



INTERNATIONALE KOMMISSION  
DER DETEKTIV-VERBÄNDE

INTERNATIONAL FEDERATION  
OF ASSOCIATIONS OF PRIVATE DETECTIVES



H A R M O N I Z I N G   T H E   H I G H E S T   S T A N D A R D S   S I N C E   1 9 6 4

To the Delegates

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**Minutes of EPIC Congress 2013, Rome, Italy**

The Congress had been held at the Hotel Duca d'Este, Rome, on Friday the 24<sup>th</sup> May 2013 at 16:00 hours local time for the purpose of considering and dealing with the following business:

1. Introduction and welcome by the Vice Secretary General
  - a. The General Secretary, Tony Imossi, not been able to participate as attending the funeral of Peter A. Heims, sent his apologies and his best wishes for a successful meeting. The audience showed Peter its reference with an applause.
  - b. For the conference's attendants see [Attachments, #1](#).
2. IKD projects - political impacts
  - a. The VSG gave an overview on the achieved goals and those the IKD still has to realize, especially communication of IKD matters to the affiliated members and lobbying for IKD issues.
3. EPIC: history, status and usage:

Andreas Heim outlined the findings of the research for EPIC after a review of the regulations earlier this year. He presented a matrix analyzing the profession's legal conditions, showing that in the EC the profession is almost equally allocated to a regulated/non regulated/liberal profession or is included into the security industry. Andreas prepared a handout, see [Attachments, #2](#).
4. CMSC: status & outlook

The Common Minimum Standard of Competence had been part of Andreas' presentation. Andreas explicitly explained the structure of the guidebook by reference to the module "Reporting". A summary is in the handout, see [Attachments, #2, CMSC](#).
5. Funding IKD projects:

The 2012/13 applications to the EU had not been granted. The LLP programme ended and there is no new call so far. IKD financed every activity from its own funds. We are awaiting the 2014 call to apply again.
6. Marketing committee:
  - a. Introduction:

The VSG explained the purpose and tasks of the marketing committee to the audience. Chaired by Maria Bumbaru its members shall assist the Executive by preparing policy proposals for debate and discussion ("green papers"), sort out possibilities for

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CH-8022 Zurich, Switzerland



lobbying, sketch strategies for promoting the IKD objectives and deal with those matters related to marketing the Executive delegates to the committee.

b. CEPLIS/COESS:

IKD has always been seeking partners to promote its objectives and had been in contact with CoESS and CEPLIS. While [CoESS](#) is basically oriented to the Security Industry, [CEPLIS](#) is representing the "Liberal Professions". Following the discussion the VSG called Mitja Klavara from Slovenia to give his thoughts as a representative of the Chamber: He stated that PIs should be acknowledged as a liberal profession. In fact Slovenia considered PIs as a liberal profession under the Directive 2005/36/EC on the recognition of professional qualifications but recently their Home Office pushed another law under the Directive 2006/123/EC on the recognition of services in the international market for PIs as a regulated profession.

Maria Bumbu from Romania gave a presentation and asked for IKD approval to continue establishing a cooperation with CEPLIS. Maria declared that an IKD membership to CEPLIS will be without charges and could be realized before the end of this year. The VSG encouraged her to continue and report to the Executive.

c. Promoting IKD:

I. The VSG complained that at IKD meetings the host has stakeholders, policymakers, MP's or MEP's attending their functions but the Executive does not get a chance to exchange with them. Mitja Klavara conceded that he has good connections to the Slovenian MEP's and offered to establish contact. Following him the attending delegates promised to look for contacts for lobbying and provide details as well as when hosting IKD to make arrangements for a discussion with guests attending.

II. Genuario Peregrino, President of Federpol, asked for funding of projects related to the marketing committee. The VSG refused to grant a lump sum or any set budget for the committee as he cannot dispose IKD funds without approval of the IKD-Executive. Backed by David Sanmartin and Eva Grueso from Spain, the VSG promised that IKD will fund activities of the marketing committee but only if these are reasonable and in close relation to the goals of marketing and promoting IKD matters. It was commonly accepted if the marketing committee needs funding for a certain activity a detailed description of the purpose, aim and benefit of a strategy, the approach of a contact and suchlike shall be provided to the IKD Executive.

d. Logo:

