Basic information

2016/2238(INI) INI - Own-initiative procedure	Procedure completed
Private security companies **Subject** 6.10.05 Peace preservation, humanitarian and rescue tasks, crisis management	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	AFET Foreign Affairs	VAUTMANS Hilde (ALDE)	12/07/2016
		Shadow rapporteur ANDRIKIENĖ Laima Liucija (PPE) FRUNZULICĂ Doru-Claudian (S&D) VAN ORDEN Geoffrey (ECR) COUSO PERMUY Javier (GUE/NGL) BUCHNER Klaus (Verts/ALE) CASTALDO Fabio Massimo (EFDD) SCHAFFHAUSER Jean-Luc (ENF)	

European Commission	**Commission DG**	**Commissioner**
	Internal Market, Industry, Entrepreneurship and SMEs	BIEŃKOWSKA Elżbieta

Key events

Date	Event	Reference	Summary
06/10/2016	Committee referral announced in Parliament		
02/05/2017	Vote in committee		
17/05/2017	Committee report tabled for plenary	A8-0191/2017	Summary
03/07/2017	Debate in Parliament		

04/07/2017	Decision by Parliament	T8-0289/2017	Summary
04/07/2017	Results of vote in Parliament		
04/07/2017	End of procedure in Parliament		

Technical information	
Procedure reference	2016/2238(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	AFET/8/07990

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE594.042	26/01/2017	
Amendments tabled in committee		PE600.961	20/03/2017	
Committee report tabled for plenary, single reading		A8-0191/2017	17/05/2017	Summary
Text adopted by Parliament, single reading		T8-0289/2017	04/07/2017	Summary

Private security companies

2016/2238(INI) - 04/07/2017 - Text adopted by Parliament, single reading

The European Parliament adopted by 530 votes to 147, with 19 abstentions, a resolution on private security companies.

Need for an EU regulatory framework: Eurobarometer polls showed that the EU's citizens want the EU to be more active in the field of security and defence. Private security companies (PSCs), a term which includes private military companies, have been increasingly employed by national governments as well as militaries and civilian agencies, both for the domestic provision of services and support for overseas deployment.

More than 1.5 million private security contractors were employed in around 40 000 private security companies (PSCs) in Europe in 2013 and these figures are on the rise.

However, the **European Union does not have a regulatory framework** of its own. It is therefore of vital importance to prioritise the establishment of clear rules for interaction, cooperation and assistance between law enforcement and private security companies.

The use of PSCs in support of the military abroad: PSCs play an important **complementary role** in aiding the state's military and civilian agencies by closing capability gaps created by increasing demand for the use of forces abroad.

Members, however, considered that the EU and its Member States should **refrain from outsourcing military operations** that involve the use of force and weaponry, participating in hostilities and otherwise engaging in combat or combat areas, **beyond legitimate self-defence**.

Operations and activities outsourced to PSCs in conflict areas should be restricted to providing **logistical support** and the protection of installations, without an actual presence of PSCs in the areas where combat activities exist. Under no circumstances can the use of PSCs be a **substitute for national armed forces personnel**.

Members underscored the need for PSCs to be mindful of local customs and habits. Under no circumstances should PSCs be allowed to take part in, or conduct **interrogations**.

In addition, any participation by private security companies in military operations must be justified, with **clearly-defined objectives** that can be verified using tangible indicators, have a fully-detailed budget and a specific start and end date, and be governed by a strict code of ethic.

For states to benefit from the advantages offered by PSCs, and to ensure that they can be held accountable, a **legal framework with binding regulatory and monitoring mechanisms** should be put in place at international level to regulate their use and provide sufficient control over their activities.

The resolution also underlined the importance of **parliamentary oversight** over the state use of PSCs by Member States.

Use of PSCs by the EU: noting that the EU makes use of PSCs abroad to guard its delegations and staff and to support its civilian and military CSDP missions, Parliament called on the Commission and the Council to produce an overview of **where, when and for what reason** PSCs have been employed in support of EU missions.

The resolution noted that in conflict-prone environments, employing a PSC for certain duties can have **negative side-effects for the EU**, especially for its legitimacy, by accidentally associating it with armed actors in a conflict area, with negative repercussions in the case of armed incidents.

Stressing in particular the risks posed by uncontrolled sub-contracting, Members called on the Member States, the EEAS and the Commission to follow the example of NATO by **only contracting PSCs based in EU Member States**.

In this regard, Parliament recommended the Commission to propose **common PSC contracting guidelines** for the hire, use and management of military and security contractors. These guidelines should be based both on the Montreux document and the International Code of Conduct (ICoC).

Members called for an EU security supervisor of an **EU security company** to be present at EU-funded sites and EU delegations with the tasks of ensuring the quality of the security services provided.

