

A comparative overview of legislation governing the private security industry in the European Union

Final Report of a project for CoESS/UNI Europa
funded by the European Commission
Version 11/04/2002

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i) Aims and Objectives of the Study

This document represents the draft final report of a project commissioned by the social partners in the European private security, CoESS and UNI Europa and funded by the European Commission. This report was drawn up in the context of the third European Conference on Private Security, which was held in Brussels on 12 and 13 December 2001. The key theme for the conference was the “harmonisation of the legal framework governing the private security industry”.

Private security companies are increasingly operating in a multi-national environment, with ever-greater scope for cross-border activity. At the same time as operations are becoming more transnational, the legal framework governing the industry remains nationally based and displays significant differences from country to country. This raises problems in relation to the achievement of fair competition, freedom of movement and legal certainty in the performance of private security tasks.

On the occasion of the Brussels conference, the social partners signed a Joint Declaration on the European harmonisation of legislation governing the private security sector.

The aim of this study was to inform the conference and drafting of this joint declaration. Its objective was to provide the social partners with concise and yet comprehensive information on the legislation governing the operation of the private security industry in relation to:

- Entrance requirements for firms
- Restrictions on the background of owners and managers of private security companies
- Restrictions on the background of operational staff
- Performance requirements for companies
- Minimum requirements for training and education
- Regulations governing the wearing of uniforms
- Legislation governing the use of fire arms
- Provisions regarding the use of dogs on duty
- Provisions relating to governing control and sanctions in the industry

In addition, the study sought to gather information on the basic legislation or framework collective agreements governing working conditions in the sector relating to:

- Working time (including working hours and breaks)
- Minimum wage
- Holiday entitlements and rights to time off
- Employment protection
- Part-time work
- Temporary work
- Bogus self-employment
- Equal opportunities

ii) Methodology

This study was carried out in close consultation with the secretariats of CoESS and UNI Europa and within the framework of the social dialogue in the sector. Information gathering was based on a questionnaire sent to all member organisations of CoESS and UNI Europa, a review of available literature and – where appropriate - interviews with experts in the field.

The information provided in this report has undergone several stages of verification by the social partners and has, in a final phase of verification, been submitted to experts and officials in the Interior Ministries of the member states. Any remaining gaps or small inaccuracies are due to the difficulties in obtaining responses from sufficiently expert individuals at member state level to provide or verify information in the timescale available.

iii) Structure of the Report

This report is structured as follows:

- Section 1 provides an overview of the issues facing private security companies in an environment where their operation is becoming more transnational while the legal framework governing the industry remains nationally based. It also provides an overview of the characteristics of the sector in each country and information on the key pieces of legislation governing its operation.
- Section 2 provides a comparative analysis of key legislation governing the operation of the industry and seeks to set this into the context of an analytical framework of the different levels of regulation governing the industry in the European Union. It also seeks to indicate areas where there is a potential for the harmonisation of legislation.
- Section 3 contains more detailed presentations of the legislative framework in each member state.
- Section 4 provides conclusions and policy recommendations in relation to the desirability and feasibility of harmonising the regulatory framework governing the industry in Europe

1.0 Comparative overview of the sector and legislation governing the operation of private security undertakings in the European Union

1.1 Introduction

Issues of internal security at nation state level are today being affected by a number of key trends. Among the most significant is the Europeanisation and indeed globalisation of the economy, as well as law and policy making functions. Recent developments have highlighted all too graphically that internal security can no longer be limited to a single nation, but requires a more European and global perspective. Legislation and policy making need to adapt to these new requirements.

Similarly, the internal market in goods and services, as well as the freedom of movement of persons places new demands on the European Community, not only in order to allow this to become a reality, but also to protect European citizens from any resulting anomalies and uncertainties. Freedom of movement can currently be seen to be limited by the lack of mutual recognition of authorisation processes and professional training.

A number of recent studies on the legislation governing the operation of the private security industry including our own have shown the significant differences which persist in the legislation and practice governing the sector in the different member states of the European Union. In an environment where there are no longer any legislative barriers against private security companies offering services across national boundaries or against private security staff seeking employment in another member state, concerns need to be raised about the lack of harmonisation of the basic legal standards governing the industry. While member states can no longer limit access to companies and individuals wishing to offer private security services on their territory, it is at the same becoming increasingly difficult to exercise any control over the quality or professionalism of the company or individual offering a service. In a recent comparative study on the law governing the industry, Brion and Kaminski (2001) argue that freedom of movement and establishment raises three key concerns:

1. the security of citizens who can no longer distinguish between the quality standards offered by different providers
2. the protection of companies and workers in the sector who are faced with having to compete with enterprises and operational staff who do not have to adhere to the same standards of quality or training. This could therefore lead to an overall lowering of quality standards in the industry
3. diminishing public order standards as a result of the entry onto the market of companies and individuals who do not respect the legislation of their host nation.

The development of a constructive approach to addressing these issues is of particular relevance as the size and role of the private security industry has increased significantly in recent years. Von Arnim (1999) argues that “despite some major differences, private security companies make an individual significant and indisputable contribution to internal security”.

This has partly been the result of constricting public budgets leading to more and more functions being contracted out, but has also resulted from ever increasing demands for private security functions from private sector clients and individuals. In a climate where private security companies are taking on additional functions and where operations are increasingly European, it is crucial for the legislative framework governing the sector to be reviewed.

It is argued in this report that this should be achieved through a harmonisation of legal provisions on the basis of the implementation minimum baseline standards, which can provide assurances that all reputable providers in the sector are subject to the same minimum requirements without watering down higher standards which may be in place in individual member states. It is important that such minimum standards be set, which contributes to the development of greater professionalism in the industry. Such an approach would clearly also require the dissemination of better information about the differences in legislative standards between member states to allow potential clients to make informed judgements when sourcing security services.

The setting of minimum standards would be no means an easy task, particularly in relation to the transfer of sensitive information on issues such as criminal records and implementation. This report seeks to act as a basis for debate on the potential of the establishment of such common baseline standards.

1.2 Scope of activity of the private security industry

The first difficulty one is faced with when seeking to compare or indeed harmonise the legislation and regulations governing the private security industry is that the definition and scope of activity of the sector varies from member state to member state with some countries displaying greater limitations regarding the activities of private security companies (see Table 1 below). These differences generally have their basis in historical, cultural and legal traditions, however, it is fair to say that the operational field of private security undertakings has expanded in all member states over the past few decades for the reasons outlined above.

1.3 Level of regulation

Several authors have sought to categorise member states according to the level of regulation governing the private security industry. Different categories have been applied by different authors. This highlights the difficulties of such an approach, particularly in a legislative environment which has been in flux in recent years, with a general tendency towards greater levels of regulation.

The recent report by Brion and Kaminski groups countries into three levels of regulation: those with the most restrictive regulation, i.e. Belgium, Spain and Luxembourg (the latter with less restrictive regulation) where there is seen to be a keen desire to delimit the potential areas of responsibility of the private security industry and where this responsibility is increasing to implement strong safeguards for the public from abuse by corrupt operators. In addition, there has long been the desire particularly in Belgium and Spain to protect the national sector and standards from foreign competition by leaving access to profession only open to nationals of the

respective member state – an issue which has brought the condemnation of the European Court of Justice and is now being remedied.

The second category of countries highlighted by Brion and Kaminski are the countries with the least restrictive regulation and the examples given here are Great Britain and Germany where legislation is much less precise and tends to leave the regulation of the sector to a certain degree up to the market and industry regulatory bodies.

The final group of countries are those member states, which lie between these two extremes with a median level of regulation. Countries such as France, Italy and the Netherlands are seen to possess a clear regulatory framework, but to have so far placed little emphasis on the modalities of implementation bringing about divergences in application.

De Waard's (1997) classification is more specific in his five tier classification system, which breaks down as follows: countries with non-interventionist regulation (used to characterise Great Britain and Ireland prior to the introduction or recent drafting of regulation in both countries); minimal narrow regulation (describing the situation in Germany, Austria and Italy); minimal wide regulation (Luxembourg); comprehensive narrow regulation (seen to apply to Denmark, Finland, France, Portugal and Spain) and comprehensive and wide regulation (Belgium).

While such characterisations can necessarily only provide a snapshot of the level of legislation at any particular point in time and is influenced by the historical development of the sector (and vice versa), it can provide a useful starting point for our consideration of minimum standards and the distance which would need to be travelled by different member states to meet such minimum standards.

The table below sets out the key pieces of legislation and regulations governing the industry in each member state as well as outlining some of the key characteristics of the sector. In the following, the paper provides information on the specific provisions governing the industry in relation to:

- Entrance requirements for firms
- Restrictions on background of owners/managers
- Restrictions on background of operational staff
- Performance requirements for companies
- Minimum requirements for training and education
- Regulations governing the wearing of uniforms
- Legislation governing the use of (fire) arms
- Provisions regarding the use of dogs on duty
- Provisions relating to governing control and sanctions of the industry

Under each heading we include reflections on the potential for harmonisation of provisions or the implementation of minimum standards at European level.

Table 1: Key legislation governing the industry in each member state and general characteristics of the sector

Country	Legislation	Areas covered by the legislation	General characteristics of the sector
Austria	No specific legislation General Commercial law (Gewerbeordnung) in which § 249-256 (Sicherheitspersonal) and § 254-256 (Bewachungsgewerbe) relate to the private security industry.	Protection of goods (static or in transit) Guarding of persons Guarding of transport of valuables, cash in transit	The private security industry in Austria is largely governed by general commercial law and covers a wide range of activities.
Belgium	Law of 10/04/1990 on private security enterprises and company internal security providers (last modified on 10/06/2001) and Royal Decree of 31/12/1999 on training Law of 19/06/1991 on private investigators	Protection of goods (static or in transit) Guarding of persons Guarding of transport of valuables, cash in transit Central alarm systems Planning, installation and maintenance of alarm systems Guarding and control of persons and access in public places Private investigators	Legislation in Belgium is rather strict and emphasises the protection of citizens from any abuse of power by private security providers.
Denmark	Law on Security Services (1986) and Act No 266 of 22 May and Regulation No 936 of 26 December 1986 which implement this legislation	Protection of goods (static or in transit) Guarding of persons Guarding of transport of valuables, cash in transit Private investigators	Legislation contains strict requirements relating to authorisation and training. Scope of functions is very wide and similar to those in other Scandinavian countries and includes ambulance and fire services as well as security in public locations.
Finland	Law on private security providers (1983)	Protection of goods (static or in transit) Guarding of persons	Legislation is applicable to many sectors in the private security industry and strict controls are applied. The scope of

		Guarding of transport of valuables, cash in transit Guarding and control of persons and access in public places	activities is rapidly expanding with private providers now responsible for providing services in many previously public functions. An advisory board on security companies was set up to set training standards for managers of security companies.
France	Law 83-629 of 12 July 1983 on the activities of private security companies and cash in transit carriers. 1986 decree on the administrative authorisation and recruitment of personnel 1986 decree on the utilisation of materials, documents, uniforms and symbols New draft legislation (project de loi No 346 sur les activités de sécurité privées et la sécurité interne de certains services publics) New law on "daily security" of 31 October 2001	Manned guarding Cash in transit Protection of persons	Traditionally regulation has not been very strict but new law is set to change this by imposing stricter rules on authorisation and operational aspects.
Germany	No specific legislation. Law on professions (Gewerbeordnung) of 7 February 1927 (last amended 16 June 1998) and the regulation on private security undertakings (Verordnung über das Bewachungsgewerbe) of 14	Guarding of transports Guarding and protection of persons Guarding of buildings and industrial sites Guarding of military installations Public order at events	Legislation and regulations remain minimal and non-specific and are largely based on general commercial law. Activities include responding to alarms, surveillance and transport of money and valuables. Many outsourced

	December 1995 The trade regulation act specifies regulations concerning private security: para. 34A states that a licence for guarding of life of persons and of properties is needed. The government is planning additional regulation.		former public service activities. There are comprehensive collective agreements between employers and trade unions.
Greece	Law 2518 on private security undertakings of 21 August 1997	Guarding of goods (static or in transit) Guarding of persons Cash in transit	Greece has specific legislation governing the sector but has traditionally suffered from divergences in the level of implementation. A self-regulatory framework function for private security firms. This framework regulations minimum wages and criminal records checks.
Ireland	Draft Private Security Industry Bill (2000)	Guarding of goods and persons Cash in transit Installation and maintenance of alarm systems	New legislation is currently in the process of drafting, which will give Ireland a similar framework for the industry to that recently introduced in the UK (see below)
Italy	Law of 18/06/1931 on public security Law of 26/09/1935 Law of 06/05/1940	Guarding of goods (static or in transit) Private investigations	The industry is governed by specific legislation, with detailed regulations often being set at regional level, reflecting the political and administrative structure of the country
Luxembourg	Law of 06/06/1990 on private guarding activities and regulation of 7.12.2000 on transport of valuables	Guarding of goods (static or in transit) Guarding of persons Cash in transit	Luxembourg is seen to have a “minimum wide” level of legislation.

