



EUROPEAN COMMISSION
DG Employment, Social Affairs and Inclusion

Employment and Social Legislation, Social Dialogue
Social dialogue, Industrial Relations

**SECTORAL SOCIAL DIALOGUE COMMITTEE
WORKING GROUP MEETING
PRIVATE SECURITY**

**18 FEBRUARY 2013
BRUSSELS, ALBERT BORSCHETTE CONFERENCE CENTRE**

MINUTES

Participants:

Employer representatives

Mr Eduardo Cobas Urcelay, APROSER, Spain
Ms Hilde De Clerck, CoESS, Belgium
Ms Nathalie De Mulder, CoESS, Belgium
Mr Claude Lévy, SNES, France
Mr Richard Orgård, Almega, Sweden
Mr Björn Ericsson, Almega, Sweden
Mr Anton Larker, DI, Denmark

Employee representatives

Ms Laila Castaldo, UNI Europa, Belgium
Mr Jesús Arroyo, UGT, Spain
Mr Jean-Paul Horville, CGT, France
Mr Ron Boltorg, FNU Bondgenoten, Netherlands
Mr Markus Saikkonen, PAM, Finland

European Commission

Mr Murad Wiśniewski, DG EMPL (Chair)

1. Opening

The draft minutes of the last SSDC meeting of 13 November 2012 were adopted without changes. The draft agenda was approved with the high-level group on business services added under any other business, following a request by Ms Laila Castaldo. Mr Rares Bularca was welcomed as the Commission's new assistant to the SSDC, replacing Ms Ann van Aarden.

2. Public procurement

Ms Castaldo stated that UNI Europa preferred the European Parliament's report on the revision of the public procurement directive against the Council's report, because it put a stronger emphasis on social requirements and did not include the lowest cost among the award criteria. At the same time, she expressed her regret that the definition of abnormally low tenders in percentage terms, as contained in the Commission proposal, had been deleted in both reports. In her opinion, trialogue negotiations between the European Parliament, the Council and the Commission would most likely be entered, following a vote on 21 February 2013. She proposed to lobby jointly for the European Parliament's text during the trialogue negotiations.

Ms De Clerck requested the chairman to inquire informally which position the Commission would take in the trialogue. Mr Cobas Urcelay agreed with Ms Castaldo that, with the deletion of the lowest-price criterion and the inclusion of the respect for labour laws, the two major demands formulated in the joint opinion of 25 May 2012 had been met in the European Parliament's text. However, he was not sure whether the deletion of percentage terms was regrettable. He also expressed his doubt that the Commission would side with Parliament against the Council on the lowest-price criterion during the trialogue, since its own proposal for a directive had included this criterion. Ms De Clerck voiced her pessimism about the impact of the current climate of austerity and cost-cutting on any outcome, but agreed to support the Parliament text.

Both sides requested a meeting with DG MARKT in view of the trialogue on this issue.

3. EU-OSHA OiRA tool

Both sides of industry expressed their gratitude to the European Agency for Safety and Health at Work (EU-OSHA) for the support they received for the On-line interactive Risk Assessment (OiRA) tool project. The Chair reported an exchange with Mr Lorenzo Munar of EU-OSHA after the presentation of the OiRA tool at the last Liaison Forum on 28 January 2013, during which the latter had expressed his conviction that the tool would be particularly useful for a sector like private security. Mr Cobas Urcelay agreed that the OiRA tool was tailored for the needs of the private security sector. He reported a meeting with EU-OSHA on 31 January and described the comments received from CoESS affiliates in the following as overwhelmingly positive. An expert meeting had been fixed for 11 April and further project meetings aligned with SSDC meetings to save costs. With the project deadline in October, a first draft tool should be prepared by June.

Mr Cobas Urcelay stressed the significance of the OiRA tool for countries that had not developed very high health and safety standards yet. Mr Horville referred to an explanation he had given during the preparatory meeting about new tasks that had created new risks in recent years, following a privatisation of police tasks. Thus, the tool could also be used to respond to these new risks across countries. Mr Cobas Urcelay stated that the tool would constitute a very practical result of European social dialogue to be used at the national level.

4. Internalisation of security services in the European Parliament

The Chair reported the position of the staff committee and the majority of the trade unions at the European Parliament, which corresponded with the position presented by Mr Hans Torrekens,

president of the SFE trade union at the Commission, at the previous SSDC meeting. Thus, staff representatives at the European Parliament broadly supported the internalisation, and were taking care that applicants received fair treatment in the framework of the open competition for security personnel organised by the European Personnel Selection Office (EPSO). The chairman also reaffirmed his offer to invite a representative of the staff committee to this meeting, which the social partners had declined.