I. The strapline had already been attached to the IKD stationary and on facebook.

II. As there were no suggestions for a new logo the item was postponed until a later meeting.

e. Data Protection issues:

The Federpol survey related to existing Data Protection Acts and the draft European Data Protection Regulation (see [Attachments, # 4 for EC flyer](#) and [http://ec.europa.eu/justice/data-protection/document/review2012/com\\_2012\\_11\\_en.pdf](http://ec.europa.eu/justice/data-protection/document/review2012/com_2012_11_en.pdf) for the proposed General Data Protection Regulation) had been answered by only a few Associations just recently thus an evaluation had not been possible. The VSG gave IKD's thoughts and concerns following a conversation with Chris Brogan from B&G Associates. The outline is take on this only with legally trained people with an expertise in each countries privacy laws. Genuario Pellegrino and Paolo Gatti



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commented that IKD should act immediately. The preparation of a green/white paper for the IKD position is understood as part of marketing. It was agreed to open the marketing committee for everyone with respective expert knowledge.

f. Matters arising:

Fabio Maria Galiani, an Italian defense lawyer, gave his thoughts on Investigations in the private sector. A discussion followed reflecting his arguments to consider it not only a liberal but legal profession.

Close of Meeting

George Hirtl

Vice Secretary General

IKD



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**ATTACHMENTS:**

**#1 ATTENDANTS:**

- Genuario Pellegrino Italy
  - Maria Bumbaru Romania
  - Adrian Mihai Romania
  - Kunwar Vikram Singh India
  - Mahesh Shandra India
  - Eva Grueso Spain
  - David Sanmartin Spain
  - John Grottum Norway
  - Yusuf Vehbi Dalda Turkey
  - Ismail Yetimoglu Turkey
  - Karoly Sallay Hungary
  - Alexandre Tamos Hungary
  - Mitja Klavora Slovenia
  - Andreas Heim Germany
  - Paolo Gatti Italy
  - Fabio Maria Galiani Italy
- and several members of Federpol.

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# IKD CONGRESS - Rome 2013

**Andreas Heim**

**[ikd@bid-detektive.de](mailto:ikd@bid-detektive.de)**

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## 1 Primary Note

During the IKD meeting in London last month, we have given a short insight on the progress of the two IKD projects

- "EPIC" and
- "Module Handbook".

It is important that we once again explain the complexity of **both** projects today.

The basis of both projects is:

- **Directive 2005/36/EC** of the European Parliament and of the council on the recognition of professional qualifications
- **Directive 2006/123/EC** of the European Parliament and of the council on the recognition of services in the international market.
- **European Qualification Framework (EQF)**

What do these directives actually mean?

The **directive 2005/36/EC** allows a person who has obtained professional qualification in one EU Member State to access the same profession and pursue it in another EU Member State under the same conditions as nationally.

One of the main problems is, that **nobody has an exact overview** about all the legal conditions and regulations of the European PI Industry in the 27 member states.

**It is difficult** to find comparable legal regulations and equal requirements for Private Investigations in Europe.

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## **2 A view to the complex activities of private Investigators**

In the objective view the activities of private investigators are manifold and constitute a broad diverseness.

Many different methods are used to determine facts, retrieve information, process data in a variety of matters.

PI's may use various types of surveillance, inquiries or searches to carry out investigations.

PI's assist attorneys, businesses, and the public in cases covering legal, financial or personal problems.

They offer services including executive, corporate, and celebrity protection, and also provide assistance in civil liability and personal injury cases, missing person cases, insurance claims and fraud, child custody, and protection cases.

To some extent they are hired to investigate individuals to prove or disprove infidelity.

Legal investigators also collect information for litigation, testify in court, and assemble evidence and reports for trials.

They frequently assist in preparing criminal defence, locating witnesses, inside common law systems they serve legal documents, and gather and renew evidence.

### **In summary:**

One of the most important specializations is the activity private detectives generate as legal investigators.

Certain European states require private detectives and investigators to be licenced.

For such a licensing mostly a given set of qualifications is required, like minimum age, having a combination in police sciences, criminal and other fields of the law, and often prior experience in activities typically for the profession.

In addition they might have to pass a criminal history background check and some kind of professional examination.

Some investigators receive certification from a professional organization to demonstrate competency in a particular field.

