

## Directive 2005/36/EC

# Guidance on the Recognition of Professional Qualifications

Updated December 2011

## 1. Introduction

This document provides general guidance to nationals from other Member states on Directive 2005/36/EC and the relevant implementing UK Regulations<sup>1</sup>. The Directive and implementing Regulations relate to the provisions of services on a temporary and occasional basis.

The EU directive says that if you are authorised in one member state to operate or provide services, you can do so on a temporary basis in another member state without the need to undergo further checks from the state you wish to work in. However, you do need to register with the state you wish to work in.

This means that if you have a licence, professional qualification or similar authority to provide private security services in your country, you can use that authority to provide services on a temporary basis within the UK. Where there is no such authority in your country, you can work in the UK if you can show you have worked in the private security industry in your country for two years in the last ten years. In both cases, you will need to register with the SIA before you can work on a temporary basis in the UK.

The Security Industry Authority is responsible for regulating the private security industry in the UK; we license individuals undertaking designated activities within the private security industry.

We license individuals working in specific sectors of the private security industry. Whether or not you require a licence will be determined by the role that is performed and the activity that you wish to undertake. These are fully described in our legislation<sup>2</sup>. Nationals from other Member States<sup>3</sup> can work in the UK on a temporary basis without having to apply for an SIA licence. You will be required to register with us by completing a declaration form indicating which sector you wish to work in and providing us with evidence of no criminal convictions from your home member state.

If you are a family member of a Member State national (other than a UK national) who is moving to work temporarily in the UK, you may also have the same entitlement; providing you can show you have acquired community rights from your relation with that individual. You will not be able to invoke this right to work temporarily if the Member State national (from whom you acquired the community right) is moving permanently to or currently residing in the UK. You can however apply for an SIA licence through the normal process.

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<sup>1</sup> Statutory Instrument on The European Communities (Recognition of Professional Qualifications) Regulation 2007 (No. 2781)

<sup>2</sup> Section 3 and Schedule 2 of the Private Security Industry Act 2001 (as amended)

<sup>3</sup> Directive 2005/36/EC applies to nationals of 30 countries; the 27 Member States of the European Union (Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK) and the following three countries; Iceland, Norway, and Liechtenstein. NB: Specific rules apply for Switzerland with regard to the recognition of professional qualifications.

## 2. Temporary and Occasional

The Directive or Regulation does not define a period of temporary and occasional service. *'The temporary and occasional nature of the service has to be assessed, on a case by case basis, of the combined criterion of duration, frequency, regularity and continuity of that service provision'*. The assessment is a matter of judgement for us in each case. If we decide that the services you are providing are no longer temporary or occasional, then you will need to get an SIA licence to carry on working.

You will need to renew your registration with us every year.

**Important note:** The EU directive and the registration process **only** covers temporary or occasional work. If you provide services that are not temporary or occasional, you will need to apply for an SIA licence.

To register with us, you need to complete a declaration if you are:

- a national of a Member State of the European Union and the following three countries: Iceland, Norway and Liechtenstein
- in good standing with your professional authority in your Member State; and
- are entitled to work as a private security operative in the European Union

## 3. Licensable Activities Covered by SIA Licensing

You need to register with us if you are planning to undertake any of the following activities. Please note: the list below is only a summary of licensable activity in the UK. For further details please see our website [www.sia.homeoffice.gov.uk](http://www.sia.homeoffice.gov.uk).

### Manned Guarding

Manned guarding activity includes any of the following:

- a. guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage;
- b. guarding property against destruction or damage, against being stolen or against being otherwise dishonestly taken or obtained;
- c. guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.

All of the above includes providing a physical presence, or carrying out any form of patrol or surveillance, as to deter or otherwise discourage it from happening or to provide information, if it happens, about what has happened.

**For the purposes of SIA Licensing, the umbrella description of 'Manned Guarding' has been broken down into the following sub-sections.**

#### i. Cash and Valuables in Transit:

A Cash and Valuables in Transit licence is required when guarding property against destruction or damage, against being stolen or against being otherwise dishonestly taken or obtained, involving the secure transportation of property in vehicles specially manufactured or adapted so as to have secure transportation as their primary function.

#### **ii. Close Protection:**

A Close Protection licence is required when guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.

#### **iii. Door Supervision:**

A Door Supervisor licence is required if manned guarding activities are undertaken in relation to licensed premises\*, except where the activity only involves the use of CCTV equipment or falls within the definition of cash and valuables in transit or close protection. A Door Supervisor licence is required if you are performing this activity on behalf of yourself or your employer or your services are supplied for the purposes of or in connection with any contract to a consumer.

\*'in relation to licensed premises' means when those premises are open to the public, at times when alcohol is being supplied for consumption, or regulated entertainment is being provided, on the premises.

#### **iv. Public Space Surveillance (CCTV):**

Public Space Surveillance (CCTV) licence is required when manned guarding activities are carried out through the use of closed circuit television equipment to:

- a. monitor the activities of a member of the public in a public or private place; or
- b. identify a particular person.