		Installation and maintenance of alarm systems Private investigators	
Netherlands	Law of 24/10/1997 on private security and private investigation companies Regulation of 03/03/1999	Protection of persons and goods Cash in transit Private detective agencies Installation of alarm systems Guarding of transport of valuables Security consultants Armoured car operators Locksmiths Private investigators Contract and in house guards	The Netherlands has strict legislation governing the sector but is seen to place less emphasis on implementation
Portugal	Decree Law 231 of 22 July 1998 Decree 969 of 16 November 1998 Decree 970 of 16 November 1998 Decree 971 of 16 November 1998 Decree 972 of 16 November 1998 Decree 25 of 16 January 1999 Decree 135 of 26 February 1999 Decree 1325 of 4 December 2001 Decree 772 of 12 October 1985	Central alarm systems Management, maintenance and profitable use of security systems Installation and maintenance of security systems Guarding of buildings Protection of goods Guarding of persons and access in public places Transport, guarding and distribution of valuables	Legislation governing the industry in Portugal is relatively strict. The industry is governed by specific legislation, with detailed regulations, although in some areas, such as firearms use, statutory general law is applied. The specific legislation emphasises the role of private security providers to be subsidiary and complementary to the activity of police forces and the State public security system (article 1, No2 of the Decree Law 231 of 22 July 1998. This legislation emphasises the protection of citizens for any abuse of power by private security providers.
Spain	Law 23/1992 on private security	Protection of goods (static or in	Since the introduction of specific

	Royal decree 2364/1994 implementing the above law	transit) Guarding of persons Guarding of transport of valuables, cash in transit Central alarm systems Planning, installation and maintenance of alarm systems	legislation, the industry has grown in size to include response to alarms, surveillance and transport of money and valuables. Legislation is very specific in many areas.
Sweden	Law and decree of 26/04/1974 on private security industry Law and decree on maintaining order (1980/578 and 1980/579) and Law and decree on the protection of institutions of national interest (1990, 217 and 1990, 1334) Law and decree on installation of alarm systems (1983/1097 and 1983/1099)	Guarding of buildings Guarding of public events Guarding of persons Cash in transit Installation and maintenance of alarm systems	Private security services in Sweden are considered by some authors (i.e de Waard, 2000) to be qualitatively among the best in the world. They are governed by strict regulation. Legislation and regulations cover many sectors within the industry and strict requirements exist for authorisation and training. Government controls are seen to be strict. Activities are very diverse: ambulance services, patient transport, traffic control, assistance during fires, assistance during vehicle breakdown, surveillance activities for Ministry of Defence, transport of money and valuables, response to alarms, surveillance of neighbourhoods, airport services
United Kingdom	Private Security Industry Act of 11/05/2001 Northern Ireland Act 1996 regulates the private security industry in Northern	Guarding of goods and persons Wheel clamping Private investigators Security consultancy	The UK was for a long time exceptional for having the largest private security market with little or no regulation. This has recently been changed with the

	Ireland, which is now Schedule 13 of the Terrorism Act 2000.	Key holding	Private Security Industry Act (May 2001) which is currently being implemented. Despite these new regulations, controls and coverage of legislation are set to remain rather minimal, although the conditions and control of licensing still needs to b implemented by the Security Industry Authority. Beside the legal framework, a wide range of standards and inspectorates have supervised the UK security industry.
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2.0 Comparative analysis of legislation governing the sector

Table 1 provided baseline information on the legislation governing the operation of the sector. This section looks at this legislation in more detail from a comparative perspective and seeks to set this into the context of an analytical framework of different levels of legislation governing the operation of the sector. It also looks at key provisions in relation to working conditions set down in law and collective agreements.

2.1 Entrance requirements

The regulation of entrance requirements for companies active in the sector are generally designed to provide for:

- Checks on financial viability
- Checks on the reputable nature of the owner/management team of the company

Because of the sensitive nature of many private security functions, the regulation of entrance requirements and the rigor of their implementation can be seen to be more crucial than in relation to other commercial enterprises.

Differences in requirements across member states therefore pose potential uncertainties when companies seek to provide services across national borders.

2.1.1 Licensing

Across the member states, provisions vary as to the entrance requirements to be fulfilled by firms setting up to provide private security services. The vast majority of countries operate a system of licensing for private security companies. In the countries without specific legislation on the private security industry (Austria and Germany), general commercial law requires any new companies setting up to provide proof of financial viability and the reputable background of owners and/or managerial staff. However, there is significant variation in the nature and level of information required for licenses to be granted, the level of rigour of implementation and the level at which licenses are approved and reviewed.

2.1.2 Financial viability

While the setting of minimum financial viability checks at European level would be desirable a problem remains relating to the exchange of relevant data between countries. Mutual recognition of minimum provisions would need to be based on confidence in implementation mechanisms. The granting of licences to private security undertakings needs to be closely linked with checks on the background of owners and managerial staff of private security companies to prevent the establishment of companies by individuals with unsuitable backgrounds for the task of private security.

Following Brion and Kaminski's system of classification, it can be argued that the most restrictive legislation on entrance requirements is in place in Belgium, where

licences are required and time limited. The least restrictive regulation is currently to be found in Ireland, where new legislation requiring licensing has not yet entered into force. Germany and Austria, because of their lack of sector specific legislation could also be argued to fall into this category. All other countries could be classified under the heading “median level of regulation”. No assessment was possible within the scope of this study as to the stringency with which licensing arrangements are currently implemented.

Table 2: Entrance requirements for companies

Entrance requirements	Provisions		
Country	<i>Licence required?</i>	<i>Awarding authority</i>	<i>Other entrance requirements</i>
Austria	Yes, but no specific legislation for the industry	Landeshauptmann	
Belgium	Yes, licence is valid for 5 years	Ministry of Interior in consultation with Ministry of Justice	
Denmark	Yes	Police authorities	
Finland	Yes	Police authorities	Financial viability check, test of qualifications
France	Yes	Ministry of Interior	
Germany	No specific legislation for industry		Financial checks, reputable nature of owner/manager
Greece	Yes, licence required	Police authorities	
Ireland	New legislation is to require licensing	New authority specifically set up for this purpose	
Italy	Yes, licence required	The Ministry of the Interior is in charge, the administration is delegated to the municipal prefects.	
Luxembourg	Yes, licence required	Ministry of Justice	
Netherlands	Yes, licence required	Ministry of Justice; recommendation by the Procurator General	
Portugal	Yes, licence required	Ministry of the Interior	Financial checks; liability insurance and theft insurance for companies transporting valuables

Spain	Yes, licence required	Ministry of Justice	
Sweden	Yes, but no exclusion criteria set down	County Administrative Board	
United Kingdom	Companies may be approved under a voluntary inspection arrangement. Licensing is limited to individuals and is valid for three years. The Northern Ireland Act 1996 also requires a certificate	New Private Security Industry Authority (currently being set up), expected to be operational in 2003. Under the 1996 Northern Ireland Act, the security policy and operations division of the Northern Ireland Office and the Royal Ulster Constabulary award certificates.	The Private Security Industry Act introduces a voluntary scheme for providers of security services to apply for approved status.

2.2 *Restrictions on background of owner/management team*

Legislation and regulations governing the background of owners and managers of private security companies currently primarily relate to the following factors:

- Criminal background
- Minimum age requirements
- Cumulation with other activities
- Qualifications
- Financial viability

All countries currently have some form of regulation governing the restrictions placed on the background of owners and the management team of private security undertakings. However, a number of differences arise in relation to level of restrictions imposed and the way in which compliance is verified.

2.2.1 *Criminal background*

All Member States currently require a criminal background check. In most cases this is carried out by the police or justice authorities, but in some cases this is done by chambers of commerce or companies themselves, which can raise questions as to the veracity of checking procedures in times of staff shortage.

In addition, not all countries set down specific exclusion criteria relating to criminal background. While some countries deny access to individuals with any form of criminal record, others exclude those with offences leading to penal sanctions or a set term of imprisonment. In such cases, lesser terms of imprisonment often qualify as exclusion criteria if they relate to offences relevant to the tasks of private security.

The most comprehensive definition of exclusion criteria can be found in Belgium, Greece, the Netherlands and Spain.

Important differences also exist with regard to the level at which background checks are carried out (by national or local authorities, by representatives of the sector or by companies themselves) which could have an impact on the rigour of such background checks. The frequency with which periodic checks are carried out (if at all provided for) also varies significantly.

In setting minimum standards in this area, the sensitivity of exchanging data relating to criminal background needs to be borne in mind. In addition, any differences in the level of penal sanctions applied to certain offences and the thresholds set at which offences are registered on an individual's criminal record need to be considered. A level of harmonisation in relation to the application of criminal background checks appears highly desirable.

2.2.2 *Cumulation*

A significant number of member states see the management of private security undertakings as being incompatible with a number of other activities and therefore forbid the cumulation of such tasks with those of the ownership and management of a

private security company. Examples include the activities of private investigation and the role of a civil servant. Cumulation with activities is forbidden in Belgium, Germany and Spain, whereas France forbids security companies to be active in any other field. In a number of other countries, however, no such restrictions currently apply. Because of the impact of cumulation on confidentiality, a degree of harmonisation in this area appears again desirable.

2.2.3 *Age limits*

Age limits are imposed by all countries, the limit is generally set at 18, with the exception of Belgium and Denmark which set age limits of 21 and 25 respectively for managerial staff.

2.2.4 *Training*

Finally, only a few countries currently require owners/managers of private security undertakings to have pursued relevant professional training (Austria, Belgium and Denmark). In the interests of the professionalisation of sector, the requirement of obligatory basic training of managerial staff needs to be an objective in the medium term. The same applies to training requirements for operational staff.

The highest level of regulation in relation to the restrictions on the background of owners and staff can be found in Belgium, the Netherlands, Spain and Greece, where precise exclusion criteria and cumulation restrictions apply. The least restrictive provisions are found in Ireland and Germany with all other countries falling into the “median” category.

Table 3: Restriction on background of owner and managerial staff

Restrictions on background of owner/management staff	Provisions			
Country	<i>Criminal record check/Responsible authority/Consent required?</i>	<i>Minimum age</i>	<i>Restrictions on cumulation with other activities</i>	<i>Other requirements</i>
Austria	No relevant criminal record	18	No specific provisions	Must have obtained professional qualification
Belgium	<p>Precise exclusion criteria are set based on criminal record. Individuals must not have been sentenced to more than 6 months in prison or any criminal offence or a lesser term for a relevant offence and all other facts, even when they are no offence or crime, that may imply a serious shortcoming of professional values, and may harm the trust of clients and others. This also applies to similar sanctions from other countries of the EU.</p> <p>Investigations carried out by official nominated by the Ministry of Justice (the police authorities). Consent is required.</p> <p>Owners and managers should fulfil the demands of the morality check carried out by the federal police.</p>	Minimum age 21 for managerial staff	<p>Cumulation forbidden with private detective work and production or dealing of arms, or any other occupation likely to endanger public safety. Must not have been member of police or secret service in last 5 years.</p>	<p>Financial viability check Health status Training required Everyone should carry an identification card provided by the Ministry of the Interior</p>

Denmark	No criminal record	25 for managerial staff	No provisions	Must have pursued a course of vocational training; must have financial means to run the business
Finland	No criminal convictions	18-65	No provisions	Financial viability check
France	No criminal convictions leading to a term of imprisonment. Offences against commercial law can also be taken into account. New law states that refusal of licence can result from criminal actions even if they have not led to legal sanctions. Criminal background checks are carried out by the police authorities. No consent is required	18	The company must only be active in security - no cumulation with other work.	
Germany	Yes, but no specific exclusion criteria, beyond the requirement that they cannot be active state employees. Checks are carried out by commerce chambers.	18	No active state employees	
Greece	No criminal conviction leading to imprisonment for more than 6 months, or any criminal conviction relating to specific charges such as fraud, smuggling, civil disobedience etc.	18	Must not be related to the arms industry; not have been dismissed dishonourably from public service; has never been deprived of political liberties; not subject to mental disorder	Greek or EU nationality Must have fulfilled military service

			or user of narcotic substances.	
Ireland	New legislation requires character, financial and competence references		No provisions	
Italy	No criminal convictions Checks are carried out by Provincial Prefect and do not require prior consent.	18	No provisions	
Luxembourg	There are restrictions, but no specific exclusion criteria.	18	Other work carried out must not conflict with the tasks of private security	
Netherlands	Permit required which is valid for 5 years and renewable. Checks are carried out by public authorities. No criminal convictions for the past 4 years or any criminal convictions in the last eight years which are subject to a term of imprisonment. Checks are carried out by the enterprise	No specific provisions	No cumulation with criminal investigation officer.	Possession of sufficient working capital and the appointment of suitable qualified personnel are obligatory.
Portugal	No criminal convictions relating to fraud or other offences involving wilful intent (this basically means no criminal convictions at all). Checks are carried out by the police authorities and by the enterprises	No minimum set down, but age 18 minimum implicit in training requirements	Cumulation is forbidden with dealing of arms, ammunition and explosive substances or devices. Must not have been a member of the secret services in the last 5 years. Cumulation is also forbidden with active duty, pre-retirement or reserve list of any military force or the police.	
Spain	Authorisation required; no criminal	Legal age of	No cumulation with private	

	convictions in last 5 years. Checks are carried out by public authorities	maturity	detective work or public service	
Sweden	No criminal convictions (check updated annually)	Legal age of maturity. For certain tasks 20	No cumulation with civil service function such as police	
United Kingdom	New legislation requires a criminal background check. Licence required which is valid for three years and renewable. Employees should be fit and proper persons, skilled and fulfilling the demands for insurance, training and registration.	No provisions	No provisions	Financial viability check

2.3 *Restrictions on the background of employees*

Much of the adverse publicity associated with private security companies relates to the performance or actions of operational staff and some of the more spectacular headlines relating to the sector have been related to criminal activities on the part of guards. The regulation and implementation of strict background checks for the staff of private security companies is therefore one of the main concerns of legislation in this area.

