



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.01.1999  
SEC(1999) 24 final

COMMUNICATION FROM THE COMMISSION

**On copyright protection on the common face design of the euro coins**

COMMISSION RECOMMENDATION

**Concerning collector coins medals and tokens**

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## Introduction

According to the Council Regulation on the introduction of the euro ((EC) n° 974/98)<sup>1</sup> coins denominated in euro will be introduced as from 1 January 2002.

The denominations and technical specifications of the first series of euro coins have been defined in a Council Regulation adopted on 3 May 1998 ((EC) n° 975/98)<sup>2</sup>. Following this, a proposal to slightly modify such Regulation, for reasons of new developments, has been adopted by the Commission on 29 July 1998. The first series of euro coins will include eight denominations: 1, 2, 5, 10, 20, 50 cent and 1 and 2 euro.

In spring 1996 Member States decided that the euro coins will have a common face and a national face and gave a mandate to the Commission to organise a competition at European level to select the design for the common face of the euro coins. The winning designs of the European coin design competition were selected by the Heads of States and Government in June 1997.

As provided in the competition's terms of references, the copyrights on the winning designs were assigned to the Commission by the artist.

By this Communication the Commission intends to set out the arrangements which have been put in place for the enforcement of the copyrights and the applicable reproduction regime.

### **1. Holder of the copyright**

The copyright on the design of the common face of the euro coins belongs to the European Community represented by the Commission. The European Commission has assigned to each of the Member States adopting the euro all the Community rights as regards the territory of such Member State. The Commission will assign the copyright to the other Member States once they will adopt the euro.

### **2. Reproduction regime**

The following common reproduction regime will be applied by the Commission and by the participating Member States as regards their territory.

Reproduction of all or part of the common face design of the euro coins is authorised without recourse to a specific procedure in the following cases:

- ❖ for photographs, drawings, painting, films, images, and generally reproductions in flat format (without relief) provided they are in faithful likeness and are used in ways which do not damage or detract the image of the euro.

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<sup>1</sup> O.J. L 139, 11.05.1998

<sup>2</sup> O.J. L 139 11.05.1998

- ❖ For reproduction with relief on objects other than coins, medals and tokens or any other objects which might be confused with coins.
- ❖ For reproduction on tokens made in soft materials or made in plastic provided the size is at least 50% greater or smaller than the real coins.

Reproduction on medals and tokens made in metal or on any other object made in metal which might be confused with coins is not authorised.

Any other reproduction of all or part of the common face design of the euro coins has to be expressly authorised by the European Commission in the case of non-participating Member States, and by the designated authority of the Member State to which the copyright has been assigned in the case of participating Member States. (The list of designated authorities for the participating Member States is attached as Annex I)

The requests for authorisation addressed to the European Commission should be sent to Directorate General II for Economic and Financial Affairs.

### **3. Enforcement**

Enforcement of the copyright will be ensured by the participating Member States within their territory according to their national legislation and in compliance with the reproduction regime set out above. The Commission intends to enforce the copyright in the non-participating Member States and third countries according to the relevant national legislation.

If the Commission or the national entities to which the copyrights have been assigned, become aware of an unauthorised reproduction having occurred on the relevant territory, they will take immediate action to ensure that such reproduction ceases or is withdrawn. The Commission or the Member States (in the case of participating Member States) may decide the initiation of civil or criminal proceeding against the person responsible for the reproduction according to the corresponding national legislation.

The Commission intends to enforce the copyrights in co-ordination with the Member States. For that purpose Member States are invited to inform the Commission of any action they take to enforce the copyrights and on the implementation of the reproduction rules.

### **4. Review of present arrangements**

By the time of the introduction of the euro coins on 1 January 2002, the Commission intends to review the implementation of the rules described above. The present arrangements might be adapted in the future in the light of the experience gained.

