

PRIVATE SECURITY INDUSTRY

1.20

WHITE BOOK BALANCE SCORE CARD

Recommendations:	Introduced in the WB:	Significant progress	Certain progress	No progress
Continued monitoring of the Law on Private Security application , while continuously insisting that its implementing by-laws be harmonized with EU models of legislation to the extent possible, while at the same time taking into account local specificities. By-laws are specially needed for transportation of money services regarding insurance and special treatment in traffic regulation.	2009			√
Make a clear obligation for the user of private security services to have Risk Assessment act in accordance with the law under the threat of the same sanctions as for private security companies.	2020			√
Support the Ministry of Interior (Mol) in its commitment to inspect all entities that are in the grey area to ensure that they comply with the adopted law to the fullest extent.	2016			√
Determine the legal employment status of all persons engaging in private security activities, or employed in this industry in such a way that all forms of employment engagement that are permitted by the Labour Law will be treated equally as employer opportunities unless they are in conflict with the nature of the institute provided for by the Labour Law . In the conditions for attending training and obtaining a license, the professional qualification requirement should be amended to allow persons with primary school to obtain a security officer license. Security clearance is another precondition for obtaining the license, prior to the commencement of the training programme, to avoid unnecessary administrative problems and unreasonable expenses related to persons who do not pass the security clearance. Prescribe the explicit obligation of the Mol to inform the employer about any changes in the status of the license of individuals, especially bearing in mind the fact that a security officers' IDs are issued upon request of the employer's company and returned to the Mol in case of the employment termination.	2017		√	
Due to the challenges on labour market allow candidates who completed the training to work with supervision of licenced officers until they do not obtain licence.	2020			√
Implement new regulations concerning service of transport of cash and valuables and increasing protection of people and assets such as Change of traffic law giving CIT vehicles access to pedestrian areas and yellow lines, mandatory electrochemical protection in CIT vehicles especially during payment transfer , introduce body worn cameras and make the number of CIT crew member subject to electrochemical protection specification.	2020			√

CURRENT SITUATION

After the adoption of the Law in 2017 and its amendments in 2018, the private security industry is finally getting a legal framework. The intention of the legislator was to set the minimum conditions for the performance of this activity as well as to standardize the market by defining the minimum requirements and obligations for security service providers. Despite positive developments in the field of legal framework, the industry is still affected by multiple challenges

related to unfair competition and compliance with the law. The market faces major challenges of non-compliance, which has resulted in a large number of private security companies operating in the grey area. It also puts the competent authorities in a position to focus on enabling equal conditions for domestic and foreign companies providing services. Success in controlling the implementation of the Law will have a direct impact on the fiscal revenues of the state, but also on the creation of a more stable and safer business environment for all participants on the market.

IMPROVEMENTS

The Ministry of Internal Affairs (MIA) has opened channels of communication with industry, which is of utmost importance. The amendments to the law also made it easier to obtain a license for certain categories of persons with appropriate qualifications, but the deadlines for obtaining a license were slightly shortened, which still represents an insurmountable challenge in practice. With the adoption of by-laws 2018/2019, the powers of security officers are more clearly defined, which is a significant improvement in practice. In light of the tragic events that took place in May 2023, the state raised the issue of reducing the position and use of weapons, which is a significant step forward in preserving general security. Such an initiative should be strongly supported through all relevant institutions and organizations as well as through the legislation itself.

REMAINING ISSUES

Certain problems that were evident even before the adoption of the Law are still noticeable in practice. They became the key topic of the initiative of professional associations to change some articles of the Private security law.

So far, the following issues have been identified as the most important:

