Private security companies

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

Eurobarometer polls showed that the EUs 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 states 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.