The legislation and regulations governing the background of employees are similar to those for owners and managers of private security companies and currently primarily relates to the following factors:

- Criminal background
- Minimum age requirements
- Cumulation with other activities
- Qualifications

Again, all countries currently have some form of regulation governing the restrictions placed on the background of employees of private security undertakings. However, a number of differences arise in relation to level of restrictions imposed and the way in which compliance is verified.

2.3.1 *Criminal background*

All Member States currently require a criminal background check. In most cases this is carried out by the police or justice authorities, but in some cases this is done by chambers of commerce or companies themselves, which can raise questions as to the veracity of checking procedures in times of staff shortage.

In addition, not all countries have set down specific exclusion criteria relating to criminal background. While some countries deny access to individuals with any form of criminal record, others exclude those with offences leading to penal sanctions or a set term of imprisonment. This is the case in Belgium, France, Greece, the Netherlands and Spain. In such cases, lesser terms of imprisonment often qualify as exclusion criteria if they relate to offences relevant to the tasks of private security. In some countries, no exclusion criteria have so far been set and requirements often remain vague, such as the requirement for a recruit to be a “fit and proper person” (e.g. Ireland/the UK).

Important differences also exist with regard to the level at which background checks are carried out (by national or local authorities, by representatives of the sector or by companies themselves) which could have an impact on the rigour of such background checks. The frequency with which periodic checks are carried out (if at all provided for) also varies significantly.

In setting minimum standards in this area, the sensitivity of exchanging data relating to criminal background needs to be borne in mind. In addition, any differences in the level of penal sanctions applied to certain offences and the thresholds set at which offences are registered on an individual’s criminal record need to be considered. A

level of harmonisation in relation to the application of criminal background checks appears highly desirable.

2.3.2 Cumulation

A significant number of member states see the tasks of a private security guard as being incompatible with a number of other activities and therefore forbid the cumulation of such tasks with those of the ownership and management of a private security company. Examples include the activities of private investigation and the role of a civil servant, which is the case in Belgium, the Netherlands and Spain. However, in a number of other countries, however, no such restrictions currently apply. Because of the impact of cumulation on confidentiality, a degree of harmonisation in this area appears again desirable.

2.3.3 Age limit

Age limits are imposed by all countries, the limit is generally set at 18 or at the legal age of maturity.

2.3.4 Training

Eight out of the 15 member states currently require security guards to undergo a course of basic training (Belgium, Denmark, Finland, France, Germany, the Netherlands, Spain and Sweden). In the remaining countries such training remains voluntary. As shown in section 6 below, number of hours of basic training and their content differ greatly from member state to member state. The requirement ranges from 280 hours in Spain to 32 hours in France. Similarly, the accreditation of trainers and training establishments also varies widely. In the interest of the professionalisation of the sector, the setting of an obligatory minimum standard of training appears desirable and the work of CoESS and Uni-Europa in developing basic training for guards can contribute to this process.

The highest level of regulation in relation to the restrictions on the background of owners and staff can be found in Belgium, the Netherlands, Spain and Greece, where precise exclusion criteria and cumulation restrictions apply. The least restrictive provisions are found in Ireland and Germany with all other countries falling into the “median” category.

Table 4: Restrictions on background of employees

Restrictions on background of employees	Provisions			
Country	<i>Criminal record check/Responsible authority/Consent required?</i>	<i>Minimum age</i>	<i>Restrictions on cumulation with other activities</i>	<i>Other requirements</i>
Austria	No relevant criminal record; “reliability”	18	No specific provisions	
Belgium	Precise exclusion criteria are set based on criminal record. Individuals must not have been sentenced to more than 6 months in prison or any criminal offence or a lesser term for a relevant offence. Investigations carried out by official nominated by the Ministry of Justice (the police authorities). Consent is required.	18	Cumulation forbidden with private detective work and production or dealing of arms, and any other profession that might present a danger to the state. Must not have been member of police or secret service in last 5 years. Guarding companies and in-house security services are not allowed to interfere with union or political activities. Neither can they supervise political, philosophical, religious or union beliefs, nor the membership of the health service. They are not allowed to supervise or control access of people in public places. Private investigators and private security firms cannot	Companies are required to terminate the employment relationship of staff convicted of any of a listed set of offences. Anyone should fulfil the demands regarding the morality check, and everyone should carry the identification card provided by the Minister of the Interior.

			exercise activities for public authorities. Private investigators are forbidden to investigate political, philosophical, religious or union beliefs.	
Denmark	No criminal record	18	No provisions	Must have completed or be in the process of completing 111 hours of training.
Finland	No criminal convictions	18-65	No provisions	Licence renewed every 5 years; health check; 100 hours training (under new legislation)
France	No criminal convictions leading to a legal sanctions/a term of imprisonment. Offences against commercial law can also be taken into account. New law states that refusal of licence can result from criminal actions even if they have not led to legal sanctions. Criminal background checks are carried out by the police authorities. No consent is required.	No specific provisions		
Germany	Yes, but no exclusion criteria set	18	No special restrictions	

	down. Criminal record can be taken into account. Checks are carried out by commerce chambers. Staff require certificate issued by police.			
Greece	No criminal conviction leading to imprisonment for more than 6 months	18	No specific provisions	Greek or EU nationality Must have fulfilled military service
Ireland	Yes, but exclusion criteria not clearly stated. Must be “fit and proper person”	18	No provisions	
Italy	Yes, licence is required which must be renewed annually. Licence is granted in name of a judge and must show no criminal convictions	18	No provisions	Must have completed military service Italian or EU nationality
Luxembourg	There are restrictions, but no specific exclusion criteria.	18	Other work carried out must not conflict with the tasks of private security	
Netherlands	Permit required. Granted for 3 years then renewable. No criminal convictions for the past 4 years or any criminal convictions in the last eight years which are subject to a term of imprisonment. Permits are granted by regional police.	18	No cumulation with private detective work.	
Portugal	No criminal convictions relating to fraud or other offences involving wilful intent (this basically means no criminal convictions at all). Checks	No minimum set down, but age 18 minimum	Cumulation is forbidden with dealing of arms, ammunition and explosive substances or devices. Must not have been a	Health check, 58 hours general training and 30,36 or 42 hours specific

	are carried out by the police authorities and by the enterprises	implicit in training requirements	member of the secret services in the last 5 years. Cumulation is also forbidden with active duty, pre-retirement or reserve list of any military force or the police.	training required depending on functions to be carried out. Examination
Spain	Authorisation required; no criminal convictions in last 5 years. Checks are carried out by public authorities.	Legal age of maturity	No cumulation with private detective work or public service.	
Sweden	No criminal convictions (check updated annually)	Legal age of maturity. For certain tasks 20	No cumulation with civil service functions such as police	
United Kingdom	New legislation requires a criminal background check. Licence required which will be valid for three years and renewable. No specific exclusion criteria set down	No specific provisions	No provisions	

2.4 Performance requirements

The majority of countries currently have no specific provisions relating to performance requirements for companies through which their activities can be checked by the public authorities. Only Belgium, Luxembourg, the Netherlands and Sweden require the submission of annual reports to the police or other authorities.

Considerations on whether the submissions of annual reports should form a minimum requirement at European level needs to be subject to a debate on the level of control public authorities are able to exercise on the basis of such reports.

Table 5: Performance requirements

Performance requirements	Provisions
Country	Reporting
Austria	No specific provisions
Belgium	Annual report to be provided to Ministry of Interior to set format
Denmark	No specific provisions
Finland	Assessment of all guarding companies by the police; maintenance of daily report sheets
France	No specific provisions
Germany	Law requires maintenance of daily report sheets
Greece	No specific provisions
Ireland	No specific provisions
Italy	No specific provisions
Luxembourg	Must submit annual report to the Ministry of Justice
Netherlands	Annual report to be submitted to Ministry of Justice and to the head of the police of the district in which activities are carried out to set format
Portugal	Maintenance of daily report sheets; annual report to the Home Office; companies can be assessed at any time
Spain	No specific provisions
Sweden	All guarding companies assessed annually by regional authorities
United Kingdom	Information should be provided from time to time by the licensee to the SIA. The SIA has to report annually to the Secretary of State.

2.5 *Training/education*

It is in the area of training and education that provisions vary most significantly between member states. This is an area which is inextricably linked with the image and developing professionalism of the sector, but also poses significant problems relating to freedom of movement through the lack of portability of qualifications.

Differences between member states relate to the following aspects:

- Is training obligatory and voluntary
- Are examinations required
- Are provisions made for obligatory continuous training?
- How is the quality of trainers and training providers regulated?

2.5.1 *Basic training*

Only eight of the 15 European Union member states currently provide for some form of obligatory training for private security guards (Belgium, Denmark, Finland, France, Germany, the Netherlands, Spain and Sweden). In the remaining member states the provision of such training is voluntary. Even in countries where basic training is obligatory, the number of hours and the content of training required vary significantly and ranges from 32-280 hours. In a number of countries the level of training required depends on the specific task to be carried out (e.g. those carrying fire arms or dog handlers require additional training).

In order to improve comparability and to increase professionalism in the sector, it seems appropriate to implement a European level requirement for obligatory basic (theoretical and practical) training which lies somewhere between the minimum and maximum currently provided in different member states. The training material developed by CoESS and Uni-Europa can act as a starting point in this area, in the absence of the portability of current qualifications.

Information on the level and content of training required for security guards in each country should be disseminated widely to allow customers to make an informed judgement on quality when tendering for private security services.

2.5.2 *Examinations*

Countries with obligatory training generally require trainees to pass an examination either after each module of study or at the end of the course. In some cases, the certification gained is time limited thus providing for the regular updating of skills. This is the case in Belgium and Finland. In order to enhance the professionalism of the sector the requirement to provide proof of attainment should become the norm. In the medium to longer term the possibility of a European level qualification or the mutual accreditation of examinations needs to be considered.

2.5.3 *Continuous training*

Currently, only Belgium and Spain make explicit provision for obligatory continuous training (12 hours every 5 years in Belgium and 75 classroom hours every three years in Spain). In all other countries continuous training is voluntary. In the light of rapid operational and technological innovations in the sector, consideration should be given to European level regulation relating to the regular updating of skills for operational and managerial staff in the sector.

Denmark has recently developed an advanced training programme for guards keen to make a career in the industry. The development of such schemes should be encouraged at member state level.

2.5.4 *Accreditation of trainers and training providers*

A number of countries make provision for state (regional) or industry accreditation of trainers and training providers to allow for a level of financial and quality control. Curricula are often set in co-ordination with representative organisations of the industry thus providing for a regular updating for training programmes to reflect developments in the sector and the needs of employers. In the majority of cases, employers fund basic training, sometimes with the assistance of state grants. In some cases, guards are responsible for funding their own training costs.

The cost restrictive training requirements are found in Spain, Sweden and Denmark; the least restrictive in the UK, Luxembourg, Italy, Ireland, Greece and Austria (where training is voluntary) with all other countries lying on a continuum in between these “extremes”.

