

ESTA Annual Conference

Rome 27 April 2009

EU legislative initiatives in the field of CIT:
From the Services Directive to the CIT
regulation

Background to the CIT regulation

2002:

ECFIN initiative
for a CIT regulation

2003:

draft Services Directive

2009:
Draft ECFIN
Regulation on CIT

CIT
Industry

CIT is in the scope,
but excluded from
the Country of Origin
principle

CoESS/INHES white paper
security conference
(Paris 15 December 2008)

- Suggests EU harmonisation of private security as part of “co-production” of private-public security

2006: Services
Directive is adopted,
but excludes all
private security
(including CIT)

Why the exclusion from the Country of Origin principle ?

CIT industry:

- **Risk based industry/public security issue: domestic regulations are aimed at addressing the specific risk environment in each Member State**
- **Some aspects of domestic regulations are outside the scope of the Treaty – eg weapons**
- **First Pillar/Third Pillar borderline**

Therefore the Commission excluded CIT from the provision on COO in its draft Directive in 2003

From the Services Directive to the CIT Regulation

Services Directive :

- Internal market rules
- Art 38 : Commission to review the opportunity to propose an harmonisation instrument for CIT

SD does not apply to CIT,
but all EU internal market
rules do anyway

CIT Regulation :

- Does not deal with right of establishment (but it does not need to)
- Freedom to provide services cross border (through EU License)
- Proposes common rules for the CIT industry (in the Eurozone)

CIT Regulation goes
further than the SD

Unresolved issues

- Have all issues that led to the exclusion from the COO in the services directive been resolved ?
- The Regulation includes “*cabotage*” – can the EU license be used for circumvention of domestic rules ?
- Can the cross-border license lead to less secure CIT operations on a territory compared to those conducted under the domestic licenses ?
- Which social rules should apply to crews engaged in-cross border operations - particularly in case of *cabotage* ?