

The Impact of the Draft Directive on Services on the European Private Security Industry

Scope of the Directive

The proposed directive on services in the internal market covers most services provided to consumers and businesses EXCEPT services provided directly by public authorities for no remuneration, in fulfilment of their social, cultural, educational or legal obligations. The proposal hence includes activities of very different nature ranging from construction, IT, advertising, audiovisual and healthcare services to temporary agencies and **including private security services**.

Why should the Private Security Industry be given specific consideration?

Although CoESS is in favour of instruments to improve the functioning of the internal market for services, which will allow to cut administrative duplications and provide more transparency for enterprises, workers and consumers, it is nevertheless highly concerned about the direct consequences of these regulations on the private security market within the European Union. CoESS is supported by UNI-Europa in these concerns ([see joint position paper](#)).

The role of national laws and regulations

In a number of Member States of the European Union, the private security sector is governed by **national laws and regulations**. The fundamental goal of these national regulations is **to protect the citizen against abuse and misuse, to safeguard the necessary transparency and to avoid private militias**. At the same time, national regulations are an **indispensable tool for guaranteeing a minimum level of quality and professionalism**, leading to stabilisation of the market by preventing “cowboy” companies to enter into or to remain on the market, improving the image of the sector and strengthening the profession.

Differences in standards, laws and legislation

CoESS is of the opinion that a minimum level of quality standards should exist in all EU Member States prior to the application of the services directive to our sector, without unnecessarily reducing the standards and quality that currently exist to meet the lowest common denominator. CoESS is working diligently on promoting such quality standards across the EU, but unfortunately, as the examples below will demonstrate, **standards, laws and legislation in the security sector are still worlds apart** when comparing the different EU Member States.

Authorisation schemes

CoESS holds the view that **strict licensing and regulation** of the private security industry throughout the European Union **are essential foundations** to a high quality industry. With the public interest in mind, CoESS believes it is essential that private security companies and private security guards obtain the required national authorisation. CoESS demands, therefore, that the **private security sector should be explicitly mentioned in article 9 1b)**, because it is a sector for which ‘the need for an authorisation scheme is objectively justified by an overriding reason relating to the public interest’.

Country of Origin

CoESS considers the application of the country of origin principle to the private security industry **highly questionable** as it causes a **risk of unfair competition** in the private security industry. It would encourage security service providers to move their headquarters to the EU Member States **with the lowest requirements**, whether of a social nature or aimed at professionalism and quality. The providers in countries with high standards would then be **under pressure to lower their standards, jeopardizing public security**. CoESS demands that due to the very specific nature of the sector it represents, there should be a derogation to the country of origin principle for the private security sector as a whole, including the transport of funds and valuables (CIT).

Conclusion

In light of the growing feeling of insecurity, the general European trend to transfer more and more tasks of public security to the private security sector, and the recent entry into the EU of ten new Member States where the private security sector still has a major restructuring process to undergo, CoESS is adamant that a forced and rushed harmonisation of the security sector would have a detrimental effects on the quality and professionalism of our sector. **Therefore** CoESS considers **it imperative that the Directive foresees in specific fundamental exceptions** related to our industry as outlined above .

Concrete examples

The following examples are derived from a study carried out in by CoESS and Uni-Europa titled: *“Towards a European Model: Panoramic Overview of the Private Security Industry in the 25 Member States of the European Union”* and reveal the diverse legal, social and economic realities of private security services and its impact on quality standards.

Weapons

The content of regulations with regard to weapons varies considerably per EU Member State.

- In Denmark, Ireland and Great Britain for instance, a security officer is **not authorised to carry a weapon** and its citizens are probably very happy about the fact they have unarmed security officers.
- In other countries such as France, **only fund and security transporters may carry weapons**.
- In Estonia **only shotguns and automatic weapons are not permitted**.
- Even more extraordinary is the case of Lithuania where **it is not permitted to shoot either women or the handicapped**, unless they have a weapon.

If the services directive would apply in its current form: a French transporter of valuables would be allowed to carry a weapon in Denmark whilst the Danish colleagues are not entitled to do so. Obviously, this would create a confusing, if not potentially dangerous situation.

Training

- Dutch companies have the obligation of reporting to the Minister of Justice every year, and comply by far with **the toughest training standards within the EU**.

- In Austria, security officers must pass an **integrity exam** administered by the police.
- In Belgium security officers will soon need to have at least **130 hours of training, 40 hours of middle management** and the **top echelon 106 hours**. Furthermore, a funds transport officer must follow an additional 78 hours of training.
- Hungary requires **320 hours** of training in order to qualify as security officer.
- On the other hand, countries like Cyprus **just require a secondary school diploma** to become security officer.
- In Denmark, the only requirement is that the training takes place at a governmental school.
- In Ireland and in Italy, one can simply start working in security **without any special qualifications**.

If the services directive would apply in its current form: Under the authorisation scheme foreseen in article 9 of the proposed Directive, only private security guards who have received compulsory training and have been issued a license to act as a private security guard from the national authorities can provide security services. If we apply this rule, an Irish security officer, duly authorised under Irish law but without having received any specialised training, could start providing security services in Belgium, where the requirements to become security officer are far more stringent. This situation would lead to huge differences in quality standards with a subsequent impact on public security standards.

CoESS agrees that Member States must remain free to decide which conditions must be fulfilled to establish operations, provided such conditions remain non discriminatory and taking into consideration that the goal of security services is to **safeguard public security interests**. Such goal can only be achieved by ensuring that national requirements for granting authorisations are equivalent between EU Member States **which is not warranted under the current draft directive on services**.