



COMMISSION OF THE EUROPEAN COMMUNITIES

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Annex to the

THIRD REPORT FROM THE COMMISSION

**based on Article 11 of the Council Framework Decision of 29 May 2000 on
increasing protection by criminal penalties and other sanctions against
counterfeiting in connection with the introduction of the euro**

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Annex to the Third Report of the Commission based on Article 11 of the Council's framework Decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro¹

Table 1: Progress in implementing the Framework Decision – 15 Member States

Member State	Article 3 General offences	Article 4 Additional offences	Article 6 Penalties	Article 8-9 Liability of legal persons
Spain	*Article 386 of the Penal Code (making, uttering, import...) *Article 400 of the Penal Code (means to counterfeit)	The use of legal materials in order to fraudulent making of currency is not explicitly mentioned in the Penal Code	*With regard to Article 3 (1) (a-c) of the Framework Decision: Article 386 first paragraph Penal Code: imprisonment of 8 to 12 years and fine (up to ten times the counterfeited sum) *With regard to Article 3 (1) (d) of the Framework Decision: * Article 400 Penal Code: same penalty as the fraudulent making of currency	*Article 386 para 4 and 129 of the Penal Code: general penal liability of the legal persons. Sanctions: Closing or dissolution of the company with temporary or definitive character; Suspension of its activities; Prohibition to carry out specific activities.
France	Article 442-1 of the penal code as amended by law n° 2004-204 of 9th march 2004	Article 442-1 of the penal code as amended by law n° 2004-204 of 9th march 2004	*With regard to Article 3 (1) (a-c) and 4 of the Framework Decision: up to 30 years of imprisonment and a fine up to 450.000 €	N/A
Luxembourg	N/A	N/A	N/A	Articles 203 and 203-1 - law of 10 August 1915 on commercial companies. General provisions for all criminal offences. Sanctions: Closing or dissolution of the company with temporary or definitive character; Suspension of its activities.
Austria	N/A	N/A	N/A	Part 1 section 1-9 of Federal statute enacting a statute on responsibility of entities (BGBl. I Nr. 151/2005). General provisions for all

¹ OJ L 140, 14.06.2000, p. 1

Member State	Article 3 General offences	Article 4 Additional offences	Article 6 Penalties	Article 8-9 Liability of legal persons
				criminal offences. Sanctions: fine depending on the extent of the imprisonment
Portugal	N/A	N/A	N/A	<i>No information provided by the MS concerning the process of drafting new legislation to implement these requirements</i>
Finland	N/A	N/A	<i>No information provided by the MS concerning an amendment of Chapter 37, Section 1 to 5 concerning the sanctions</i>	N/A
Sweden	N/A	N/A	According to the information received, chapter 14 section 6 of the Swedish penal code concerning the sanction is not amended	N/A
United Kingdom	N/A	N/A	N/A	Section 5 Interpretation Act 1978 (“person” may be interpreted as a natural person or a legal person). Damages payable to a claimant in a civil action to the value of the loss suffered. According to the information received, the legal provisions concerning the liability of legal persons were not amended

Table 2: State of accession to the International Convention of 20 April 1929 for the Suppression of Counterfeiting Currency and its Protocol²

Member State	Ratification procedure
Bulgaria	22 May 1930 (completed)
Czech Republic	9 February 1996 (completed)
Estonia	30 August 1930 (completed)
Cyprus	10 June 1965 (completed)
Latvia	22 July 1939 (completed)
Lithuania	2 April 2004 (completed)
Hungary	14 June 1933 (completed)
Malta	No Ratification
Poland	15 June 1934 (completed)
Romania	7 March 1939 (completed)
Slovenia	Procedure pending
Slovakia	28 May 1993 (completed)

² No 2623, p. 372. League of Nations Treaty Series 1931.