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### **3 Evaluation process of the Professional Qualifications Directive 2005/36/EC**

On two occasions, DG Internal Market and Services met with representatives of European professional associations to discuss their points of view on the way the directive is being applied, identifying weaknesses and strong points.

The first of these meetings was held in 2011 and the second in 2012.

Meanwhile the European Commission published its first report on the transposition and implementation of this directive.

The modernization of Directive 2005/36/EC is also one of the major priorities of the Single Market Act published by the European Commission.

#### **a) Areas of concern**

- Member States were exceedingly late in the transposition and there is no real justification for the delay.
- Member States tend to be cautious, even reluctant, when it comes to allowing professionals from other Member States to provide services on a temporary basis.
- No agreement on a common platform has been reached or is at an advanced stage of preparation. The concept of a common platform, in its current form, appears to be a failure.
- The fact that the current Code of Conduct is not binding leads to a great number of cases where EU law is not correctly applied.

#### **b) Open issues**

- Some Member States appear to be seeking more flexibility for training in the sectoral professions.
- There is continued interest in a professional card.
- There is a need to enhance the understanding by stakeholders of the relationship between the European Qualification Frame and the Professional Qualifications Directive.

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## **4 European Qualification Framework (EQF)**

The EQF acts as a translation device to make national qualifications more readable across Europe, promoting workers' and learners' mobility between countries and facilitating their lifelong learning.

The EQF aims to relate different countries' national qualifications systems to a common European reference framework.

Individuals and employers will be able to use the EQF to better understand and compare the qualifications levels of different countries and different education and training systems.

Agreed upon by the European institutions in 2008 the EQF is being put in practice across Europe.

The European Qualification Framework works on the basis of eight reference levels described in terms of learning outcomes, from high school diploma (Level 1) to PhD/doctorate (Level 8).

These learning outcomes are of three different kinds: knowledge, skills and wider competences (described as personal and professional outcomes).

In other words, qualifications at each level in a possible European Qualification Framework are described in terms of these three types of learning outcomes.

This will help to establish connections between national qualifications and prevent European citizens from having to gain knowledge that has already been acquired in their home country when they want to work in another member State.

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## 5. EPIC Project

The IKD project "European Private Investigator's Compendium (EPIC)" was first presented at the IKD Conference in October **2009** in Vienna.

The project provides transparency about PI activities and the profession in the IKD Members' States.

In the first stage IKD collected information from all its member associations about the national regulations, provisions and obligations for the PI industry in their countries.

These information had to be evaluated, interpreted and partly been published on the IKD web page later on to assist all investigators preparing for or organizing an investigation in a certain European country. As a compendium, EPIC was never intended to be limited to information on regulations and acts but to provide useful information on the profession in a certain country a thorough research according to the EPIC list of contents had to be carried out.

In **2010** the EPIC list of contents was filled with information on some EU countries.

In **2011** and **2012** there was an attempt to apply for EU funding through the Lifelong Learning Programme (LLP) for the construction and further development of the EPIC project. As EU funding was not granted EPIC was further expanded with IKD funds.

In early 2013, the contents of EPIC have been updated,

- a) because the first collection of country information based on a 2005 survey
- b) because in the meantime the EU directives came into force
- c) because in 2012 the first experiences gained in the implementation of EU directives were published by the EU Commission.

At the present time, information for EPIC has been collected from a total of **38 countries**. This update makes it possible to summarize, evaluate and particularly analyze the findings.



## EPIC - European Private Investigator's Compendium

BELGIEN	4
BULGARIEN	15
DÄNEMARK	16
DEUTSCHLAND	18
ESTLAND	19
FINNLAND	20
FRANKREICH	26
GRIECHENLAND	30
ITALIEN	35
KOSOVO	40
KROATIEN	41
LETTLAND	42
LITAUEN	43
LUXEMBURG	47
MONTENEGRO	50
NIEDERLANDE	51
NORWEGEN	53
ÖSTERREICH	54
POLEN	66
PORTUGAL	69
RUMÄNIEN	72
SCHWEIZ	74
SCHWEDEN	91
SLOWAKEI	92
SLOWENIEN	95
SPANIEN	102
TSCHECHIEN	118
UNGARN	122
GROSSBRITANNIEN	127
ZYPERN	128
ANDERE STAATEN	129
TURKEI	129