Ms Castaldo informed the committee of a declaration signed by all UNI Europa affiliates, which had been sent to the Members of the European Parliament (MEPs). UNI had met Mr Marc Tarabella MEP, who had proposed to establish a group of MEPs to supervise the development. In the following, UNI had also held a meeting with the management of Securitas, during which they had agreed that current security personnel at the European Parliament, who would not be taken over, would be considered for posts with other clients on a priority basis. However, Ms Castaldo stressed that as many as half of all present security personnel had not met the criteria to participate in the EPSO competition. Hence, it was far from clear if Securitas would find enough alternative posts for all of them. For the time being, both sides of industry agreed not to adopt a joint opinion on this issue, but to wait for the results of the UNI initiative first.

Mr Horville voiced his condemnation of the internalisation of security services at the European institutions. The chairman informed him that, as had already been stated at the previous SSDC meeting, the Commission was not planning any such step and internalisation was limited to the European Parliament. However, Mr Horville went on to criticise the European institutions collectively for creating the environment, in which such an internalisation was legally and politically possible. He also condemned that the know-how of local security guards, presently employed at the three workplaces of the European Parliament, would be lost, and that applicants from countries like Poland could be employed in their place.

Ms De Clerck reiterated her view that the European institutions were dictating rules, such as the transfer of undertakings directive, to everyone else but not applying them to themselves. The chairman reminded her of the explanation given at the previous SSDC meeting that different regulations applied to private companies than to public institutions, such as international organisations, European institutions or national parliaments, and that the European Parliament was legally obliged to follow a strict procedure in the form of an open EPSO competition. However, Ms De Clerck reaffirmed her view that the same rules that applied to private companies in Europe should apply to the European Parliament.

Mr Lévy suggested bringing the matter to the European Court of Justice, but Mr Cobas Urcelay responded that the European Parliament had acted in legal conformity, even if he disagreed with its actions on ethical grounds. The chairman confirmed that the internalisation was conducted in line with legal regulations.

5. New priorities for 2013

Mr Cobas Urcelay proposed health and safety and public procurement to remain the priorities in 2013. Ms Castaldo backed his proposal and additionally suggested a new project on new skills in the sector, which could be discussed at the next meeting. Both sides also agreed to place the regulation on the professional cross-border transport of euro cash by road between euro-area member states (CIT) on the agenda of the next meeting again and to invite Mr Rüdiger Voss, head of sector for euro cash and legal issues at DG ECFIN, for an update on this matter.

Ms De Clerck voiced her disappointment about the lack of stand-point taken by DG EMPL – which has the competence of proposing European wide rules regarding transfer of undertakings, working conditions, etc – with regard of the decision by the European Parliament to internalise its security services, and given that the EP, due to the principle of extra-territoriality, is not bound by any EU rules as mentioned above. Mrs De Clerck regrets that DG EMPL does not provide some more information on the context, background and consequences of this decision, foremost also

for the attention of CoESS and UNI Europa members participating in the European social dialogue. The chairman explained that the Commission could not interfere with internal decisions taken by Parliament.

Ms De Clerck also highly regretted that the social partners had had to seek the support of EU-OSHA because DG EMPL had not supported the joint CoESS-UNI Europa project regarding health and safety in the sector. The chairman pointed out that EU-OSHA was an executive agency of the Commission, and that funding opportunities from different Commission services should be regarded as complementary rather than as contradictory.

Ms De Clerck added, as a general remark, that given that the private security services sector in the EU have no DG or unit dealing specifically with the sector (as opposed to other sectors in the EU), the private security services sector has high hope in DG EMPL to support the sector in all matters which are at the heart of a labour-intensive sector. She added that she was disappointed that CoESS and its members have the feeling that DG EMPL should do more to support the sector, through the social dialogue and on topics on which both CoESS and UNI Europe are working in consensus (the possible very negative impact of the EP decision to internalise its security services, the negative way in which the issue of new EU public procurement rules is evolving, support for joint projects, etc).

UNI Europa agreed with all the remarks made by Mrs De Clerck on behalf of CoESS. There was broad agreement in the committee with her suggestion that DG EMPL was the service to provide such support, given that private security was a particularly labour-intensive sector. Hence, both sides of industry requested a meeting with Mr Jean-Paul Tricart, head of unit B1 at DG EMPL, to discuss whether and how such sector-specific support could be provided.

Both CoESS and UNI Europa made it very clear to the Chair that none of their comments in this discussion were addressed to the person of the Chair, but that they had to be seen as general comments and regrets regarding DG EMPL.

6. Any other business

Neither side of industry expressed much hope in the context of the high-level group on business services, which comprised Ms De Clerck, secretary general of CoESS, and Oliver Röthig, regional secretary of UNI Europa. It was decided to raise the group during the requested meeting with Mr Tricart.

Mr Cobas Urcelay and Ms De Mulder announced the CoESS conference in Madrid on 14-15 March 2013 that was to focus on the future of the sector and analyse good practices in the co-operation between public and private security services.

The Chair asked the committee, whether the social partners should take over the chair from 2013 onwards, as had been discussed in bilateral meetings with both sides of industry in 2012. Both CoESS and UNI Europa agreed that the Commission should continue chairing their social dialogue meeting.