Table 6: Education/Training

Training/education	Provisions			
Country	<i>Obligatory/voluntary initial training and duration</i>	<i>Examinations</i>	<i>Continuous training</i>	<i>Training providers/Control over training providers</i>
Austria	Voluntary	No provisions	No provisions	Employer organises training
Belgium	Training is obligatory; length varies depending on sector of activity. Managerial staff 72 hours; operational staff 66 hours. Additional 60 hours for those offering protection of persons; extra 40 hours for use of weapons (plus six months experience); extra 16 hours for dog handlers	Yes, certificate awarded for 5 years	Yes, re-training of at least 12 hours for operational staff every 5 years (6 hours for management staff)	Trainers have to provide character references. Training takes place in centres approved for this purpose for 5 years at a time.
Denmark	111 hours of basic training are obligatory, for security officers 120 hours within 6 months.	Yes	Not obligatory	Training establishments are state schools.
Finland	40 hours obligatory	Yes, those	Not obligatory	Employers pay for basic training. The

	training for operational staff. This is set to be raised to 100 hours by new to become operational in 2002	passing final examination receive “guard card” valid of 5 years after which it must be renewed		responsible officers are vetted through a Board.
France	Initial training of 32 hours by collective agreement	Specific qualifications exist, some of them are recognised by the state.	The maintenance of a budget for continuous training is a legal obligation; 0.5% of gross wage bill paid by enterprises can be used for initial or specific training.	Training can be carried out in public, private and enterprise owned establishments. Only internal controls are carried out for initial training, but there is an official control for specific training.
Germany	Obligatory training. Managerial staff receive 40 hours theoretical training; operational staff 24 hours theoretical training	Yes, certification available to all attending courses	No provisions	Training is provided by the chambers of commerce and industry and by professional organisations representing the sector. No specific vetting.
Greece	Voluntary	No specific provisions	No provisions	Special Commission aims to set higher standards
Ireland	Will be set by new authority and be given statutory basis			
Italy	Voluntary training in theory and practice as set down in	No specific provision. Each region sets its	Not obligatory	No specific provisions for licensing of schools or trainers.

	collective agreements (40 hours each)	own standards		
Luxembourg	Voluntary			
Netherlands	Obligatory. Training varies according to the nature of activity	Those passing training receive Basic Diploma for Security Employees, must be obtained within 12 months after taking a post.	Not obligatory	Professional training centres combined with learning on the job. Standards are set by the Ministry of Justice, the Ministry of Education and the association of private security enterprises.
Portugal	Owners, managerial and operational staff have to have nine years compulsory schooling. Training is only obligatory for operational staff on the following terms: - 58 hours general training - 42 hours additional training for those engaged in transport of valuables; guarding and	Yes, two written examinations	No provisions	Training takes place in State schools and centres approved for this purpose by the Secretary General of the Home Office. The person in charge and responsible for the training centre has to be accredited for this purpose. Trainers have to undergo the same background checks as managerial staff of companies.

	<p>protection of persons; protection of goods and guarding of buildings</p> <ul style="list-style-type: none"> - 30 hours additional training for staff carrying firearms - 36 additional hours for guards in pubs and clubs where guest are able to dance 			
Spain	<p>Obligatory and tightly regulated by Ministry of Justice. 240 hours of theoretical and 20 hours of practical instruction</p>	<p>Examination and certification</p>	<p>Further training of 75 classroom hours or 15 working days is obligatory every three years</p>	<p>Training centres have to be approved by secretary of state for the interior and have to meet strict guidelines in terms of facilities and staffing</p>
Sweden	<p>Obligatory and must include 97 hours of theoretical instruction and 120 hours of practical experience</p>	<p>Examinations after each module</p>	<p>No regulated</p>	<p>15 training centres; either Universities, employer associations or private training facilities. These are regulated by regional authorities.</p>
United Kingdom	<p>Voluntary. The SIA with prescribe the conditions regarding</p>		<p>No provisions</p>	

	training the licensee is to undergo or maintain.			
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2.6 *Outfits/equipment*

Prescriptions in relation to the wearing of uniforms are more comparable between member states, with most countries making the wearing of uniforms by private security guards obligatory. No specific provisions in this respect exist in Germany, Greece, Ireland, Luxembourg and the United Kingdom.

As in most cases, private security companies do not have the same rights as public order officials in relation to the use of force or powers of arrest, it is clearly set down in the legislation of most member states that the uniforms worn by private security guards must be clearly distinct from those of public order officials such as the police or army.

As the nature of uniforms tends to be specific to the employing undertaking of the nature of the site whether a guard is active, minimum provision in this area should only relate to the need for such distinctiveness (specifying that where companies operate across national boundaries, the specific provisions relating to the member state of in which operations are to be performed needs to be respected).

Table 7: Outfits and equipment

Outfits/equipment	Provisions	
Country	Uniforms obligatory?	Special requirements
Austria	Yes	Uniforms must not resemble those of public order officials
Belgium	Yes	Uniforms must not resemble those of public security agents and must be approved by the Ministry of the Interior. All security personnel must carry identification
Denmark	Yes	Uniforms must be distinct of public order officials. Uniforms must be approved by Commissioner of Police. Identity cards must be carried.
Finland	Yes	Uniforms must be distinct from police and other public order officials and must be approved by the authorities
France	Yes	Uniforms must be distinct of those of public order officials.
Germany	No specific provisions	
Greece	Yes	Uniforms must be distinct from those of public order officials and must be approved by the Ministry of Defence. Identification must be carried while on duty.
Ireland	No specific provisions	Identity card must be carried
Italy	Yes	Norms are set at provincial level
Luxembourg	No specific provisions	
Netherlands	Yes	Uniforms must not resemble those of public order officials and must be approved by the authorities. An identity card must be carried. Use of handcuffs is only allowed with licence from the authorities.
Portugal	Yes	Uniforms must be distinct from those of public security agents or military officials and must be approved by the Home Secretary. Operation staff must carry identity cards while on duty
Spain	Yes	
Sweden	Yes	Design of uniforms is regulated by legislation
United Kingdom	No specific regulations	

2.7 *Possession and use of (fire) arms*

One key area where differences are evident and significant between member states relates to provisions on the carrying and use of firearms. These differences relate to the following aspects:

- Are guards permitted to carry firearms and under which circumstances are they permitted to use them?
- Are licences required?
- Do restrictions apply in relation to the storage of firearms while off duty?
- Is specific training required for guards carrying firearms?

Differences in relation in this area could potentially lead to significant problems in cross border operations, making it vital for national provisions on the permission to carry arms being respected and minimum standards being set for licensing and training where such use is permitted.

There are a number of countries where the carrying of firearms by security guards is entirely prohibited (Denmark, Ireland, the Netherlands and the United Kingdom). As such prohibitions are generally related to historical and cultural factors, European regulation as to permissions for private security guards to carry arms is not feasible.

However, in countries where their possession and use is permitted, the setting of minimum standards relating to licensing, use and training needs to be considered in order to avoid potential legal complications.

2.7.1 *Licensing*

In all countries where the carrying and use of fire arms is allowed, a licence is required for each weapon, although the instances in which a licence can be refused or rescinded differs. The nature of the authority granting the licence is also country-specific.

2.7.2 *Storage of fire arms*

Only Belgium currently has legislation requiring fire arms to be stored in specially regulated, staffed arsenals while off duty. The majority of countries limit the use of fire arms to specific areas of activity in the private security industry (generally cash in transit and guarding of persons or military installations).

2.7.3 *Training*

The majority of countries where the carrying of weapons is permitted require guards licensed to carry such weapons to undergo specific training. Training may also be a pre-requisite for obtaining the licence. Differences arise in relation to the number of hours of training required and the frequency with which such skills need to be updated. It appears imperative for minimum standards to be set in this area to ensure public safety.

Table 8: Possession and use of (fire) arms

Possession and use of (fire) arms	Provisions			
Country	Possession	Licensing/licensing authority	Restrictions on use and storage	Training required
Austria	Yes	Licence required	No specific provisions	Training required
Belgium	Yes, but with restrictions	Permit must be sought. Licences granted to individuals with appropriate training (according to the Law on Weaponry of 1991). The use and possession of weapons is prohibited regarding specific activities: management of alarm stations, guarding and control of persons, supervision and control of access, supervision and control of (in)tangible goods when taking place in publicly accessible places.	Weapons must be stored in supervised arsenal when off duty	40 hours training required, but work experience of 6 months is required before people can use and possess weapons without supervision or guidance.
Denmark	No			
Finland	Yes	Licence required	Firearms must be carried for specific jobs only	Guards carrying weapons must have received special training. New law will require annual test of proficiency of use of firearms
France	No	Except for CIT with permit	Regular training	
Germany	Yes	Permit required	Only for certain tasks (e.g. cash in transit)	Special training is required

Greece	Yes	Permit required	Same restrictions as private individuals	Training required
Ireland	No			
Italy	Yes	Permits required which are issued by regional police commissioner	No special provisions	
Luxembourg	Yes	Permits must be sought from the Ministry of Justice. Police checks are carried out on application	Only used for certain tasks such as cash in transit	
Netherlands	No			
Portugal	Yes	Permits must be sought and are issued by the police. Licences are granted to individuals with appropriate training. Besides the permit, bearing a defensive weapon is only allowed to the staff, while on duty, if a written authorisation has been obtained by the company every three months.	Same restrictions as private individuals.	Additional specific 30 hours of training required.
Spain	Yes	Permits must be sought	Only allowed for certain tasks such as cash in transit and guarding of high risk installations	Attendance of bi-annual training obligatory
Sweden	Yes	Permit required		21 hours of training and an examination are required, plus annual refresher tests.
United Kingdom	No			

2.8 Use of dogs on duty

All EU countries permit the use of dogs in specific guarding environments. Differences arise in relation to licences required for dog handling and the level of training required by dog handlers (and the frequency with which this needs to be updated). Currently, only Belgium, Finland, Germany and the Netherlands require dog handlers to receive special training. The setting of minimum standards in this area therefore appears desirable.

Table 9: Use of dogs on duty

Use of dogs	Provisions	
Country	Use of dogs allowed?	Restrictions and other requirements
Austria	Yes	
Belgium	Yes in certain circumstances	Dog handlers must have received at least 16 hours training.
Denmark	Yes	Use of dogs has to be approved by the Commissioner of Police
Finland	Yes	Dogs must be licensed and handlers require specific training
France	Yes	Dogs must be licensed and handlers require specific training.
Germany	Yes	Training is required which needs to be renewed annually
Greece	Yes (within private building and fenced off areas)	Handles must receive specific training
Ireland	Yes	
Italy	Yes	Use of dogs is governed by regional provisions
Luxembourg	Yes	
Netherlands	Yes	Dog has to be licensed and both dog and handler must receive special training.
Portugal	Yes	Dogs must be licensed and both dog and handlers require specific training. Dog handlers have to pass and examination valid for three years. Dogs have to be examined every year.
Spain	Yes	
Sweden	Yes	40 hours of training required for handlers refreshed annually; dogs must be trained and pass examination
United Kingdom	Yes, regulated by specific legislation	

2.9 Government control and sanctions

The majority of countries invest national, regional or local government authorities with the powers to withdraw a licence. However, not all countries set the same criteria justifying the withdrawal of a licence. It is feasible that minimum standards should be set in relation to these criteria and to make potential clients aware of differences existing between countries.

Table 10: Government control and sanctions

Government sanctions	Provisions	
Country	Sanctions available	Other provisions
Austria	Termination of license for repeated violation of the legislation	
Belgium	Withdrawal of license for up to 6 months, withdrawal of the licence card.	Pecuniary sanctions (25 up to 25,000 euro) available for offences against certain elements of the legislation.
Denmark	Withdrawal of license	
Finland	Withdrawal of license	Staff of private security companies usually no rights other than those of private individuals. Guards mainly operate on private property or on areas where special restriction apply. Public order is at present limited to police only.
France	Authorisation can be withdrawn	
Germany	Permission to operate a business can be withdrawn	
Greece	A licence can be revoked even if one of the preconditions of its granting are no longer met. Licence can be revoked for three months and for third consecutive offence can be revoked permanently.	
Ireland	New law provides for possibility to withdraw licence.	Authority may carry out investigations and examinations.
Italy	Suspension or revocation or licence possible	
Luxembourg	Withdrawal of licence	
Netherlands	Withdrawal of licence, can be fined by the authorities.	Administrative fines, maximum of 12000 Euro.
Portugal	Licences can be revoked in cases of serious or repeated violation of	Pecuniary sanctions can be levied on companies and

	the legislation. The Home Office, police forces and IGAI carry out examinations	can be as low as 997,59 Euro for as high as 39903,83 Euro depending on the violation committed. A business can be closed for up to two years.
Spain	Annual report needs to be submitted to police authorities detailing activities and any changes in managerial staff	
Sweden	Withdrawal of licence	
United Kingdom	Withdrawal of licence; new offence introduced of operating a security undertaking without a licence	Imprisonment of up to 6 months or a fine or both

3.0 Member State provision regulating the operation of the private security industry and working conditions in the sector

This section provides a more detailed overview of the legislation governing the operation of the private security industry and baseline working conditions in each of the member states.

3.1 Austria

3.1.1 Introduction

The private security industry in Austria has a long history which dates back to 1904. Over the now almost 100 years of its evolution there has been a significant expansion in its field of activity. This is particularly true for the last 20 years. Most importantly, in 1972, private security undertakings were, for the first time, entrusted with the transport of cash and valuables. Today private security undertakings are primarily active in the protection of goods and the guarding of persons, cash in transit, the planning, installation and maintenance of alarm systems, the control of traffic and parking zones, works fire services, airport security and security at public events.

3.1.2 Legislation governing the operation of the industry

The private security industry in Austria is largely governed by the provisions of general commercial law (Gewerbeordnung [GewO], 1994), in which § 249-256 (Sicherheitspersonal) and § 254-256 (Bewachungsgewerbe) relate directly to the private security industry. Undertakings regulated by these provisions are required to apply for a licence from the police authorities (Landeshauptmann). § 16 of the GewO requires owners of any undertaking to either have obtained relevant professional qualifications or have three years professional experience coupled with the successful completion of a competence test. A minimum age requirement of 18 years is also set down and a criminal background check must reveal no relevant criminal record (“Verlässlichkeitsprüfung”).