Table 3: Progress in implementing the Framework Decision – 12 Member States

General offences (Article 3)

Member State	Article 3 (1) (a) (fraudulent making..)	Article 3 (1) (b) (fraudulent uttering..)	Article 3 (1) (c) (import, transport...).	Article 3 (1) (d) (fraudulent means to counterfeit - instruments - holograms/components to protect against counterfeiting)	Article 3 (2) (participation, instigation, attempt)
Bulgaria	Article 243 para 1 of the Penal Code.	Article 244 para 1 and 244a para 2 of the Penal Code. *Article 245 of the Penal Code: Passing on counterfeit money received as genuine is punished explicitly.	Article 244 para 1 and 2 of the Penal Code.	Article 246 para 3 of the Penal Code.	General provisions of the Penal Code. <i>Specific articles not indicated by the MS.</i>
Czech Republic	Section 140 of the Act No. 140/1961 Coll. Criminal Code.	Sections 140 para. 2 and 141 of the Act No. 140/1961 Coll. Criminal Code. *Passing on counterfeit money received as genuine is punished explicitly.	Sections 140 para. 1 to 3 and 208 para. 1 of the Act No. 140/1961 Coll. Criminal Code. *Receiving, import, export and transport of counterfeit currency are not mentioned by the Criminal Code. Nevertheless possession is punished.	Section 142 of the Act No. 140/1961 Coll. Criminal Code.	General provisions of the Act No. 140/1961 Coll. Criminal Code: attempt (Section 8), for instigation, participation or attempted participation (Section 10).
Estonia	Chapter 19 para. 333 of the Penal Code. *Altering of currency is not covered explicitly.	Chapter 19 para. 334 (1) of the Penal Code.	Chapter 19 para. 334 (1) of the Penal Code. *Receiving, import, export and transport of counterfeit currency are not mentioned.	*According to the information received there is no sanction for fraudulent making of means to counterfeit.	General provisions of the Penal Code: attempt (para. 25), for instigation, participation or attempted participation (para. 22).

Member State	Article 3 (1) (a) (fraudulent making..)	Article 3 (1) (b) (fraudulent uttering..)	Article 3 (1) (c) (import, transport...).	Article 3 (1) (d) (fraudulent counterfeit means to - instruments - holograms/components to protect against counterfeiting)	Article 3 (2) (participation, instigation, attempt)
Cyprus	Article 4 of the Currency Law.	Article 5 para. 1 of the Currency Law.	Article 6 of the Currency Law.	Article 7 of the Currency Law.	Article 10 and 11 of the Currency Law in conjunction with Articles 20 and 366 of the Criminal Code.
Latvia	Section 192 of the Criminal Law.	Section 192 of the Criminal Law.	Section 192 of the Criminal Law.	Section 193 of the Criminal Law.	General provisions of the Criminal Law: attempt (art. 15), for instigation, participation or attempted participation (art. 7).
Lithuania	Article 213 para. 1 of the Penal Code.	Article 213 of the Penal Code. *Lithuanian Penal Code does not contain the notion of “uttering” but “selling”. *Article 213 (3) of the Penal Code: Passing on counterfeit money received as genuine is punished explicitly.	Article 213 para. 1 of the Penal Code. *Receiving, import, export and transport of counterfeit currency not covered by Lithuanian Penal Code. Nevertheless possession is punished.	Article 213 of the Criminal Code. *Receiving equipment not covered.	Articles 22 and 24 of the Lithuanian Criminal Code.
Hungary	Section 304 para. 1 of the Criminal Code. *Altering of currency is not covered explicitly.	Section 304 para. 1 of the Criminal Code.	Section 304 para. 1 of the Criminal Code.	Section 304/A of the Criminal Code - distribution and dealing with such equipment is also punished. *Receiving such means is not covered by the Criminal Code.	Article 16 (attempt), Article 19 in conjunction with Articles 20 and 21 (forms of participation, instigation) of the Criminal Code. Article 304 para. 4 penalises also making preparations for counterfeiting currency as misdemeanour.
Malta	Articles 45 et 48 of the Central Bank of Malta act, chapter 204.	Article 45 of the Central Bank of Malta act, chapter 204.	Article 46 of the Central Bank of Malta act, chapter 204.	Article 47 of the Central Bank of Malta act, chapter 204.	General provisions of the Criminal Law: attempt (art. 41), for instigation, participation or