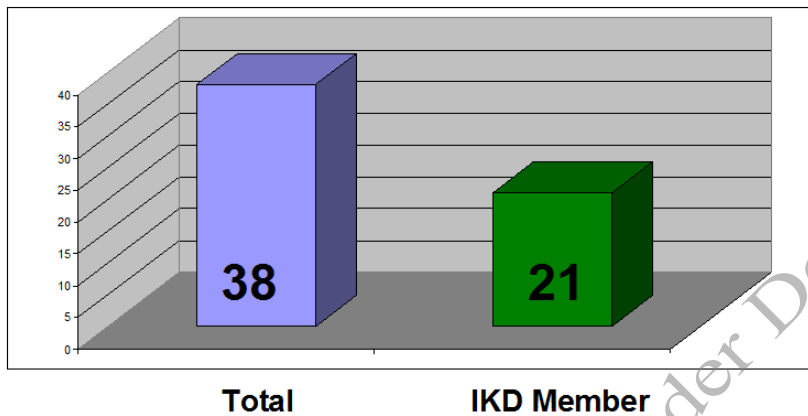
## 6 First statistic analysis of the conditions for Private Investigations

Giving an example for the possibilities of evaluating EPIC **charts** have been created:

### Chart 1

The research of the 38 states are included 27 EU countries.  
21 countries are represented as a member of IKD.

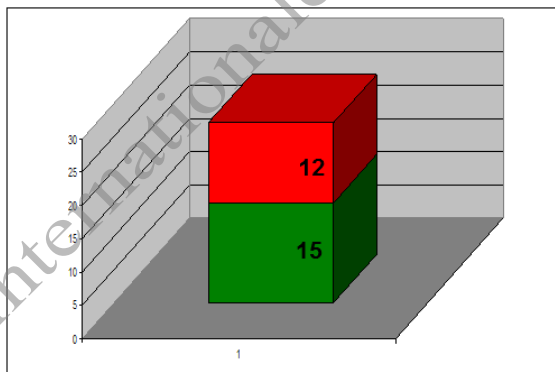
### Analysed States in 2013



### Chart 2

From a total of 27 EU states only 15 are represented as a member of IKD. This means there is some untapped potential to exploit.

### 27 EU States



**15 Members of IKD**

not represented:

- Bulgaria
- Cyprus
- Czech Republic
- Estonia
- Greece
- Ireland
- Lithuania
- Luxembourg
- Malta
- Poland
- Slovakia
- Sweden

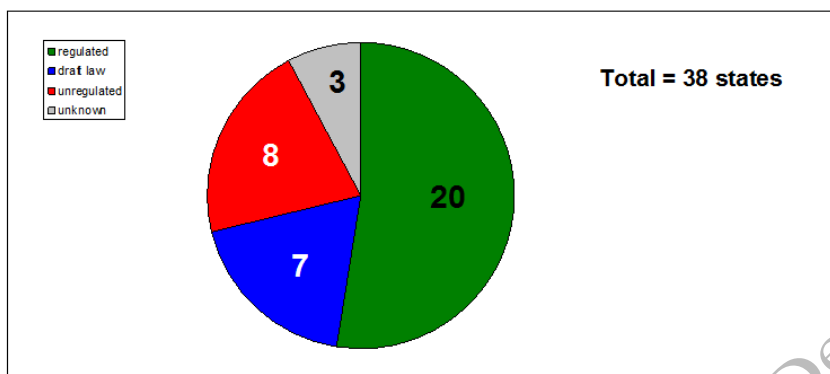
### Chart 3

Out of the 38 states 20 have legal requirements for PI's, in 7 countries there are bills to be implemented in the future.

Only in 8 countries is no regulation.

From 3 countries information received are not clear or conflicting.

