



Schweizerische Eidgenossenschaft  
Confédération suisse  
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Federal Department of Foreign Affairs FDFA

**State Secretariat STS**  
International Security Division ISD

**Bern, 15 May 2024**

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# **2023 Annual Report on the Implementation of the Federal Act on Private Security Services Provided Abroad (1 January–31 December 2023)**

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# 1. Introduction

In 2023, the war in Ukraine, the escalation of violence in the Middle East, Nagorno-Karabakh and Sudan, and coups in the Sahel region led to greater global instability, which has also shaped national and international security policy. This instability has contributed to a build-up of arms and, in many places, increased the influence of non-state actors, including terrorist organisations, hacker groups and private military and security companies (PMSCs). These developments have had a direct impact on the private security services market. The Export Controls and Private Security Services Section (ECPS) is the competent authority under the Federal Act on Private Security Services Provided Abroad (PSSA).<sup>1</sup> As the Confederation's centre of expertise on PMSCs, it is responsible for monitoring developments on an ongoing basis. In the year under review, the authority exercised its core responsibility, which is to implement the administrative procedure set out in the PSSA. It also engaged extensively in international dialogue regarding national and international standards and monitoring mechanisms for PMSCs, for example, and had various discussions with equivalent foreign authorities to promote the exchange of information between national regulatory bodies.

The work carried out by the ECPS also helps to ensure that the objectives set out in the PSSA are met. The aims of the PSSA are specifically to safeguard Switzerland's internal and external security, realise Switzerland's foreign policy objectives, preserve Swiss neutrality, and ensure compliance with international law (Art. 1). To this end, it stipulates that Swiss companies providing private security services abroad must declare their activities and, if necessary, agree to a review procedure being performed.<sup>2</sup>

In accordance with Article 3 of the Ordinance on Private Security Services provided Abroad (OPSA)<sup>3</sup>, the FDFA's State Secretariat is responsible for implementing the PSSA. The ECPS, which is attached to the International Security Division (ISD), oversees the operational implementation of the Act. The ECPS' main task is to carry out the administrative procedures set out in the Act, to help develop Swiss policy regarding private security services, and to participate in the debate on rules and standards for private security service providers at national and international level. Article 37 of the Act provides that the 'competent authority', i.e. the ECPS, shall prepare a report on its activities, to be submitted to the Federal Council each year. The report is published on the FDFA's website.

Since it was reorganised in March 2020, the ECPS has also been responsible for processing applications in relation to export controls which are submitted for consultation by the State Secretariat for Economic Affairs (SECO). Hand in hand with SECO, the ECPS also helps to prepare political dossiers in the area of export controls and engages in national and multilateral dialogue in this regard. At operational level, some 321 cases were submitted to the ECPS in 2023. These cases involved the export of goods under the War Materiel Act (WMA)<sup>4</sup> and Goods Control Act (GCA)<sup>5</sup>.

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<sup>1</sup> SR 935.41

<sup>2</sup> Activities in the following two areas are prohibited under the PSSA: firstly, it explicitly prohibits direct participation in hostilities abroad (Art. 8). Secondly, it prohibits the provision, from Switzerland, of private security services if it may be assumed that the recipients will use the services in connection with the commission of serious human rights violations (Art. 9).

<sup>3</sup> SR 935.411

<sup>4</sup> SR 514.51

<sup>5</sup> SR 946.202

## 2. Activities in 2023

### 2.1 Work following the audit of the implementation of the PSSA by the Swiss Federal Audit Office

The Swiss Federal Audit Office (SFAO) audited the implementation of the PSSA in the first half of 2022.<sup>6</sup> At the end of the audit period, the SFAO determined that the ECPS had designed the declaration and review procedures properly and had been applying them effectively.

However, the SFAO found that because the legal control and monitoring mechanisms available to the ECPS are limited, there is a risk that companies will fail to declare services provided abroad or provide services other than those declared. To mitigate this risk, the ECPS relies on effective cooperation with the Federal Intelligence Service (FIS), the consulates, the embassies, the defence attachés, the Office of the Attorney General of Switzerland and other federal and cantonal bodies. Although the SFAO found that cooperation had been effective in the past, its audit report also stressed the need to improve and step up existing cooperation with the FIS. In that context, it should be noted that unlike export control legislation applying to nuclear, biological and chemical weapons, radioactive substances, war materiel and other armaments, the Federal Act on the Intelligence Service (IntelSA)<sup>7</sup> does not explicitly mandate the FIS to obtain information on private security services. The ECPS and the FIS are therefore considering the option of making appropriate amendments to the legislation.

