ESTA POSITION PAPER ON DIRECTIVE SERVICES

BUDAPEST, 30 MAY 2005

PROPOSAL

- Framework directive:
  - Global
  - One size fits all

- Country of origin principle
  - CIT has derogation until 1/1/2010
  - EU Commission will propose instrument of harmonization

CIT PROFILE

CIT profile is different in each Member State

- Armored or soft skin vehicles
- 1/3 men crew
- Technology or not, end-to-end or across pavement
- Armed or unarmed crews

WHY IS CIT SO DIFFERENT FROM ONE COUNTRY TO ANOTHER?

- Reason is that risk cannot be harmonized

- CIT is a risk based activity and only national rules / regulations can cope with specific and local situations

CROSS BORDER

- Very limited, marginal activity in real CIT world

- Mainly point-to-point, secure area-to-secure area

- Cash center to cash center

COUNTRY OF ORIGIN PRINCIPLE (COOP)

- Harmful: CIT duly deserves its derogation

- No automatic switch to COOP on 1/1/2010

- Should be permanent

- Not compatible with CIT, since public security is at stake and risk varies from one country to another

- Unfair, would set double standards

DIFFERENCE IN MEMBER STATES RULES APPLYING TO CIT

- Operating standards differ substantially across Europe

- Harmonization in an utopic and intellectual concept for CIT:
  - Risk cannot be harmonized
  - National police or judicial system efficiency cannot be harmonized
  - CIT operational rules (weapons) refer to third pillar and fall under Member States jurisdiction

CONCLUSIONS

- National standards only are appropriate to CIT operations

- Cross border activities are marginal (1%)

- Risk cannot be harmonized and standards of operations neither

CONCLUSIONS (cont'd)

- Harmonization, unless limited to essential requirements, would be harmful, since it would be necessary to lower standards to reach consensus (lowest common denominator)

- Or unaffordable, since raising standards in countries where not needed, would increase the cost by some 25%

DEROGATION SHOULD BE PERMANENT WITH HARMONIZATION LIMITED TO ESSENTIAL REQUIREMENT