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**PROPOSAL**

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from: European Commission  
dated: 14 July 2010

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Subject: Proposal for a Regulation (EU) No .../... of the European Parliament and of the Council on the professional cross-border transportation of euro cash by road between euro-area Member States

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Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Pierre de BOISSIEU, Secretary-General of the Council of the European Union.

Encl.: COM (2010) 377 final



EUROPEAN COMMISSION

Brussels, 14.7.2010  
COM(2010)377 final

2010/0204 (COD)

Proposal for a

**REGULATION (EU) No .../... OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL**

**on the professional cross-border transportation of euro cash by road between euro-area  
Member States**

SEC(2010)877  
SEC(2010)878

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

Euro banknotes and coins were introduced in 2002 and are truly pan-European means of payment, allowing European citizens to settle their debts in euro in the whole euro area, currently consisting of 16 Member States. As a consequence, the need for cross-border transportation of cash by road has considerably increased. Within the euro area, banks, the large retail sector and other professional cash handlers should be able to contract with the cash-in-transit (CIT) company that offers the best price and/or service, even if it is located across the border in another Member State. This will allow them to take advantage of the most efficient (and shortest) cash pick-up and delivery circuits and the cash services of the nearest national central bank (NCB) branch or CIT cash center. Furthermore, a large number of euro-area Member States have arranged or may want to arrange for production of banknotes and coins abroad. The very principle of a single currency implies that euro banknotes and coins should be able to circulate and be transported as freely as possible between the Member States that have adopted the euro.

However, due to incompatibilities between national legislations it is in most cases very difficult for professional cash transporters to move euro cash between euro-area Member States and very little cross-border land transportation therefore takes place. Regulatory differences concern a wide range of issues such as the possession and carrying of firearms by the cash-in-transit (CIT) staff, authorised transport modalities, armouring and equipment of the CIT-vehicles, number of staff in the vehicles etc. The current regulatory obstacles moreover imply a fragmentation of the single market in this sector.

These constraints on professional euro cash transportation have an impact on the efficiency of the cash cycle and ultimately on the cost of cash for firms and citizens. Banks and the retail sector should be able to source their cash in the most efficient manner across national borders within the euro area. Improving the functioning of the cash cycle by enabling an efficient cash supply across borders is a natural and necessary complement to the European Central Bank's Roadmap for more convergence of NCB cash services. In that respect the benefits of Eurosystem initiatives such as Remote access to NCB cash services, whereby a credit institution in one participating Member State may use the cash services of a NCB in another participating Member State, cannot be fully exploited as long as the current situation remains unchanged. The realisation of the ECB's roadmap and the creation of a single euro cash area is, in turn, complementary to SEPA – the single euro payments area – which aims at making electronic cross-border payments in euro as easy as domestic payments.

The CIT-market is organised around cash centres, where CIT-vehicles can be loaded and unloaded with cash in a secure manner. A CIT-vehicle generally returns to its cash centre of origin at the end of the day in order to spend the night in a secure location and the geographical area that can be serviced from a cash center depends on the distance that a CIT-vehicle can drive in a day. The CIT-market therefore has a predominantly local character and the potential cross-border market primarily concerns border regions between euro-area Member States. This indicates that a policy response at EU level should not necessarily include purely domestic operations.

The European Central Bank, the banking sector and the large retail sector have repeatedly called for the launch of an initiative aimed at lifting the obstacles to the professional cross-

border transportation by road of euro cash in Europe. The case for such an initiative is furthermore reinforced by the past and future enlargement of the euro area.

Against this background, the Commission therefore initiated consultations in May 2008 with a view to relaunch the work to remove existing regulatory barriers to cross-border transportation of euro cash by road and thereby facilitate the free circulation of the euro.

## **2. RESULTS OF CONSULTATIONS WITH INTERESTED PARTIES AND IMPACT ASSESSMENT**

As a first step and in order to build on the expertise and input of all interested parties in the sector, a *Working Group on cross-border transportation of euro cash by road* chaired by the Commission and consisting of the European organisations of all the major stake holders<sup>1</sup> was set up and consulted in 2008. It discussed all key issues, such as the reasons for action at EU level, the various legal possibilities of facilitating cross-border cash transport, scope of possible future common rules, the differences between national legislations and possibilities of harmonised cross-border rules in the relevant areas.

On this basis, the Commission adopted a White Paper on professional cross-border transportation of euro cash by road between Member States in the euro area<sup>2</sup> on 18 May 2009 in order to launch a broad-based consultation process on a set of envisaged common rules for the cross-border transportation of euro cash by road between Member States in the euro area. The White Paper and the responses that the concerned party agreed to publish are available at the Commission's Europa website at the following address: [http://ec.europa.eu/economy\\_finance/articles/euro/article15105\\_en.htm](http://ec.europa.eu/economy_finance/articles/euro/article15105_en.htm)

Following the publication of the White Paper, an *Expert Group on professional cross-border transportation of euro cash by road between Member States in the euro area* was set up and consulted in 2009. The group consisted of representatives from the relevant administrations of euro-area Member States. It discussed in detail the envisaged common rules for cross-border cash transport and achieved a high degree of consensus on the final text of the Commission proposal. The list of participants of the group is attached to the proposal as an accompanying document.

The social partners have been consulted all along the preparatory process. They were part of the working group and were subsequently consulted via bilateral meetings and a written questionnaire.

All stakeholders in the sector acknowledge that the cash-in transit market is currently organised along national lines, due to the differences between national legislations. As regards support for the initiative, a distinction should however be made between the supply side (i.e. the CIT companies) and the demand side (i.e. the banks and retailers).

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<sup>1</sup> The following organisations were represented: CEA (European insurance and reinsurance federation), CoESS (Confederation of European Security Services), EBF (European Banking Federation), the Eurosystem, EPC (European Payments Council), ESTA (European Security Transport Association), EURICPA (European Intelligent Cash Protection Association), EuroCommerce, Europol (European Police Office), MDWG (Mint Directors Working Group) and UNI-Europa (Union Network International – Europa).

<sup>2</sup> COM(2009) 214 final.

The banking sector is very supportive of the initiative and calls for an ambitious approach, which should lead to shorter and more efficient transport routes, meaning less risk, less costs involved and more competition in the sector. The professional organisation of CIT-companies welcome that a full-scale harmonisation of the transport of cash is not envisaged, but deems the current situation, characterised by a fragmented market, as satisfactory as CIT-companies have organised themselves accordingly, within national borders.

The employers in the CIT-sector also stress the importance of avoiding unfair competition on the basis of different wages and other terms and conditions of employment, notably against the background of the high share of wages in the total costs of CIT-companies. On the employee side, the trade unions' main concern is that future EU legislation in this area should not lead to a worsening of social conditions but rather set into motion a movement towards a levelling up of wages and other working conditions. The social partners furthermore agree that the highest of the Member State of origin vs. the host Member State salary should apply in a cross-border situation.

The ECB and the Eurosystem fully support the Commission initiative as it is in line with their strategic goal to achieve a high degree of convergence between National Central Banks' cash services. The adopted principle of remote access (i.e. the fact that a bank should be able to withdraw/lodge euro cash from/to any NCB in the euro area), for example, cannot be implemented as long as there is no easy possibility of transporting cash by road across borders.

The general objective of the present Commission proposal is to facilitate the free circulation of euro cash within the euro area by removing obstacles to the professional transport of euro cash by road between euro-area Member States, while ensuring that the transports take place under conditions that provide a high level of security for the CIT-staff and for the general public. Since the CIT-market has a predominantly local character, the main objective should be to facilitate transport in the relevant border areas, while regulatory differences outside this geographical space in principle have less impact on the free circulation of the euro.

The impact assessment (IA) has considered five broad options to achieve this objective: (1) a baseline no-change scenario; (2) Bilateral/multilateral agreements between those Member States potentially most concerned by cross-border transports; (3) A set of common rules for cross-border transports only; (4) Full mutual recognition; and (5) Full harmonisation of the regulation of all CIT-transport. The IA finds that options 1 and 2 would not be effective in meeting the objective of facilitating the free circulation of euro cash since it seems highly unlikely that such agreements would materialise spontaneously on a larger scale, whereas full mutual recognition and full harmonisation of all CIT-transports would be disproportionate compared to the stated objective and could in the case of full mutual recognition create important security risks.

