

**A comparative overview of the legislations
governing the Cash in Transit private industry
in the 15 EU members**

Final Report
of a CoESS / UNI-Europa joint Report
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This study launched by CoESS and UNI-Europa within the European Social Dialogue of the Private Security sector is part of the follow-up strategy of the 2002 Ecotec study on “A comparative overview of the legislation governing the private security industry in the European Union”, mainly concerning guarding.

Also funded by the European Commission, this specific survey on the Cash In Transit (CIT) branch was conducted by a special joint CoESS/UNI-Europa Working Group extended to ESTA members.

The questionnaire was applied to the first fifteen EU Member States and will be further extended to the ten new Member States who have since joined the European Union in May 2004. Portugal, for independent reasons, does not figure in this final report and will join in future updating of the study.

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Available initially in English, French and Spanish, the study will subsequently be translated into the other European languages. Validated by the EU Sectoral Social Dialogue Committee, this important work is directly in line with the Joint Declaration on Harmonisation of Legislative Frameworks, signed by CoESS and UNI-Europa on 13 December 2001 during the European Conference on Private Security Services in Brussels.

The two social partners of the private security sector are especially grateful to the European Commission for its financial support of the study.

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Introduction

Background and Objectives

This report is the final draft of a project funded by the European Commission and commissioned by the social partners in the European private security, CoESS and Uni-Europa.

The European Commission - formerly DG ECFIN - had been considering the development of an EU Regulation on cross-border CIT transport.

Given the active collaboration between social partners within the social dialogue framework, it is only natural that they became the fostering parents of this project.

The aim of this study is to provide a synthetic but rather comprehensive outline of:

- the legal situation (both national and regional),
- the social situation (collective agreements), and
- the current practice with respect to CIT and valuables transport in the European Union before May 1st 2004.

The main areas of concern are:

- ✓ The existence of a formal concept for CIT operations in the Member States
- ✓ Access requirements
- ✓ Conditions for executing CIT operations
- ✓ Execution modes with respect to transported goods, vehicles and the routes
- ✓ The social embedding after an incident

Methodology

The study was carried out in close consultation with the secretariat of CoESS and Uni-Europa and within the framework of the ‘Social Dialogue’ in the sector.

The information provided in this report was thoroughly reviewed by the social partners. Any remaining gaps or small inaccuracies therefore result from the difficulties in obtaining responses from sufficiently expert individuals at Member State level to provide or verify information in the timescale available.

Structure of the report

The report is built around *4 main topics*

- I. Access conditions to the CIT profession for individuals and companies
This chapter focuses mainly on acceptance requirements for companies, managers and employees. Special attention is paid to topics such as licensing, training, age limits, weapons etc.
- II. Conditions for executing CIT operations
What are the practical conditions under which CIT transport can take place?
- III. Execution modes of CIT operations
How is CIT transport organized? What are the requirements with respect to the transported goods and vehicles? What role does the customer play with respect to a secure transportation? How can CIT vehicles operate in public streets and areas?
- IV. Incidents during CIT operations
What kind of social network is made available for victims? What about families?

In all chapters considerable attention is paid to possible sanctions in case of non compliance to the rules.

Each topic refers to a certain stage within the legislative/regulatory process and addresses numerous items that are subject to 'possible' legislation.

All these elements play a vital role in a controlled and secured CIT transportation.

I. Access conditions to the CIT profession for individuals and companies

(Table 1 – Table 14)

Legal definition ([Table 1](#))

A little over 50% of the Member States lack a specific definition for CIT transport. In some instances, CIT operations are covered by the general security legislation except for Austria and Germany who provide a performance setting through their professional organizations, insurance agreements, collective agreements and general legislation. Belgium, France, Italy, Spain, the Grand Duchy of Luxembourg and the Netherlands all provide a specific CIT definition in their legislative framework. Generally speaking CIT is considered to be '*a professional activity on behalf of a third party with respect to the transportation of goods with a high value*'.

Types of licensing ([Table 2](#))

Member States require some sort of licensing for companies dealing with CIT operations. Three main licenses can be distinguished:

- Licensing based on commercial and company law
- Licensing based on transport law
- Licensing based on security law

Commercial or company law

Most countries provide requirements for doing general business such as enrolment in the Register of Commerce or access to certain crafts and professions. Few countries require a specific license in this area. Most relatable is Germany where a license based upon the commercial legislation - including §34a of the industrial Code and in some instances §32 of the Credit Systems Act - is required.

