Professional cross-border transportation of euro cash by road between euro-area Member States

2010/0204(COD) - 16/11/2011 - Final act

PURPOSE: to facilitate the professional cross-border transport of euro cash by road between euro-area Member States

LEGISLATIVE ACT: Regulation (EU) No 1214/2011 of the European Parliament and of the Council on the professional cross-border transport of euro cash by road between euro-area Member States.

CONTENT: following agreement in first reading with the European Parliament, the Council adopted a regulation aimed at facilitating the professional cross-border transport of euro cash by road between the Member States of the euro zone.

The new Regulation provides for conditions designed to guarantee the security of the transaction, the safety of the cash-in-transit (CIT) security staff involved and of the public and the free movement of euro cash. This includes the obligation for companies wishing to make cross-border transport of euro cash by road to apply for a cross-border cash-in-transit (CIT) licence from their Member States of origin.

Place of departure, maximum duration and number of euro cash deliveries/pick-ups: cross-border transport of euro cash provided in accordance with this Regulation shall be carried out during the daytime. A CIT vehicle carrying out cross-border transport of euro cash shall start its journey from its Member State of origin and shall return to it on the same day.

By derogation, point-to-point transport may be carried out within a time-slot of 24 hours, provided that night-time transport of euro cash is allowed under national rules of the Member State of origin, of the Member State of transit and of the host Member State.

Cross-border CIT licence: a company wishing to undertake cross-border transport of euro cash by road shall apply for a cross-border CIT licence from the granting authority in its Member State of origin. The cross-border CIT licence shall be granted for a period of 5 years by the national granting authority, provided that the applicant company meets certain conditions. Amongst other things, the applicant company must have a **valid civil liability insurance** to cover at least third- party damage to life and property, regardless of whether the cash transported is insured thereunder.

Applicant companies established in a Member State which has no specific approval procedure for CIT companies in addition to its general rules for the security or transport sector, must be able to provide evidence that it has had **regular business transporting cash for at least 24 months** within its Member State of origin prior to the application with **no infringements of that Member State's national law** governing such activities.

CIT security staff: staff must: (i) not have a relevant entry in a criminal record and are of good repute and integrity according to, for instance, relevant police records; (ii) have a medical certificate certifying that their physical and mental health is adequate for the task to be performed; (iii) have successfully followed at least **200 hours of ad hoc initial training**, not including any training on the use of firearms.

The minimum requirements for the ad hoc initial training are set out in Annex VI.

At least one member of the CIT security staff in the CIT vehicle shall have at least A1-level language skills in the languages used by the local authorities and the population in the relevant areas of the Member State of transit and of the host Member State.

Carrying of weapons: CIT security staff shall **comply with the law of the Member State of origin, of the Member State of transit and of the host Member State** as regards the carrying of weapons and the maximum permitted calibre. CIT security staff who are armed or who travel in a CIT vehicle with arms on board shall have a professional weapons licence or authorisation issued by the national authorities of the Member State of transit and/or the host Member State, where those Member States allow CIT security staff to be armed.

In the case of a cabin-armoured CIT vehicle equipped with IBNS, or a fully-armoured CIT vehicle not equipped with IBNS, the cabin of the vehicle is equipped with a bullet-proof vest for each member of the CIT security staff on board. The CIT security staff may wear the **bullet-proof vests** during the transport and shall wear them where required by the law of the Member State where they are situated.

Security: with a view to improving CIT security for both the CIT security staff involved and the public, **use of the intelligent banknote neutralisation system (IBNS) should be encouraged** and, after a thorough analysis of the potential impacts by the Commission, should be capable of being developed in a manner entailing harmonisation of IBNS among the participating Member States, without prejudice to the rules set out in this Regulation on applicable transport arrangements.

A Member State may decide to introduce temporary security measures going beyond those provided for in this Regulation in the event of an urgent problem affecting significantly the security of CIT operations.

Mutual information: Member States shall submit to the Commission the rules as well as information on which IBNS have been homologated by them and must keep a register of all the companies to which they have delivered a cross-border CIT licence and shall inform the Commission about its content. To facilitate information-sharing, the Commission shall set up a **central secured database** containing data on licences issued, suspended or withdrawn, which shall be accessible to the relevant authorities of the participating Member States.

Compliance: during the period of validity of a cross-border CIT licence, Member States of origin shall ensure that the rules laid down in this Regulation are complied with, including via random inspections without prior notification to the company. Such inspections may also be carried out by host Member States.

Remuneration of CIT security staff carrying out cross-border transport: CIT security staff carrying out cross-border transport in accordance with this Regulation shall be guaranteed the relevant minimum rates of pay, including overtime rates, in the host Member State in accordance with Directive 96/71/EC.

Review: by 1 December 2016 and every 5 years thereafter, the Commission shall report to the European Parliament and to the Council on the implementation of this Regulation. For that purpose, it shall consult the stakeholders in the sector including the social partners followed by the Member States.

ENTRY INTO FORCE: 29/11/2012.

DELEGATED ACTS: the Commission shall be empowered to adopt delegated acts concerning amendments to Annex II and to the technical rules on the standards applicable to the armouring of CIT vehicles and to bulletproof vests and to weapons strong-boxes, with a view to taking into account technological progress and possible new European standards.

The power to adopt delegated acts is conferred on the Commission for an indeterminate period of time from 30 November 2012. The delegation of power may be revoked at any time by the European Parliament or by the Council. A delegated act shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of 3 months of notification of that act (which may be extended by 3 months at the initiative of the European Parliament or of the Council.