

Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA

TITLE I

**SUBJECT MATTER AND DEFINITIONS**

*Article 1*

**Subject matter**

This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the areas of fraud and counterfeiting of non-cash means of payment. It facilitates the prevention of such offences, and the provision of assistance to and support for victims.

*Article 2*

**Definitions**

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

- (a) ‘non-cash payment instrument’ means a non-corporeal or corporeal protected device, object or record, or a combination thereof, other than legal tender, and which, alone or in conjunction with a procedure or a set of procedures, enables the holder or user to transfer money or monetary value, including through digital means of exchange;
- (b) ‘protected device, object or record’ means a device, object or record safeguarded against imitation or fraudulent use, for example through design, coding or signature;
- (c) ‘digital means of exchange’ means any electronic money as defined in point (2) of Article 2 of Directive 2009/110/EC of the European Parliament and of the Council<sup>(1)</sup> or virtual currency;
- (d) ‘virtual currency’ means a digital representation of value that is not issued or guaranteed by a central bank or a public authority, is not necessarily attached to a legally established currency and does not possess a legal status of a currency or money, but is accepted by natural or legal persons as a means of exchange, and which can be transferred, stored and traded electronically;
- (e) ‘information system’ means information system as defined in point (a) of Article 2 of Directive 2013/40/EU;
- (f) ‘computer data’ means computer data as defined in point (b) of Article 2 of Directive 2013/40/EU;
- (g) ‘legal person’ means an entity having legal personality under the applicable law, except for states or public bodies in the exercise of state authority and for public international organisations.

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- (1) Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC ([OJ L 267, 10.10.2009, p. 7](#)).