## Legal regulations for PI's (1)



### Regulations:

Countries surveyed 38

regulated 20

draft bill 7

unregulated 8

conflicting information 3

### EU-countries (27)

regulated 16

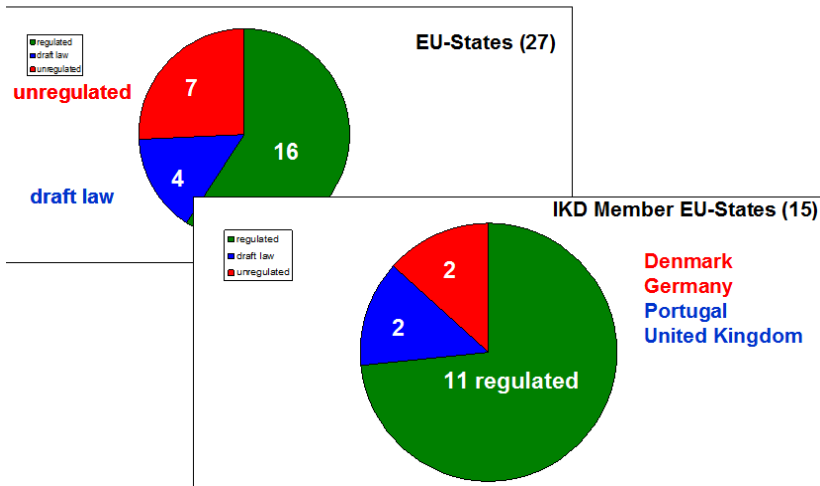
draft bill 4

unregulated 7

### Chart 4

From a total of 27 EU states 7 countries leave PI activities unregulated. 4 EU countries already have draft bills or acts.

## Legal regulations for PI's (2)



### Chart 5

Querying PI licensing shows several aspects:

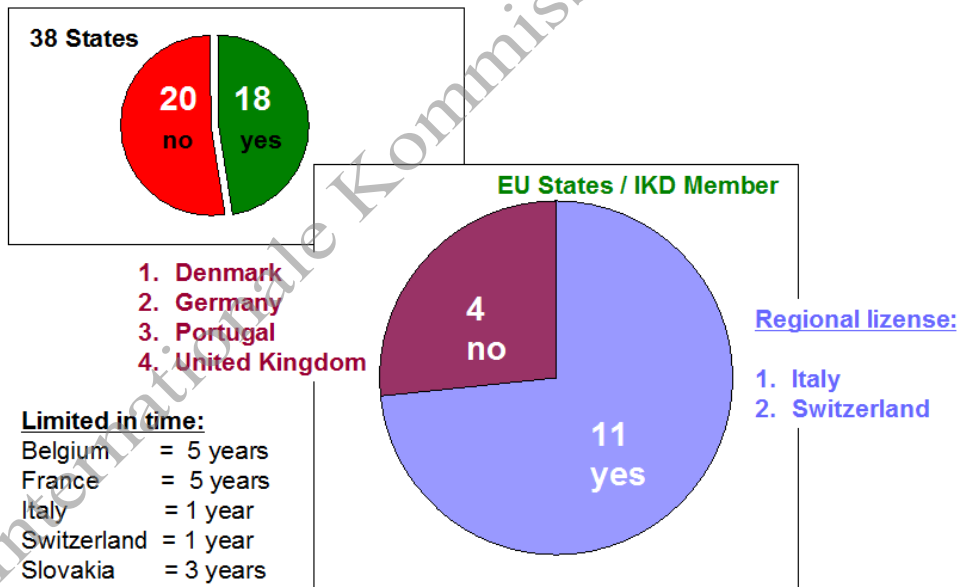
Out of 38 states about the half has licensed PI's.

In relation to the EU countries with a membership in IKD, there are 4 states in which PI's remain unlicensed.

2 countries are limiting the license to regional areas.

In 5 countries, the license needs to be renewed after a certain period of time.

## PI's Lizenze



### License regulations (38 countries)

licensed	18
unlicensed	20

### Time-limited validity

Belgium	5 years
France	5 years

Italy 1 year  
 Switzerland 1 year  
 Slovakia

Regional limitations

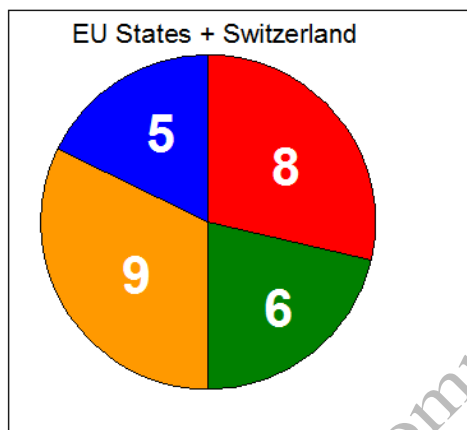
16 countries no limitation (valid throughout the country)  
 Italy/Switzerland regional (valid only in the resp. administrative district)

