



EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK

of 30 April 1999

at the request of the Italian Ministry of Treasury Finance under Article 105 (4), second indent, of the Treaty establishing the European Community, Article 4(a), second indent, of the Statute of the European System of Central Banks and of the European Central Bank and Article 2.1 of Council Decision 98/415/EC of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions, on a draft Presidential Decree containing “Regulations for the production and issue of coins” (the “draft Presidential Decree”)

1. On 9 April 1999 the European Central Bank (ECB) received a request for an opinion on the draft Presidential Decree from the Italian Ministry of Treasury. This ECB Opinion is based on the English translation of the draft submitted to the ECB by the consulting authority.
2. The ECB's competence to deliver an opinion is based on Article 2.1, first and second indent, of the Council Decision 98/415/EC of 29 June 1998 on the consultation of the ECB by national authorities regarding draft legislative provisions, as the draft Presidential Decree contains provisions concerning the minting and issuance of state coins. In accordance with Article 17.5, first sentence, of the Rules of Procedure of the ECB, this ECB Opinion has been adopted by the Governing Council of the ECB.
3. The purpose of the draft Presidential Decree is to adopt provisions in order to amend and integrate, where necessary, the provisions of Ministerial Decree of 30 July 1983, taking into account the relevant provisions of Community law in the field of issuance of both national and euro coins. The draft Presidential Decree covers both the issuance of state coins and euro coins and accommodates in Article 1, first and second paragraphs, the powers of the ECB granted by Article 105a(2) of the EC Treaty. The ECB notes that the recognition in the Italian legislation of the need for ECB approval of the volume of coins to be issued makes such approval a legal condition for the issuance. However, concerning in particular the second paragraph of Article 1, the ECB recommends to make it more clear that the approval by the ECB of the volume of coin issuance is not required to initiate production. In fact, while the production of euro coins can start already in 1999 without the need for approval of the ECB, it

is only starting from 1 January 2002 that euro coins can be issued subject to the approval by the ECB of the volume of euro coins issuance.

4. The ECB notes that Article 1, second and third paragraphs, correctly require compliance with “the measures adopted by the Council of the European Union pursuant to Article 105a, paragraph 2 of the Treaty” and with “relevant Community provisions” in the field of “the technical and artistic characteristics of each denomination”.
5. Articles 2 to 15 of the draft Presidential Decree deal mainly, in a very detailed way, with the organisation of production of coins, including, *inter alia*, supervision and control and security measures. In Article 8, 1st paragraph, the ECB suggests to make clear that the reference to “the characteristic design specified in the measure of the Ministry of the Treasury” is without prejudice to the applicable Community legislation adopted by the Council of the European Union pursuant to Article 105a, paragraph 2 of the Treaty. Moreover, the ECB understands the wording “without prejudice to any measures issued by European Community bodies” in Article 14 as referring also to the need of ECB approval for the issue of gold and silver euro coins.
6. Articles 16 to 28 of the draft Presidential Decree deal with the issuance of coins, specifying the distribution channels and establishing a set of rules dealing with transport, delivery and receipt of coins. While most Articles do not require any comments from the ECB, concerning Article 28 the ECB suggests to clarify that, in connection with the euro coins intended for circulation, the competence of the permanent and artistic committee are limited to the “national side” of the coins.

The ECB confirms that it has no objection to this Opinion being made public by the competent Italian authorities at their discretion.

Done at Frankfurt am Main on 30 April 1999.

The President of the ECB

[signed]

Willem F. Duisenberg