Member State	Article 3 (1) (a) (fraudulent making..)	Article 3 (1) (b) (fraudulent uttering..)	Article 3 (1) (c) (import, transport...).	Article 3 (1) (d) (fraudulent means to counterfeit - instruments - holograms/components to protect against counterfeiting)	Article 3 (2) (participation, instigation, attempt)
		*Article 45 (2): Uttering counterfeit money received as genuine is punished explicitly.	*Receiving, import, export and transport of counterfeit currency not covered by the Central Bank of Malta act. Nevertheless possession is punished.		attempted participation (art. 42 to 48).
Poland	Article 310 para. 1 of the Polish Penal Code.	Articles 310 para. 2 and 312 of the Polish Penal Code. *Introducing in circulation counterfeit money received as genuine is punished explicitly.	Article 310 para. 2 of the Polish Penal Code. *Import, export and obtaining counterfeit currency are not covered by the Criminal Code. Nevertheless possession and transport is explicitly punished.	Article 310 para. 4 of the Polish Penal Code provide an explicit provision for preparations to commit the offence specified in para. 1 or 2. * There is no explicit provision for fraudulent making of means to counterfeit.	Assistance in selling or concealing the counterfeit currency is covered by Article 310 para. 2. Article 310 para. 4 penalises also making preparations for committing the offences specified in Article 310 para.1 and 2 of the Polish Criminal Code. Instigation and attempt are covered by General provisions of the Penal Code. <i>Specific articles not indicated by the MS.</i>
Romania	Article 282 para 1 of the Romanian Penal Code.	Article 282 para 2 of the Romanian Penal Code.	Article 282 para 2 of the Romanian Penal Code. *Receiving, import, export and transport of counterfeit currency are not mentioned by the Criminal Code. Nevertheless possession is punished.	Article 285 of the Romanian Penal Code.	General provisions of the Penal Code. <i>Specific articles not indicated by the MS.</i>
Slovenia	Article 249 para. 1 of the Slovenian Penal Code.	Article 249 paras. 1 and 4 of the Slovenian Penal Code.	Article 249 para. 2 of the Slovenian Penal Code.	Fraudulent making, obtaining or possessing means for counterfeiting or for protecting against counterfeiting is covered	Articles 25 and 26 of the Slovenian Penal Code.

Member State	Article 3 (1) (a) (fraudulent making..)	Article 3 (1) (b) (fraudulent uttering..)	Article 3 (1) (c) (import, transport...).	Article 3 (1) (d) (fraudulent counterfeit means to - instruments - holograms/components to protect against counterfeiting)	Article 3 (2) (participation, instigation, attempt)
		*Introducing in circulation counterfeit money received as genuine is punished explicitly.	*Receiving, import, export and transport of counterfeit currency are not mentioned by the Criminal Code. Nevertheless acquisition is punished.	by Article 251 of the Slovenian Penal Code.	
Slovakia	Section 270 para 2 of new Penal Code (act 300/2005).	Section 271 para 1 of new Penal Code (act 300/2005). *Introducing in circulation counterfeit money received as genuine is punished explicitly.	Section 271 para 1 of new Penal Code (act 300/2005).	Section 272 of new Penal Code (act 300/2005).	General provisions of the Penal Code. <i>Specific articles not indicated by the MS.</i>

Table 4: Additional Offences (Article 4) & Currency not issued but designed for circulation (Article 5)

Member State	Article 4 (additional offences)	Article 5 (b) (currency not yet issued)
Bulgaria	Article 244a of the Penal Code.	<i>No information provided by the MS.</i>
Czech Republic	Czech law does not differentiate, whether counterfeiting or altering of currency was made with using legal on non-legal means.	Introduced in the draft of the amended Criminal Code, not yet in force.
Estonia	<i>No information provided by the MS.</i>	<i>No information provided by the MS.</i>
Cyprus	Specific provisions in Article 4 para. 2 of the Currency Law, rendering the fraudulent manufacture of currency using legal means a criminal offence.	Under Article 2 of the Currency Law of 2004, currency not yet issued, but designated for circulation is defined as “Counterfeit Currency” and is punishable under the provisions of the Law.
Latvia	Latvian law does not differentiate, whether counterfeiting or altering of currency was made with using legal on non-legal means.	Article 192 para 1 of the Criminal Code.
Lithuania	On the basis of Article 213 para. 4 of the Criminal Code, Lithuanian criminal law penalises fraudulent manufacturing of currency using legal means.	Article 213 of the Criminal Code (“money or securities that are not yet issued but are designated for circulation”).
Hungary	<i>No information provided by the MS.</i>	New definition of money in the Regulatory Act 5 of 1979 on the interpretation of the Criminal Code. According to Article 24 thereof, the definition of “money” also includes currency, which is not yet issued but is designed for circulation. According to Article 24 para. 3 foreign currencies enjoy the same protection as national currency; euro is explicitly mentioned in this respect.
Malta	Maltese law does not differentiate, whether counterfeiting or altering of currency was made with using legal on non-legal means.	Article 44 of the Central Bank of Malta act, chapter 204 (<i>note or coin issued or deemed to be issued</i>).