The detailed analysis of impacts concerns option 3: a set of common rules for cross-border transport. This option would meet the objective of facilitating the free circulation of euro cash. Since it is limited to cross-border transports it would furthermore not go beyond what is necessary to achieve the objectives.

Three sub-options are moreover considered: (a) Extending the scope of the rules to EU Member States outside the current euro area; (b) Extending the scope to other cash and valuables; and (c) Restricting the scope to point-to-point transports<sup>3</sup> only.

The impacts of the common rules depend to a large degree on the size of the potential market and the extent to which it can be realised. In order to collect information on the current CIT-market and to estimate the size of the potential market for cross-border cash transport by road, if current regulatory obstacles to such transports are lifted, an external study was launched, which is available at the Commission's website<sup>4</sup>.

The study shows that while the cross-border market is by definition limited, there is a potential for a significant increase in professional cross-border transport of euro cash by road, both in the long and the short term, if regulatory obstacles are removed by introducing a set of common cross-border rules.<sup>5</sup>

The facilitation of cross-border cash transports is also likely to produce some environmental benefits, due to shorter transports overall.

A significant increase in cross-border transports may, however, also have negative social effects in the host Member States. This concerns notably a possible effect on wage levels and/or employment in the CIT-sector in a given host Member State, if there are significant differences in salaries compared to neighbouring Member States. The impact assessment shows that significant differences seem to exist in some cases between some neighbouring euro-area Member States. Salary differences are furthermore very substantial between some of the Member States that have not yet adopted the euro and their neighbours in the euro area. While Member States should in general not be prevented from using their comparative advantages, it thus nevertheless seems justified to mitigate the potential social impact in the host Member State by ensuring a minimum protection of the workers in line with the principles of the existing Directive 96/71/EC on the posting of workers. This Directive is intended to provide for a minimum protection to be observed in the host Member State by employers who post workers to perform temporary work there.

However, in view of the specific character of CIT transport services, notably the frequent and short-term nature of the potential work periods abroad and the different contractual situations, there is a need to provide for an analogous application of the Directive to all cross-border cash transport services. The proposal therefore includes some specific provisions in order to create legal certainty for the concerned operators and ensure the practical applicability of the Directive in the CIT-sector. These notably lay down that cross-border CIT-workers should be guaranteed a minimum protection limited to the relevant minimum rates of pay, including

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<sup>3</sup> These are transports of bulk quantities of cash between cash centres that are carried out directly from point to point without any intermediate stops (for example from a NCB branch to a CIT cash centre). These transports do not serve final customers and the quantities are generally high.

<sup>4</sup> See [http://ec.europa.eu/economy\\_finance/articles/euro/2010-02-26-cross-border-cash\\_en.htm](http://ec.europa.eu/economy_finance/articles/euro/2010-02-26-cross-border-cash_en.htm)

<sup>5</sup> The study estimates that the potential long-term market, assuming that all obstacles to professional cross-border euro cash transports by road are lifted, would amount to around 2.6 % of the total market (expressed in terms of the value of all euro cash ordered to CIT-companies), which would correspond to some 77 000 cross-border transports (a transport meaning a CIT-vehicle that crosses the border twice; once on its outbound journey and once on its homebound journey) potentially being carried out each year in the 11 euro-area countries that have land borders to other euro-area countries.

overtime rates, of the host Member State according to the Directive. In order to avoid complicated pro-rata calculations, these rates should furthermore be guaranteed for the whole working day, even if the worker only spends part of the working day abroad. In case it can be foreseen from existing contracts, regulations or administrative provisions as well as practical arrangements that the worker will carry out cross-border transport for more than 100 working days in a calendar year in another Member State, the minimum protection should however also cover the other matters listed in the Directive.

Due to the specific characteristics of the CIT-sector, the proposal also foresees rules that are different from the general rules in the transport sector as regards cabotage. While the proposal foresees that the CIT-transport should return to its Member State of origin in the same day as it left, no limit to the number of cash deliveries/pick-ups are foreseen since a CIT-vehicle that is carrying out such services to banks and retailers may do a large number of (e.g. 20) of such stops in a day.

The consultation of stakeholders have furthermore shown that in order to take into account security-related or other sensitive issues, it is necessary to foresee certain restrictions to the scope of common EU rules as well as some possibilities for national exceptions and derogations. These concern four main issues: (i) National rules on the carrying of weapons by CIT-staff remain fully in force; (ii) A number of CIT-transport types are established, with opt-out possibilities for the individual Member States; (iii) Restriction of the scope of cross-border transport to one day and daytime, meaning that the CIT-vehicle shall depart from and return to its Member State of origin in the same day and the transport shall be carried out during daytime; (iv) The majority of the number of cash deliveries/pick-ups made by a CIT-vehicle during the day must be carried out on the territory of the host Member State(s).

The analysis has shown that although these options may imply a reduction of the potential cross-border market, they are not expected to create major obstacles for cross-border transports and the proposal foresees in all cases solutions that enable cross-border transports (strong-box for weapons in the vehicle that can only be opened by remote control by the control room, standardised transport options, recognition of equivalent weapons training etc.).

As regards the sub-options, it is concluded that the common rules should apply also to the territory of EU Member States that are about to introduce the euro as from the date of the decision of the Council to abrogate their derogation from participating in the euro. This is justified by the fact that there is an increased need for euro cash transportation in the run-up to the changeover.

Extending the scope to other cash does not contribute to the stated objective of the initiative but fits into the overarching EU objectives and may increase efficiency by reducing costs. It might, however, also complicate the adoption process of common rules for relatively little added value. Restricting the scope to point-to-point transports would significantly reduce the benefit of the common rules by excluding the large majority of transports in terms of kilometres driven, hours worked and cash points serviced. For these reasons, these sub-options are not included in the proposal.

Finally, it is proposed to set up a Committee on the cross-border transport of euro cash in order to monitor the implementation of common cross-border rules. A formal review is also foreseen with a Commission report to the European Parliament and the Council at the latest two years after the entry into force of the common rules.

### 3. EXPLANATION OF THE MAIN ELEMENTS OF THE PROPOSED SYSTEM

The proposed Regulation lays down a set of common rules for the professional cross-border transport of euro cash within the euro area. It is based on the principle of a specific cross-border CIT-licence which would be granted by the Member State of origin to CIT-companies wishing to transport euro cash across borders. Seven different authorised transport types are foreseen – five for the transport of banknotes and two for the transport of coins – with possibilities for Member States to opt out from specific options for their territory.

In terms of scope, the following elements are noteworthy:

- The proposed Regulation would apply to the professional transport of euro cash by road between euro-area Member States. It is also foreseen that the territory of Member States which have not yet introduced the euro are covered by the Regulation as from the date of the Council decision to abrogate their derogation from participating in the euro. The extension of the scope of the Regulation is the subject of a separate proposed Regulation.
- The proposed Regulation would apply both to so-called point-to-point transports (i.e. transports from one secure location to another secure location with no intermediate stops) and so-called retail transports of cash (multi-stops transports servicing final customers).
- For retail transports, the majority of the stops must take place in the host Member State(s), whereas there is no limit to the number of stops that can be made in either the Member State of origin or the host Member State.
- The transports must as a rule be carried out during daytime, with exceptions foreseen for point-to-point transports;
- The CIT-vehicle must return to its Member State of origin within the same day.

#### *The CIT cross-border licence*

CIT-companies wishing to undertake cross-border transport of cash under the terms of the Regulation must apply for a specific licence from the granting authority of their Member State of origin. To obtain the licence, the company, its management and its staff will have to meet a certain number of conditions laid down in the Regulation. In case of infringement of the rules, the sanctioning power belongs to the authority that granted the licence, i.e. the authority of the Member State of origin. However, safeguarding powers are granted to the Member State crossed or the host Member State in case of emergency or manifest breaches of the rules (e.g. minimum number of staff not respected, infringement of the rules on the carrying of weapons etc). Member States furthermore have a duty of mutual information on all these aspects.

