



MINUTES of Committee Meeting 2006

**Minutes of Meeting of the Internationale Kommission der Detektiv Verbände held
at the Hotel SCANDIC, Copenhagen, Denmark on Saturday the 30th September 2006**

1. Introduction and welcome by the Secretary General – attendees: -

Tony Imossi – Secretary General, ABI (UK)

George Hirtl – Vice Secretary General, ODV (Austria)

Markus Wegst – Treasurer, FSPD (Switzerland)

John Grottum – NFES (Norway)

Alexander Ponomarjov – single member (Latvia)

Kjetil Eide – NFES (Norway)

Jean Schmitt – SNARP (France)

Lothar Kimm - BID (Germany)

Bodo Scholl, BDD (Germany)

Uffe Bodeholt – FDDE (Denmark)

Mr Janko Trivunovic – DZRS (Slovenia)

Lasse Clausen – FDDE (Denmark)

Mrs Mateja Petac Jug - DZRS (Slovenia)

Apologies for absence –

Richard Jacques Turner - WAD (UK)

David Sanmartin – APDPE (Spain)

Laura Giuliani – FEDERPOL (Italy)

Werner Sachse - WAD (Germany)

Peter Heims – ABI (UK)

Raul Guerreiro – single member (Portugal)

Eric Shelmerdine – WAD (UK)

2. Ratification of New Members National association. The provisional application of Detektivs Zbornica Republike Slovenia was considered. In answer to members' questions it was explained that the organisation is a Chamber of Commerce to which all Private Investigators in Slovenia have to belong. It was formed 11 years ago and consists of 69 Investigators which includes 3 agencies. The criteria for licensing in Slovenia consists of an educational degree, clear of criminal record, an Examination by interview before a panel of 4 which includes 2 panellists from the Government and 2 from the Chamber. Training is to be introduced. The membership was proposed by George Hirtl, seconded by Kjetil Eide and ratified by the Committee.



3. Minutes of the previous Annual Meeting of the Executive, held on 28th May 2005 in Madrid, Spain, proposed as a true record by George Hirtl and seconded by Jean Schmitt, carried.

4. Matters arising. The Secretary General mentioned the templates for reports and profiles and observed that most participating members had submitted theirs.

George Hirtl advised that he had expected Hungary to attend and was surprised that no Report had been sent.

The SG mentioned the Directory of members' idea and requested members to send in through George Hirtl their respective Database of members.

It was also pointed out that not all members are notifying the IKD of their Conferences for publication on www.i-k-d.com

Alexander Ponomarjo raised concern about the spam email attracted by the publication of the email addresses on the web site.

5. The SG had submitted a detailed Report in writing that had been circulated and the main points read out briefly. The item on Definitions would be dealt with later under Any Other Business. The acceptance of the SG Report was proposed by Jean Schmitt and Kjetil Eide seconded it, carried.

6. To consider the report of the Vice Secretary General given verbally. The VSG has monitored the situation on the EU Directive of Services and reported the exemption applicable to the SG who has covered the same in his Report. The VSG has been working on the Common Minimum Standards and will continue to do so with the other Committee members. A short discussion followed on "Privileges" of licensing. This led to



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John Grottum raising an issue that has occurred in Norway where a PI has challenged the call to testify against a client accused of criminal acts, pleading client confidentiality. He will monitor the case and report to the IKD on its outcome. The VSG Report was proposed to be accepted by Kjetil Eide and seconded by Jean Schmitt, carried.

7. To consider the income and expenditure accounts for the year ending 31st December 2005 and to adopt the accounts together with the report of the Treasurer and Auditor. Werner Sachse the appointed Auditor Reported in writing and supported the Accounts presented. Kjetil Eide proposed the Accounts be accepted. This was seconded by George Hirtl, carried. The Treasure confirmed that all IKD banking is now in Euros. Bodo Scholl raised issue as to why delegates were being charged for the room hire for the IKD meeting; the issues was supported by Kjetil Eide and Jean Schmitt who said it was difficult to justify to National Associations. The SG said that when meetings are hosted by larger organisations then a room is often supplied at no cost to the IKD but where as this year the host is a small organisation this becomes a problem. Bodo Scholl confirmed that he wished to make a proposal for future meetings only, as follows: “That the delegates registration fee for IKD meeting room and refreshments be met by the IKD in future years at the Board’s discretion” This was seconded by John Grottum, carried.
8. To consider the reports of the Member Associations. The SG read out the detailed letter report from FEDERPOL, annexed to the Minutes. Each of the other Reports sent in had been circulated. Each member representative present was given an opportunity to add verbally to their respective Reports. Latvia has a licensed system. No regulation exists in Norway its Parliament having declined a Bill presented in 1999. The population in Norway is 4 million. There are some 150 PI in total including those working in-house and the forensic accountants. There are some 30 to 40 independent agencies or individuals