Finally, the SFAO noted that the 'Private Security Services Companies Information System' application, which is used to document procedures and archive the documents submitted by companies, had come to the end of its life cycle. It therefore recommended that this opportunity be taken to assess whether there was scope to increase efficiency using digital technologies. During the year under review, the ECPS began work on transferring the application to the Federal Administration's electronic records management system (GEVER). The next step is to create an interface that enables companies to submit declarations online, which will facilitate the procedure in future and meets the needs of a digital society.

### 2.2 National-level activities

Public relations work continued at national level throughout 2023, while cooperation with other federal and cantonal bodies was stepped up with a view to strengthening the PSSA.

In the year under review, the ECPS continued to provide information and raise awareness among companies that could potentially be affected by the PSSA. In 2023, efforts were focused on companies providing intelligence services. In September, the ECPS held a round table in Geneva for company representatives from this sector in order to gauge current industry developments and raise companies' awareness of the legislation and the legal obligations it creates.

As in 2022, a large number of companies enquired as to whether a planned activity met the new, narrower definition of private security services or whether it fell within the exemptions from the declaration requirement set out in Article 8a OPSSA. The round table was intended to help companies ensure that their activities complied with the legislation (see also section 3.4 of this report).

In the year under review, the ECPS again organised various training and outreach activities in relation to the PSSA. Within the FDFA, training efforts focused in particular on the staff consulted as part of the administrative procedures set out in the PSSA. Externally, a representative of the ECPS gave a guest lecture on Swiss security service providers in international operations as part of the national security law

<sup>6</sup> Audit of the implementation of the Federal Act on Private Security Services Provided Abroad, SFAO-21054, 7 July 2022 ([in German](#)).

<sup>7</sup> SR 121

CAS 2023 of the Zurich University of Applied Sciences. Most of the participants came from a range of security-related areas within the public sector, at all three levels of government, and from the private sector.

Cooperation with other bodies also increased in 2023. As well as cooperating closely with the State Secretariat for Economic Affairs (SECO), the DDPS and the FIS, as in the past, the authority made targeted contact with federal and cantonal police forces and law enforcement authorities.

## 2.3 International-level activities

From the outset, the ECPS has been engaging in dialogue on national and international standards for private military and security companies and the mechanisms for monitoring their activities.

In particular, the ECPS participated in the fourth session of the UN Human Rights Council's open-ended intergovernmental working group in April 2023. The working group has a mandate to elaborate the content of an international regulatory framework, without prejudging the nature thereof (binding or non-binding), relating to the activities of private military and security companies. The objective is to protect human rights, ensure compliance with international humanitarian law and ensure accountability for violations and abuses in the context of the activities of PMSCs. A second draft of a new UN document was discussed at the fourth session. In autumn 2023, the working group's mandate was extended by a further three years at the 54th session of the UN Human Rights Council. The fifth session of the open-ended working group is therefore scheduled for April 2024.

The ECPS also held bilateral talks with foreign regulatory bodies in the year under review. This has increased the exchange of information between different national regulatory bodies in relation to private security services, in particular regarding regulatory rules in different countries and common challenges and has enabled a network of national contact points to be established.

In December, the ECPS organised a virtual round table in cooperation with the FDFA's Directorate of International Law and the International Committee of the Red Cross (ICRC), which was supported by the Geneva Centre for Security Sector Governance (DCAF). The round table was held in the context of the Montreux Document Forum (MDF) and marked the 15th anniversary of the Montreux Document (MD). Sixty participants from a range of countries, including a number of regulators, attended the round table online and were able to establish a basis for future work. Plans are under way to establish a network of regulators, as has already happened in other areas. Contact with international bodies has demonstrated the need to step up intergovernmental exchanges on private security services.