#### *Authorised transport types*

For banknotes, the following five transport types would be authorised for the cross-border transport of cash:

- Transportation of banknotes in an unarmoured vehicle of ordinary appearance equipped with a system of neutralisation of banknotes (IBNS);
- Transportation of banknotes in an unarmoured vehicle with a clear marking indicating that it is equipped with IBNS;
- Transportation of banknotes in a cabin-armoured vehicle equipped with IBNS;
- Transportation of banknotes in a fully-armoured vehicle not equipped with IBNS;
- Transportation of banknotes in a fully-armoured vehicle equipped with IBNS.



For coins, the following two transport types are foreseen:

- Transportation of coins in an unarmoured vehicle;
- Transportation of coins in a cabin-armoured vehicle.

In all cases, there must be at least two security staff in the vehicle, except for transport in a fully-armoured vehicle without IBNS where three security staff are required.

Member States may choose to close down the use of certain options for their territory as long as they accept at least one of the above-listed options for banknotes and one of the above-listed options for coins and as long as they do not allow comparable transport modalities for domestic CIT-transports.

#### *Application of national rules*

In particularly sensitive areas from the point of view of security, national rules would continue to apply. These areas concern the carrying and use of weapons, the relationship with the police forces and the rules governing the behaviour of the CIT security staff outside the CIT-vehicle as well as the security of the locations where the cash is delivered or picked up.

#### **4. LEGAL ASPECTS**

Article 133 in the Treaty on the Functioning of the European Union states that '... the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall lay down the measures necessary for the use of the euro as the single currency. ...'. It follows from this Article that the EU has the right, and in fact the duty, to take the necessary measures to ensure the free and efficient circulation of euro cash since the current situation creates obstacles to the cross-border transport of the euro and thus to its use.

The alternative to action at EU level would be voluntary bilateral agreements between Member States or even multilateral agreements. However, action at EU level brings important economies of scale as compared to bilateral or multilateral action. Only action at EU level allows taking into account the future enlargement of the euro area as the EU rules for cross-border transport can be used by any new participating Member State, which is not the case for bilateral/multilateral agreements.

Furthermore, even though a demand exists as expressed notably by the banking sector, Member States have still not concluded any agreements to facilitate professional cross-border transport of cash more than eight years after the introduction of euro cash. This suggests that EU action is in practice the only possible way of reconciling diverging regulatory regimes (currently 16 in number), covering a wide range of complex issues where security issues and labour market considerations interact.

Action at EU level is consequently in conformity with the principle of subsidiarity.

The proposal is limited to cross-border cash transports, which are the ones that are affected by the different national regulatory regimes, while purely domestic transports are not included in its scope. It is thus respecting the principle of proportionality. The instrument of a Regulation is necessary in order to ensure that the different national rules will be replaced by a set of truly common rules for professional cross-border transports of euro cash by road within the euro area.

Proposal for a

**REGULATION (EU) No .../... OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the professional cross-border transportation of euro cash by road between euro-area Member States**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 133 thereof,

Having regard to the proposal from the European Commission<sup>6</sup>,

Having regard to the Opinion of the European Central Bank<sup>7</sup>,

After transmission of the draft legislative act to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The introduction of the euro has considerably increased the need for cross-border transportation of cash by road. Within the euro area, banks, the large retail sector and other professional cash handlers should be able to contract with the cash-in-transit (CIT) company that offers the best price and/or service and to take advantage of the cash services of the nearest national central bank (NCB) branch or CIT cash center, even if it is located in another Member State. Furthermore, a large number of Member States participating in the third stage of the economic and monetary union (hereinafter 'participating Member States') have arranged or may want to arrange for production of banknotes and coins abroad. The very principle of a single currency implies the freedom to move cash between the participating Member States.
- (2) Due to the marked differences between national legislations, it is generally very difficult to carry out professional cross-border transportation of euro cash by road between participating Member States. This situation is in contradiction to the principle of the free circulation of the single currency and to the detriment of the principle of freedom to provide services, which is one of the fundamental principles of the European Union.

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<sup>6</sup> OJ C ..., p...

<sup>7</sup> OJ C ..., p...

- (3) This Regulation is the response to the possible presentation of harmonisation instruments for the transport of cash as expressed in Article 38(b) of the Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.
- (4) In view of the particular dangers for health and life of both CIT-staff and the general public that are associated with the activity of transporting cash, it is appropriate that cross-border transport of cash is made subject to a specific cross-border CIT-licence. This licence should come on top of the national CIT-licence that is required in most participating Member States, which this Regulation does not harmonise. In the few Member States that do not have a specific approval procedure for CIT-companies going beyond the general rules for the security or transport sector, and in order to increase the mutual confidence between Member States, it is moreover appropriate that CIT-companies established in these Member States should demonstrate a minimum experience of twelve months of regularly transporting cash in the Member State where they are established without infringements of the national legislation before they may be granted a cross-border licence by this Member State.
- (5) In order not to produce an overlap of obligations and avoid creating an unnecessarily burdensome procedure, it is furthermore appropriate to foresee that the holder of a CIT cross-border licence shall not be required also to possess a Community licence for the international carriage of goods by road as laid down in Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market<sup>8</sup>.
- (6) Professional cross-border transportation of euro cash by road between participating Member States must fully comply with the rules of this Regulation or fully comply with the respective legislations of the Member State of origin, the host Member State and, if applicable, the Member State crossed.
- (7) This Regulation is designed to allow professional cross-border transportation of euro cash by road between participating Member States under conditions that guarantee the security of the transaction, the safety of the staff involved and of the public and the free movement of currency.
- (8) Due to the specific conditions in the CIT-sector, it is difficult to safely organise multi-day cash deliveries. It is therefore appropriate that a vehicle carrying out professional cross-border transportation of euro cash by road should return to its Member State of origin in the same day as it left it.
- (9) The Commission should put forward a proposal to modify the definition of 'daytime' and/or of the minimum required length of ad-hoc initial training in this Regulation in case the social partners at Union level agree between themselves that another definition is more appropriate.
- (10) According to Regulation (EC) No 1072/2009 of the European Parliament and of the Council, the number of operations that may be carried out in the host Member State

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<sup>8</sup> OJ L 300, 14.11.2009, p. 72.

following the international carriage from another Member State is limited to three cabotage operations within seven days. However, due to the specific characteristics of the CIT sector it is normal practice that a CIT-vehicle may carry out a much larger number of cash deliveries/pick-ups per day. It is therefore appropriate to derogate from Regulation (EC) No 1072/2009 by not imposing any limit upon the number of cash pick-ups/deliveries that a CIT-vehicle may carry out in a host country during a day.

- (11) The application of national rules governing the behaviour of the CIT security staff outside the vehicle and governing the security of cash delivery/pick-up locations is not intended to cover the possible use of banknote neutralisation systems in combination with transports of banknotes in a fully-armoured vehicle not equipped with IBNS.
- (12) Recalling that Article 1(3)(a) of Directive 96/71/EC of the European Parliament and the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services covers posting situations where an undertaking provides transnational services on its own account and under its direction under a contract concluded between the undertaking and the party for whom the services are intended.
- (13) Considering the specific nature of CIT transport services, there is a need to provide for the analogous application of Directive 96/71/EC to all cross-border cash transport services in order to provide legal certainty for operators and ensure the practical applicability of the Directive in this sector.
- (14) Due to the specificity of the transport activities concerned and the occasional character of some of these activities, the analogous application of the minimum protection rules laid down in Article 3(1) should be limited to the minimum rates of pay, including overtime rates, as referred to in Article 3(1)(c) of the Directive and these should be guaranteed for the duration of the whole working day in order not to impose an unnecessary administrative burden on the operators. If it stems from the contract, regulations or administrative provisions as well as practical arrangements of a CIT worker that he will carry out cross-border transport for more than 100 working days in a calendar year in another Member State, it is appropriate that the minimum protection rules laid down in the Directive should by analogy apply fully to such a worker.
- (15) The application of minimum protection rules in the host Member State should be without prejudice to the application of terms and conditions of employment which are more favourable to the worker under the law, collective agreement or employment contract of the worker's Member State of origin.
- (16) For the purpose of establishing the relevant minimum protection rules, it is appropriate that the provisions on information cooperation in Article 4 of Directive 96/71/EC should apply by analogy. In this respect Member States may avail themselves of the administrative cooperation and exchange of information provided for in Directive 96/71/EC.