- The need for more precise determination of binding provisions for users of private security services regarding the preparation and adoption of the Risk Assessment Act;
 - Regulation and implementation of regular and extraordinary supervision and control of the private security sector, as well as terminological inconsistency of the law with international standards in the field of private security;
 - Partial non-compliance with other laws and by-laws related to work and labour relations; administrative procedure for issuing licenses for private security; providing security for public gatherings (ie sporting events); handling of firearms etc;
 - The process of training and obtaining licenses for individuals is too long, three months on average, inflexible and not in line with modern practice. During training, individuals cannot be engaged in private security work, while companies providing security services have difficulties in engaging licensed employees;
 - The money transport service must be subject to more precise regulations through special by-laws;
 - The MIA is not obliged to inform companies, as employers, whether their employees have received a license or their licenses have been revoked due to non-fulfilment of some requirements.
- In addition to the general application of security law regulations, private security companies face three main challenges:
- Risk Assessment Requirements - By law, a risk assessment is the first step prior to providing private security services to most clients. It represents the basis for concluding the contract and defines the elements especially regarding the scope and type of service. If the risk assessment is not done, in accordance with the law, the sanction for the same shall be borne by the Private Security Company, although it is impossible to provide such an assessment without the consent and engagement of the client.
 - Manpower - procedures for obtaining a license in accordance with the Law take an average of 3 months, together with a dramatic shortage of manpower in the service sector puts private security companies in an unenviable situation. Examples of positive practice from the region (Bosnia and Herzegovina, Croatia and Slovenia), specifically the abolition of high school education as a condition for the performance of private security services, have contributed to progress in this area: increased employment rate, all private security companies that operate in accordance with the law.
 - Transportation of cash and valuables - transportation of cash and other valuables due to its nature is one of the most risky security operations. However, local legislation does not regulate this area in detail, which leaves room for different interpretations, resulting in lower safety standards in Serbia than the corresponding standards in the EU. It is very important to note that exposure in this industry has a direct impact on the stability of the economy, the impact on the stability of the banking sector and the general safety of society. Among others, the most common legal challenge is the lack of precise regulations and standards regarding the electrochemical protection of vehicles. In contrast, current legislation replaces the above standards with multiple crew members in transport vehicles. This solution makes this service more risky and less profitable for the end user. It is in the interest of the economy to reduce logistics costs, so that Serbia can bene-

fit from a more competitive economy and encourage faster growth. Transport of money is an operation that must have mandatory insurance with precise types of policies that would be a general requirement for all pri-

vate security companies. This issue should be clearly regulated by regulations in order to protect public and private interest as well as business from unexpected and uninsured losses.

FIC RECOMMENDATIONS

- Constant monitoring of the implementation of the Law on Private Security, and continuous insistence that its by-laws are harmonized to the greatest extent possible with the models of EU legislation, at the same time taking into account local specificities. Bylaws are especially needed for the transport of money in terms of insurance and special treatment in traffic regulations.
- Clearly define the obligation for users of private security services in connection with the Risk Assessment in accordance with the law under the threat of the same liability and the same sanctions as for private security companies.
- Support the Ministry of Internal Affairs in order to compel all entities in the grey zone to implement the adopted Law in full through inspection supervision.
- In the conditions for attending training and obtaining a license, change the condition of professional education, that allow persons with elementary school to obtain a license to perform the duties of a security officer. It is advisable to change, shorten and adapt the training process to modern learning styles through dual education and e- learning, and to consider the establishment of work opportunities during the training until obtaining a license with supervision. Also, define that the security check is performed before the start of the training, that is, the same requirement for attending the training in order to obtain a license in accordance with the Law in order to avoid unnecessary administrative problems and costs related to candidates who do not pass the security check.
- Prescribe a clear obligation of the Ministry of Interior to notify the employer of any change in the status of the license of natural persons. This is especially bearing in mind that the identity card of the security officer is issued at the request of the employer's company and that it is returned to the MUP in the event of termination of the employee's employment.
- The definition of the control centre should be more precise, and in particular, the obligation to have a team should be harmonized, that is, the terminology should be harmonized so that the obligation to have a patrol and not a team should be harmonized.
- Implement new regulations related to the money transport service and improve the protection of people and property through changes in traffic regulations, allowing money transport vehicles access to pedestrian zones and yellow lanes, introduce mandatory electrochemical protection in money transport vehicles, especially during money transfers, introduce mobile cameras that would be worn by each money transport officer, and the number of money transport crew members should be defined according to the specification of electrochemical protection.
- Exclude from the penalty provisions of the Law the possibility of prohibition of the performance of activities due to some of the misdemeanours, since such a measure is extremely rare and is not provided even for serious violations of the law for acts that are of public importance. This measure is certainly unproportioned to the offenses committed.

- In accordance with the initiative at the state level regarding the reduction of firearms, abolishing of the legal obligation for employees of private security companies to carry firearms in certain positions should be considered. The premise would be that, for example, adequate electrochemical protection in the transport of money can completely replace weapons, while physical security should be completely freed from the obligation to carry weapons, regardless of the type of protected object. The maximum reduction of weapons has proven to be a topic of public interest, and this kind of initiative deserves absolute support.