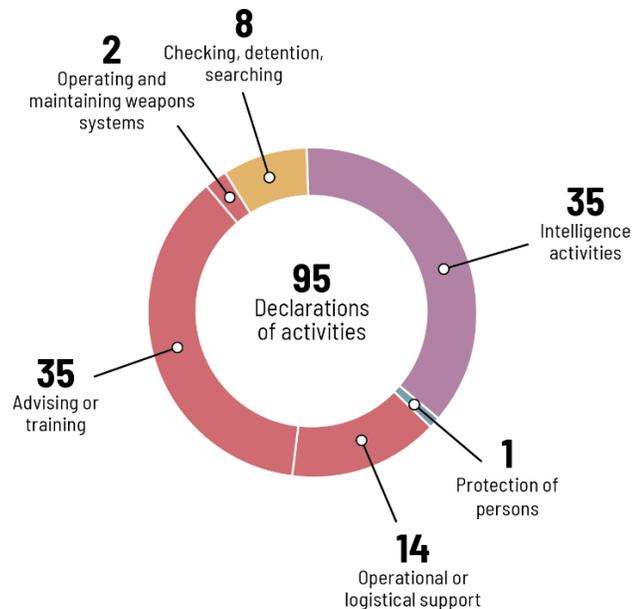
The ECPS also participated in other international events in the year under review:

- In June, an event marking the 15th anniversary of the MD was held in Geneva, where the ECPS shared its experience in implementing the MD.
- The ECPS was invited to share its experience in regulating private security forces at a security dialogue, also held in June as part of the OSCE's Forum for Security Co-operation, focusing on 'The importance of International Humanitarian Law and the oversight of Private Military and Security Companies in times of conflict and war'.
- In December, the ECPS attended the annual general meeting of the International Code of Conduct Association (ICoCA). The meeting of ICoCA members focused on presenting the work of the secretariat and discussing the strategic direction to be followed by the ICoCA in the 2024–28 period.

## 3. Statistics

### 3.1 Declaration requirement. Figures for the different types of security services in 2023

Between 1 January and 31 December 2023, 18 companies submitted 95 declarations to the ECPS regarding planned security activities.<sup>8</sup> The declarations submitted for 2023 to the ECPS for private security services under Article 4 letter a of the PSSA as per 31 December 2023 break down as follows:



*No activities related to guarding, caring for prisoners, or operating prison facilities.  
No activities related to guarding goods and properties.*

Declarations mainly fall into four groups of private security service providers:

- Companies that provide operational or logistical support for armed or security forces, operate or maintain weapons systems, and advise or train members of armed or security forces (Art. 4 let. a paras 6–8 PSSA, red segments). The majority of these services are provided by companies within the industrial sector. Training also includes specialised consultants, for example in the area of police training. Some of the activities are no longer subject to the reporting requirement since the OPSA was amended (Art. 1 a/b/c, Art. 8a OPSA), i.e. as of 1 January 2021. Please refer to section 3.5 for figures on the impact of the exception introduced by the OPSA as amended.
- Companies active in intelligence (Art. 4 let. a para. 9 PSSA). These companies are essentially investigative agencies – mainly operating in the economic sector – that provide private intelligence services.
- There is currently one large, international company operating in the aviation industry, which provides services concerning the checking, detention or searching of persons, the searching of premises or containers, and the seizure of objects (Art. 4 let. a para. 4 PSSA).

<sup>8</sup> See section 3.5 for a table showing trends in the number of declarations submitted since the PSSA came into force.

- Companies fulfilling contracts connected with the protection of persons and the guarding or surveillance of goods and properties (Art. 4 let. a paras 1–2 PSSA). These companies are private security companies in the conventional sense and generally small.

## 3.2 Review procedures

In 2023, the ECPS initiated one review procedure in accordance with Article 13 PSSA (2022: 2; 2021: 3; 2020: 3; 2019: 26; 2018: 16; 2017: 18; 2015–16: 6). This procedure was still in progress at the end of the year. Another procedure that had already been initiated in 2022 was concluded during the period under review. The ECPS came to the conclusion that in this procedure, there were insufficient grounds for prohibiting the activities in question.

Accordingly, no activities were prohibited in 2023 following a review procedure.

## 3.3 Sanctions

As in previous years, to the knowledge of the ECPS, no sanctions under Articles 21–27 of the PSSA were imposed by the Office of the Attorney General of Switzerland (OAG).

As a result of the oversight exercised by the ECPS during the year under review, three offences of failing to meet the declaration requirement were reported to the OAG under Article 27 paragraph 2 PSSA.