trading. The security industry is regulated in Norway. Germany has no regulation. The President of BDD is pressing for licensing and to improve the image of the PI. The SG added a few words on behalf of the ABI (UK) on licensing in the UK and referred members to The Best Practice Guide published by the Security Industry Authority and circulated to members earlier in 2006. In Slovenia any EU PI can apply for a licence on proving existing practice in home Nation.

9. Any other business

(a) **Common Minimum Standards** for Private Investigators in the EU

The SG read out that part of the detailed letter from APDPE (Spain) (Annexed). Several issues are raised and the VSG agreed that he would have to refer the matter back to Committee before presenting a final version for adoption by the IKD.

(b) **Definition** for Private Investigators in the EU

The proposal is covered in the SG Report read out and since agreed to by the 2 other Committee members, Richard Jacques Turner and John Grottum. Numerous points were raised in the said letter from APDPE (Spain) which were read out and discussed in detail until the final version agreed and carried, as follows: -

Any surveillance, inquiries or investigations that are carried out on behalf of another, for the purpose of

(a) obtaining information and/or evidence about a particular person or about the activities or whereabouts of a particular person; or

(b) obtaining information and/or evidence about the circumstances in which or means by which any property has been lost or damaged



The activities included in the above Definition being:

- | | |
|---------------------------|--------------------------|
| 1. Accident Investigation | 9. Legal knowledge |
| 2. Blackmail | 10. Litigation Support |
| 3. False Accounting | 11. Providence |
| 4. Family Law | 12. Repossessions |
| 5. Forgery | 13. Status reports |
| 6. Fraud Investigations | 14. Surveillance |
| 7. Loss Investigations | 15. Theft Investigations |
| 8. Intellectual Property | 16. Tracing |

(c) The SG advised on the circumstances leading to the resignation of NoPES (Norway) from the IKD.

(d) John Grottum asked whether the IKD logo has been registered as a Trademark. This was discussed and it was agreed that it was not feasible or economic or necessary for the IKD to go to the expense involved.

(e) Uffe Bodeholt asked that a page on the IKD history be added to the web site. The SG agreed to deal with this.

10. To fix the date and venue of the next IKD Executive Meeting

Following an offer from Bodo Scholl it was agreed that the XVI Congress will be in May 2007 in Bavaria hosted by BDD (details to follow).

Close of Executive Meeting

(Delegates met again at 1700 when a member of the Danish National Press attended and interviewed the SG)



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Pages 01/02.

Cologno Monzese (Milano), 26.09.2006

Subject: IKD CONGRESS. Copenhagen, september 29 th- October 1st.

Esteemed colleagues,

Having recently been involved in a road accident, I have to greet you from Italy and, much to my regret, refrain from taking part in the annual IKD meeting in Copenhagen; I am recovering well, but unfortunately I am not quite ready to undertake longer trips at this time.

This short letter, which I would appreciate being read out aloud to all participants of the Copenhagen meeting, will report about the state of private investigation and on its' professional association's activities in Italy.

As yet, all investigative activity is still subject to governmental authorization, issued by the Ministry of Interiors though local prefectures, to individuals complying with the following requisites:

1. a proven track record in the field;
2. suitability of the agency's operational headquarters;
3. a need for new agencies in the area where the applicant wants to set one up.



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Such as they are, these requisites leave too much discretionary power to Prefectures; consequently, Federpol has established a set of principles, binding by law, that raise the minimum standards and neutralise discretionality. Here are some of the new requirements all applicants must meet:

- 1- A college degree in law or investigative sciences;
- 2- a minimum insurance cover;
- 3- a minimum of 5 years' proven continuous practice at an established private investigation agency;
- 4- separate authorizations are now issued to investigative collaborators as opposed to authorized private investigators.

5- operational area now includes investigative security..