Transport legislation

As far as the requirements based upon transport law are concerned, almost all Member States do have certain provisions such as enrolment in a specific transport register, certification, and compliance to certain rules. Only Austria, Belgium and Germany request the possession of a specific transport license. In Belgium this license is limited to international transport whereas Germany imposes a license only for certain types of transport.

Security law

Apart from Austria and Germany, all Member States currently provide specific security legislation. However few countries (Belgium, France, the Grand Duchy of Luxembourg and Spain) have a separate chapter for CIT and valuables transportation as such. Most of the regulations concerning the latter are derived from the general security legislation.

Licensing takes place on three levels: the company level ([Table 3 – Table 6](#)), the head of the company/management level ([Table 7 – Table 10](#)) and the employee level ([Table 11 – Table 14](#)).

Licenses are granted on a *national, regional or local level* and have a limited but renewable validity ranging from 3 to 5 years. Governmental licensing bodies¹ are mainly the *Department of justice, the Home Office or police authorities*. The awarding of a license is preceded by a written request to the responsible department providing all the necessary information and is usually linked to certain criteria regarding financial capacity, financial guarantees¹ ([Table 6](#)) and moral integrity of both managers ([Table 9](#)) and staff ([Table 11](#)) and, in some cases, the availability of the necessary means and methods of the applicant-company. Companies specialized in CIT operations are usually limited to this type of activities. In case other activities are endorsed, an additional license/certification is required and is mainly limited to security activities such as guarding, alarm monitoring, protection of persons etc. In a rare instance, namely Finland, CIT transport can be combined with general transport activities. Non compliance with execution requirements can result in numerous sanctions (administrative and penal) including withdrawal of the license.

Beyond licensing of the CIT company, most Member States require an additional license ([Table 8 – Table 11](#)) or certificate for the head of the company and the staff (both managerial and employees). The requirements attached to such license are aimed at guaranteeing minimal standards for the integrity and quality of the provided services. Licensing/certification is usually preceded by some background investigation, the absence of a criminal record, additional guarantees in terms of dependability and integrity ([Table 9 – Table 11](#)), as well as specific vocational training or sufficient prior experience in either a private or public management function.

Training ([Table 7 – Table 12](#))

Training content focuses mainly on both the legislative and technical aspects of the business. The duration however differs considerably from one Member State to another. Training courses, even though not always mandatory, can be organized internally and externally. Certification is usually provided by a technical body, sometimes in conjunction with the Ministry of Education.

Training requirements for owners and management are not often compulsory. Those Member States that do include a training standard have different approaches: in some instances general vocational qualifications are sufficient, in other instances specific security training for management is enforced. Belgium also acknowledges former professional security experience.

As far as the content of these training packages is concerned again considerable differences can be seen. Some Member States pay more attention to general business

¹ With respect to the security regulations: Belgium, France, Italy, Spain the Netherlands: a financial guarantee and / or an insurance liability policy

With respect to transport or commercial legislation: Austria, Finland, Germany, the Grand Duchy of Luxembourg and the UK.

qualifications² while others prefer more specialized security training focusing on managerial skills³.

Training requirements with respect to the employees are equally dissimilar. Most training modules are a mixture of theoretical and practical courses and vary from 1 day to 186 hours.

Training of the employees is mainly financed by the company itself, sometimes subsidized by the government. Training courses must be completed prior to employment or must take place at the beginning of the employment.

Apart from basic training, refresher courses are made available and focus largely on the rehearsal, implementation and updating of acquired skills. Again the duration and the format of these courses vary considerably from one Member State to another.

The training content, training centers and trainers frequently need to be certified.

Where no legal standards are available, professional organizations or companies usually provide a - limited - training package.

Age limits ([Table 7](#) – [Table 11](#))

Almost all Member States set age limits. As far as the head of the company and managerial staff are concerned, the latter vary from 18-30 years to 62 (no limit) .

The age limits for employees are usually set between 18 and 65 years, except for France where minimum age is 21 years old for holding a weapon and UK where the minimum age is set to 21 years old.