This includes the use of CCTV in these cases to record images that are viewed on non-CCTV equipment, but excludes the use of CCTV solely to identify a trespasser or protect property.

#### **v. Security Guarding:**

A Security licence is required when manned guarding activity that does not fall under the descriptions of door supervision, close protection, cash and valuables in transit, or public space surveillance (CCTV) is undertaken.

### **Immobilisation, restriction and removal of vehicles**

You need a Vehicle Immobilisers licence if you undertake any of the following activity:

- a. the moving of a vehicle by any means;
- b. the restriction of the movement of a vehicle by any means (including the immobilisation of a vehicle by attaching a device to it);
- c. the release of a vehicle which has been so moved or restricted, where release is effected by returning the vehicle to the control of the person who was otherwise entitled to remove it, by removing any restriction on the movement of the vehicle by removing the device or by any other means; or
- d. the demanding or collection of a charge as a condition of any such release of or for the removal of the device from a vehicle.

**SIA licensing of vehicle immobilisers does not apply to Scotland.**

## Key Holding

A Key Holding licence is required when keeping custody of, or controlling access to, any key or similar device for operating (whether mechanically, electronically or otherwise) any lock.

This does not apply to:

- the activities of a person who holds a key or other device for obtaining access to any premises for the purposes incidental to the provision in relation to those premises, or in relation to an individual present on those premises, or any services that do not consist of or include the carrying out of any of the manned guarding activities.
- activities carried out merely incidentally to the provision of any services in connection with a proposal for the sale of any premises or other property to which the key or similar device gives access.

### Note:

- For Cash and Valuables in Transit, Close Protection, Public Space Surveillance (CCTV), Security Guarding and Key Holding the requirement for a licence only applies if your services are supplied for the purposes of or in connection with any contract to a consumer.
- For Door Supervision and Vehicle Immobilisation you are required to hold a licence whether you are contract (as above) or 'in-house'.

## 4. How to Register

This is the process for registering:

1. You can get a declaration form by telephoning (+44)20 7025 4100 or download it from our website at [www.sia.homeoffice.gov.uk](http://www.sia.homeoffice.gov.uk).
2. Complete the form and return it with supporting documents
3. We will check your declaration form and supporting documents with your member state competent authority
4. We will send you a letter confirming you have been registered, or that you are not able to be registered and an explanation for not being able to register you
5. If your application is successful, your details will be added to the Register of temporary European Union workers on our website

If you want to provide temporary and occasional services in private security industry within the UK, please contact us well in advance, so we can process your application

You should:

- plan well in advance and gather as much information as you can before you come to the UK
- write to us, asking specific questions and make sure that you have everything in writing.
- keep copies of all correspondence and documents you have submitted in case you have problems later.

## 5. Accompanying Documentation

Your application for registration must be accompanied by all the documents listed below:

- A declaration form, which you must obtain from us
- Proof of nationality (such as a certified copy of a valid passport) or where you are not a national of a relevant European State, proof of the Community right on which you rely (e.g. because you are the spouse of a member state national)
- Evidence of legal establishment in your Home State for the purpose of carrying out your job, and for confirming that you are not currently prohibited from practicing, even temporarily.
- Your professional qualification documents.
- Where your profession is **not** regulated in your country, means of proof that you have carried out the activity concerned for at least two years during the last ten years and;
- Evidence that you have no criminal convictions from your home state, or any country where you have stayed for six months or longer in the last five years.

## 6. What Is Legal Establishment?

Legal establishment means that you are fully qualified to exercise your profession in on of the 27 Member States or one of the following three countries: Norway, Iceland, Liechtenstein. You must not be disqualified from doing so for any reason

You must hold a professional qualification allowing you to provide services or be able to provide proof that you have worked in the appropriate sector (see section 3) for at least two years in the past ten years. If you cannot provide either of these, you have no entitlement to provide services. In that case you will need to apply for an SIA licence to work.

## 7. Certified Copies Of Documents:

Copies of documents must be certified by either:

- the relevant competent issuing authority or
- by someone entitled to practise law in your home state, or
- by an authorised officer of an embassy or by a notary public (this does not include the police and civic officials).

The certified copy must state in English that the copy of the document “is a true copy of the original document”.

The certified copy must contain the name, profession, signature and address of the person certifying.

The person certifying must not be you, your spouse or a member of your family.

## 8. General Information

- We need you to supply documentary evidence, translated into English.
- You will need to provide us with evidence that you are free from criminal conviction from your home state.
- For individuals who have been in the UK in the last 5 years, we will undertake Criminal Record Bureau checks at no charge to you.

We will undertake independent checks on which EU member state qualifications ‘best fit’ those private security industry sectors that are regulated by us in the UK.

## **9. Removal from the Register**

We will remove you from the Register where you:

- have become permanently established within the UK
- are no longer lawfully established in the home member state or are prohibited (even on a temporary basis) from practicing there or
- fail to provide us with a renewal declaration after the first provision of services.

## **10. Exchange of Information Between Authorities**

We will exchange information with authorities of other Member States about you regarding disciplinary action or criminal sanctions taken or any other serious, specific circumstances likely to affect consumers of private security industry services.