Member State	Article 4 (additional offences)	Article 5 (b) (currency not yet issued)
Poland	Article 310 of the Polish Criminal Code does not differentiate, whether counterfeiting or altering of currency was made with using legal on non-legal means.	Article 310 of the Polish Penal Code is applicable also in that respect. That Article does not introduce any limits to the term of currency being legal tender. The above-mentioned offences committed against currency that was not issued yet but is designated for circulation are also penalised.
Romania	<i>No information provided by the MS.</i>	<i>No information provided by the MS.</i>
Slovenia	Slovenian Penal Code does not differentiate, whether counterfeiting or altering of currency was made with using legal on non-legal means.	With respect to currency not issued but designed for circulation the conducts referred to in Articles 3 and 4 of the Framework Decision are sanctioned in article 217 of the Penal Code. Nevertheless this article concerns the fraud.
Slovakia	Slovenian Penal Code does not differentiate, whether counterfeiting or altering of currency was made with using legal on non-legal means.	Section 280 of new Penal Code (act 300/2005).

Table 5: Penalties (Article 6)

<p>Article of the framework Decision</p> <p>Member State</p>	<p>Article 3: general offences of counterfeiting</p>	<p>Article 4: additional offences of counterfeiting</p>	<p>Article 5: criminal law protection before 2002 and currency not issued but designated for circulation</p>	<p>Article 6 (2) maximum not less than 8 years of imprisonment in case of conduct ex Article 3 (1) (a)</p>
<p>Bulgaria</p>	<p>*With regard to Article 3 (1) (a) of the Framework Decision: imprisonment of 5-15 years -article 243 para 1 of the Penal Code.</p> <p>*With regard to Article 3 (1) (b-c) of the Framework Decision: imprisonment of up to 8 years -article 244 para 1 of the Penal Code.</p> <p>*Possession is also punished under the same article.</p> <p>*With regard to Article 3 (1) (d) of the Framework Decision: imprisonment of up to 6 years -article 246 para 3 of the Penal Code.</p> <p>*With regard to Article 3 (2) of the Framework Decision: preparation is punished by imprisonment of up to 6 years - article 246 para 1 of the Penal Code.</p> <p>*Introducing in circulation counterfeits received as genuine is punished with imprisonment up to 5 years - article 245 of the Penal Code.</p>	<p>Article 244a para 1 of the Penal Code imprisonment of 5-15 years.</p> <p>*Introducing in circulation such counterfeits is punished with imprisonment up to 5 years article 244a of the Penal Code.</p>	<p><i>No information provided by the MS.</i></p>	<p>Articles 243, 244 and 244a of the Penal Code.</p>
<p>Czech Republic</p>	<p>*With regard to Article 3 (1) (a) of the Framework Decision: imprisonment of 5-10 years Section 140 para 2 of the Act No. 140/1961 Coll. Criminal Code.</p> <p>*With regard to Article 3 (1) (b-c) of the Framework Decision: imprisonment of 2 to 8 years - Section 140 para 1 of the Act No. 140/1961 Coll. Criminal Code.</p> <p>*Possession is also punished under the same article.</p>	<p>Czech law does not differentiate, whether counterfeiting or altering of currency was made with using legal on non-legal means - imprisonment of 5-10 years Section 140 para 2 of the Act No. 140/1961 Coll. Criminal Code.</p>	<p>Introduced in the draft of the amended Criminal Code, not yet in force.</p>	<p>Section 140 of the Act No. 140/1961 Coll. Criminal Code.</p>