Sanctions ([Table 4](#) – [Table 10](#))

Failure to comply with the rules or legal provisions results in administrative sanctions ranging from warnings and fines to temporarily or permanent withdrawal of the license. If infractions pertain to the criminal code, fines or imprisonment may occur. In some instances, the personnel who committed the infraction may lose their job.

However not always formalized, appeal seems to be available in most Member States.

In Germany, failure to comply with professional standards or existing regulations mainly result in a considerable increase of the insurance fee.

The possession and use of (fire) arms ([Table 13](#) – [Table 14](#))

Denmark, Greece, Ireland, Sweden, the Netherlands and the UK strictly prohibit the possession and use of firearms. In Germany, France, Italy, the Grand Duchy of Luxembourg and Spain the possession of a fire arm during the course of the professional activity is mandatory. Austria, Belgium and Finland allow the possession of fire arms during CIT operations. Social agreements however make the use of fire arms compulsory in Belgium.

The right or duty to possess and use a fire arm is motivated under strict conditions.

The request is usually filed by the company employing the beneficiary. The permission to carry and use a weapon however is granted on an individual basis once the necessary

² Civil, commercial, social and fiscal law, commercial and financial management, market knowledge, standards and operating techniques

³ organization of the industry, legal aspects of the industry, criminal law, social relations, fundamental rights of freedom and customer relations

requirements are fulfilled. These conditions pertain to the moral aptitude (e.g. the absence of a criminal record), successful completion of an arms training, the availability of regular shooting sessions and a labour contract with the requesting company. The permission is usually limited to working hours. Fire arms need to be stored at the companies' premises after work. The license is revoked or terminated when the employee leaves the company. The authorities granting the permit are mainly local authorities such as the police or the governor, except for the Grand Duchy of Luxembourg where the Minister of Justice is directly responsible for granting the license.

Belgium, France, the Grand Duchy of Luxembourg and Spain lay down specified requirements to detain and buy fire arms.

Mainly handguns are permitted.

Failure to comply with these legal provisions or the rules may inevitably lead to the withdrawal or revocation of the permit to detain or possess a fire arm.

II. Conditions for executing CIT operations

(Table 15 - Table 16)

Rules imposed by transport law and legislation ([Table 15](#))

Nine Member States out of 14 encompass certain regulations with respect to the driving time and working time for transport activities.

These regulations are derived from the - national - legislation or social agreements.

Working time can range from 35 hours a week in France to over 40 hours a week (for instance in the U.K.).

Driving time regulations follow the same pattern. Germany and Spain have mandatory rest after 4.5 hours driving.

Belgium, France, Italy and the Grand Duchy of Luxembourg all exclude night transportation⁴ as a rule.

Rules imposed by specific regulations w/r to CIT transport ([Table 16](#))

Belgium, France, Italy and the Grand Duchy of Luxembourg specifically prohibit night transport for CIT.

Ireland has no specific provisions in relation to night transport but recognizes some reluctance from police forces with respect to the nightly transport.

This ban from nightly transport is specifically incorporated in the security law in force in Belgium and Luxembourg. In France such ban was agreed in the National social agreement of 2000.

Obligations towards the police ([Table 16](#))

In most Member States no formal obligations with respect to the police exist.

In Belgium, Italy and Spain all CIT companies are held to communicate beforehand to the responsible police forces any relevant information on all transportations, including all changes to planned schedules.

In Spain the police have a right to verify the mandatory transport registry up to 5 years. Germany has made agreements with the police in view of the traffic control.

⁴ Generally from 10.00 pm until 06.00 am

III. Execution modes of CIT operations

(Table 17 - Table 31)

Legal definition of transported goods ([Table 17](#))

The content of CIT and valuables transport is similar for all Member States. However only three States provide a legal definition about the content: Belgium, France and the Grand Duchy of Luxembourg refer to the risk factor, the professional commitment or the value of the goods.

As far as the limitations with respect to the transported amounts is concerned this is mainly a matter of agreement between the companies and their insurers. Except for France, Spain and Belgium impose additional restrictions (in relation to light CIT) when the amount of the transported valuables exceeds certain limits.