A similar test must also be applied at all employees of private security undertakings. § 250 GewO requires that all entries and exits from employment in private security companies be notified to the regional police authorities within a week. If the police authorities find that an individual in employment does not meet with the requirements of the “Verlässlichkeitsprüfung”, their employers are immediately notified in writing and can be required to remove such individuals from active duty.

A more stringent test of “reliability” is required for those applying for a weapons’ licence. All fire arms must be licensed and all employees carrying them must receive weapons’ specific training. Similarly, dogs to be used for guard duty must also be licensed.

Austria has no specific provisions relating to performance requirements applying in a number of other countries (e.g. requirement for annual reporting) beyond those relating to the reporting of entry and exists of employees.

Similarly, there is no obligation for employees of private security undertakings to undergo recognised training. Training provision is entirely voluntary and is organised by employers for their own staff.

§ 250a GewO requires uniforms to be approved by the Ministry of Finance. Approval for designs can only be given if uniform do not resemble those worn by public order officials.

Commercial authorities have the power to withdraw a licence in the case of repeated infringements of relevant legislation.

3.1.3 Legislation and collective agreements governing baseline working conditions

A central collective agreement applies to terms and conditions in the private security industry (Kollektivvertrag für Wachorgane im Bewachungsgewerbe) and relevant legislation is in place to govern working time, holiday entitlements, employment protection, equal opportunities and the rights of part-time and temporary workers.

According to the Working Hours Act, the working week is limited to 40 or 60 hours (annualised). The central collective agreement allows for a maximum working week of 60 hours if there is a substantial back up time component. Legislation provides for 5-6 weeks paid annual leave, which is further specified in the central collective agreement. This provides for an extra payment for each guard between 3.5 or 4.33 weeks salary per year as additional “holiday pay”.

While there is no legislative provision for a minimum wage, the central collective agreement sets down minimum tariffs and overtime and special pay provisions for specific tasks and grades.

Provisions relating to employment protection are regulated by the “Employee Protection Law” (Arbeitnehmer/innenschutzgesetz, AVRAG). The rights of part-time and temporary workers are also set down in legislation and both groups of employees have the right to equal treatment with their full-time colleagues.

There is no specific legislation governing bogus self employment and this form of “social engineering” has only become apparent as a practice in the last few years.

3.2 *Belgium*

3.2.1 *Introduction*

The establishment of the first private security undertakings in Belgium dates back to 1905. The industry in Belgium has developed over the years in the context of strict legislation aimed at protecting private citizens from any abuse of power by private security undertakings (although the first strict form of legislation dates from 1990, before less comprehensive legislation was in force). Companies in the sector today primarily provide services in relation to the protection of goods, cash in transit and the transport of valuables, the guarding of persons, security at public events, access control and the planning, installation and maintenance of alarm systems.

3.2.2 *Legislation governing the operation of the industry*

Belgium is generally considered to be one of the countries with the most stringent legislative and regulatory framework covering the private security industry. The industry is governed by the law on private security companies and company internal security providers (Loi du 10 Avril 1990 sur les entreprises de gardiennage, sur des entreprises de sécurité et sur les services internes de gardiennage) of the 10th of April, last modified on 10 June 2001 and Royal Decree of 31/12/1999 on training (Arrête royal due 31/12/1999 relatif aux conditions de formation et à l'agrément des formations). Other relevant legislation includes the law covering the use of arms of 30 January 1991 and the law of 19.06.1991 on private investigators.

According to article 2 of the law of 10 April 1990, the establishment of a private security undertaking is subject to obtaining a licence from the Ministry of Interior (which is granted in consultation with the Ministry of Justice). The licence is valid for a period of five years.

Precise exclusion criteria are set down in respect to the background of owners and managers as well as staff of private security companies. Article 5 relating to the background of owners and managers specifies that an individual must not have been sentenced to more than six months in prison for any criminal offence, or a lesser term of imprisonment for convictions relating to the offences of theft, extortion, abuse of confidence, forgery, rape and offences under articles 379-386 of the Penal Code, as well as the manufacture and dealing of arms. Furthermore, owners and managers must not have been responsible for all other facts, even when they are not offences or crimes which imply a serious shortcoming of professional values and may harm the trust of clients and others. The same applies to individuals having been convicted of similar offences/prison terms abroad. In addition, owners and management personnel of private security firms cannot at the same time carry out activities as a private investigator or arms dealer, or another occupation likely to endanger public safety. They can also not have been a member of the police or secret service in the last five years, or have committed any offences amounting to gross professional misconduct or offences which prevent them from obtaining credit.

Management personnel must be over 21 years of age. According to article 6 of the amendment of 9 June 1999, investigations of character have to be carried out by the

official nominated for this role by the Ministry of Justice. With the agreement of the individuals concerned this includes a search of criminal and professional records.

In relation to the background of employees, article 6 of the law of 10 April 1990 states that a character reference must be provided which proves the following: an individual must not have been sentenced to more than six months in prison for any criminal offence, or a lesser term of imprisonment for theft, extortion, abuse of confidence, forgery, rape and other offences under articles 379-386 of the Penal Code, and a number of other specific offences including the manufacture and dealing of arms. The same applies to individuals having been convicted of similar offences and prison terms abroad. Staff of private security firms cannot at the same time carry out activities as private investigators or another occupation likely to endanger public safety. In addition, employees of private security companies cannot have been members of the police service or secret service over the last five years.

Operational staff must be at least 18 years of age.

Companies are required to terminate the employment relationship of any individual convicted of one of the above offences.

The provision of training is obligatory and varies depending on the area of activity. Article 7 of the law of 10 April 1990 and Royal Decree of 31 December 1999 set down requirements for such training. Managerial staff need to receive 72 hours of training while operational staff require at least 66 hours of training. An additional 60 hours of instruction is required for those providing personal protection; an additional 16 hours for dog handlers; and 40 hours for those using weapons in pursuit of their activities.

The collective agreement adds to this provision the requirement of 32 hours of training for each 5 years of service and 40 hours for staff aged over 50. Cash in transit guards are to receive 40 hours of training every two years.

Training has to be provided in approved training centres and examinations lead to the award of a certificate valid for a period of 5 years. Re-training must take place after 5 years and needs to be of at least 12 hours duration for operational staff and 6 hours for management staff. A Commission on training in security companies advises the Interior Ministry on the content of curricula. Trainers also have to provide character references.

Private security companies are required to deliver annual reports of their activities to the Ministry of the Interior.

The design of uniforms has to be approved by the Ministry of the Interior and must not resemble that of a public order official. All security personnel are required to carry identification stating name, number and company which must be produced to the police on demand. Cars used by private security companies must also be approved by the Ministry of the Interior and must not be confused with vehicles used by the police or other public order agents.

According to the law on the carrying of weapons of 30 January 1991, individuals working for private security undertakings need to pursue a prescribed course of training in order to be authorised to carry arms. Outside of working hours, weapons must be stored in an arsenal supervised by a dedicated member of staff. A permit for the operation of such an arsenal must be sought. Where weapons are used this must be notified. The law allows all private individuals to carry a defensive weapon subject to receiving a licence. A licence can only be issued to individuals over the age of 18 who have to prove that they have the necessary theoretical and practical knowledge to use it. If the applicant for a licence is a security company, the licensing authority has to verify the company's compliance with the prescriptions of the law of 10 April 1990. Licences are always granted to individuals, not to judicial entities. In public spaces and areas where the public has access, staff of private security companies are allowed to carry the following: 10mm revolvers or pistols or a truncheon of no more than 45cm in length. Since 2001, private security personnel are prohibited to use and possess weapons for specific activities: management of alarm stations, guarding and control of persons and access control in all circumstances (in private and public places). In publicly accessible places, use and possession of weapons is prohibited for activities regarding the supervision and protection of (in)tangible goods.

The use of dogs is permitted only in specific circumstances and dog handlers require an additional 16 hours of training.

For companies which do not respect the legislation in force, a number of sanctions are available, ranging from pecuniary sanctions to the withdrawal of the licence to operate for up to six months.

3.2.3 Legislation and collective agreements governing baseline working conditions

Belgium has a central collective agreement covering terms and conditions in the sector. In addition, general legislation applies in relation to working time, holiday entitlements, part-time work and temporary work.

Belgian legislation provides for a working week of 38 hours. The collective agreement sets down an average weekly working time of 37 hours, although a maximum of 60 working hours per week is possible if working time is averaged out at no more than 190 hours per month or 1990 hours per year. Individuals are allowed to work no more than 6 uninterrupted consecutive days. After 6 days or 60 hours a rest period of 36 hours is obligatory (although there can be derogations at company level). Cash in transit staff are permitted to work no more than 11 hours per day and must receive ½ hour paid break for every 4 hours worked.

A minimum wage is set down in collective agreement for each category of staff. An entry level salary is fixed, as well as any supplements for Sunday, holiday or overtime working. Wages are automatically adapted with the retail price index.

Belgian law prescribes a minimum holiday entitlement of 24 days. This also specified in collective agreement. The collective agreement also stipulates a right to at least 20 weekends off per year.

Part-time and temporary employees have a right to equal treatment with their full time colleagues.

There is general legislation and an interprofessional agreement providing for equality of opportunity. Bogus self employed security guards are a real threat for the private security sector in Belgium (as far as security, respect for social legislation and proper exercise of control by the public authorities is concerned). Given these risks, a round table was organised in September 1998 within the framework of the “Commission paritaire” with all concerned parties (employers, trade unions, government representatives) with the objective of establishing measures to prevent bogus self employment in the security industry, either by increasing entrance requirements or by issuing a ban on such forms of activity. On 22 of June 1999, the then Minister for Social Affairs issued a royal decree concerning the social security of employees in the private guarding sector. It foresaw the following:

All employees of a private security company would automatically be subject to social security regulations applying to all employees, unless they respond to the following criteria:

- Persons who exercise these activities for their own account – as a natural person – must have a personal authorisation to manage a private security undertaking
- Persons who exercise these activities for their account of a legal entity must own at least 20% of the assets of the private security company.

On 22 September 1999, this Royal decree was annulled by the Conseil d’Etat.

In the meantime, the legislation has evolved and a new initiative would therefore be required. The social partners have attempted to issue a new royal decree, but without success. The Minister for Employment is now preparing an amendment on the basic law of June 1978 on employment contracts in order to clarify and define in more detail the relationship between and employer and employee that defines an employment relationship.

3.3 *Denmark*

3.3.1 *Introduction*

Denmark is characterised by a history of fruitful and “unproblematic” co-operation with the police services. However, with the expansion of the sector in the 1970s and early 1980s and the proliferation of small uncontrolled operators, the delimitation between their areas of activity and the regulation of the industry became an item for political discussion. In the late 1980s a law was passed setting down clearly divided areas of responsibility and regulating the industry.

3.3.2 *Legislation governing the operation of the industry*

A law regulating the operation of private security undertakings was passed in 1986 (Law on Security Services, Act No 266 of 22 May 1986 and Regulation No 936 of 26 December 1986 on the Security Industry) which covered the guarding of private and public buildings, cash in transit and the transport of valuables, the guarding of persons and the operation of central alarm systems.

Private security companies are required to apply to the police authorities for a licence. These authorities also have the power to revoke a licence if the requirements for its granting are no longer met. The police have the power to conduct checks on the operation of private security undertakings at any time.

Owners and managers of private security undertakings have to undergo a criminal background check. No specific exclusion criteria are set down in the legislation. Owners must also be able to demonstrate that they have the financial means to run a business and must have pursued a course of vocational training. A minimum age limit of 25 years applies.

Operational staff of private security companies must be at least 18 years old and must have completed (or be in the process of completing) 111 hours of basic training. No final examination is provided for but proof of participation is required. Training is organised by employers in state schools for security agents. A course of further education providing for career progression among operational staff has recently been devised.

The law requires that guards must wear uniforms, which must be distinct from those of public order officials. Uniforms must be approved the Commissioner of Police. In special circumstances the police can authorise plain clothed duty. Guards have to carry identity cards issued by the police authorities.

In Denmark, private security guards are not permitted to carry weapons and the use of dogs on duty has to be approved by the Commissioner of Police.

3.3.3 *Legislation and collective agreements covering baseline working conditions*

Denmark has a strong tradition of regulating working conditions through framework collective agreements applied at sectoral level. In addition, legal provisions regulate

holiday entitlements, equal opportunities and the rights of part-time and fixed-term contract workers.

The maximum working week and minimum wage are set down in collective agreements. The Holiday Act prescribes a minimum of 30 statutory days of annual leave, but the collective agreement applying to the sector makes provision for six weeks paid annual holidays from 2004.

Part-time and fixed-term contract workers have the right to equal treatment and equal pay legislation has ensured equal pay for male and female operatives for the last 25 years.

