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Answer given by Ms Bieńkowska
on behalf of the European Commission
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The regulation of private security services falls within the competences of Member States. In addition, private security services are excluded from the scope of the Services Directive¹. It is the constant jurisprudence of the Court of Justice of the European Union that national measures which restrict the exercise of the fundamental freedoms can be justified if they are non-discriminatory, necessary and proportionate in pursuing overriding reasons relating to the general interest. Whether the requirements put in place by a Member State satisfy these conditions, depends on the nature of such requirements².

Therefore, in the absence of sector-specific harmonisation, Member States are competent to define the conditions for the pursuit of activities in the private security sector, whilst respecting the freedom of establishment and the freedom to provide services, as well as the freedom of movement of workers.

The Commission has until now not used its right of legislative initiative to regulate in the area of private security services, and to date the Commission has no plans to present such a proposal.

¹ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

² C-279/00, Commission vs Italy.