All countries operate armoured transportation and to a certain extent IBNS. Those countries that provide a legal set of regulations include the terms for using armoured transport and Intelligent Banknotes Neutralisation Systems (IBNS).

Characteristics and means of protection of trucks ([Table 19](#))

Various existing legislations provide variable levels of armouring and possibilities to operate semi-armoured trucks and/or non-armoured trucks, if fully equipped, whenever new technologies (IBNS) are used for every single collection/delivery operation. Even with the absence of a specific set of laws, minimal armouring is available. This is often regulated by standards defined by the professional organisations or insurance companies.

It may come as no surprise that Member States with a relatively detailed legal framework have gone lengths to prescribe the minimal armouring standards of vehicles. The latter need to be certified by a recognized certification body and have to be approved by the responsible authority before being brought into play.

On a technical level we can conclude that mainstream armouring in the regulated Member States can be described as follows:

- The armouring technology is developed to provide maximal protection against a preset level of bullet and shock resistance.
- The level of protection⁵ of individual parts depends entirely on the total armouring level of the vehicles' body.

⁵ Resistance based on firearms classification

protected loopholes (shooting gates)

built-in emergency exit

vault

protective shield in front of the truck

secured locking system

armoured separation between the valuables compartment and the driver's compartment with built-in communication hatch(!)

coin channel (for the disposal of the keys) (!)

fire-resistant windows

protected bumpers, pneumatic tires (run-flat tires)

- In addition to armouring, the vehicle needs to be equipped with all possible means to ascertain the security of the crew. To this respect a lot of attention is paid to the sufficient supply of fresh air, necessary communication with the outside world, car alarm, etc.

Tracking system ([Table 19](#))

Almost all Member States request a tracking system, such as GPS, enabling permanent location of the vehicles and/or detecting unusual behaviour. Generally this is obtained through a direct link with the company, except for some countries where there is a direct link with the police⁶.

Characteristically only the more stringent legislations have predefined minimal standards with respect to the requirements of the tracking system.

Means of communication ([Table 20](#))

All countries seem to have a dedicated communication system with the central station of the company. This is established by radio, telephone or mobile phone. Even when a direct communication with the police is not available, all Member States have developed - to a greater or lesser extent - a communication procedure through the central station of the company.

Signaling ([Table 20](#))

To allow fast identification of the vehicle most companies provide signaling on all sides of the trucks, usually the ID-number and the company's logo.

Belgium, France, Italy, the Grand Duchy of Luxembourg and the Netherlands all have formal regulations with respect to the signaling on the vehicles. Germany regulates the signaling through the BDGW.

These regulations pertain mostly to the size/visibility and content as well as the position (front, back, lateral and top) of the markings. In Belgium signaling has to change according to the type of transport (coin, documents, neutralization system).

baffle plate (!)
locking of the gas tank
airlock
air-conditioning system
secured locking system only to be opened from within the vehicle
protected car alarm
fire extinguisher
absence of external ads such as steps, hooks, door handles etc.

⁶ Except for Belgium and the Grand Duchy of Luxembourg where a direct link with the police through GPS is available and Finland where no direct communication with the police is available for the time being, their system is currently under revision and a direct link will probably be made available for emergencies.

IBNS ([Table 21](#) – [Table 22](#))

Only 4 countries⁷ provide a legal framework for the use of IBNS. Legal provisions describe technical aspects as well as the content, the level of neutralisation and the amount entailing the use of such a system.

Neutralisation systems need to be authorized either by an official certification body and/or by the responsible authority⁸ of the State after a formal procedure⁹. Most neutralisation technologies are only valid for a limited period of time. Axytrans, Villiger, Spinaker, Intactus and SQS systems are authorized in several countries. Nonetheless, almost all countries make such neutralisation systems available during CIT operations. These systems are frequently an alternative or complementary option to armoured vehicles. Often IBNS is used during foot transport.

Basically speaking, an IBNS system can be described as ‘*a neutralisation system that prevents unauthorised attempts to open the container by permanently neutralizing its content*’.

Weapons ([Table 23](#))

Six Member States¹⁰ prohibit weapons during CIT operations.

Belgium¹¹, Germany, France, Italy, the Grand Duchy of Luxembourg and Spain request the possession of fire arms during CIT operations.