**Chart 6**

PI services are diversely classified in the EU states as

- non-regulated profession
- regulated profession
- liberal profession
- security industry

**PI`s profession (EU / IKD Member)**



**unregulated profession**  
**regulated profession**  
**liberal profession**  
**security industry**

Legal obligations of education

- Belgium 2 years
- Finland\* 100 hours
- France > 1 year
- Hungaria > 1 year
- Rumania 1.080 hours
- Slovenia 3 years
- Spain 2 years

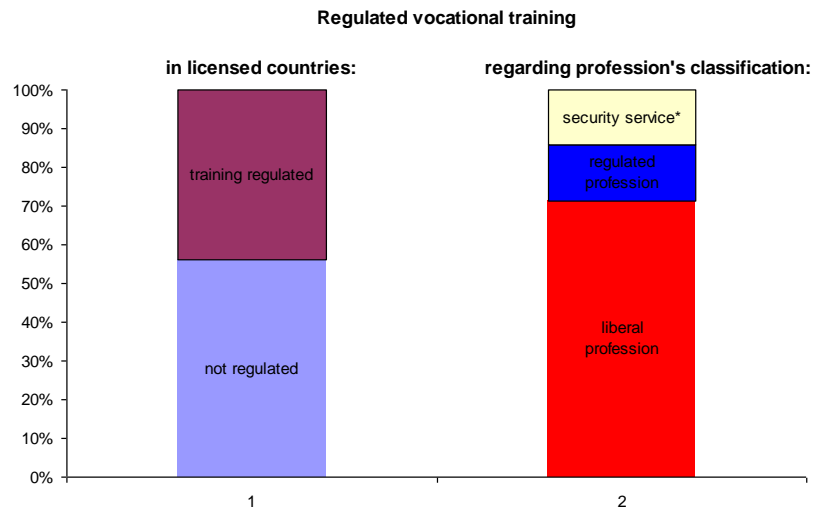
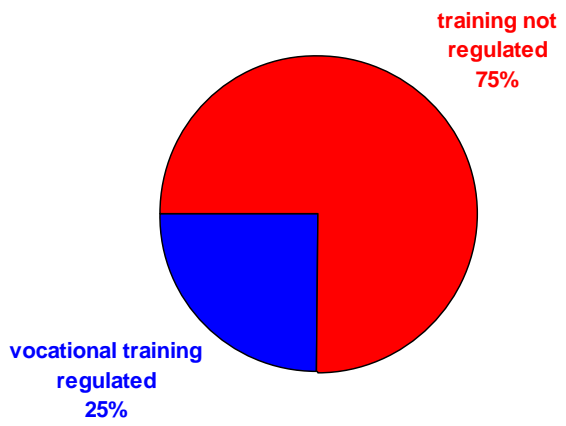
**Regulated as:** (EU countries)

non-regulated profession 8  
 regulated profession 6  
 liberal profession 9  
 Security Service 5

**Chart 7**

Whereas 2/3 of the countries do not regulate vocational training there is a more significant correlation between classification of the profession and training obligation than expected for licensed countries:

## EU States + Switzerland



**Vocational training is regulated in only 7 countries** (\* = related to the license)

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## 7 Common Minimum Standard of Competence (CMSC)

To receive approval applicants shall have work experience, vocational training and continuous professional development.

An applicant shall pass written and oral exams, supervised by an authority or body assigning the approval.

The knowledge of criminal and civil law, including substance and procedure, is of major importance for PI applicants.

Severe tests shall prove the competence of the candidate and verify that the applicant possesses the required qualities and qualification to perform the occupation properly.

It should be an examination regarded as serious and not one the rumor has it that everybody can pass easily.

These are only some reasons why it is essential for IKD to concentrate on the second IKD project described as:

**“Developing and determining the parameters to establish competence for Private Investigators (PI), specified in an IKD Module Manual in English language.”**

The EQF determines the levels of competence. While the agreed Common Minimum Standard meets level 4 the Module Manual has to be adjusted to level 5:

NL 1	NL 2	NL 3	NL 4	<b>NL 5</b>	NL 6	NL 7	NL 8
General-knowledge		Fundamental-knowledge		<b>Professional-knowledge</b>	Special-knowledge		Expert-knowledge

*Tabularisation of defining levels in the European Qualifications Framework (EQF).*

