



## ***ESTA Position Paper on the proposed Regulation on Professional Cross-Border Transportation of Euro Cash by Road between Member States in the Euro Area***

### **Introduction**

This document sets out the position of the European Security Transport Association (ESTA) on the proposed Regulation on Professional Cross-Border Transportation of Euro Cash by Road between Member States in the Euro Area –COD/2010/0204 (following COM(2010)377).

ESTA welcomes the guarantees, given by the Commission (*in Recital 3 of its Communication*), that the proposed initiative will not be followed by any further Commission harmonization initiative under Article 38b) of Directive 2006/123/EC on services in the internal market.

ESTA's position has always been that the security of CIT staff and of the general public is of paramount and overriding importance. Existing national rules reflect the nature and level of risks that staff and public are exposed to, and are tailored to mitigate those risks in each individual Member State. Security in the CIT industry's operations is underpinned by two fundamental principles:

- No CIT mission or operation should be allowed on the basis of the proposed EU common rules in any Member State if it leads to a weakening of security compared to domestic rules;
- The proposed EU common rules should not provide the possibility of circumventing domestic rules and distort the level playing field in the industry, thus adversely affecting the security of staff and public.

With these general principles in mind, ESTA would like to express the following concerns in respect of the Commission's current proposal.

### **Specific Concerns**

- 1.) **Review (Article 26):** A number of areas that are being addressed by the proposed Regulation, have direct security implications and are Member State-specific. Therefore, we believe it is essential that the Commission explicitly consult all relevant parties, including Parliament, Council and the Social Partners, in its proposed Review procedure.  
⇒ **ESTA's position : Commission must consult Parliament, Council and Social Partners in the Review procedure outlined in Article 26.**
- 2.) **Delegation of powers (Articles 27-29):** For the same reasons, the fact that the Commission could unilaterally adopt amendments to technical rules without consulting the relevant parties (Parliament, Council, and the Social Partners) is not acceptable to us, and we believe it undermines democratic decision-making in an area that affects the security of EU citizens and workers. All relevant stakeholders must be consulted on any proposed changes to technical provisions.  
⇒ **ESTA's position : Commission must consult Parliament, Council and Social Partners on proposed amendments to technical rules, as outlined in Articles 27-29.**
- 3.) **Licence (Recital 4):** We believe that the requirement on operators from those Member State without a specific licensing procedure, to present an operating record of 12 months when applying for a licence in another Member State, is not sufficient. 24 months, as initially proposed by DG ECFIN and approved by the Member States in the Council but later amended, is in our view more appropriate. This prevents companies with no experience or track record in this security-sensitive area from setting up cross-border operations that do not present adequate guarantees.



⇒ **ESTA's position : Proof of a 24-month operating record (instead of 12 months) must be compulsory for cross-border operators based in a Member State with no specific licensing procedure.**

4.) **Training (Article 5):** We believe that the provision of at least 200 hours compulsory ad-hoc training for CIT security staff is not relevant or practically enforceable. It can be either too little or too much, depending both on the content of existing training programmes in place in the Member States, and on local crime and security conditions. A provision based on compulsory learning outcomes would be more suitable to ensure proper and effective training of staff. It would facilitate adequate enforcement and verification by national authorities, where appropriate.

⇒ **ESTA's position : Predetermined learning outcomes should replace the standard 200 hours ad-hoc training currently prescribed for CIT security staff in Article 5.**

5.) **Remuneration of CIT workers engaged in cross-border CIT (Article 24):** It is essential that wages and all benefits paid to CIT workers are either at least at the level of the home country or at least at the level of the host country or countries crossed or serviced, whichever is the highest. The Commission proposal makes this minimum protection applicable solely to wages and overtime. Due to the considerable differences between the Member States in terms of payment schemes, and in particular due to the high proportion of non-wage benefits in certain Member States, we believe that all social benefits should be covered by this minimum protection rule.

⇒ **ESTA's position : Minimum financial protection for CIT workers should cover all social benefits, and not just wages and overtime as outlined in Article 24.**

## **About ESTA**

The **European Security Transport Association** is a non profit Association established in Brussels since 1975.

We represent the common interests of secure logistics throughout Europe and 90% of the European **Cash in Transit (CIT) Industry**. Our main objective is to define and promote our members' joint positions on particular European policy aspects, with a view to increase the overall quality of the industry.

Contact: Francis Ravez, Secretary General, ESTA, Tel. +32 (0)499 56 44 40

Our Effective members are:

Effective Members are CIT/Cash Logistics companies.

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