Austria and Finland, consent under strict conditions to the use of fire arms during CIT transportation. Possession of fire arms is usually limited to handguns with the exception of France and Spain where a riot gun can be stored inside the vehicle.

Finland does not actively encourage the possession and use of fire arms during CIT operations but leaves it to the management to motivate and justify the need of such prerogative. Fire arms can only be used for self-defense purposes.

Security guards ([Table 24](#))

– Individual equipment

Most members of armoured vehicles are uniformed and equipped with bullet-proof vests and gas masks.

In Germany the requirements regarding individual equipment result from a contractual agreement between insurance and CIT companies.

In the UK those decisions have been negotiated through health and safety procedures within the company.

– Collective equipment

No specific regulations are available. Collective equipments vary from radios, IBNS, portable phones to additional fire arms such as handguns or riot guns (Spain).

⁷ Belgium (Home Office), France (Home Office), Italy (Prefecture) and the Grand Duchy of Luxembourg (OLAS)

⁸ In Germany, this system is authorized by the Accident Insurance of the State.

⁹ Belgium: prior certification, ID-number and company logo

France: request for approval and test certificate

Italy: Prefecture

¹⁰ Denmark, Ireland, Greece, Sweden, the UK and the Netherlands

¹¹ Through a social agreement

- Composition of the crew

The number of guards during CIT operations depends mainly on the type of transport and varies from 1 to 3 members per vehicle, sometimes backed up by an escort (see below).

- Escort

The mandatory back up of an armoured transport by escort is equally dispersed within the Member States. Belgium, France, Italy, the Grand Duchy of Luxembourg and Spain all have legal requirements for making an escort available. In Belgium, for instance, the escort is usually serviced by the so-called Federal Police. In case the latter is not able to provide for the necessary escort the company has to fill in the gap by providing two escort cars both manned by a crew of three.

In Ireland the escort is only organised for high value transportation and is performed by the army.

Obligations to be fulfilled by the customer ([Table 25](#))

Within the CIT industry the client holds an important position to ensure the security and safety of the transport, the crew and the public. Being such a key player in assuring the necessary security, the customer needs to take the necessary steps to contain the risks.

With respect to the fitting of delivery points (including ATM's) ([Table 25](#)) nine Member States have no specific legislation on the delivery/collection of valuables. This does not mean that no provisions are made. Indeed some formal procedures are described in the insurance contracts or are a direct result from negotiations with the customer and are thus defined on a case-by-case basis.

Those countries providing a legal format on behalf of the customer concentrate mainly on the isolation of the transfer process. These measures vary from the implementation of technical/construction measures (such as vaults, airlocks, hatches, cameras, alarm systems, access control, CCTV etc.) to organisational and procedural policies (secure areas, identification of the crew, isolation from the public, removal of possible obstacles, short walkways, predefined delivery schedules, handling has to take place within a certain period of time upon arrival etc.).

As stated before, those countries that do not rely on specific legislations equally frequently organise similar measures and procedures.

In Belgium delivery needs to take place in a secured area when IBNS is not being used and takes place from a secured area to a secured area or airlock to airlock.

The Belgian legislator also restricts the transported values per container/per stop. France and the Grand Duchy of Luxembourg set out rather detailed procedures and concentrate on every weak spot of the delivery chain (including airlocks, secured areas banned from public access, hatches; tracking systems, strong boxes, CCTV, communication systems, alarms, absence of windows/doors on the street's side).

Highway Code ([Table 26](#) – [Table 27](#))

Secure CIT operations rely heavily on swift and uninterrupted passage through traffic. Nine¹² out of the 14 respondents said that no specific regulations are in place for possible derogations to the Highway Code.

Existing guidelines concentrate on the guarantee of a rapid and safe passage. Sometimes a special permit or derogation to park or stop at a public place is required.

With respect to delivery times and fitting-out of parking areas, the main priority is to take care of the process as fast and safe as possible.

The same is true for the use of bus lanes and public pathways. To make the public aware of possible hazards, CIT companies often resort to special authorisations or the use of special means and methods¹³ ([Table 27](#)). Without granting a special statute to CIT companies some respondents refer to, or even imply, a certain lenience of local police authorities in favour of this type of transport.