## **Annex I**

### **List of designated authorities as mentioned in paragraph 2 of the Communication**

AUSTRIA:	Münze Österreich AG
BELGIUM:	Ministère des Finances – Administration de la Trésorerie
FRANCE:	Direction des Monnaies et médailles – Ministère de l’Economie des Finances et de l’Industrie de la République Française
FINLAND:	Ministry of Finance
GERMANY :	Bundesministerium der Finanzen
IRELAND :	Minister for Finance of Ireland
ITALY :	Ministry of Treasury
LUXEMBOURG :	Ministère des Finances- Service de la Trésorerie
NETHERLANDS :	The Kingdom of the Netherlands (Ministry of Finance, Domestic Monetary and Financial Affairs Directorate)
PORTUGAL :	Imprensa Nacional – Casa da Moeda
SPAIN :	Dirección General del Tesoro y Política Financiera

**COMMISSION RECOMMENDATION**

**Concerning collector coins medals and tokens**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 155 thereof;

1. Whereas the euro will become the currency of the participating Member States as from 1 January 1999; whereas during a transitional period lasting from 1 January 1999 until 31 December 2001, the euro will only exist as scriptural money; whereas the notes and coins in euro will be introduced as from 1 January 2002; whereas the euro banknote and coin after their introduction in 2002 will circulate throughout the whole euro area;
2. Whereas in order to facilitate the transition to the euro it is necessary to avoid confusion for the citizens; whereas during the three years transitional period people will not be familiar with the new euro coins and banknotes and therefore will more easily be misled or abused; whereas the same level of protection of the euro should exist in all Member States;
3. Whereas in order to reduce the risk of confusion during the transitional period, it is desirable to ban from the territory of the European Union all collector coins in euro or medals and tokens which bear the words "euro" or "euro cent" or which show a design which is similar to the design which appears on the common side of the euro coin;
4. whereas in order to achieve it, during the transitional period, Member States should not issue any collector coin in euro and official minting institutions and private issuers in the Member States should not issue for the purpose of sale or for commercial purposes, medals and tokens of the kind described above; whereas in order to avoid that medals and tokens of the kind described above, issued by third countries, will circulate in the Community territory, the ban should not only concern the issue but also the sale, production, stock, import and distribution for the purpose of sale or for commercial purposes of collector coins and said medals and tokens;
5. Whereas the ban on collector coins in euro during the transitional period has been supported by the ECOFIN Council on 23 November; whereas in some Member States, legislation on medals and tokens exist or is being introduced which goes in the direction recommended herein;
6. Whereas it would be desirable that third countries support the efforts made by the European Union to protect its citizens against confusion and fraud, and for that purpose avoid issuing collector coins, medals and tokens of the kind described above in particular during the transitional period;

HEREBY RECOMMENDS:

### **Article 1 - Definitions**

For the purpose of this Recommendation, the following definitions apply:

- a) "collector coins" refer to commemorative and bullion coins which have legal tender but which are not produced with a view to their entry into circulation;
- b) "medals and tokens" refer to those metallic objects of circular shape which look like a coin but which are neither legal means of payment nor legal tender or are not issued under national or foreign legislative provisions;
- c) "euro" is the lawful currency of the participating Member States as defined in Article 2 of Council Regulation n° 974/98 on the introduction of the euro;
- d) "transitional period" is the period beginning on 1 January 1999 and ending on 31 December 2001;

### **Article 2 – Recommended practices**

The following recommended practices should apply during the transitional period:

1. Member States should not issue collector coins denominated in euro. This restriction should equally apply to collector coins with a dual denomination in euro and in a national currency unit.
2. The sale and the production, issue, stock, import and distribution for the purpose of sale or for commercial purposes, of collector coins, medals and tokens which bear the words "euro" or "euro cent" or show a design which is similar to the design which appears on the common side of the euro coin or which has already been officially laid down for the minting of such coins in the future, should not take place.

### **Article 3 - Implementation by Member States**

Member States should take as soon as possible all measures deemed necessary, including additional national legislation, to ensure the full implementation of the recommended practices during the transitional period.



#### **Article 4 – Addressees**

This Recommendation is addressed to the Member States and to all economic agents which may issue, produce, distribute, import or sell medals and tokens.

Done at Brussels

For the Commission