The regulation of PSCs: Members recommended:

- that the Commission draw up a Green Paper with the objective of establishing basic rules of engagement and good practices;
- the creation of sector-specific EU quality standards and for the definition of PSCs to be clarified before effective regulation of their activities is introduced, as the lack of such a definition can create legislative loopholes;
- the Council to add military and security services by PSCs to the Common Military List of the European Union without delay.

As for the Commission, it is urged to develop an effective **European regulatory model** which will inter alia:

- help to **harmonise legal differences** between Member States by means of a directive;
- re-evaluate, and thus redefine, contemporary public-private collaboration strategies;
- set high-level standards for private security service providers within the EU or operating abroad;
- ensure reporting of PSCs' irregularities and illegalities and make it possible to hold them **accountable for violations**, including human rights violations, during their activities abroad.

Lastly, the VP/HR, the Member States, the EEAS and the Commission are strongly urged to support the creation of an **international convention** aimed at establishing an international legal regime to regulate relevant services provided by PSCs.

Private security companies

2016/2238(INI) - 17/05/2017 - Committee report tabled for plenary, single reading

The Committee on Foreign Affairs adopted the own-initiative report by Hilde VAUTMANS (ALDE, BE) on private security companies.

Eurobarometer polls showed that the EU's citizens want the EU to be more active in the field of security and defence. Private security companies (PSCs), a term which includes private military companies, have been increasingly employed by national governments as well as militaries and civilian agencies, both for the domestic provision of services and support for overseas deployment. More than 1.5 million private security contractors were employed in around 40 000 private security companies (PSCs) in Europe in 2013 and these figures are on the rise.

However, the European Union does not have a regulatory framework of its own. It is therefore of vital importance to prioritise the establishment of clear rules for interaction, cooperation and assistance between law enforcement and private security companies.

The use of PSCs in support of the military abroad: PSCs play an important complementary role in aiding the state's military and civilian agencies by closing capability gaps created by increasing demand for the use of forces abroad, while also occasionally, if circumstances allow, providing surge capacity. However, the EU and its Member States should **refrain from outsourcing military operations** that involve the use of force and weaponry, participating in hostilities and otherwise engaging in combat or combat areas, beyond legitimate self-defence. Operations and activities outsourced to PSCs in conflict areas should be restricted to providing logistical support and the protection of installations.

Under no circumstances can the use of PSCs be a substitute for national armed forces personnel.

For states to benefit from the advantages offered by PSCs, and to ensure that they can be held **accountable, a legal framework with binding regulatory and monitoring mechanisms** should be put in place at international level to regulate their use and provide sufficient control over their activities. **Clear legal distinctions** should be made between the operations of private security companies and private actors directly engaged in military activities.

The report also underlined the importance of parliamentary oversight over the state use of PSCs by Member States.

Use of PSCs by the EU: noting that the EU makes use of PSCs abroad to guard its delegations and staff and to support its civilian and military CSDP missions, Members called on the Commission and the Council to produce an **overview** of where, when and for what reason PSCs have been employed in support of EU missions. The report noted that in conflict-prone environments, employing a PSC for certain duties can have negative side-effects for the EU, especially for its legitimacy, by accidentally associating it with armed actors in a conflict area. The various and serious legal and political problems associated with the current practice of subcontracting in the field of military and security services are highlighted by the Members.

Member States, the EEAS and the Commission should agree to follow the example of NATO by only contracting PSCs based in EU Member States. In this regard, the Commission is recommended to propose common PSC contracting guidelines for the hire, use and management of military and security contractors. These guidelines should be based both on international best practices in relation to PSC conduct and management, in particular the Montreux document and the International Code of Conduct (ICoC).

Members called for an **EU security supervisor** of an EU security company to be present at EU-funded sites and EU delegations with the tasks of ensuring the quality of the security services provided.

The regulation of PSCs: Members recommended that the Commission draw up a Green Paper with the objective of establishing basic rules of engagement and good practices. They also recommended the creation of sector-specific EU quality standards and for the definition of PSCs to be clarified before effective regulation of their activities is introduced, as the lack of such a definition can create legislative loopholes.

They urged the Council to add military and security services by PSCs to the Common Military List of the European Union without delay.

As for the Commission, it is urged to develop an effective European regulatory model which will *inter alia*:

- help to harmonise legal differences between Member States by means of a directive;
- re-evaluate, and thus redefine, contemporary public-private collaboration strategies;
- set high-level standards for private security service providers within the EU or operating abroad;
- ensure reporting of PSCs' irregularities and illegalities and make it possible to hold them accountable for violations, including human rights violations, during their activities abroad.

Lastly, the VP/HR, the Member States, the EEAS and the Commission are strongly urged to support the **creation of an international convention** aimed at establishing an international legal regime to regulate relevant services provided by PSCs.