3.4 *Finland*

3.4.1 *Introduction*

The expansion of the private security industry in Finland is a relatively recent phenomenon as crime rates are increasing and clear up rates by the police are diminishing. The contracting out of previously publicly provided functions is proving an added boost to the sector. Private security companies in Finland are active in the areas of the protection of goods, the guarding of persons, transport of valuables and cash in transit, the provision of emergency services and the installation and maintenance of alarm systems.

3.4.2 *Legislation governing the operation of the industry*

The private security industry in Finland is governed by the law on private security providers (1983). A licence is required to operate a private security undertaking and owners and managers of such undertakings have to undergo a criminal background check (no specific exclusion criteria are set down). A financial viability check is also required. Owner and managers of private security companies have to have received a prescribed course of training. Operational staff are also vetted for their criminal background in applying for their licence which is renewable every five years. New legislation requires operatives to have received at least 100 hours of practical and theoretical instruction.

Uniforms worn by security guards must be distinct from those of other public order officials and must be approved by the police authorities.

The use of fire arms is permitted, but those carrying weapons in pursuit of their duties must apply for a licence. Guards carrying weapons must have received special training. The new law requires an annual test of proficiency for the use of fire arms.

The police authorities are able to revoke an undertaking's licences if it is repeatedly found in infringement of the relevant legislation.

3.4.3 *Legislation and collective agreements covering baseline working conditions*

Finland has a central collective agreement setting down terms and conditions for workers in the sector. In addition, national legislation regulates working hours, holiday entitlements, employment protection and the rights of part-time and temporary workers.

Legislation provides for a maximum working week of 48 hours. Collective agreements stipulate a maximum of 120 hours worked in a period of three weeks. The maximum number of hours to be worked in one shift is set at 16. During one week, an employee is entitled to one uninterrupted rest period of 30 hours. In addition, there must be at least 10 hours between each shift. Minimum wages are usually set in collective agreement and employers are required under the Employment Contracts Act to apply at least the wage conditions laid down for the same or similar work in national collective agreements. The same Act also sets down minimum Employment Protection regulations. The statutory requirements of 30 days paid annual leave is

further elaborated in collective agreement. Holiday pay is also set in collective agreements. Part-time and temporary workers are entitled to the same terms and conditions as their full-time counterparts on open-ended contracts. Bogus self-employment is not common in the industry and is governed by the laws on private security providers. This forbids anyone to operate in the industry without a license. Tax legislation is also relevant in this area and forbids bogus self employment.

There is general equal opportunities legislation.

3.5 *France*

3.5.1 *Introduction*

Since the 1970s and 80s the private security industry in France has experienced a period of significant expansion. The desire, on the part of the state, to regulate the activities of this sector also dates back to this period. France was generally considered to be a country with an intermediary level of legislation, but this is set to be tightened by a new draft law No 346 on the activity of private security companies and the implementation of the new law on “daily security” of 31 October 2001.

3.5.2 *Legislation governing the operation of the sector*

The industry in France is regulated by Law 83-629 on the activities of private security companies and cash in transit carriers; the 1986 decree on the administrative authorisation and recruitment of personnel; the 1986 decree on the utilisation of materials, documents, uniforms and symbols and the new law on “daily security of 31 October 2001. There is also a draft law No 346 going through the legislature at present on the activity of private security companies which is set to strengthen legislation in this field further.

A licence is required in order to operate a private security company. This licence is granted by the Ministry of Interior.

Article 5 and 6 of the Law of 12 July 1983 state that the character of the owners and managerial personnel of private security companies has to be verified by the Prefect (as a representative of the state) by consulting bulletin No 2 of the “Cahier judiciaire”. This includes a number of criteria relating to previous criminal convictions. In addition, offences against commercial law can also be taken into account. New draft legislation is to strengthen these criteria and to allow for the refusal of permission to establish a company, even if alleged illegal actions have not led to legal sanction. There is currently no law to forbid those who currently hold (or have previously held) certain professions from establishing a private security company. The law forbids private security companies to carry out any activities such as private investigative work at the same time. The new law is set to apply the same prohibition to managerial and operative staff of private security companies.

Individuals applying for operative duty in a private security company can be refused access to the profession if they have been convicted of any crime. If the individual is of a different nationality, the criminal record of his/her home country is requested. Character background checks are effected for security guards required to carry arms in pursuance of their duties, including those active in cash in transit activities. These checks are requested by the Prefect and are carried out by the police.

The provision of training was previously voluntary as set down by collective agreement. The new draft law includes a training obligation for initial training. Quality control of initial training is the internal responsibility of companies. The content of training varies depending on the sector of activity/occupation. There is no training for managerial staff. As for specific training, there are qualifications, recognised by the state.

Uniforms worn by private security guards must be clearly distinct from those of public order officials.

The carrying and use of fire arms is only permitted for cash in transit operators and there is a regular training requirement.

3.5.3 Legislation and collective agreements covering baseline working conditions

France has extensive legislation governing the employment relationship. In addition, collective agreements are in place further specifying provisions. In 1998, France introduced new legislation on the 35 hour week. This also applies in the private security industry, extra hours can be worked, but there are limitations to 130 hours per year.

A national minimum wage (the SMIC) is set annually and stands at 100% for those aged 18 and above.

A minimum holiday entitlement of 30 days is set down in legislation. Part time and temporary workers have legally enshrined rights to equal treatment and national legislation sets down equal opportunity standards.

3.6 *Germany*

3.6.1 *Introduction*

The private security industry in Germany recently celebrated its 100th anniversary. There has been a significant evolution of private security companies particularly over the last 20 years resulting from the contracting out of previously publicly provided services, the establishment of new areas of activities and the rapid developments in security technology. Private security companies today provide a wide range of services including the guarding of buildings and industrial and military installations, security at events, the guarding of persons and the transport of cash and valuables. Germany is generally classified as one of the countries with relatively limited legal intervention in the establishment and operation of private security companies.

3.6.2 *Legislation governing the operation of the sector*

There is currently no sector specific legislation governing the establishment and operation of private security companies. This is regulated by general commercial law (*Gewerbeordnung*) dating back to 7 February 1927 (last amended 16 June 1998) and the regulation on private security undertakings (*Verordnung über das Bewachungsgewerbe*) of 14 December 1995. Other relevant legislation includes the law on the carrying of weapons (*Waffengesetz*).

New legislation on the operation of private security companies is currently under consideration.

The establishment of a new company in the sector is regulated by § 34(a) of the *Gewerbeordnung*. This stipulates that the German supervisory chambers of commerce (*Gewerbeaufsichtsbehörden*) are responsible for assessing the viability and reputable nature of an undertaking. They have the right to refuse permission to establish a business if the applicant is unable to show that s/he has sufficient operational capital. They are also responsible for assessing the “reputable nature” of the entrepreneur. This criterion is not directly based on the absence of criminal convictions or any other prescribed criteria, but it is clear that these can form the basis for permission to be denied. Individuals proposing to set up a private security company are expected to be familiar with the relevant legislation. The *Gewerbeaufsichtsbehörde* is entitled to investigate the operations of an undertaking at any time.

Beyond the assessment of the “reputable nature of owners and management personnel of private security companies, the only other criterion is that they must not be active state employees.

Entrance requirements for operational staff are set down in § 34a (1) of the *Gewerbeordnung* and § 3 and 9 of the *Verordnung über das Bewachungsgewerbe*. These stipulate a minimum age of 18 and require a certificate issued by the police which includes a criminal background check.

German legislation (§ 34a, sub-section 3 of the *Gewerbeordnung* and §§1-5 of the *Verordnung über das Bewachungsgewerbe*) require individuals involved in the management and execution of private security services to undergo training relating to

the relevant legislation (civil law, law on public order, commercial law, penal code and health and safety). Managerial staff have to receive 40 hours of training, operational staff receive 24 hours. Certification is available to all those who have attended the required course (without time limit or examination). There is no legal provision for continuing training. Training is provided by the chambers of commerce and industry and by professional organisations representing the sector. Training organisations are not specifically vetted.

There are no specific provisions regarding uniforms in Germany.

The carrying and use of weapons is regulated by § 28, 31, 35, 36 of the Waffengesetz and is subject to a permit and the obtaining of a registration document for the weapon. In order to obtain a permit, training and a competence test are required. Weapons are only carried by around 6% of all private security staff (mainly in cash in transit operations and on guard duty in military installations).

Guards handling dogs have to undergo special training, with renewed proof of competence required on an annual basis.

3.6.3 Legislation and collective agreements governing baseline working conditions

Working conditions in the sector are regulated by a mixture of legislative provision and regional collective agreements. § 4 of the law on Working Time (Arbeitszeitgesetz) prescribes a maximum 8 hour day and 48 hour week. There is also a legislative requirement for a ½ hour break if working time exceeds 6 hours. Provisions on working time in collective agreements vary from Land to Land. Average maximum working hours per day are 10 hours although in federal military installations this can be up to 24 hours per day. Maximum weekly working hours are generally set at 72 hours. Maximum monthly working hours vary widely, but average around 264 hours.

There is no statutory minimum wage, but there is a minimum collectively agreed wage which varies from Land to Land and between areas of activity. Special premiums are paid for certain tasks such as the carrying of weapons, dog handling etc. Salaries in the new Länder are approximately 70% of those in the old Länder.

Holiday entitlements are regulated by the Law on Holidays (Bundesurlaubsgesetz) and are fixed at 24 days a year. Collectively agreed holiday provisions vary from Land to Land and range between 24-32 hours basic holidays. Up to 42 days can be allowed for those with over 10 years of service.

Employment protection is governed by the Social Code (Sozialgesetzbuch). In addition, collective agreements provide for a notice period of three months.

The part-time and fixed term contract law (Teilzeit und Befristungsgesetz) stipulates that part-time and fixed term contract workers must not be discriminated against and the constitution forbids discrimination on the grounds of race or sex.

3.7 Greece

3.7.1 Introduction

The size of the private security industry in Greece is difficult to estimate, as its operation was rather unregulated until the implementation of specific legislation in 1997. Companies in the sector are active in the areas of guarding of buildings and industrial sites, guarding of persons, security and public events, security at airports and other public buildings and the transport of cash and valuables.

3.7.2 Legislation governing the operation of the sector

The operation of the sector is governed by Law 2518 on private security undertakings of 21 August 1997. This law requires those wishing to establish a private security company to apply for a permit from the police authorities. Owners, managers and operational staff are subject to a criminal background check. Individuals with criminal convictions leading to a term of more than 6 months of imprisonment are precluded from working within a private security undertaking. In addition, individuals who have been convicted of any of the following offences are excluded from management of active duty in a private security undertaking:

- Civil disobedience
- Repression of human rights of civil liberties
- Exploitation of sexual life
- Formation or collaboration in forgery, falsification or deception
- Blackmail
- Violation of the right to privacy of communication or conversation
- Theft or swindle
- Fraud
- Perfidy
- Subornment or corruption
- Oppression
- Use of narcotic substances
- Smuggling

Operational staff must also have completed their military service.

Training is voluntary and standards have traditionally been poor. As a result, a special commission has been set up to investigate and set better training standards.

The wearing of uniforms is obligatory, and must be distinct from those of police or public order officials. Uniforms must be approved by the Ministry of Defence. Identity card must be carried by guards on duty.

The possession and use of firearms is lawful under the same restrictions as are applied to private citizens and training is obligatory.

The use of dogs on duty is permitted in private buildings and fenced off areas. Handlers require specific training

Licences can be suspended if any precondition of granting the licence is no longer met. After three offences a licence can be revoked permanently.

3.7.3 Legislation and collective agreements governing baseline working conditions

Greece has a national collective agreement governing working conditions in the sector. In addition, baseline legal standards apply in relation to working time, holiday entitlements and the rights of part-time and temporary workers. Working time is regulated by law 1982/90, article 41 and is set at 40 hours per week and 8 hours per day. However, in practice, companies often exceed these working hours.

A minimum wage for the sector is set in collective agreement. Holiday entitlements are set in general labour legislation and supplemented by the collective agreement. Annual holiday entitlements vary according to length of service and range from 20 days after one year of service to 25 days after 10 years.

According to law 2874/2000 and law 2639/1998, part-time and temporary workers are entitled to the same rights as their full time counterparts on open ended contracts. They also have a right to be informed about full-time and open ended vacancies in the company.

3.8 *Ireland*

3.8.1 *Introduction*

Until very recently, Ireland was – together with the United Kingdom – one of the countries with the least regulation applying to the private security industry. As the sector was basically open to anyone wanting to set up in business, the reputation of the sector suffered. As has done in the United Kingdom, this situation is now set to change.

3.8.2 *Legislation governing the operation of the sector*

Currently, Ireland remains the only country with a largely unregulated private security industry active in the areas of guarding of buildings and industrial sites, guarding of persons, security in public places, cash in transit and the transport of valuables. However, this situation is set to change as a Draft Private Security Industry Bill (2000) is currently before Parliament which would give Ireland a similar legislative framework as the UK.