Premises of CIT companies ([table 28](#))

- Fitting-out and the deposit of funds and valuables

This area remains largely untouched by the legislation in the Member States. Even those countries that, as a rule, provide a rather stringent legislative framework leave this area blank. Only Greece, Italy, the Grand Duchy of Luxembourg and Spain impose security standards such as strong rooms, secured areas, secured parking lots, man-trapped entrances, passive defense systems.

Denmark and Germany fall back on either insurance conditions or professional standards.

Finland has arranged an agreement with the Bank of Finland with respect to the deposit of funds and valuables.

Information to the police ([table 29](#))

The information communicated to the (local) police is mainly organised through (in)formal procedures¹⁴. Although this is not always the case, the police is often informed about schedules, routes and methods¹⁵. Sometimes this is done on a regular basis and before the transport takes place¹⁶, sometimes the information remains available to the police in case they should need it.

As mentioned earlier, only the Grand Duchy of Luxembourg and Belgium have a direct link to the police. In all other instances communication with the police is organised from the central operating room of the company.

Unique is the Dutch situation where a written script, updated twice a year, is made available to the police.

¹² Austria, Denmark, France, Germany, Greece, Spain, Sweden, the Netherlands and the UK

¹³ The use of smoke boxes or intelligent boxes, well lit areas, escorts, airlocks, hatches, ...

¹⁴ in Italy the procedure to communicate information is organised by the local police department

¹⁵ in Belgium it depends on the type of transport

¹⁶ prior communication within a certain timeframe is mandatory, otherwise risk of fine

In the case of a man-to-man situation, identification of the guard mainly takes place through the uniform and ID-badges.

Specific national rules ([Table 30](#))

- Organisation of tours

The organisation of tours remains largely at the discretion of the servicing company and is mainly performed according to the client's needs and wishes. Only Belgium has developed a formal set of rules - through legislation - for each type of transport highlighting the limitations of the transported values, the number of stops and the number of IBNS containers per mission.

- Conditions under which the crew can leave the vehicle

Each country has its own set of rules with respect to leaving the vehicle¹⁷. Policies are left to the companies. As a rule, abandonment is deemed unacceptable.

- Other provisions

Noteworthy to this respect are the provisions made in the Belgian law with reference to the mandatory police protection on three-lane roads, prohibition of mixed transports as well as the obligation to operate within a 30-minute time frame.

The Netherlands point out the importance to carry out as many transfers as possible within a closed/secured area.

Specific national rules allowing the crossing of territory by a foreign CIT vehicle (EU member or non) ([table 31](#))

In most cases Member States do not have a specific legislation with respect to CIT transports on their territory performed by a foreign company based in an EU Member State.

In Belgium, France and Luxembourg foreign CIT companies need to comply with either the local legislation or the regulation provided by a Member State. However a specific authorisation - usually through a simplified procedure - to actually operate on those territories must be granted by the responsible authority of the host country.

In Denmark foreign CIT operators have to comply with the Danish law any way. In Germany there is no formal control of cross-border transportation, but the rules of the Accidents regulations of the different states need to be respected.

The same rules apply to those companies located outside the EU. The regulations of the host country prevail. This does not necessarily mean that these foreign companies have to go through the whole process again.

¹⁷ In Belgium leaving the vehicle is possible when in a secured area. In Finland, Germany and the Grand Duchy of Luxembourg companies provide detailed procedures about when and where to leave the truck. Greece requires prior authorisation and continuous surveillance. In Ireland the crew can only leave the vehicle at the collection point.

IV. Incidents during CIT operations

(Table 32 – Table 33)

Psychological follow-up ([table 32](#))

Most decisions with respect to the injured persons are handled at company level. Only Belgium, Denmark, France and Germany have a formal policy through conventional agreements.

Psychological follow-up for families falls mainly back on the company's willingness to offer additional support. Companies in most of the Member States do offer this type of support to the families.

Social protection ([table 33](#))

The social protection program enjoy a better legal basis (legislation and social agreements) and concentrates mainly on the guaranteed income for a certain period of time.

Sometimes this protection is organised through the company. Social assistance is mainly limited to the injured person.

Sanctions ([table 34](#))

With the exception of Greece, Ireland, Italy, the Grand Duchy of Luxembourg, Spain and the UK, non compliance with these social provisions invariably leads to penalties of some sort ranging from warnings to fines, loss of license and even imprisonment.

