

Regulating the security industry in Germany

Like in all EU/EEA countries, the private security sector in Germany is subject to authorisation (Art. 34a of the Trade Regulation Act (= § 34a Gewerbeordnung)). In order to be granted a security guard licence, applicants must supply evidence to a chamber of industry and commerce that they have completed an 80-hour instruction course on the pertinent legal requirements prescribed for the exercise of the trade. In addition, persons in dependent employment may only be entrusted with guard duties if they have completed an 40-hour instruction course. For certain guard duties, for instance in the public sphere, applicants must furnish proof of having passed a proficiency examination. Hence, professions in the security sector are regulated professions within the meaning of directive 2005/36/EC of the European Parliament and the Council on the recognition of professional qualifications of 07 September 2005 (OJ EU L 205, p. 10).

German law adopted pursuant to this Directive provides that account shall be taken of relevant professional qualifications of persons from other EU/EEA countries seeking to establish themselves or become employed in Germany insofar as these qualifications are equivalent. The same applies to cases where foreign enterprises start operating in Germany within the scope of the freedom to provide services.

I. Professional activities relating to the query

Rules governing the private security industry vary widely among the Member States, while even the concept of “security” differs greatly from country to country. The query relates to guard duties, which are subject to authorisation pursuant to Art. 34 a of the Trade Regulation Act.

Among others, these include:

1. plant security and physical protection (from houses or shops to industrial and military facilities),
2. personal security (bodyguards, security at rock concerts and large-scale events – excluding police duties as part of the state’s legal monopoly over the use of force)
3. security in publicly accessible areas (parking lots, shopping centres, train stations)
4. air passenger control
5. transportation of money and valuables
6. store detectives
7. doormen of discotheques

II. Required proficiency

In order to obtain the German licence, the applicant must not only be familiar with the relevant legal provisions, but in addition to this, possess the following knowledge and skills:

1. interpersonal skills and knowledge of how to behave in dangerous situations and how to use de-escalation techniques (conflict management; discussion management)
2. basic knowledge of security technology (mechanical security systems, hazard alert systems; alarm pursuit, fire protection)

III. Qualification certificates

In Germany, the competent chamber of commerce and industry issues the following qualification certificates:

1. Certificate stating that the applicant has completed an instruction course pursuant to Art. 34 a, para. 1, sentence 3 number 3, sentence 4 of the Trade Regulation Act
2. Certificate stating that the applicant has successfully passed a proficiency examination pursuant to Art. 34 a, para. 1 sentence 5 of the Trade Regulation Act

IV. Other licence requirements

In addition to the knowledge requirements set out above, applicants seeking to obtain the licence in Germany need to fulfil the following criteria:

1. provide proof of good repute required to operate a business (i.e. absence of relevant previous convictions. Certificate of good conduct must be submitted)
2. provide proof of funds or guarantees needed for the first six months of operating the business (e.g. a bank guarantee – this applies only to the entrepreneur's licence)

V. Competent Authority

In Germany, the municipal trade offices (Gewerbebehörden) are competent for the issue of licences; in this respect they are subject to the supervision of the governments of the Länder. The local chambers of commerce and industry are responsible for issuing certificates which prove that the applicant has completed the courses mentioned above and has passed the proficiency examination.