- (17) This Regulation is without prejudice to the application of EU rules on cash entering or leaving the Community<sup>9</sup>.
- (18) The present Regulation refers to technical rules and standards for IBNS, armouring of the vehicle, strong-boxes and bulletproof vests. It is appropriate to foresee a procedure of delegation of powers from the European Parliament and the Council to the Commission for amending these rules in order to take into account technological progress and possible new European standards.

HAVE ADOPTED THIS REGULATION:

## **SECTION 1: COMMON RULES GOVERNING ALL CROSS-BORDER TRANSPORTATION OF EURO CASH BY ROAD**

### *Article 1 - Definitions*

- (a) “Cross-border transportation of euro cash by road” means professional transportation, either for remuneration on behalf of third parties or carried out within a cash-in-transit (hereafter CIT) company, by vehicle by road of euro banknotes and/or coins from a 'participating Member State', as defined in Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro<sup>10</sup> for supplying euro banknotes and/or coins to, or collecting them from, one or more locations in one or more other participating Member State(s), as well as in the Member State of origin. At least the majority of the number of cash deliveries/pick-ups made by a CIT-vehicle during the day must furthermore be carried out on the territory of the host Member State(s) in order for the transportation to be considered as cross-border under the terms of this Regulation. Point-to-point transports are considered to be cross-border if the transport takes place between two different participating Member States.
- (b) “CIT cross-border licence” means a licence delivered by the granting authority of the Member State of origin and which authorises the holder to carry out cross-border transportation of euro cash by road between participating Member States in accordance with the conditions laid down by this Regulation.
- (c) “Granting authority” means the authority in the Member State of origin in charge of issuing the CIT cross-border licence.
- (d) “Member State of origin” means the participating Member State in whose territory the CIT-company is established. The CIT-company is considered to be established if it is actually pursuing an economic activity, as referred to in Article 49 of the Treaty on the functioning of the EU, for an indefinite period through a stable infrastructure from where the business of providing services is actually carried out.

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<sup>9</sup> Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community, OJ L 309, 25.11.2005, p. 9.

<sup>10</sup> OJ L 139, 11.5.1998, p. 1.

(e) “Host Member State” means a participating Member State in which a CIT-company provides the service of delivering and/or picking up cash other than its Member State of origin.

(f) “Member State crossed” means one or several participating Member State(s) other than the company’s Member State of origin which must be crossed by the cash-in-transit vehicle in order either to reach the host Member State(s) or to come back to the Member State of origin.

(g) “Daytime” transport means transport carried out between 6:00 and 22:00.

(h) “CIT security staff” means the employees instructed to drive the vehicle in which the cash is being carried or to protect its contents.

(i) “CIT-vehicle” means a vehicle used for the professional transport of cash by road.

(j) “Ordinary vehicle” means a CIT-vehicle which has a normal appearance and does not bear any distinctive signs indicating that it belongs to a CIT-company or that it is used for the purposes of transporting cash.

(k) “Point-to-point transport” means a transport from one secure location to another secure location, without any intermediate stops.

(l) “Secured area” means a pick-up and/or delivery point for cash located within a building and secured against unauthorised access in terms of both equipment (anti-intrusion systems) and access procedures for persons.

(m) “Secure location” means a location within a secured area, which is accessible to vehicles and in which vehicles can be loaded and unloaded in a secure manner.

(n) “Intelligent banknote neutralisation system (IBNS)” means a system that fulfils the following conditions:

- the banknote container continuously protects the banknotes by a cash degradation system from a secured area to the cash delivery point or from the cash pick-up point to a secured area;
- the CIT security staff is not able to open the container outside the pre-programmed time periods and/or locations or to change the pre-programmed time periods and/or locations when/where the container can be opened once the cash transport operation has been initiated;
- the container is equipped with a mechanism for permanently neutralising the banknotes if any unauthorised attempt is made to open the container;
- the IBNS complies with the requirements laid down in Annex III to this Regulation. A banknote is neutralised when it is mutilated or damaged by staining or by other means as further specified in Annex III.

(o) “End-to-end IBNS” means IBNS that is, in addition, equipped for end-to-end use, that is to say the banknotes remain inaccessible to CIT staff at all times and are under continuous protection by a cash degradation system from secured area to secured area or, for Automated Teller Machine (ATM) cassettes, from secured area to the interior of the ATM.

(p) Language levels “A1” and “B1” mean the levels established by the Council of Europe’s Common European Framework of Reference for Languages.

(q) “Relevant language” means the language(s) used by the local authorities and the population in the areas where the CIT-transport is taking place.

(r) “EU official languages” means the languages as defined in Regulation No 1 determining the languages to be used by the European Economic Community<sup>11</sup>.

#### *Article 2 – Exclusions*

1. Transports of euro banknotes and coins that are carried out on the account of and between Central Banks, banknote printing works and/or Mints of participating Member States and escorted by the military or the police shall be excluded from the scope of this Regulation.

2. Transports of euro coins only that are carried out on the account of and between Central Banks or Mints of participating Member States and escorted by the military or the police or by private security staff in separate vehicles shall be excluded from the scope of this Regulation.

#### *Article 3 – Place of departure, maximum duration and number of cash deliveries/pick-ups*

1. Cross-border transportation of euro cash provided in accordance with this Regulation shall be carried out during daytime.

2. A CIT-vehicle carrying out cross-border transportation of euro cash shall start its journey from its Member State of origin and shall return to it in the same day.

3. By derogation from paragraphs 1 and 2, point-to-point transports may be carried out within a time-slot of 24 hours, provided that night transport of cash is already allowed under national rules in the Member State of origin, in the Member State(s) crossed and in the host Member State(s).

4. By way of derogation from Regulation (EC) No 1072/2009, there shall be no limit to the number of cash pick-ups/deliveries that a CIT-vehicle may carry out in one or several host Member States during a day.

#### *Article 4 -CIT cross-border licence*

1. A company wishing to undertake cross-border transportation of euro cash by road shall apply for a CIT cross-border licence from the granting authority in its Member State of origin.

2. The CIT cross-border licence shall be granted for a period of five years by the national granting authority, provided that the following conditions are met:

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<sup>11</sup> OJ L 17, 6.10.1958, p. 385, as amended.

(a) The applicant company is approved to carry out CIT-transport within its Member State of origin. If the Member State does not have a specific approval procedure for CIT-companies going beyond the general rules for the security or transport sector, the company shall be able to provide evidence that it has had regular business transporting cash for at least twelve months within its Member State of origin prior to the application with no infringements of the existing national legislation governing such activities.

(b) Its managers and members of the board shall not have relevant offences in their criminal record and they shall be of good repute and integrity.

(c) The applicant company shall have a valid civil liability insurance.

(d) The applicant company, the staff employed, the vehicles used and the security procedures implemented by the company for the cross-border transportation of euro cash shall comply with the rules laid down by this Regulation or, where expressly referred to by this Regulation, with the national legislation in force specifically relating to the transport of cash.

3. The CIT cross-border licence shall be drawn up in accordance with the model and the physical characteristics defined in Annexes I-II. CIT-staff in vehicles engaged in professional cross-border transportation of euro cash by road shall, at all times, be able to show the inspection authorities the original or a certified copy of a valid licence.

