Minutes of the Working Group
30 January 2017

1. and 2. Adoption of the agenda and of the minutes of the previous meeting (3 November 2016)

The agenda of the meeting is adopted as are the minutes of the previous meeting.

3. Undeclared work and social dumping

Mrs Catherine Piana from CoESS reported on the activities of EU Platform on undeclared work, in which CoESS is an observer, and informed about the upcoming events (see presentation attached).

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The Romanian UNI-Europa representative said that the Romanian public authorities are the biggest employer of undeclared workers in private security sector due to application of the lowest price criteria. He also noted that each increase of a minimum wage provokes a migration from declared work to fully or partially undeclared work.

The French CoESS representative said that in France the employer shares liability when entering into a contract a company employing undeclared workers.

UNI Europa expressed their will to contribute, jointly with CoESS, to the EU Platform on undeclared work on behalf of the sector.

It was agreed that practical examples and experiences would be collected from national affiliates for this purpose. Good examples could also be used during the national legislative process, in order to include clauses preventing undeclared work.

4. Public procurement and best value
Mrs Nadia Costacurta from the European Commission (DG GROW), reported on the state of play of the transposition of Public Procurement Directives in Member States (see presentation attached).

UNI-Europa representative said that problems are seen in some Member States when implementing the new rules. While the Directives were transposed, guidance on how the new rules should be implemented in practice is missing. She asked to whom the Online Platform is opened and whether the European Commission could help identifying stakeholders to whom the committee could distribute the sectoral Best Value Guide. UNI-Europa also asked why there has been a shift from MEAT (Most economically advantageous tender) award criteria to BPQR (Best Price Quality Ratio) criteria.

Mrs Costacurta explained that the Online Platform is for governmental experts only. The European Commission has been discussing the new rules in detail with the governmental experts on Public Procurement. She stressed that the European Commission will not only look at the transposition of the Directives, but will also do compliance check. As regards the Best Value Guide, Mrs Costacurta informed about existence of Stakeholders Committee on Public Procurement. Regarding the BPQR criteria, she explained that there has been a shift in the philosophy in the new Directives. She referred to recital 89 of Directive 2014/24/EU, which explains this change. The case-law of the CJEU on MEAT award criteria is nevertheless still valid for BPQR.

CoESS representative explained the reasoning behind Best Value Guide for Private Security sector and informed that social partners are closely monitoring how the Directives are being transposed and implemented in various Member States.

Mrs Costacurta invited the social partners to share their findings with the competent Commission services in DG GROW.

The Romanian UNI-Europa representative shared problems faced in Romania and asked whether quality criteria could be reinforced by the European Commission.

Mrs Costacurta explained that the European Commission cannot go beyond what is being provided for by the Directives.

CoESS, together with the Romanian UNI-Europa representative, reported on meeting about Best Value in Romania.

5. Future of the sector and anticipation to change

Mrs Catherine Piana from CoESS presented the joint CoESS and UNI-Europa project, co-financed by the European Commission (see presentation attached). The project aims at identifying the current and future situation and challenges (demography; new technologies).
for the Private Security sector. Mrs Piana reminded the background, main objectives and expected deliverables of the project, as well as indicative timetable. She reminded that two upcoming events will be the 1st steering group meeting and 1st project experts committee meeting. Exact dates have to be set and representatives from UNI-Europa and CoESS are needed.

UNI-Europa informed that they are in the process of collecting interest from the experts and that the final nomination has to be coordinated with CoESS in order to have a balanced geographical representation and technical expertise.

6. Regulatory framework and standardisation activities

a. CIT

Mr Thierry Lebeaux from ESTA reported on implementation of cross-border CIT regulation (see presentation attached).

The Belgian Uni-Europa representative confirmed the importance of the matter. In Belgium, cash in transit is seen as too complex and expensive.

Mr Lebaux also informed that the European Commission has published inception impact assessment on harmonised restrictions for payment in cash, with the aim to prevent crime, tax evasion and terrorism. He stressed that this initiative should be closely monitored and that consumers and citizens should not be deprived of their choice of methods of payments. The actual needs for such restrictions should be assessed first.

The social partners agreed that both the CIT regulation and the new possible initiative on restrictions for cash payments should be closely monitored.

b. Standardisation

Mrs Catherine Piana from CoESS made a presentation on standardisation and reported on activities of a committee for standardisation in Private Security sector "CEN TC439" (see presentation attached). She stressed that standards should be part of Quality/Best Value approach.
The Belgian UNI-Europa representative asked how the standards interplay with the national legislations.

CoESS explained that standards provide for voluntary quality criteria and cannot supersede legislation. At the same time, European standards supersede national standards.

UNI-Europa informed that there would be a UNI-Europa representative participating in the activities of CEN TC439.

7. Information on current initiatives from the European Commission

Mrs Mirka Hajkova from the European Commission (DG EMPL/Social Dialogue) presented current initiatives from the European Commission, which relate to the European Pillar of Social Rights and stem from the 2017 Commission work programme (see presentation attached). She informed the committee about several upcoming initiatives, for which the social partners will be consulted and encouraged the committee to take an active role during these consultations. She also reminded the committee to regularly contribute to the Social Dialogue e-Newsletter.

8. Any other business

On behalf of CoESS, Mrs Catherine Piana, informed about a new EU grant for a project on Aviation Insider Threat. The project, co-financed by DG HOME, has started in January and CoESS will regularly report on it, since insider threat is also relevant for Private Security sector.

The next meeting of the Social Dialogue committee on Private Security will take place on Wednesday 7 June. The Chair suggested having a first discussion on the draft work programme for years 2018-2019 at the next meeting.

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