6- establishment of associated private investigation agencies is now possible.

Last spring, the composition of the Italian Parliament has changed due to administrative elections; the legislative path has consequently slowed down. At present the Government has acknowledged an urgent need to regulate the field of private investigations, taking immediate measures that I am currently involved in defining.

Code of Ethics. At the same time the Guarantor of personal data protection (an authority established to regulate the flow and use of private and public data in Italy) has requested Federpol's contribution in defining a new "Ethical Code for private investigations", similar to the one in use amongst lawyers, that will eventually substitute the one that has long been adopted by our associates.

Along with the Guarantor's legal offices we are working on a text that takes our professional needs into better account, and that might serve as a catalyst at the European level. The Guarantor is confident that the definitive text, ready to be lawfully approved, can be completed by 2006.

Collaborators. Along with Italian unions, Federpol has established an authority to regulate and supervise the terms and conditions of working relationships between the licensees and their collaborators, including minimum compensation and working duties.

Professional Updates. Through the department led by my colleague Alberto Paoletti, working closely with the academic world and with the lawyers' community, Federpol has been continuing its program of technical and legal update courses for associates. Agreements to



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easen up the path to a law degree for those who are already working have been established with Universities.

New activities development. To enable associates' activities in new client acquisitions, and in new operational fields, Federpol has established agreements with specialised authorities and companies. In addition, to make fulfillment of specific tasks easier, agreements have been closed with selected companies specialising in a number of services (such as genetic and biotech analysis, legal consultancies, logistics, translation, insurance policies, learning courses etc).

With regard to our last report, no change has intervened within the Federpol organisational structure. Concerning the European Code of Ethics for private investigators, I have been informed by the General Secretary of the Italian Guarantor's office about the preliminary work and about the establishment of a European commission. I am currently not informed about the details, nor about the advancement status of this project. Neither have I received any communication on this subject by the IKD executives' office; they are, I trust, closely following the situation, in order to enable associates to take part in the works as far as they can contribute.

Let me close by wishing all and everyone of you a fruitful meeting, by sending you all the best greetings, and reminding you that I remain at your disposal for any useful contribution.

LAURA GIULIANI
President, FEDERPOL

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IKD



Barcelona, 29th September 2006

IKD Executive meeting
Copenhagen

Dear Tony, Georges, Markus and Delegates;

First of all, please receive my apologies for absence. I planned to attend but unpredicted family matters obligated me to stay in Barcelona.

Nevertheless, I would like to present to the board the following matters:

1. EU Licensing - Common Minimum Standards Committee

Unfortunately, the works has not been as intense as expected and just a few countries answered my initial request. Also, changes in France, the stand-by situation in UK, recent decisions in the EU Court and the directive of Free Rendering of Services has not collaborated with the aim of the work.

Nevertheless, I believe that there are some ideas that all member associations would agree. So I submit to the board the approval of a Common Minimum Standards decision with the following or similar and better wording::

- i. Professional practice of Private Investigation must be limited to subjects holding an official license or authorization.*
- ii. The criteria to grant a license must regulate the following matters:*
 - a. Age. To hold a license the applicant must have the legal age.*
 - b. Criminal records. The applicant must not have computable criminal records, according to his/her national law¹. Nevertheless, country members can adopt exceptions on non voluntary crimes connected to vehicles driving² or other matters usually considered as minor offences.*

¹ The idea of "computable" permits to avoid practical problems regarding different regulations on criminal records cancellation.

² Some countries (including Spain in a near future) criminalize speed exceed.



- c. *Educational qualifications. The applicant must evidence knowledge enough for professional practice. This knowledge must be focussed in law, ethics, office managing and professional practice; and it must be evidenced by an independent entity, such as an official institution or, in absence of this, a professional representative organization (i.e. an association).*
- d. *Administrative matters. The applicant must fulfil all legal requirements to run business at his/her country³.*

iii. *Loosing any requirement must result in the license cancellation.*

To my understanding, this proposition:

- a. Does not affect to countries with a specific regulation on private detectives (as far as I know, all countries includes these criteria in their regulation).
- b. Members associations of countries lacking a specific regulation can use this proposition (if approved) to support their requests of legal regulation.
- c. It would be an acceptable and affordable first minimum standards for a future European professional platform.