Under the draft legislation, security companies are to require a licence which will be awarded by a new authority for the industry specifically set up for this purpose for a two year period. The licence will be granted for the specific type of security service to be provided. Managers and owners of security companies are to require character, financial and competence references. Operational staff will merely be required to prove that they are a “fit and proper person” for the duties of the security guard. A minimum age of 18 will apply.

It is envisaged that a training curriculum will be set by the new authority which will become a statutory requirement. No specific provisions are envisaged in relation to the wearing and design of uniforms.

The carrying and use of fire arms is forbidden for staff of private security companies. The use of dogs on duty is permitted.

3.8.3 *Legislation and collective agreements governing baseline working conditions*

Maximum working time is set at 48 hours under the 1997 Working Time Act. This does currently not apply to cash in transit staff who are regarded as transport employees. A minimum wage is set in the Employment Regulation Order for the whole economy.

The Working Time Act stipulates a requirement of 4 weeks paid annual leave for all employees. In addition, all workers are entitled to 9 public holidays a year. The Worker Protection (Part-time Employees) Act 1991 provides for the equal treatment of part-time employees and fixed-term contract workers. Equal rights are governed by the Employment Equality Act 1998.

The Employment Regulation Order also makes provision for facilities to be provided by the employer and personal attack and death in service benefits. Ireland has no central collective agreement governing the industry.

3.9 Italy

3.9.1 Introduction

The origins of the private security industry in Italy date back to the 1870s and the industry has experienced a rapid growth with the development of new areas of activity (such as cash in transit) and the contracting out of previously public provided functions. Activities include guarding of buildings and industrial sites, guarding of persons, cash in transit and the transport of valuables.

3.9.2 Legislation governing the operation of the sector

The industry is regulated by the law of 18/06/1931 on public security, the law of 26/09/1935 and the law of 06/05/1940. These provide a framework of specific regulations, with more detailed regulations being set at regional level, reflecting the political and administrative structure of the country. The legislation also governs private detective work.

Italian legislation provides for substantial monopoly of force by the State which is exercised by the army. In exceptional circumstances, the State delegates the private sector to carry out a very limited range of functions (e.g. prevention of crime against property). The private sector is invested with these powers through the License ex. Art. 133-134. The licences are granted by the Provincial Prefect.

Art. 136 of the R.D 773/1931 and the Circular 11/7/1998 give guidelines on suitable institutions to support the Prefect in administering and managing the vetting process for owners and managers of private security undertakings. This includes a criminal background check. Operative staff require a licence to work in the private security industry. This is granted by a judge for a period of one year and is granted and maintained at the discretion of the relevant Provincial Prefect. A minimum age limit of 18 is applied and licencees must have completed their military service and must be of Italian nationality. A criminal background check and character reference are also required.

Training requirements are set down at regional level in collective agreements. Training is on a voluntary basis and includes 40 hours of theoretical and 40 hours of practical instruction.

Criteria for the wearing and design of uniforms are set out in legislation. More detailed norms are set in each region.

According to Art. 42 R.D, 773/1931 and Art. 71 R.D. 635/1940 it is the regional police Commissioner who grants licencees to carry arms. No specific training requirements apply in relation to weapons.

The use of dogs on duty is allowed and no special requirements for training are set down.

3.9.3 Legislation and collective agreements governing baseline working conditions

Working conditions in the industry are covered by national legislation and a national sectoral collective agreement. National legislation provides for a maximum working week of 40 hours. A minimum wage and holiday entitlements are set in collective agreement. Similarly, the non-discrimination of temporary and part-time workers is provided for in collective agreement.

3.10 Luxembourg

3.10.1 Introduction

Luxembourg is generally considered to be one of the countries with stringent provisions concerning the operational of private security companies. Private security companies are involved in activities such as the guarding of building and individuals, the guarding of cash and goods in transit and the maintenance and installation of alarm systems.

3.10.2 Legislation governing the operation of the sector

The activities of the private security industry are governed by a law of 6 June 1990 (Loi 6/6/1990 sur les activités privées de gardiennage et de la surveillance). A new draft law is currently going through the consultation and approval process to amend this legislation (Loi No 4784/00 sur les activités privées de gardiennage et de surveillance).

A licence is required from the Ministry of Justice in order to operate a private security undertaking, which remains valid for 5 years. Permission from the Ministry of Justice is also required to hire operational staff.

Article 5 of the law of 6 June 1990 regulates the activities of private security companies and states that licences for activity in the industry needs to be sought from the Ministry of Justice. Among the reasons for refusal is the failure to present a character reference. However, the current legislation does not contain a list of specific exclusion criteria. Changes in management personnel have to be notified to the authorities. Activities in the management of a private security undertaking must not be combined with activities which are “incompatible” with the mission of the industry. This is not defined further in law.

Employees of private security companies must be at least 18 years old and cannot be involved in other activities which are incompatible with those of a private security guard. Applicants must be able to provide a character reference, although no exclusion criteria are stipulated. Guards must carry and identity card and present this to the police when required.

The law does not set down any basic requirements for the training of guards. Training is therefore voluntary. In recruiting staff, companies generally require language skills and clean driving licences.

There are no specific provisions in relation to uniforms. The use of dogs on duty is lawful as is the carrying and use of firearms. However, in order to carry a firearm, permission needs to be sought from the Ministry of Justice under Art. 7 of the law of 1990. The police authorities check any application for a licence. Weapons can be used in self-defence, but are generally only used in cash in transit services.

3.10.3 Legislation and collective agreements governing baseline working conditions

Legislation fixes working time at 8 hours per day, 40 hours per week and 173 per month. The current collective agreement allows for 10 hours per day, 48 hours per week and 192 hours per month. A minimum wage is set by law and a specific rate for the sector has been negotiated in collective bargaining. This also sets down overtime, Sunday and night work premiums. Legislation and collective agreements provide for 25 days paid holiday per annum and 10 public holidays. Collective agreement provides for an additional 1 day of holiday for 20 years of service. Employment protection is set down in law subject to specified qualification periods. Part time workers have the same rights as their full time counterparts. There is currently no specific legislation on temporary work.

3.11 The Netherlands

3.11.1 Introduction

Compared with other European countries, the private security industry in the Netherlands started to evolve relatively late, in response to the increasing industrialisation between the two World Wars which led to greater requirements for site security services. Today companies are active in the protection of persons and buildings, cash in transit and the installation of alarm systems.

3.11.2 Legislation governing the operation of the sector

The Netherlands is generally considered to be among the countries with a median level of legislation covering the activities of the private security industry. The activities of companies in relation to the provision of guarding services and the work of private detectives is governed by a law of 24 October 1997 on private security providers and private detective agencies, as well as a Regulation dated 3 March 1999.

In order to establish a private security undertaking, a licence needs to be sought from the Ministry of Justice. In doing so, the Ministry seeks the recommendation of the chief of police for the judicial area in which the firm has its principal place of business. It is obligatory to obtain a licence which is granted for a five year period. Applicants must show that they have sufficient working capital and have appointed suitably qualified personnel.

Management personnel are subject to a permit under article 7 of the law of 24 October 1997, which is given for five years. In order to obtain this, they must show that they have not had any criminal convictions in the last 4 years or any convictions which have been the subject of a term of imprisonment for the last 8 years.

The 1997 law provides that authorisation for personnel working in the industry is given for four years and each time is renewable for a further four years. Article 15 of the Regulation of 3 March 1999 requires companies to check regularly that their staff have not been involved in any illegal activity (see criteria above). Article 7 of the current law stipulates that a security company may not employ staff without a permit from the regional police (or the military police for those active in aviation). Police officers may not carry out work for private investigation agencies or private security firms. All these checks are carried out by companies themselves and by the authorities.

Anyone applying for employment in a private security company needs to have the Basic Diploma for Security Employees delivered by the association of private security enterprises (according to art. 5 of the 1999 regulation). The following exceptions apply: if the individual can show that s/he will carry out this training in the first 12 months of employment (by attestation); if they can show that they have passed the theory and have an apprenticeship contract; or if they are born prior to 1 December 1937 and have worked without interruption between 1 December 1980 and 30 November 1982. There are different diplomas for porters in the hotel and catering sector, football stewards, plain clothed operators and store detectives, alarm

installations and detective companies. The background of those carrying out administrative tasks is also screened.

It is compulsory to wear a uniform, but private security employees are prohibited from carrying weapons. The use of dogs is allowed in certain circumstances.

3.11.3 Legislation and collective agreements covering baseline working conditions

Working conditions in the sector are governed by national legislation, which sets the maximum working week at 48 hours. A statutory minimum wage exists which is reviewed annually. Legislation provides for 4 weeks annual leave and part-time and temporary workers have the same rights as their full-time counterparts on open-ended contracts.

3.12 Norway

3.12.1 Introduction

The private security industry in Norway grew out of the realisation that although the police had the monopoly over providing security for citizens and property, the provision of additional security services was required.

3.12.2 Legislation governing the operation of the sector

Legislation governing the private security industry dates back to 13 May 1988 and covers the activities of guarding of persons and buildings and goods, cash in transit and the operation of alarm installations.

The owner of a security company needs to have a Certificate of Good Conduct and a licence from the local police department. The minimum age is 21 years. Operational staff must be at least 18 years of age and also require a certificate of good conduct.

A security guard requires 15 hours pre-training followed by 50 hours theoretical and 30 hours practical training.

The wearing of uniforms is obligatory. The use of dogs on duty is allowed, but private security guards are not allowed to use firearms.

3.12.3 Legislation and collective agreements covering baseline working conditions

Working conditions in the sector are governed by national legislation and further specified through a national collective agreement. Working time legislation sets the maximum working day at 9 hours. The collective agreement sets down at 37.5 hour working week. A minimum wage is set in collective agreements. There is a statutory holiday entitlement of four weeks. The collective agreement has extended this to 4 weeks and 3 days.

Employment protection, equal opportunities and the rights of part-time and fixed-term contract workers are set down in legislation.

3.13 Portugal

3.13.1 Introduction

Regulation of the private security industry in Portugal is relatively recent (with the first specific legislation dating back to 1986) and has been strengthened more recently to ensure that Portugal now has strict regulation governing the sector.

3.13.2 Legislation governing the operation of the sector

The private security industry in Portugal is governing by the following pieces of legislation and regulation:

- Decree 772, of 12 October 1985
- Decree Law 231 of 22 July 1998
- Decree 969 of 16 November 1998
- Decree 970 of 16 November 1998
- Decree 971 of 16 November 1998
- Decree 972 of 16 November 1998
- Decree 25 of 16 January 1999
- Decree 135 of 26 February 1999
- Decree 1325, of 4 December 2001

This legislative framework controls the following activities:

- Central alarm systems.
- Management, maintenance and profitably use security systems.
- Installation and maintenance of security systems.
- Guarding of buildings.
- Protection of goods (static or in transit).
- Guarding and control of persons and access in public places.
- Guarding and protection of persons.
- Transport, guarding and distribution of valuables.

Companies active in the sector require a licence which is valid for a limitless period of time. Licences are granted by the Home Secretary and individuals applying for a licence must show, among other things that they have a minimum of capital stock, (assets). Some of the provisions of General Commercial Law are here also applied (articles 7° and 22° of the Decree Law 231 of 22 July 1998). Applicants for licences must also show that they are in possession of a bank guarantee, liability insurance and theft insurance (for companies applying for a license for the transport of valuables).

Owners, managers and operation staff of private security companies must be without criminal conviction grounded on fraudulent or scheming crime, with “*dolo*”, (implying the wilful intention of committing an illicit action comprising three levels of intention, i.e. direct, necessary and eventual/accidental.). In practical terms the bottom line is, that they must have no criminal conviction at all. Criminal background checks are carried out by public authorities (namely, by IGAI) and by the enterprise.

Although there is no minimum age requirement, it is mandatory that the owner and managerial staff have full legal qualification, which implies legal age of maturity i.e. 18.

Cumulation of private security functions is forbidden with production or dealing of arms, ammunition and explosive substances or devices. Managerial and operational staff must also not have been member of the secret service in the last 5 years. Cumulation is also forbidden with active public service, pre-retirement or reserve list of any military force or security service, namely, the police.

In addition to these requirements, operational staff must pass fitness tests and undergo and complete a compulsory 58 hours general training, plus 30, 36 or 42 hours of specific training, depending on the functions that will be eventually carried out. Performance in training is attested with two examinations.

Private security companies are required by law to maintain daily report sheets, as well as an annual report which must be submitted to the Home Office. Companies can be assessed any moment in time by public authorities (namely, by IGAI), especially for checks on how companies carried out recommendations on changes of procedures.

Owners, managerial and operational staff they all have to have the nine years compulsory minimum school education. Training is obligatory only to operational staff according to the following terms:

- 58 hours general training;
 - additional 42 hours for those engaged in functions involving the last five areas covered by legislation cited on table 1;
 - additional 30 hours for the same operational staff if they are going to be authorised to bear a defence firearm;
 - additional 36 hours for the operational staff of catering/restaurants businesses pubs, nightclubs (and akin) that comprise space or rooms where customers can dance.
- There are strict requirements about specific areas and subject matters covered during training.