4. The CIT cross-border licence shall allow the company to carry out cross-border transportation of euro cash under the terms of this Regulation. By way of derogation from Regulation (EC) No 1072/2009, the holder of such a licence shall not be required to possess a Community licence for the international carriage of goods by road.

#### *Article 5 -CIT security staff*

1. CIT security staff shall satisfy the following requirements:

(a) They may not have relevant offences in their criminal record and they shall be of good repute and integrity.

(b) They shall have a medical certificate certifying that their physical and mental health is adequate for the task to perform.

(c) They shall have successfully followed at least 200 hours of ad hoc initial training, not including any training on the use of firearms.

The content of the ad hoc initial training shall at least correspond to what is specified in Annex VI. Regular training in these fields shall also be required at least once every three years.

2. At least one member of the CIT security staff in the vehicle shall have at least A1-level language skills in the relevant language(s) used in the relevant areas of the Member State(s) crossed and of the host Member State. The vehicle shall, furthermore, be in constant radio contact, via the company's control centre, with someone who has at least B1-level language



skills in the language concerned, so as to ensure that effective communication with the national authorities is possible at all times.

#### *Article 6 -Carrying of weapons*

1. The CIT security staff shall comply with the existing legislation in the Member State of origin, in the Member State(s) crossed and in the host Member State(s) as regards the carrying of weapons and the maximum permitted calibre.

2. When entering the territory of a Member State whose legislation does not allow CIT security staff to be armed, any weapons in the possession of the CIT security staff shall be placed in an on-board strong-box which meets the European standard EN 1143-1. Such weapons shall remain inaccessible to the CIT security staff throughout the journey across that Member State's territory. They may be removed from the strong-box when entering the territory of a Member State whose legislation allows CIT security staff to be armed and shall be removed from it when entering the territory of a Member State whose legislation requires CIT security staff to be armed. Opening the weapons strong-box shall require remote intervention by the vehicle's control centre and shall be conditional upon verification by the control centre of the vehicle's exact geographical location.

The same obligations shall apply if the type or the calibre of the weapon is not allowed under the legislation of the Member State crossed or of the host Member State.

3. When a CIT-vehicle, whose Member State of origin does not allow CIT-staff to carry arms, enters the territory of a Member State according to whose legislation it is mandatory for CIT-staff to carry arms, the CIT-company shall ensure that the crew of the vehicle is provided with the required weapons and that they fulfil the minimum training requirements of the host Member State.

4. Armed CIT security staff shall apply for a weapons licence from the national authorities of the Member State(s) crossed and/or the host Member State, where those Member States allow CIT security staff to be armed.

5. Member States shall establish one central national contact point to which CIT security staff of other Member States may submit applications for a national weapons licence. Member States shall inform the applicant of the outcome of the application within 3 months from the submission of a complete application file.

6. In order for CIT-staff who are employed by a company established in another Member State and have their permanent residency in another Member State to be able to fulfil the national requirements for obtaining a weapons licence, Member States shall provide for validation of equivalent training followed in the Member State where the applicant's employer is established. If this is not possible, Member States shall ensure that the necessary training is provided on their own territory in the relevant EU official language of the Member State where the applicant's employer is established.

### *Article 7 - Vehicle equipment*

1. The vehicles used shall all be equipped with a global navigation system. The CIT-company's control centre shall be able to continuously and accurately locate its vehicles.
2. Vehicles shall be equipped with appropriate communication tools to allow contact to be made at any time with the control centre of the company operating the vehicles and with the competent national authorities. The emergency numbers to contact the police authorities in the Member States crossed or in the host Member State(s) shall be available in the vehicle.
3. Vehicles shall be equipped in a manner that allows the registration of the time and location of all cash deliveries/pick-ups in order to make possible the control at any time of the proportion of cash deliveries/pick-ups referred to in Article 1 point (a).
4. When vehicles are equipped with IBNS, the IBNS used shall comply with the principles laid down in Annex III to this Regulation and shall have been homologated in a participating Member State. In reply to any request for verification made by the authorities of the Member State of origin, of the host Member State or the Member State crossed, undertakings carrying out cross-border transport of funds in vehicles using IBNS shall supply written proof of approval of the IBNS model used within 48 hours.

### *Article 8 - Role of the national police forces*

This Regulation is without prejudice to the application of national rules that require:

- cash-transport operations to be notified to the police in advance;
- that CIT vehicles are equipped with a device that allows them to be tracked at a remote distance by the police;
- high value point-to-point transports to be escorted by police.

### *Article 9 – Rules to ensure the security of the cash delivery/pick-up locations in the host Member State(s)*

This Regulation is without prejudice to the application of national rules governing the behaviour of the CIT security staff outside the CIT-vehicle and the security of the locations where the cash is delivered and/or picked up in the Member State concerned.

### *Article 10 – Removal of neutralised banknotes from circulation*

CIT-companies operating under the rules of this Regulation shall remove from circulation all stained banknotes susceptible to have been stained or neutralised in another way by IBNS that they encounter while carrying out their activities. They shall hand over these banknotes to the appropriate central bank branch of their Member State of origin. If the neutralised banknotes are collected in a host Member State, its central bank shall be informed by the central bank of the Member State of origin of the CIT-company.

### *Article 11 – Mutual information*

1. Member States shall transmit to the Commission the rules mentioned in Articles 8 and 9 as well as information on which IBNS have been homologated by them and shall immediately inform it of any change affecting these rules and homologations. The Commission shall ensure that those rules as well as a list of homologated IBNS are published in all the relevant official EU languages of the participating Member States through the appropriate channels, with a view to informing swiftly all the actors involved in a CIT cross-border activity.
2. Member States shall keep a register of all the companies to which they have delivered a CIT cross-border licence and shall inform each other about its content. They shall update the register with any change affecting it, including any decision to suspend or withdraw a licence pursuant to Article 22 and shall immediately inform each other of the update.
3. In implementing Article 5(1)(a), the Member State of origin shall take due account of information concerning the criminal record, repute and integrity of CIT-staff that is communicated to it by the host Member State.
4. Neighbouring Member States shall inform each other about their specific training requirements for CIT-staff for the purpose of the ad-hoc initial training referred to in Article 5(1)(c).
5. Member States shall publish and inform each other of the addresses and other contact details of the national contact points referred to in Article 6 point (5) and of other relevant national legislation.
6. In case a Member State decides to withdraw the weapons licence it has delivered to a member of the CIT-staff of a company established in another Member State, it shall inform the granting authority of the Member State of origin thereof.

### *Article 12 – Information prior to the start of cross-border transport*

1. A company holding a CIT cross-border licence shall inform the granting authority sufficiently in advance about the Member State(s) in which it will carry out CIT-transport. The Member State of origin shall subsequently immediately notify the Member State(s) concerned that the cross-border activity is to start.
2. A company that intends to carry out cross-border cash transport shall provide in advance the relevant authority(ies) indicated by the host Member State(s) with the names of the persons that may carry out such transports on its/their territory.

## **SECTION 2: SPECIFIC RULES FOR EACH TYPE OF TRANSPORT**

*Article 13 – Transportation of banknotes in an unarmoured vehicle of ordinary appearance equipped with IBNS*

Companies holding a CIT cross-border licence may carry out cross-border transportation of euro banknotes by road using an unarmoured vehicle equipped with IBNS, provided that the following conditions are met:

- (a) The vehicle shall be of ordinary appearance.
- (b) There shall be at least two CIT security staff per vehicle, who may not wear a uniform.

*Article 14 – Transportation of banknotes in an unarmoured vehicle with a clear marking indicating that it is equipped with IBNS*

Companies holding a CIT cross-border licence may carry out cross-border transportation of euro banknotes by road using an unarmoured vehicle equipped with IBNS, provided that the following conditions are met:

- (a) The vehicle shall bear very clear markings indicating that it is equipped with IBNS. The markings shall correspond to the pictogram depicted in Annex IV.
- (b) There shall be at least two CIT security staff per vehicle.