2. Annual "open" meeting.

As discussed some times, members of member association can see (and sometimes actually see) IKD as a "immaterial entity" without a practical and noticeable reason to exist. Joining to this, others are trying to found a different more noticeable entity.

Last ECD congress in Strasbourg is a valid example of this. I attended the congress and more than 75 European private detectives do so.

IKD must move forward or it will finally become a "friends meeting". In my opinion, individuals want professional international meetings. WIC 2005 in Las Vegas is a valid example (specially having in mind the cost to go to Las

³ This provisions is aimed to consider any general matters specific in each country, such as data protection regulations (such as in UK), tax and social security matters (such as in Spain)...



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Vegas). WAD and CII AGMs have less attendance but, in any case, they are also valid examples.

APDPE proposal is to have an European Meeting every year, basically to promote relationship between PDs from different countries. This neither require IKD to change its statutes nor its board to have more work.

Every member association have its AGM. Most of them are organized joined to professional and/or leisure activities. The idea is to delegate to an association (one per year, on a voluntary prior offer) the organization of the meeting, joining to its AGM⁴. A similar way is used in WAD and CII (instead of associations, are the members who present its candidature to organize the AGM). Each year, IKD board will elect the winner candidature, having in mind cost, program, etc...

In its case, the only cost for IKD would be to afford (fully or partially) simultaneous translation expenses.

It would be a duty of every member association to promote the congress among their members.

The advantages of this would include:

- a) IKD will become a promoter of professional contacts at the EU.
- b) IKD will become noticeable for all subjects members of member associations.
- c) The national association will enforce the public view of its AGM (in fact, the professional presence in the country): an international meeting is more attractive to media than a national meeting.
- d) IKD will recover the sole leadership of the European movement for the improvement of the profession in Europe.

In order to do this, I suggest to open the reception of candidatures, to be elected at the next IKD meeting (so, first IKD European Congress would be in 2008).

⁴ Having the European Congress with the nation association AGM is to avoid expenses and, at least during the first years, a few attendance.



3. Definition committee

I refer to General Secretary's report and proposal on the matter:

- a) As a first comment, I suggest to suppress the first paragraph⁵. IKD must not formally adopt national regulations or proposals for regulation. IKD can adopt the definition itself (several comments will be formulated later). Nevertheless, IKD must not refer to the adoption of a specific national regulation or the decision of a national organization. In that case, every delegate can ask to adopt their specific definition. In fact, French definition is very good ("to provide information and evidence of... without knowledge of the investigated person"). Spanish definition is also good: "To provide information and evidence regarding facts and on behalf of individuals and companies". And I have not investigated other legislations that probably have definitions as good as UK.
- b) Also, I suggest to include the following ideas at the definition:
 - a. Private investigation is a professional activity, done on behalf of others.
 - b. Investigations could be regarding persons of facts (i.e. a counterfeiting matter)
 - c. Main activity include to gather and provide evidence.
- c) Finally, one more comment probably due to my bad English. The proposal refers to "persons". Is "persons" inclusive of individuals, companies and any other possible entity?. If not, I suggest to include them at the definition. In any case, I think that it would be better to clarify in other to avoid misunderstandings in traslations.

So, I suggest a definition according to the following or similar and better wording:

Any surveillance, inquiries or investigations that are carried out on behalf of others for the purpose of:

- (a) *obtaining information about a particular person or about the activities or whereabouts of a particular person; or*

⁵ "The IKD adopts the Definition for investigations in the private sector as given in Section 4(1) The Private Security Industry Act 2001 (London, England)"



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(b) obtaining information regarding the occurrence of facts, its responsible or its circumstances; or

(c) obtaining information about the circumstances in which or means by which property has been lost or damaged

(d) obtaining evidence regarding the above matters.

The activities falling in the above Definition being identified as:

1. Accident Investigation
2. Blackmail
3. False Accounting
4. Family Law
5. Forgery
6. Fraud Investigations
7. Loss Investigations
8. Intellectual Property
9. Legal knowledge
10. Litigation Support
11. Providence
12. Repossessions
13. Status reports
14. Surveillance
15. Theft Investigations
16. Tracing

Finally, please know that the next APDPE AGM and Private Detectives Congress will take place in Gran Canaria (Canary Islands) from 28th October to 1st November 2006. On my name and also on behalf of our President Julio Gutiez, please note that every one is welcome.

Best regards,

David A. Sanmartin
APDPE Delegate.