Article of the framework Decision Member State	Article 3: general offences of counterfeiting	Article 4: additional offences of counterfeiting	Article 5: criminal law protection before 2002 and currency not issued but designated for circulation	Article 6 (2) maximum not less than 8 years of imprisonment in case of conduct ex Article 3 (1) (a)
	<p>*With regard to Article 3 (1) (d) of the Framework Decision: imprisonment of up to 2 years - Section 142 para 1 of the Act No. 140/1961 Coll. Criminal Code.</p> <p>*The same crime committed at the place of employment: imprisonment of 1 to 5 years - Section 142 para 2 of the Act No. 140/1961 Coll. Criminal Code.</p> <p>*With regard to Article 3 (2) of the Framework Decision: preparation is punished by imprisonment of up to 6 years - article 246 para 1 of the Penal Code.</p> <p>*Introducing in circulation counterfeits received as genuine is punished with imprisonment up to 5 years article 245 of the Penal Code.</p>			
Estonia	<p>*With regard to Article 3 (1) (a) of the Framework Decision: pecuniary punishment or imprisonment of up-to 3 years - Chapter 19 para. 333-1 of the Penal Code.</p> <p>* The same act committed twice or on a large scale basis - imprisonment of 1 to 6 years - Chapter 19 para. 333-2 of the Penal Code.</p> <p>*With regard to Article 3 (1) (b-c) of the Framework Decision: imprisonment of up to 5 years - Chapter 19 para. 334 of the Penal Code.</p>	<i>No information provided by the MS.</i>	<i>No information provided by the MS.</i>	MS legislation does not comply with this provision.
Cyprus	<p>*With regard to Article 3 (1) (a) of the Framework Decision: imprisonment of up to 10 years - Article 4 para 1 of the Currency Law.</p> <p>*With regard to Article 3 (1) (b) of the Framework Decision: imprisonment of up to 8 years - Article 5 para 1 of the</p>	Imprisonment of up to 10 years - Article 4 para 2 of the Currency Law.	Imprisonment of up to 10 years - article 4 para 1 and article 2 of the Currency Law.	Articles 4 – 7 of the Currency Law.

Article of the framework Decision Member State	Article 3: general offences of counterfeiting	Article 4: additional offences of counterfeiting	Article 5: criminal law protection before 2002 and currency not issued but designated for circulation	Article 6 (2) maximum not less than 8 years of imprisonment in case of conduct ex Article 3 (1) (a)
	<p>Currency Law.</p> <p>*Possession is also punished under the same article - imprisonment of up to 6 years - Article 5 para 2 of the Currency Law.</p> <p>*With regard to Article 3 (1) (c) of the Framework Decision: imprisonment of up to 8 years - Article 6 of the Currency Law.</p> <p>*With regard to Article 3 (1) (d) of the Framework Decision: imprisonment of up to 8 years - Article 7 of the Currency Law.</p>			
Latvia	<p>*With regard to Article 3 (1) (a-c) of the Framework Decision: imprisonment of 3-10 years, confiscation is possible - Section 192 para 1 of the Criminal Law.</p> <p>* The same act committed twice or on a large scale basis - imprisonment of 5 to 15 years - Section 192 para 2 of the Criminal Law.</p> <p>*With regard to Article 3 (1) (d) of the Framework Decision: imprisonment of up to 6 years - Section 193 of the Criminal Law.</p>	<p>Latvian law does not differentiate, whether counterfeiting or altering of currency was made with using legal on non-legal means: imprisonment of 3-10 years, confiscation is possible - Section 192 para 1 of the Criminal Law.</p> <p>*The same act committed twice or on a large scale basis - imprisonment of 5 to 15 years - Section 192 para 2 of the Criminal Law.</p>	Imprisonment of 3-10 years, confiscation is possible - Section 192 para 1 of the Criminal Law.	Section 192 of the Criminal Law
Lithuania	<p>*With regard to Article 3 (1) (a-c) of the Framework Decision: imprisonment of up to 4 years - Article 213 para. 1 of the Penal Code.</p> <p>*Possession is also punished under the same article.</p> <p>* The same act committed on a high value of money - imprisonment of 3 to 10 years - Article 213 para. 2 of the Penal Code.</p>	Imprisonment of up to 4 years - Article 213 para. 4 of the Penal Code.	Imprisonment of up to 4 years - Article 213 para. 1 of the Penal Code.	Article 213 para. 2 of the Penal Code.

