Annex II; and

(ii) the combinations of diameter and metal properties of medals and tokens are consistently outside the ranges defined in each of the cases specified in Section 3 of Annex II.

Textual Amendments

F1 Substituted by Council Regulation (EC) No 46/2009 of 18 December 2008 amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins.

[F1 Article 4

Derogations by authorisation

The Commission may grant specific authorisations to use the terms ‘euro’ or ‘euro cent’ or the euro symbol on the surface of medals and tokens, under controlled conditions of use, in cases where no risk of confusion exists. In such cases, the economic operator concerned within a Member State shall be clearly identifiable on the surface of the medal or token and, when the medal or token bears an associated nominal value, the indication ‘Not legal tender’ must be stamped on the obverse or the reverse of the medal or token.**]**

Textual Amendments

F1 Substituted by Council Regulation (EC) No 46/2009 of 18 December 2008 amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins.

Article 5

Existing medals and tokens

Medals and tokens issued before the entry into force of this Regulation which do not satisfy the conditions set out in Articles 2, 3 and 4 may continue to be used until the end of the year 2009, at the latest, unless they are capable of being used in place of euro coins. Those medals and tokens shall be recorded, if appropriate, according to the procedures applicable in the Member States and communicated to the ETSC.

Article 6

Sanctions

1 Member States shall lay down the rules on sanctions applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

2 Member States shall adopt by 1 July 2005 the laws, regulations and administrative provisions for applying this Article. They shall forthwith inform the Commission thereof.