*Article 15 – Transportation of banknotes in a cabin-armoured vehicle equipped with IBNS*

Companies holding a CIT cross-border licence may carry out cross-border transportation of euro banknotes by road using a cabin-armoured vehicle equipped with IBNS, provided that the following conditions are met:

- (a) The vehicle armoured cabin shall, at the very least, be able to withstand gunfire from firearms of type Kalashnikov, calibre 7.62 mm.
- (b) The vehicle shall bear very clear markings indicating that it is equipped with IBNS. The markings shall correspond to the pictogram depicted in Annex IV.
- (c) CIT security staff shall wear bulletproof vests that are at least respecting the norm VPAM class 5, NIJ IIIA or an equivalent standard.
- (d) There shall be at least two CIT security staff per vehicle.

*Article 16 – Transportation of banknotes in a fully-armoured vehicle not equipped with IBNS*

Companies holding a CIT cross-border licence may carry out cross-border transportation of euro banknotes by road using a fully-armoured vehicle not equipped with IBNS, provided that the following conditions are met:

- (a) The parts of the vehicle in which the CIT security staff are shall, at the very least, be armoured to withstand gunfire from firearms of type Kalashnikov, calibre 7.62 mm.

(b) CIT security staff shall wear bulletproof vests that are at least respecting the norm VPAM class 5, NIJ IIIA or an equivalent standard.

(c) There shall be at least three CIT security staff per vehicle.

*Article 17 – Transportation of banknotes in a fully-armoured vehicle equipped with IBNS*

Companies holding a CIT cross-border licence may carry out cross-border transportation of euro banknotes by road using a fully-armoured vehicle equipped with IBNS, subject to the conditions set out in Articles 15(b), 16(a) and 16(b) of this Regulation.

There shall be at least two CIT security staff per vehicle.

*Article 18 – Transportation of coins in an unarmoured vehicle*

Companies holding a CIT cross-border licence may carry out cross-border transportation of euro coins by road using a vehicle carrying only coins, provided that the following conditions are met:

(a) The vehicle shall be of ordinary appearance.

(b) There shall be at least two CIT security staff per vehicle and they may not wear a uniform.

Transports which include both coins and banknotes shall be covered by Articles 13–17, without prejudice to the application of Article 20, depending on the type of vehicle and equipment used.

*Article 19 – Transportation of coins in a cabin-armoured vehicle*

Companies holding a CIT cross-border licence may carry out cross-border transportation of euro coins by road using a vehicle carrying only coins, provided that the following conditions are met:

(a) The cabin of the vehicle shall be armoured and the vehicle shall bear very clear markings indicating that it is carrying only coins. The markings shall correspond to the pictogram depicted in Annex V.

(b) The armouring of the cabin of the vehicle shall, at the very least, be able to withstand gunfire from firearms of type Kalashnikov, calibre 7.62 mm.

(c) CIT security staff shall wear bulletproof vests that are at least respecting the norm VPAM class 5, NIJ IIIA or an equivalent standard.

(d) There shall be at least two CIT security staff per vehicle.

Transports which include both coins and banknotes shall be covered by Articles 13–17, without prejudice to the application of Article 20, depending on the type of vehicle and equipment used.

#### *Article 20 – National derogations*

(a) A Member State may decide that Articles 13, 14, 15, 16 or 17 does/do not apply for cross-border transportation of banknotes by road carried out on its territory, provided that it does not allow comparable transport modalities for domestic CIT-transports and provided that at least one of these Articles apply on its territory. A possible derogation from Article 16 may not cover point-to-point transports.

(b) A Member State may decide that either Article 18 or 19 does not apply for cross-border transportation of coins by road carried out on its territory, provided that it does not allow comparable transport modalities for domestic CIT-transports.

(c) As regards the application of Articles 13, 14, 15 and 17, a Member State may decide that only end-to-end IBNS may be used on its territory for the servicing of off-premises ATMs, provided that the same rules apply for domestic CIT-transports.

(d) The Member State concerned shall notify its decision to use any of the above derogations in this Article to the Commission, which will ensure that a corresponding information notice is published in the *Official Journal of the European Union*. The derogation shall take effect one month after publication of the information notice. Member States may lift a derogation using the same procedure.

(e) If a host Member State or a Member State crossed finds that an IBNS displays serious deficiencies as regards the technical characteristics normally required, that is to say that the cash can be accessed without triggering the neutralisation mechanism or that the IBNS has been modified after homologation in such a way that it no longer fulfils the homologation criteria, it shall inform the Commission and the Member State having granted the homologation of this and may ask that new tests be carried out on that IBNS. Pending the results of these new tests, Member States may provisionally prohibit the use of that IBNS on its territory. They shall without delay inform the Commission and the other Member States to which this Regulation applies thereof.

### **SECTION 3: FINAL PROVISIONS**

#### *Article 21 – Control*

Member States of origin and host Member States shall ensure that the rules laid down in this Regulation are respected, including via random inspections without prior notification to the company. These controls shall take place at least once a year.

## *Article 22 – Penalties*

1. Where the competent national authorities find that there has been an infringement of one of the terms under which the CIT cross-border licence was granted, the granting authority shall decide whether to send a warning to the company concerned, to impose a fine, to suspend the licence for a period ranging from two weeks to two months or to withdraw the licence completely, depending on the nature or seriousness of the infringement. The granting authority may also prohibit the company concerned from applying for a new licence for a period of up to 5 years.

2. The Member State crossed or the host Member State shall communicate any infringement of this Regulation - including infringements of the national rules referred to in Article 8 and 9 - to the competent national authorities of the Member State of origin, which shall decide on an appropriate penalty. The Member State crossed or the host Member State may furthermore impose a fine in case of infringement of the national rules referred to in Article 8 and 9 or of the national derogations referred to in Article 20 of this Regulation. It may moreover decide not to allow CIT-staff that has committed such infringements to carry out cross-border cash transport on its territory if the infringement can be imputed to them.

3. The Member State crossed or the host Member State may suspend the right of a CIT-company to carry out transportation of euro cash by road on its territory for a maximum period of two months, pending a decision by the granting authority of the Member State of origin, in the following cases:

(a) If the provisions of this Regulation relating to the minimum number of CIT security staff per vehicle or relating to weapons have not been respected.

(b) If the CIT-company carries out its transport activity in a way that constitutes a danger to public order.

(c) In case of repeated infringements to this Regulation.

4. The Member State that issued the weapons licence may furthermore decide to sanction the CIT security staff according to its national rules in case of infringement of its national weapons legislation.

5. The sanctions should always be proportionate to the severity of the infringement.

## *Article 23 – Emergency security measures*

1. By way of derogation from the standard rule, a Member State may decide to introduce temporary security measures going beyond those foreseen by the present rules in the event of an urgent problem affecting significantly the security of CIT operations. Those temporary measures shall affect all CIT transports in all or part of the national territory, shall apply for a maximum period of four weeks and shall be notified immediately to the Commission. The Commission shall ensure their swift publication through the appropriate channels.

2. The prolongation of the temporary measures provided for in paragraph 1 beyond a period of four weeks shall be subject to prior authorisation by the Commission. The Commission shall decide on whether to grant an authorisation within 72 hours of the receipt of such a request.

#### *Article 24 – Remuneration of CIT-staff carrying out cross-border transport*

CIT-staff carrying out cross-border transport within the meaning of the present Regulation shall be guaranteed the relevant minimum rates of pay, including overtime rates, in the host Member State in analogy with the provisions laid down in Article 3(1)(c) of Directive 96/71/EC. If the relevant minimum rates of pay in the host Member State are higher than the wage paid to the employee in the Member State of origin, the relevant minimum rates of pay, including overtime rates, of the host Member State shall apply for the whole working day. If transport is carried out in several host Member States during a day and more than one of these have higher relevant minimum rates of pay than the wage applied in the Member State of origin, the highest of those minimum rates of pay, including overtime rates, shall apply for the whole working day.

However, if it stems from existing contracts, regulations or administrative provisions as well as practical arrangements that a CIT-worker will carry out cross-border transport for more than 100 working days, wholly or partially spent, in a calendar year in another Member State, the terms and conditions of employment referred to in the provisions of Directive 96/71/EC shall be applied fully for all the working days spent wholly or partially in this host Member State in that calendar year.