## **11. Do You Have To Apply In Person?**

No, you can post your application to us.

## **12. Does It Cost Anything?**

Registration is free. However, if you are not eligible to register and need an SIA licence, you will need to pay for the licence.

## **13. How Long Does It Take?**

We will process your application as quickly as possible once it and the necessary documentation has been received.

## **14. How Will You Know When Your Registration Is Complete?**

We will send a confirmation letter to the address provided on the declaration form unless otherwise requested. You may also search our website to check if your name is included in the Register of temporary European Union workers.

## **15. Can You Work In The Meantime?**

It is up to you and your employer to ensure you are registered and have been acknowledged by the SIA as legally established in a relevant Member State to provide services on a temporary basis.

## **16. Checklist Prior To Submitting Your Declaration**

- Are all parts of the declaration completed?
- Is evidence of your nationality in the form of a certified copy of your passport enclosed?
- Is evidence of your qualification(s) enclosed?
- Are details of your professional licence enclosed (if the occupation is regulated in your home member state)
- If appropriate, have you enclosed proof that you have pursued the activity concerned for at least two years during the previous ten years?
- Have you provided evidence that you are free from criminal conviction in your home member state and any other country you may have worked in for more than 6 months.
- If appropriate have you enclosed evidence of name change?
- Have you enclosed translations of documents that are not in English?



- Have you remembered to make copies of all the documents you are providing for your own personal file?



# How to Complete the Declaration Form

Please complete your form in black ink and BLOCK CAPITALS.

Please return your form to:

Special Processing Team – EU Temporary Registration,  
Security Industry Authority  
PO Box 49768  
London  
WC1V 6WY

## 1 This Declaration

Tick the top box if this is your first application to supply services in the UK.

Tick the bottom box if you are renewing your application (where you are renewing the declaration please remember to attach a copy of the previous application).

## 2 Identity of Applicant

2.1 Enter your full names

2.2 Tick one or more boxes to show your nationality

Austria – AT	Finland – FI	Malta – MT
Belgium – BE	France – FR	Netherlands - NL
Bulgaria – BG	Hungary – HU	Norway – NO
Cyprus – CY	Ireland - IE	Poland – PL
Czech Republic - CZ	Iceland – IS	Portugal – PT
Germany – DE	Italy – IT	Romania – RO
Denmark – DK	Liechtenstein - LI	Slovenia – SI
Estonia – EE	Lithuania - LT	Slovakia – SK
Greece – EL	Latvia - LV	Sweden - SE
Spain – ES	Luxembourg - LU	

2.3 Enter all passports or identity card numbers that you hold and the country of issue

2.4 Tick male or female

2.5 Enter the date you were born. Please use DD/MM/YYYY format

2.6 Enter your town of birth and tick the country of birth using the codes above.

2.7 Enter your registered home address, telephone, fax number and e-mail address as appropriate for your home country or a UK address if applicable.

- 2.8 Enter your address, telephone, fax number and e-mail address as appropriate for this country (UK)

### **3. Profession Concerned**

- 3.1 Enter the job title in your home country that is equivalent to the job you wish to do in the UK, as it is known in that country – in that country's language.
- 3.2 Please enter the job you wish to do in this country (UK), using the jobs listed in section 3.

### **4. Legal Establishment in One or More Member States**

- 4.1 Tick yes or no to show if you are legally authorised to carry out the job you entered in 3.1 and tick the box for the country where you are authorised.
- 4.2 Tick 'Yes' if the job you entered in 3.1 is regulated, for example, you can only do the job if you have a professional qualification, or if you need to be licensed or authorised. If you ticked 'Yes' go to question 4.4. If you ticked 'No' go to question 4.3
- 4.3 Tick 'Yes' if you have worked in the job in 3.1 for two years or more in the last ten years, or tick 'No' if you have not worked for two years or more.
- 4.4 Tick 'Yes' if you belong to a professional association or body, or 'No' if you do not. If you ticked 'Yes' enter details and any registration or membership numbers.
- 4.5 Tick 'Yes' if you are subject to authorisation or supervision by an administrative body, tick 'No' if you are not. If you ticked 'Yes' enter details and any registration or licence numbers.

### **5. Professional Insurance**

- 5.1 Tick 'Yes' if you have insurance cover or other personal or collective protection or tick 'No' if you do not. If you ticked 'Yes' enter relevant details
- 5.2 Tick 'Yes' if the insurance you have (in question 5.1) covers you in this country, or tick 'No' if it does not.

### **6. Supporting Documents Annexed To This Declaration**

- 6.1 Tick the relevant boxes to show what documents you are enclosing with your application

### **7. Renewal Information**

- 7.1 Please list the dates where you have previously provided services in this country
- 7.2 List any activities that you carried out that are listed in section 3 of this guidance.

### **8. Other Comments**

Please use this space to add any other information you feel is relevant, particularly where the documents you are enclosing may not reflect your current details or situation

### **9. Declaration**

Please sign the declaration