Control bodies ([table 35](#))

In those countries with a specific social security legislation, the ultimate national authority is either the Home Office or the Ministry of Justice.

On a local and regional level, mainly the police authorities are responsible for controlling CIT companies and their operations.

This does not mean that those authorities are automatically invested with the power to inflict penalties upon non compliance with the rules. In some cases they do. But sometimes they are not entitled to impose sanctions.

However not always formalised, the right to submit an appeal is available to the offender.

Loss of the license ([table 36](#))

Loss of a license occurs in most instances when CIT companies fail to comply with the existing legislation.

The licenses of the company, senior managers and employees may be revoked.

In Germany failure to comply with the regulations usually results in an increase of insurance premiums.

Conclusions

The following observations and conclusions may be drawn from this study.

As far as the *access requirements* to the CIT sector are concerned:

- ↗ Absence of a uniform legal definition of CIT operations
- ↗ Absence of a uniform source of law (company law, transport law, security law)
- ↗ Lack of consistent training programs in terms of content as well as duration
- ↗ Different concepts regarding morality criteria
- ↗ Diverging views on background investigations
- ↗ Conflicting ideas on the right to possess and use weapons

Most Member States however respect the minimal age of 18 years to perform security operations or manage a CIT company as well as the obligation to wear a uniform and an ID-badge.

With respect to the *conditions to perform CIT operations* and *execution modes*, here again major discrepancies can be found within the EU.

- ↗ Most countries allow driving at night and have no formal restrictions on driving time
- ↗ Formal rules with respect to liaising with the police remain absent
- ↗ Formal regulations relating to the technical requirements of vehicles remain absent
- ↗ Diverging views on the use of IBNS
- ↗ Absence of a definition for transported goods
- ↗ Availability of communication means, tracking systems, signaling on the vehicle and IBNS is not mandatory to a large extent
- ↗ Formal rules with respect to the operation of vehicles on public streets and places are virtually non existent
- ↗ Diverging views on the security available to CIT companies
- ↗ In most Member States no specific legal provisions are available with respect to the responsibility of the client in the CIT process
- ↗ Diverging views on the supply of information to the police
- ↗ As far as the availability of social support for victims of attacks is concerned, most initiatives are left to the company and are not yet backed by legislation or social agreements
- ↗ Absence of a uniform regulation with respect to the cross-border activity across the European Union
- ↗ Sanctions for non complying with social legislation are not applied uniformly

Despite the great disparity between the legal frameworks of the Member States, we would like to stress that the reality in the field does not always match the legal reality. Often measures are taken to fill in the legal gaps.

Endnotes

¹ Overview of the different authorities

Member States	Company	Head of the company / senior management	Employees
Austria	Industry authority	No specific authority	N/A
Belgium *	Home Office (SPFI)	SPFI (Home Office)	Home Office (SPFI)
Denmark	Commissioner of the police		Commissioner of the police
Finland	Home Office - Security Sector Supervision Unit - Regional government	Home Office - Security Sector Supervisory Unit Regional government	Local police department
France	Prefecture of the headquarters of the company Regional Direction of Equipment Home Office	Minister of transportation / Minister of Education Prefect of the region where examination was taken	Departmental prefecture for agreement and license to carry a weapon alike For social matters: the Ministry of transport
Germany	Local authorities		Local authorities
Greece	Ministry of Public Order	Ministry of Justice Ministry of public Order Police authority	Ministry of Public Order Police Authorities
Ireland	N/A	N/A	N/A
Italy	The Departmental Prefecture	Prefecture	Have to swear an oath in front of Prefecture
The Grand Duchy of Luxembourg	Ministry of Justice Ministry of Commerce Ministry of Transport	Ministry of Justice Ministry of Commerce	Ministry of Justice
Portugal*			
Spain	Home Office Ministry of Transport	Home Office Ministry of Transport	Home Office
Sweden ***	N/A	N/A	N/A
The Netherlands	Ministry of Justice	Ministry of Justice	Local police representing the Ministry of Justice
U.K.	Security Industry Authority (SIA) Operators license issued by VOSA (Vehicle Operators Service Authority)	VOSA and SIA	SIA