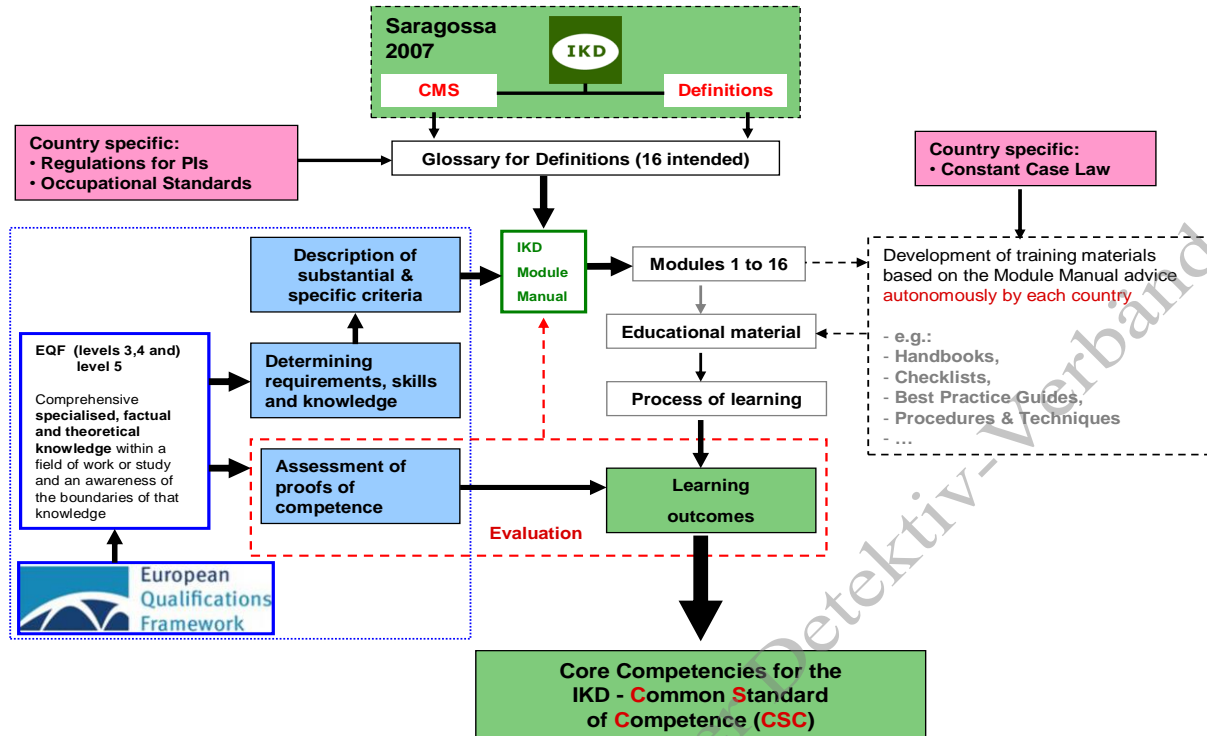
NL 4	IKD - Common Minimum Standards
	<b>Factual and theoretical knowledge</b> in broad contexts within a field of work or study.
<b>NL 5</b>	<b>IKD - Module Manual</b>
	Comprehensive <b>specialised, factual and theoretical knowledge</b> within a field of work or study and an awareness of the boundaries of that knowledge.

*Comparison of defining level of IKD CMS / IKD Modules*

For a better understanding the following chart illustrates the vital part of the Module Manual in relation to the European element, the IKD understandings and national identity for a Common Minimum Standard of Competence:



## Flow Chart: THE IKD MODULE MANUAL: CMS to CSC



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## 8 IKD - Module Manual

To meet the requirements of NL 5 the each module of the manual is structured to:

- Module description
- Application of the module
- Licensing/Regulations/Restrictions
- Pre-Requisites
- Performance Criteria
- Module integrity
- Performance criteria
- Requirements, skills and knowledge
  - Requirements
  - Required skills
  - Required knowledge
  - Special knowledge
- Proof of competence
  - Relevant aspects for assessment
  - Context of and specific resources for assessment
  - Resource implications for assessment
- Range statement
- Module field

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# Why do we need an EU data protection reform?

The EU's 1995 Data Protection Directive set a **milestone in the history** of personal data protection. Its basic principles, ensuring a **functioning internal market** and an **effective protection of the fundamental right** of individuals to data protection, are as valid today as they were 17 years ago. But differences in the way that each EU country implements the law have led to an uneven level of protection for personal data, depending on where an individual lives or buys goods and services.