For the purpose of establishing the relevant terms and conditions of employment, Article 4 of Directive 96/71/EC shall apply by analogy.

#### *Article 25 – Committee on the cross-border transport of euro cash*

1. A Committee on the cross-border transport of euro cash shall be established. It shall be chaired by the Commission and gather two representatives by Member State covered by this Regulation, together with two representatives of the European Central Bank.

2. The Committee shall meet at least once a year to exchange views on the implementation of this Regulation. For this purpose, it shall consult the stakeholders in the sector, including the social partners, and take their views into account as appropriate. It shall be consulted on the preparation of the review mentioned in Article 26.

#### *Article 26 – Review*

The Commission shall report to the European Parliament and the Council on the implementation of this Regulation two years after its entry into effect at the latest and, thereafter, once every five years. For this purpose, it shall carry out a consultation of the stakeholders in the sector including the social partners. The report shall notably include an examination of the possibility of establishing common training requirements for the carrying of arms by CIT-staff and take due account of technological progress in the area of IBNS and assess whether the Regulation needs to be revised accordingly.

#### *Article 27 – Amendment of technical rules*

The Commission may adopt, by means of delegated acts in accordance with Articles 28, 29 and 30, amendments to the technical rules on standards applicable to the armouring of the



vehicle, strong-boxes to be used and bulletproof vests, as well as Annex III with a view to taking into account technological progress and possible new European standards.

#### *Article 28 – Exercise of the delegation*

1. The powers to adopt the delegated acts referred to in Article 27 shall be conferred on the Commission for an indeterminate period of time.
2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
3. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Articles 29 and 30.

#### *Article 29 – Revocation of the delegation of powers*

1. The delegation of powers referred to in Article 27 may be revoked at any time by the European Parliament or by the Council.
2. The institution which has commenced the internal procedure for deciding whether to revoke the delegation of powers shall inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and the possible reasons for a revocation.
3. The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

#### *Article 30 – Objection to delegated acts*

1. The European Parliament and the Council may object to the delegated act within a period of 3 months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.
2. If on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act it shall be published in the Official Journal of the European Union and shall enter into force at the date stated therein.

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3. If the European Parliament or the Council objects to the adopted delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

*Article 31 – Entry into force*

This Regulation shall enter into force six months after its publication in the Official Journal of the European Union.

It shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [...]

*For the European Parliament*

*The President*

[...]

*For the Council*

*The President*

[...]

**ANNEX I**  
**SECURITY FEATURES OF THE CIT CROSS-BORDER LICENCE**

The CIT cross-border licence must have at least two of the following security features:

- a hologram,
- special fibres in the paper which become visible under UV-light,
- at least one microprint line (printing visible only with a magnifying glass and not reproduced by photocopying machines),
- tactile characters, symbols or patterns,
- double numbering: serial number of the CIT cross-border licence, of the certified copy thereof or of the driver attestation as well as, in each case, the issue number,
- a security design background with fine guilloche patterns and rainbow printing.

**ANNEX II**  
**MODEL FOR CIT CROSS-BORDER LICENCE**

EUROPEAN UNION  
(Colour Pantone pink 176, format DIN A4 cellulose paper 100g/m<sup>2</sup> or more)  
(First page of the licence)  
(Text in (one of) the EU official language(s) of the Member State issuing the licence)

Distinguishing sign<sup>12</sup> of the Member State issuing the licence Name of the granting authority

LICENCE No

(or)

CERTIFIED TRUE COPY No

for professional cross-border transport of euro cash by road

This licence entitles<sup>13</sup> .....

.....

to engage in professional cross-border transport of euro cash by road by any route, for journeys or parts of journeys carried out within the territory of the Union, as laid down in Regulation (EU) No .../20xx of the European Parliament and of the Council of ... on professional cross-border transportation of euro cash by road between euro-area Member States and in Council Regulation (EU) No .../20xx on the extension of the scope of Regulation (EU) of the European Parliament and of the Council No .../20xx and in accordance with the general provisions of this licence.

Particular remarks:	.....	
This licence shall be valid for a five-year period, from.....		to.....
Issued in.....,	on.....	

<sup>14</sup> .....

<sup>12</sup> The distinguishing signs of the Member States are: (BE) Belgium, (BG) Bulgaria, (CZ) Czech Republic, (DK) Denmark, (DE) Germany, (EE) Estonia, (IE) Ireland, (EL) Greece, (ES) Spain, (FR) France, (IT) Italy, (CY) Cyprus, (LV) Latvia, (LT) Lithuania, (LU) Luxembourg, (HU) Hungary, (MT) Malta, (NL) Netherlands, (AT) Austria, (PL) Poland, (PT) Portugal, (RO) Romania, (SI) Slovenia, (SK) Slovakia, (FI) Finland, (SE) Sweden, (UK) United Kingdom.

<sup>13</sup> Name or business name and full address of the haulier.

<sup>14</sup> Signature and seal of the granting authority.

(Second page of the licence)

(Text in (one of) the EU official language(s) of the Member State issuing the licence)

#### GENERAL PROVISIONS

This licence is issued under Regulation (EU) No.../20xx on cross-border transportation of euro cash by road between euro-area Member States.

It entitles the holder to engage in professional cross-border transport of euro cash by road, as defined in Regulation (EU) No.../20xx, by any route, for journeys or parts of journeys carried out within the territory of the Member States covered by Regulation (EU) No.../20xx and subject to the conditions laid down in this licence.

The licence is personal to the holder and is non-transferable.

The original of the licence must be kept by the haulage undertaking.

A certified copy of the licence must be kept in the CIT-vehicle.

The original or a certified copy of the licence must be presented at the request of any authorised inspecting officer.

Without prejudice to the provisions of Regulation (EU) No.../20xx, the holder must comply with the laws, regulations and administrative provisions in force within the territory of each Member State, in particular with regard to transport and traffic.

## ANNEX III

### INTELLIGENT BANKNOTE NEUTRALISATION SYSTEM (IBNS)

#### I. Definitions and general provisions

For the definitions of “Secured area”, “Secure location”, “Intelligent banknote neutralisation system (IBNS)” and “End-to-end IBNS”: see Article 1(l), 1(m), 1(n) and 1(o) of this Regulation, respectively.

An IBNS may contain either banknotes (packaged or unpackaged) or an ATM cassette.

An IBNS must have been homologated in a euro-area Member State in order to be used for cross-border transport of euro cash under the present Regulation. The homologation shall be made according to an existing European specific standard. As long as there is no such standard, the homologation must be made according to the provisions in the present Annex.

#### II. IBNS approval procedure

a) In order to be homologated, the IBNS must have passed various tests in a test laboratory that has been approved or recognised by a Member State of the euro area.

These tests must make it possible to ascertain that the following technical characteristics of the IBNS are satisfactory:

##### i) Main required functions of the monitoring system

- To permanently monitor and record the instructions concerning the conditions for access to, and use of, the IBNS.
- To continuously verify compliance with these instructions and detect anomalous situations.
- To automatically and immediately neutralise the banknotes in the event of non-compliance with the instructions, detection of anomalous situations or opening of the container outside the pre-programmed time periods and/or locations.

##### ii) Location where the monitoring system may be programmed and influence of CIT security staff on how the IBNS operates

An IBNS may be programmed only in a secured area. An end-to-end IBNS may only be programmed in a secure location.

CIT security staff may not have any means whatsoever of influencing the operation of the IBNS outside the pre-programmed time periods and/or locations. However, where there is a time-delay system for triggering the neutralisation, the CIT security staff may re-initiate the time delay once.