Article of the framework Decision Member State	Article 3: general offences of counterfeiting	Article 4: additional offences of counterfeiting	Article 5: criminal law protection before 2002 and currency not issued but designated for circulation	Article 6 (2) maximum not less than 8 years of imprisonment in case of conduct ex Article 3 (1) (a)
	<p>*With regard to Article 3 (1) (d) of the Framework Decision: imprisonment of up to 4 years - Article 213 para. 1 of the Penal Code.</p> <p>*Introducing in circulation counterfeits received as genuine is punished with imprisonment up to 2 years - Article 213 para. 3 of the Penal Code.</p>			
Hungary	<p>*With regard to Article 3 (1) (a-c) of the Framework Decision: imprisonment of 2-8 years - Section 304 para. 1 of the Criminal Code.</p> <p>*The same act committed on a high value of money or in criminal conspiracy- imprisonment of 5 to 10 years - Section 304 para. 2 of the Criminal Code.</p> <p>*The same act concerning coinage or less substantial quality - - imprisonment of up to 5 years - Section 304 para. 3 of the Criminal Code. <i>This provision does not comply with framework-decision requirements.</i></p> <p>*With regard to Article 3 (1) (d) of the Framework Decision: imprisonment of up to 2 years, work in community service or a fine - Section 304/A of the Criminal Code.</p> <p>*With regard to Article 3 (2) of the Framework Decision: preparation is punished by imprisonment of up to 2 years - Section 304 para. 3 of the Criminal Code.</p>	<i>No information provided by the MS.</i>	Section 304 of the Criminal Code and article 24 para. 3 of the Regulatory Act 5 of 1979 on the interpretation of the Criminal Code.	Section 304 para 1 and 2 of the Criminal Code. *Section 304 para. 3 of the Criminal Code does not comply with framework-decision requirements.
Malta	<p>*With regard to Article 3 (1) (a) of the Framework Decision: imprisonment of 2-9 years - Article 45 of the Central Bank of Malta act, chapter 204.</p> <p>*Concerning altering of money: imprisonment and fine -</p>	Maltese law does not differentiate, whether counterfeiting or altering of currency was made with using legal on non-legal means - imprisonment of 2-9 years - Article 45 of the Central Bank of	Imprisonment of 2-9 years - Article 45 of the Central Bank of Malta act, chapter 204.	Article 45 of the Central Bank of Malta act, chapter 204.

Article of the framework Decision Member State	Article 3: general offences of counterfeiting	Article 4: additional offences of counterfeiting	Article 5: criminal law protection before 2002 and currency not issued but designated for circulation	Article 6 (2) maximum not less than 8 years of imprisonment in case of conduct ex Article 3 (1) (a)
	<p>Article 48 of the Central Bank of Malta act, chapter 204.</p> <p>*With regard to Article 3 (1) (b) of the Framework Decision: imprisonment of 2-9 years - Article 45 of the Central Bank of Malta act, chapter 204.</p> <p>*Uttering counterfeit money received as genuine is punished explicitly: imprisonment of 2 months - 3 years - Article 45 (2) of the Central Bank of Malta act, chapter 204.</p> <p>*With regard to Article 3 (1) (c) of the Framework Decision: - imprisonment of 13 months - 5 years Article 46 of the Central Bank of Malta act, chapter 204.</p> <p>*Possession is also punished under the same article.</p> <p>*With regard to Article 3 (1) (d) of the Framework Decision: imprisonment of 13 months - 5 years Article 47 of the Central Bank of Malta act, chapter 204.</p>	Malta act, chapter 204.		
Poland	<p>*With regard to Article 3 (1) (a) of the Framework Decision: imprisonment of 5-25 years - Article 310 para 1 of the Penal Code.</p> <p>*With regard to Article 3 (1) (b-c) of the Framework Decision: imprisonment of 1-10 years - Article 310 para. 2 of the Penal Code.</p> <p>*Uttering counterfeit money received as genuine is punished explicitly: fine or imprisonment of up to 1 year - Article 312 of the Penal Code.</p> <p>*Possession is also punished under the same article.</p>	Article 310 of the Criminal Code does not differentiate, whether counterfeiting or altering of currency was made with using legal on non-legal means.	Article 310 of the Penal Code is applicable also in that respect. That Article does not introduce any limits to the term of currency being legal tender. The above-mentioned offences committed against currency that was not issued yet but is designated for circulation are also penalised.	Article 310 para 1 of the Penal Code.

