

**Priority question for written answer P-003553/2022
to the Commission**
Rule 138
Laura Ferrara (NI)

Subject: Free provision of security guard services on board merchant ships flying the Italian flag

Italian merchant ships travelling through international waters exposed to the risk of piracy are authorised, under Articles 133 and 134 of the Consolidated Law on Public Security (Royal Decree 773/1931), to hire security guards, provided that the latter have served for at least six months in international missions as members of armed forces.

However, Article 37(d) of Law No 126/2020 introduced the requirement for 'an employment relationship with an authorised security firm' as a prerequisite to operate in the sector.

This flies in the face of the fundamental principles of the Union set out in Articles 49 and 56 TFEU on the freedom of establishment and the freedom to provide services in the EU, as well as with the CJEU's ruling in case C-465/05.

This piece of Italian legislation thus appears to be discriminatory in refusing to grant the necessary operating licence to security guards wishing to operate on the EU market, and does not even allow them to participate in calls for tender run by the European institutions.

Can the Commission therefore say:

1. how it intends to protect this category of workers?
2. whether it considers this legislation to run counter to the EU principle of freedom to provide services?
3. whether it considers that there may be a risk of new infringement proceedings being brought against Italy?

Submitted: 28.10.2022