Staff must pass two written examinations.

Training takes place in State Schools and centres approved for this purpose by the Secretary-General of the Home Office. The person in charge and responsible for the training centre has to be legally credentialed as a trainer. Trainers have to fulfil the same requirements as indicated in table 3.

Uniforms must be distinct of those of public security agents or military officials and must be approved by the Home Secretary. Operational staff, while on duty, must carry identity card.

Permits for the carrying of fire arms must be sought and these are issued by the police. Licences are granted to individuals with appropriate training. Besides the permit, bearing a defence firearm is only allowed to the staff, while on duty, if a written authorisation given, every three months, by the company. In relation to their use, the same restrictions as to private individuals. Additional specific 30 hours training is required.

Dogs must be licensed and both dog and handlers require specific training. Dog handlers have to be submitted to an examination and, if they pass, they are licensed to dog handling for a period of three years, after which they have to be submitted to a new examination. Dogs have to be examined every year.

The license can be revoked in cases of serious or reiterated violation of the legislation. The Secretary-General of the Home Office, Police forces and IGAI can carry out investigations and examinations. Pecuniary sanctions (“coimas”) can be decreed upon companies and, in ordinary conditions, they can be as low as €997,59 or as high as € 39 903,83, depending on the violation or offences against the legislation.

3.13.3 Legislation and collective agreements covering baseline working conditions

Legislation and collective agreements govern working hours, pay, holidays and employment protection.

3.14 Spain

3.14.1 Introduction

As a result of legislation dating back to 1992, which resulted from a desire to improve the poor image of the industry, Spain can now be considered as one of the countries with stringent legislation covering the operation of private security companies.

3.14.2 Legislation governing the operation of the sector

Law 23/1992 of 30/7/1992 (*Ley 23/1992 de 30 Julio de seguridad privada*) covers the private security industry (guarding of buildings and industrial sites, personal protection, cash in transit, the installation and maintenance of alarm systems). The law was implemented by Royal Decree 2364/1994 on 9 December 1994 (*Real Decreto 2364/1994 de 9 diciembre, por el que se aprueba el Reglamento de Seguridad Privada*). Other relevant legislation includes the Royal Decree 137/1993 on the carrying of weapons.

Private security undertakings require a licence which is granted by the Ministry of Justice.

Art. 52 of the Royal Decree 2364/1994 stipulates that all security personnel (management and operative) need to receive an administrative authorisation from the Ministry of Justice and the Interior. This includes the requirement not to have any prior criminal convictions (including offences against the official secrets act or other fundamental rights) for 5 years. In addition staff must not have been sanctioned for any grave offences in the last 2-4 years and must not have been excluded from the armed services or security forces. Operational staff must not have undertaken a managerial role in the private security industry for the last 2 years. Private investigators cannot at the same time carry out private security functions. There are also restrictions in relation to arms dealers and manufacturers. Background checks are carried out by the police authorities. Staff must have reached the prescribed legal age of maturity.

Training requirements are set down in Art 5 of the 1992 law on private security and arts. 56-57 of the royal decree of 9 December 1994. Art. 5 sets down that security companies should guarantee training of all their staff (managerial and operational). The content of the theoretical and practical elements of the training are determined by the Ministry of Justice and the Interior after consultation with a number of other ministries. Training may be carried out in training centres approved by the Secretary of State for the Interior. Practical training is provided in the workplace. Staff need to receive at least 240 hours of theoretical and 20 hours of practical instruction. In addition, further training of at least 75 classroom hours or 15 working days needs to be provided every 3 years. Training in the use of arms is required by art. 61 of the Royal Decree. Guards must obtain a C licence and follow bi-annual training (no more than 8 months between training sessions). A psychological test is carried out for guards who are required to use arms in pursuance of their duties.

Guards are required to wear uniforms and the use of weapons is strictly regulated and subject to permission and licensing. Licensed weapons can be used subject to tight

restrictions in relation to guard duties, particular in relation to cash in transit duties, the guarding of sensitive or dangerous installations, including military installations and by bodyguards.

3.14.3 Legislation and collective agreements covering baseline working conditions

Working conditions are governed by national labour legislation and specified in collective agreement. A maximum annual working hours of 1804 hours is set down in the current collective agreement (to be gradually reduced in 2003 and 2004), which also stipulates minimum and overtime wages.

Part time workers have the same rights as full time workers and equal opportunities standards are set down in national legislation.

3.15 Sweden

3.15.1 Introduction

Private security services in Sweden are considered by some authors (de Waard, 2000) to be qualitatively among the best in the world. Legislation and regulations cover many areas of activity, and strict requirements exist for authorisation and training. Government controls are seen to be strict. The activities of private security service are very diverse and include: ambulance services, patient transport, traffic control, assistance during fires, assistance during vehicle breakdown, surveillance of neighbourhoods, airport security, transport of valuables and cash as well as general guarding of persons and buildings.

3.15.2 Legislation governing the operation of the sector

The operation of the private security industry is governed by the following pieces of legislation:

- Law and Decree of 26 April 1974 on private security enterprises
- Law and Decree on the maintenance of order (1980/578 and 1980/579)
- Law and Decree on the protection of institutions of great national significance (1990, 217 and 1990, 1334)
- Law and Decree setting down rules for the installation of alarm systems and on the connection of such alarm systems with the police (1983/1097 and 1983/1099)

The law of 1974 requires security undertakings to obtain a license, but does not set down any exclusion criteria. Owner, managers and employees of private security companies must not have a criminal record, which is checked by police on an annual basis. Any convictions can lead to exclusion from the sector. Operational staff have to be at least 18 years of age, although for some tasks, an age limit of 20 years applies.

Training is obligatory and must include 97 hours of theoretical instruction and 120 hours of practical experience. Performance in each course element is assessed with an examination. There are 15 training centres including Universities, private providers and employers' organisations. Training institutions are quality controlled by regional regulatory bodies.

The design and use of uniforms in guarding companies is set down in the law of 1974.

A permit is required to carry fire arms and training of 21 hours is required for those carrying them. This training needs to be refreshed annually. The use of dogs on duty is lawful in prescribed circumstances and both dogs and handlers require specific annual training.

3.15.3 Legislation and collective agreements covering baseline working conditions

Working conditions in the sector are regulated by legislation and a central collective agreement. Legislation provides for a maximum working week of 48 hours. Minimum wages are set by collective agreement. Statutory minimum annual leave of 25 days

applies and part-time and temporary workers have the same rights as their full-time counterparts on open ended contracts.

3.16 The United Kingdom

3.16.1 Introduction

The United Kingdom has traditionally been a country with very limited regulation of the private security industry, although until the current legal framework came into force, a wide range of standards and inspectorates have supervised private security in the UK. The BSIA is the most prominent of the trade associations which have carried out self-regulation in this sector. The lack of legal regulations is now changing with the implementation of new legislation.

3.16.2 Legislation governing the operation of the sector

The Private Security Industry Act 2001 entered into force on 11 May 2001, but many of its provisions are subject to a phased implementation, particularly to take account of the requirement to establish a new Security Industry Authority. The new legislation covers all guarding of private and public property, guarding of life, cash in transit operations, door supervisors, wheel clampers, security advisors and private investigators. The British Security Industry Association (BSIA) estimates that the SIA will not be established until early 2003 and that it will take a further 2-3 years for staff to obtain their newly required licences.

Under the new legislation, there is no requirement for companies themselves to be licensed, although all employees (whether operational or managerial) will require such a licence. Licences will be valid for a period of 3 years. In relation to managers and owners of companies, the licence check will involve looking at Company House registers of undischarged bankruptcies and/or disqualified director status. Criminal record checks will also be introduced. A fee of £35-40 will be charged to obtain a licence.

All operational staff will have to undergo a criminal background check carried out by either the Security Industry Authority or the local authority in order to obtain a licence prior to being employed. Again, licences are valid for 3 years and a fee of £35-40 is charged to obtain a licence. It is thought that in most cases companies will carry the cost of obtaining a licence, but this is not set down in legislation. It will be illegal to provide security services without a licence.

Under the new legislation training is to remain voluntary unless companies wish to obtain certain quality standards such as Investors in People or ISO 9000. Voluntary training is currently provided in house by companies and/or by SITO (the Security Industry Training Organisation) which also sets the content of training.

There are no specific regulations regarding the wearing and design of uniforms. The use of dogs is regulated by the Guard Dogs Act 1975.

The carrying and use of weapons is prohibited.

3.16.3 Legislation and collective agreements covering baseline working conditions

Working conditions in the sector are governed by general employment legislation. There are no national sectoral agreements, although collective agreements have been reached with some of the large employers.

Working time is regulated by the 1998 Working Time Regulations, which state that no worker should work more than 48 hours per week averaged over a reference period of 17-26 weeks. Individual workers can opt out (and opt back in) to these regulations. Senior managers are not covered by these regulations.

Under the National Minimum Wage Act 1998, UK workers have the right to a statutory minimum wage, which is regularly reviewed. Young workers under the age of 21 receive a lower rate of the minimum wage.

All workers have the right to at least four weeks paid annual leave per year. Employees who hold certain public offices have the right to a “reasonable” amount of time off.

Employment protection legislation is (e.g. in relation to unfair dismissal) is governed by the Employment Relations Act 1996. The qualifying period is one year. Under the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, part-time workers have the right to no less favourable treatment than full time workers. The same applies to fixed-term contract workers.

Current law prohibits discrimination on the basis of sex, race, nationality, disability and transsexuality. New measures will be necessary to implement the European Framework Directive to cover sexual orientation and age as a form of discrimination.

4.0 *Conclusion*

The private security sector has been growing significantly in the European Union over the past 10-15 years. Today, private security companies are increasingly taking on roles previously provided in-house by private or public sector undertakings in an attempt to achieve greater efficiency and a higher degree of effectiveness through specialisation. As the sector becomes more sophisticated and quality demands are growing, legislation is becoming increasingly important as a guarantor for ensuring the development of greater professionalism in the sector.

This is particularly important in the context of freedom of movement for goods, services and personnel as it is crucial that purchasers of private security services are aware of the quality and legislative standards applied by companies bidding for their work. While this certainly requires a significant degree of awareness raising in relation to the legislative standards applied to the operation of private security companies in each member state, this is no longer sufficient to ensure public safety.

This study illustrates the differences which exist in the level of regulation governing the operation of the industry from member state to member state in areas as significant as the background of owners and staff and the level of training received by guards.

In order to ensure full freedom of movement of services while guaranteeing the morality of company managers and the reliability of companies, it is important that comparable baseline legislation is in place in relation to the licensing of security companies and background checks for owners and managers of such undertakings. Minimum rules should be set down in relation to the commercial, financial and moral standards to be applied. In addition, there should be comparability in the agencies responsible for enforcement should be ensured to allow for the exchange of transparent information and ability on the part of companies to obtain authorisation to provide services in another member state.

Professionalism in the sector can be fostered by applying common basic minimum rules to the moral and professional aptitudes required of guards active in the sector. Therefore a common set of rules should be applied in relation to the agencies responsible for checking the criminal record of any individual applying for employment in the sector. To ensure staff mobility, authorisations granted need to be recognised across the member states. Similarly, steps need to be taken to ensure greater comparability of the level of training received. Currently, not all member states provide for obligatory training for operational staff and even where such requirements exist, the level of training received varies significantly. While some of these differences can be attributed to the different operational contexts of private security companies, a level of harmonisation appears nevertheless desirable to ensure professionalism and freedom of movement. In an effort to create a basic minimum standard in this area, the social partners in the sector, CoESS and UNI Europa have developed a joint training manual, which could act as a baseline in this area, while not undermining and more detailed provision set down in the legislation of any member state.

With regard to the rules applying to the use of dogs and weapons on duty, provisions again vary significantly from country to country. While cultural differences need to be respected fully in relation to whether, for example, the use of weapons by private security guards is acceptable, common standards need to be developed as to the situations in which weapons can be used and the basic level of training required by guards carrying weapons to avoid conflicting provisions.

Finally, the impact that working conditions have on the motivation of staff and the quality of services provided should not be ignored. Services tendered on the basis of the lowest price bid only run the risk of leading to a lowering of working conditions and training infrastructure and thus generating security risks. It is therefore important that basic minimum standards apply in relation to health and safety provisions and maximum working hours. In addition, the social partner have jointly work on a manual and an awareness raising campaign to encourage the selection of the "economically most advantageous" rather than the lowest price provider.

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Special thanks to the member organisations of CoESS and UNI Europa and the secretariats of CoESS and UNI Europa, as well as the European Commission, DGEMPL, Social Dialogue Unit for their contributions to the research and their assistance in gathering information.

Special thanks also to the following contributors for their valuable comments on various draft texts:

Jonas Hult, Ministry of Justice, Sweden

H.A Offens, Ministry of Justice, the Netherlands

E. João Silva, Ministry of the Interior, Portugal

Graham Titcombe, Home Office, UK

Marc Cools and P Ponsears, University of Ghent