Article of the framework Decision Member State	Article 3: general offences of counterfeiting	Article 4: additional offences of counterfeiting	Article 5: criminal law protection before 2002 and currency not issued but designated for circulation	Article 6 (2) maximum not less than 8 years of imprisonment in case of conduct ex Article 3 (1) (a)
	<p>*With regard to Article 3 (1) (d) of the Framework Decision: imprisonment of 3 months - 5 years - Article 310 para. 4 of the Penal Code provide an explicit provision for preparations to commit the offence specified in para 1 or 2.</p> <p>*There is no explicit provision for fraudulent making of means to counterfeit.</p>			
Romania	<p>*With regard to Article 3 (1) (a-c) of the Framework Decision: imprisonment of 3-12 years and interdiction of certain rights - Article 282 of the Penal Code.</p> <p>*Possession is also punished under the same article.</p> <p>*If serious damage might be caused to the financial system: imprisonment of 5-15 years and interdiction of certain rights. If serious damage is caused to the financial system: imprisonment of 10-20 years and interdiction of certain rights - Article 282 of the Penal Code.</p> <p>*With regard to Article 3 (1) (d) of the Framework Decision: imprisonment of 6 months to 5 years - Article 285 of the Penal Code.*With regard to Article 3 (2) of the Framework Decision: preparation is punished by imprisonment of up to 6 years - article 246 para 1 of the Penal Code.</p>	Article 282 of the Penal Code does not differentiate, whether counterfeiting or altering of currency was made with using legal on non-legal means.	<i>No information provided by the MS.</i>	Article 282 of the Penal Code.
Slovenia	<p>*With regard to Article 3 (1) (a-c) of the Framework Decision: imprisonment of 6 months - 8 years - article 249 para. 1 of the Penal Code.</p> <p>*Acquisition is also punished under the same article.</p> <p>*If serious damage is caused to the national economy: imprisonment of 1-10 years - Article 249 para. 3 of the Penal</p>	Article 249 of the Penal Code does not differentiate, whether counterfeiting or altering of currency was made with using legal on non-legal means.	Article 217 of the Penal Code - imprisonment of 1-8 years. <i>Nevertheless this article concerns the fraud.</i>	Article 249 para. 1 of the Penal Code.

Article of the framework Decision Member State	Article 3: general offences of counterfeiting	Article 4: additional offences of counterfeiting	Article 5: criminal law protection before 2002 and currency not issued but designated for circulation	Article 6 (2) maximum not less than 8 years of imprisonment in case of conduct ex Article 3 (1) (a)
	<p>Code.</p> <p>*Introducing in circulation counterfeits received as genuine is punished with imprisonment up to 6 months - article 249 para. 1 of the Penal Code.</p> <p>*With regard to Article 3 (1) (d) of the Framework Decision: imprisonment of up to 2 years - article 251 of the Penal Code</p>			
Slovakia	<p>*With regard to Article 3 (1) (a) of the Framework Decision: imprisonment of 7-10 years - Section 270 para 2 of new Penal Code (act 300/2005).</p> <p>*Possession is also punished under the same article - imprisonment of 3-8 years.</p> <p>*If the same crime committed by serious manner or in grater range - imprisonment of 10–15 years - Section 270 para 3 of new Penal Code (act 300/2005). If the same crime committed in organised crime group or in major range - imprisonment of 12–20 years - Section 270 para 4 of new Penal Code (act 300/2005).</p> <p>*With regard to Article 3 (1) (b-c) of the Framework Decision: imprisonment of 7-10 years - Section 271 para 1 of new Penal Code (act 300/2005).</p> <p>*Introducing in circulation counterfeits received as genuine is punished with imprisonment up to 2 years - Section 271 para 1 of new Penal Code (act 300/2005).</p> <p>* With regard to Article 3 (1) (d) of the Framework Decision: imprisonment of up to 3 years - Section 272 para 1 of new Penal Code (act 300/2005).</p>	Section 270 para 2 of new Penal Code (act 300/2005) does not differentiate, whether counterfeiting or altering of currency was made with using legal on non-legal means.	Section 280 and 270 of new Penal Code (act 300/2005) - imprisonment of 7-10 years.	Section 270 of new Penal Code (act 300/2005).