The current rules also need to be **modernised** - they were introduced when the Internet was still in its infancy. **Rapid technological developments** and globalisation have brought new challenges for data protection. With **social networking sites, cloud computing, location-based services** and smart cards, we leave digital traces with every move we make. In this "brave new data world" we need a robust set of rules. The EU's data protection reform will make sure our rules are future-proof and fit for the digital age.

## What is personal data?

Personal data is any information **relating to an individual**, whether it relates to his or her private, professional or public life. It can be anything from a name, a photo, an email address, your bank details, your posts on social networking websites, your medical information, or your computer's IP address. The EU data protection rules apply when a person can be identified, directly

or indirectly, by such data. The EU Charter of Fundamental Rights says that everyone has the right to personal data protection in all aspects of life: at home, at work, whilst shopping, receiving medical treatment, at a police station or on the Internet. **74%** of Europeans think that disclosing personal data is **increasingly part of modern life**, but at the same time, **72%** of Internet

## Attitudes towards data protection

- Just over a quarter of social network users (**26%**) and even fewer online shoppers (**18%**) feel in **complete control** of their personal data.
- **74%** of Europeans see **disclosing personal information** as an increasing part of modern life.
- **43%** of Internet users say they have been asked for **more personal information than necessary**.
- Only **one-third** of Europeans are aware of the existence of **a national public authority** responsible for **data protection (33%)**.
- **90%** of Europeans want the **same** data protection rights across the EU.

Special Eurobarometer 359  
*Attitudes on Data Protection and Electronic Identity in the European Union, June 2011*

Any questions?  
[http://ec.europa.eu/justice/data-protection/index\\_en.htm](http://ec.europa.eu/justice/data-protection/index_en.htm)  
Contact Europe Direct: 00 800 67 89 10 11 - <http://europa.eu/eurodirect/>



users are worried that they give away **too much personal data**. They feel they are not in complete control of their data. This eats away at their **trust in online and other services** and holds back the growth of the **digital economy** in general.

### What is the Commission planning to do?

The Commission's proposals update and modernise **the principles** enshrined in the 1995 Data Protection Directive to guarantee the right of personal data protection **in the future**. They focus on: reinforcing **individuals' rights**; **strengthening the EU internal market**; ensuring a high level of data protection in all areas, including **police** and **criminal justice cooperation**; ensuring proper **enforcement** of the rules; and setting global data-protection standards.

### What will this mean for me?

The proposed changes will give you **more control** over your personal data, make it easier to access, and improve the quality of information you get about what happens to your data once you decide to share it. These proposals are designed to **make sure that your personal information is protected** – no matter where it is sent or stored – even outside the EU, as may often be the case on the Internet.

Individuals can be **confident** that they can go online and take advantage of new technologies regardless of where they come from, whether it's **shopping for a better deal**, or **sharing information with friends** around the globe. This reinforced trust will also help businesses grow and allow them to serve consumers throughout Europe with adequate safeguards for personal data, and with lower costs. This will help **stimulate the internal market, boost growth, create jobs and foster innovation**.

### What will be the key changes?

- A '**right to be forgotten**' will help people better manage data-protection risks online. When they no longer want their data to be processed and there are no legitimate grounds for retaining it, the data will be deleted.
- **Whenever consent is required** for data processing, it will have to be given **explicitly**, rather than be assumed.
- Easier access to one's own data and the **right of data portability**, i.e. easier **transfer of personal data** from one service provider to another.
- Companies and organisations will have to notify serious data breaches without undue delay, **where feasible within 24 hours**.
- **A single set of rules** on data protection, valid across the EU.
- **Companies** will only have to deal with **a single national data protection authority** – in the EU country where they have their main establishment.
- Individuals will have the **right to refer all cases to their home national data protection authority**, even when their personal data is processed outside their home country.
- **EU rules will apply** to companies not established in the EU, if they offer goods or services in the EU or monitor the online behaviour of citizens.
- Increased **responsibility and accountability** for those processing personal data.
- **Unnecessary administrative burdens** such as notification requirements for companies processing personal data **will be removed**.
- **National data protection authorities will be strengthened** so they can better enforce the EU rules at home.