##### iii) Location where the IBNS may be opened (for end-to-end systems)

An IBNS may only be opened in the pre-programmed destinations.

b) The IBNS shall be retested every five years, even where the national approval is issued for an unlimited period. If the new tests are no longer conclusive, the homologation ceases to be valid for cross-border transports under this Regulation.

c) In order to pass the tests, one of the following results must be achieved:

- upon performance of the tests, it was not possible to access the banknotes and there was no damage to the IBNS, the mechanism of which remained operational;
- upon performance of the tests, the IBNS was damaged but it was not possible to access the banknotes without triggering the neutralisation system.

### **III. Testing procedures**

The method used to carry out the tests and the standards establishing the result which the systems tested must achieve are laid down in this Annex. However, adjustments may be made at national level so as to bring them into line with the existing test protocols followed by the laboratories in each Member State.

a) Test of IBNSs' resistance to different attack scenarios

Of the various tests simulating attack scenarios, the Member States are required to carry out six of them, while the others may also be carried out in accordance with the applicable national rules.

For each of the tests carried out, the result must be a pass within the meaning of II(c) above.

- compulsory tests:
  - 1 - cutting of the power supply;
  - 2 - breaking into the container;
  - 3 - opening the container by destructive means (sledgehammer);
  - 4 - rapid cutting ('guillotining');
  - 5 - immersion in liquid;
  - 6 - gradual and immediate exposure to extreme temperatures (hot and cold): e.g. cooling in liquid nitrogen and heating in a preheated oven.
- recommended tests that may also be carried out:
  - 7 - resistance to firearms (e.g. with 12-bore cartridges)

- 8 - use of chemicals;
- 9 - free drop;
- 10 - exposure to significant electromagnetic surges;
- 11 - exposure to significant electrostatic surges.

#### b) Effectiveness of neutralisation of banknotes

The neutralisation processes currently used are staining, chemical destruction and pyrotechnical destruction. As technological developments may occur, the list of processes used is non-exhaustive and purely indicative.

Following any unauthorised attempt to access the funds via the various forms of attack, the banknotes must be either destroyed or stained. A minimum of three tests must be carried out.

100 % of the banknotes must be irreversibly neutralised. It must furthermore be apparent for any holder of the banknotes that they have been subject to neutralisation.

A minimum of 10 % of the surface area of both sides of each banknote must be stained if the banknotes are in safe-bags. If the banknotes are not in safe-bags, a minimum of 20 % of the surface area of both sides of each banknote must be stained. For destruction systems, a minimum of 20 % of the surface area of each banknote must be destroyed in both cases.

#### c) Content of the tests for banknotes' resistance to cleaning – for IBNSs using staining

For such 'cleaning', use must be made of different products or combinations of products. Different scenarios must be arranged so as to vary the temperature and duration of cleaning. Two procedures must be used for these cleaning tests:

- cleaning must be carried out immediately after staining;
- **and** cleaning must be carried out 24 hours after staining.

These tests must be carried out on a representative sample of real banknotes used in the euro area.

**One** of the following results must be obtained at the end of these tests:

- The cleaning leads to destruction of the banknotes.
- The cleaning leaves ink visible on a surface area of at least 10 % of each banknote (density test of the ink used).
- The cleaning leaves the banknotes' original colours insufficiently in place.

#### **IV. Safety guarantees for the systems used**



Chemical substances released from IBNS in order to neutralise banknotes may be subject to Regulation (EC) No 1907/2006 on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)<sup>15</sup>. This Regulation addresses risks to human health and the environment of substances manufactured, imported or used on their own, in a mixture, or in an article.

In order for the IBNS to be homologated, the manufacturer shall verify whether it has to register or notify substances contained in its products or to communicate information on safe use to its customers. The manufacturer may also have legal obligations resulting from the inclusion of these substances in the candidate list of substances of very high concern or in the list of substances subject to authorisation set out in REACH. These obligations refer not only to the listed substances on their own or in mixtures, but also to their presence in articles.

A certificate must be supplied to the homologating authority of the Member State by the IBNS manufacturer, which includes the results of this verification and which indicates that the substances or elements used to ensure destruction or neutralisation of the funds do not pose a serious risk to health in the case of inhalation by or contact with the skin of the CIT security staff.

To this effect, the certificate may include an analysis of the risks of exposure to the chemicals, i.e. maximum permissible duration of exposure for a quantity to be determined.

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<sup>15</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), OJ L 396, 30.12.2006.

ANNEX IV  
IBNS PICTOGRAMS

Pictogram for CIT-vehicle equipped with IBNS



Pictogram for banknote container equipped with IBNS



ANNEX V  
PICTOGRAM FOR CIT-VEHICLE CARRYING EXCLUSIVELY COINS



**ANNEX VI**  
**CONTENT OF INITIAL TRAINING FOR CIT-STAFF THAT CARRY OUT**  
**CROSS-BORDER CASH TRANSPORT**

CIT workers taking part in professional cross-border transportation of Euro cash by road between Member States in the Euro area shall have:

- (1) Fully followed and completed at least the appropriate initial training as provided by their national regulations of reference and/or the relevant collective labour agreements or – in absence of these – the national CIT/security association's or internal company's training courses;
- (2) Successfully passed the examinations following this initial training or any procedure aimed at testing the learning outcome;
- (3) Fully followed and completed the additional and obligatory training module as foreseen in the present Annex consisting of at least:
  - Cross-border CIT procedures.
  - European legislation on CIT.
  - Applicable national legislation covering CIT of the Member State(s) crossed and the Member State(s) serviced.
  - Driving rules for CIT in the Member State(s) crossed and the Member State(s) serviced (including right for CIT vehicles to use specific driving lanes).
  - National security protocols in case of attack in the Member State(s) crossed and the Member State(s) serviced.
  - Organisation and operating procedures of CIT transport protected by IBNS<sup>16</sup> technology of the Member State(s) crossed and the Member State(s) serviced.
  - Applicable national operational protocols, rules and regulations of the Member State(s) crossed and the Member State(s) serviced.
  - National protocols in case of emergency of the Member State(s) crossed and the Member State(s) serviced in case of breakdown, road accidents, and technical and mechanical failures of any CIT equipment and vehicle.
  - National administrative procedures and company rules within the Member State(s) crossed and the Member State(s) serviced regarding communication with the control point etc. of all countries crossed and serviced.

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<sup>16</sup> As defined in Article 1(n) of the present Regulation.

- Information and training regarding cooperation and appropriate protocols with national, regional and local police forces including with regards to checks carried out on CIT vehicles and staff.
- Applicable national and European legislation and/or applicable collective agreements regarding working time, number of breaks necessary, working conditions, wages applicable.
- Applicable national and European legislation and/or applicable collective agreement stipulations regarding CIT staff rest periods – when needed, how often, duration of each break period, secure location, communication with control centres, etc.
- Applicable security rules for delivery/pick-ups (secure location, pavement risk management etc.).
- National legislation of reference regarding the use of weapons and their storage.
- Offensive and defensive driving techniques.
- Relevant training on the use of GPS, telephone and other technical equipment/systems used in cross-border CIT transportation.
- National health and safety regulation in the Member State(s) crossed and the Member State(s) serviced relevant for workers transporting valuables and travelling with large vehicles by road and protocols in case of injury or sickness of employees.
- First aid training.

The training should furthermore include the following items:

- Preventive and remedial measures in the areas of stress management and third party violence.
- Risk assessment (at work).
- Language training as necessary to fulfil the language requirements set out in the present Regulation (see Article 5 point 2).

**ANNEX VII**  
**COUNCIL OF EUROPE'S COMMON REFERENCE LEVELS**

User B1: Can understand the main points of clear standard input on familiar matters regularly encountered in work, school, leisure, etc. Can deal with most situations likely to arise whilst travelling in an area where the language is spoken. Can produce simple connected text on topics which are familiar or of personal interest. Can describe experiences and events, dreams, hopes & ambitions and briefly give reasons and explanations for opinions and plans.

User A1: Can understand and use familiar everyday expressions and very basic phrases aimed at the satisfaction of needs of a concrete type. Can introduce him/herself and others and can ask and answer questions about personal details such as where he/she lives, people he/she knows and things he/she has. Can interact in a simple way provided the other person talks slowly and clearly and is prepared to help.