<u>Article of the framework Decision</u>	Article 3: general offences of counterfeiting	Article 4: additional offences of counterfeiting	Article 5: criminal law protection before 2002 and currency not issued but designated for circulation	Article 6 (2) maximum not less than 8 years of imprisonment in case of conduct ex Article 3 (1) (a)
Member State				
	*The same crime committed in the execution of profession: imprisonment of 1 to 5 years - Section 272 para 2 of new Penal Code (act 300/2005).			

Table 6: Liability of legal persons (Article 8) & sanctions for legal persons (Article 9)

Member State	Article 8 (1) liability legal person	Article 8 (2) liability legal person in case of lack of supervision	Article 9 (1) sanctions legal persons	Article 9 (2) sanctions legal persons in case of lack of supervision
Bulgaria	<i>No information provided by the MS.</i>	<i>No information provided by the MS.</i>	<i>No information provided by the MS.</i>	<i>No information provided by the MS.</i>
Czech Republic	Adoption of relevant legislation is pending.	Adoption of relevant legislation is pending.	Adoption of relevant legislation is pending.	Adoption of relevant legislation is pending.
Estonia	Chapter 19 para. 333-334-1 of the Penal Code.	Chapter 19 para. 333-334-1 of the Penal Code.	Compulsory dissolution or pecuniary punishment.	Compulsory dissolution or pecuniary punishment.
Cyprus	Article 12 para 1 of the Currency Law.	Article 12 para 2 of the Currency Law.	Compulsory dissolution or pecuniary punishment. Suspension of commercial activity Exclusion from public funds.	Compulsory dissolution or pecuniary punishment. Suspension of commercial activity Exclusion from public funds.
Latvia	Sections 192 and 193 of criminal law	Sections 192 and 193 of criminal law	Compulsory dissolution or pecuniary punishment. Limitation of rights.	Compulsory dissolution or pecuniary punishment. Limitation of rights.
Lithuania	Article 43 of Criminal Code	Article 43 of Criminal Code	Fines, restriction of activities and liquidation.	Fines, restriction of activities and liquidation.
Hungary	Act of 2001/CIV paragraph 2-6.	Act of 2001/CIV paragraph 2-6.	<i>No information provided by the MS concerning the sanctions.</i>	<i>No information provided by the MS concerning the sanctions.</i>
Malta	<i>No information provided by the MS.</i>	<i>No information provided by the MS.</i>	<i>No information provided by the MS.</i>	<i>No information provided by the MS.</i>
Poland	Act of 28 October 2002, articles 2,3,16.	Act of 28 October 2002, articles 2,3,16.	Compulsory dissolution or pecuniary punishment.	Compulsory dissolution or pecuniary punishment.

Member State	Article 8 (1) liability legal person	Article 8 (2) liability legal person in case of lack of supervision	Article 9 (1) sanctions legal persons	Article 9 (2) sanctions legal persons in case of lack of supervision
			Suspension of commercial activity Exclusion from public funds	Suspension of commercial activity Exclusion from public funds
Romania	<i>No information provided by the MS.</i>	<i>No information provided by the MS.</i>	<i>No information provided by the MS.</i>	<i>No information provided by the MS.</i>
Slovenia	Criminal liability of legal entities act, article 25/7.	Criminal liability of legal entities act, article 25/7.	<i>No information provided by the MS concerning the sanctions.</i>	<i>No information provided by the MS concerning the sanctions.</i>
Slovakia	Adoption of relevant legislation is pending.	Adoption of relevant legislation is pending.	Adoption of relevant legislation is pending.	Adoption of relevant legislation is pending.