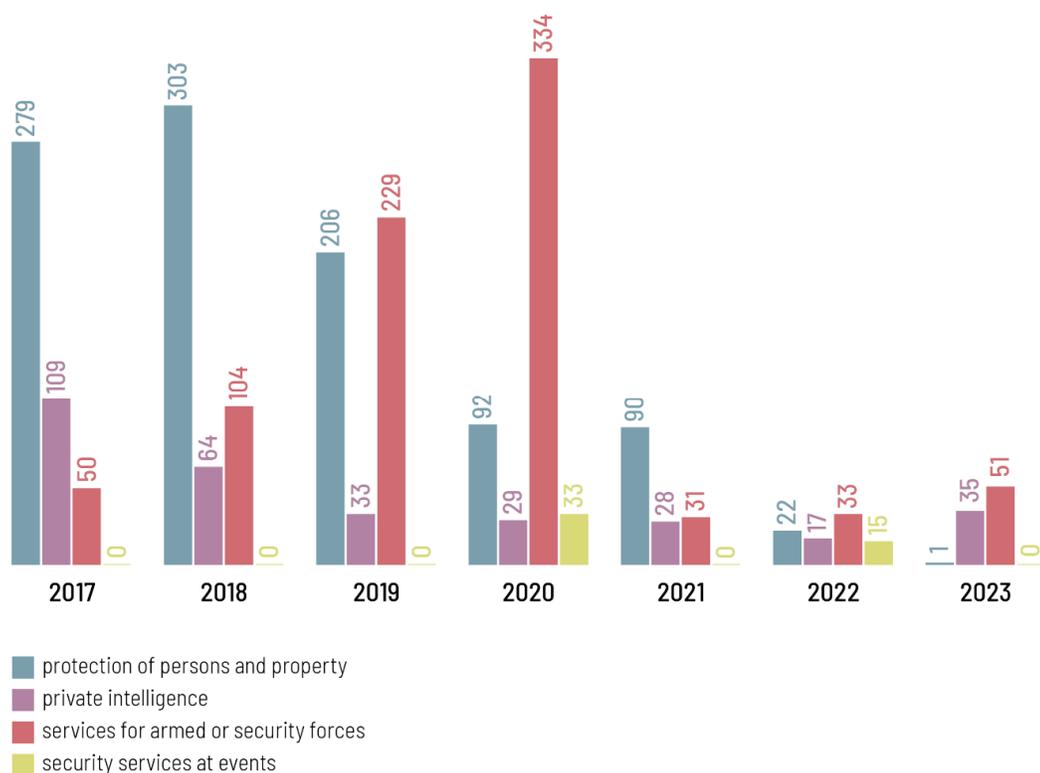
These three cases, as well as a case from 2022, were still being examined by the OAG as at the end of 2023.

## 3.4 Enquiries relating to activities that are not subject to declaration requirement based on Articles 1a, 1b, 1c or 8a OPISA

In the year under review, the competent authority received 44 enquiries for assessment regarding activities for which the authority came to the conclusion that the reported activities did not need to be declared under the PSSA. Some of these activities did not correspond to the more precise definition of operational and logistical support for armed or security forces (Art. 1a OPISA), operation and maintenance of weapons systems (Art. 1b OPISA) or advice or training of members of armed or security forces (Art. 1c OPISA), as formulated in the Ordinance amended in 2021. The other activities concerned the exemption from the declaration requirement under Article 8a OPISA.

As in the previous year, the number of enquiries relating to activities that are not subject to declaration requirement can be explained by the fact that several of the companies concerned wanted to ensure their compliance with the new legal framework, which is why they consulted the ECPS to find out whether the planned activities were subject to the provisions of the OPISA as amended.

### 3.5 Main groups of services: trends



The table above illustrates trends in declarations in the main groups of services for the years 2019–23.

The number of private intelligence services (Art. 4 let. a para. 9 PSSA) declared was higher in 2023 than in 2022. The ECPS presumes that the surveys of the private intelligence service providers it knows of, which it has been conducting for many years now, have borne fruit. The ECPS is in ongoing contact with the Federal Intelligence Service concerning this matter. However, as the SFAO notes in its report, the ECPS needs more information in order to better monitor this sector.

The number of declarations of services for armed or security forces (Art. 4 let. a para. 6–8 PSSA) also went up in 2023.

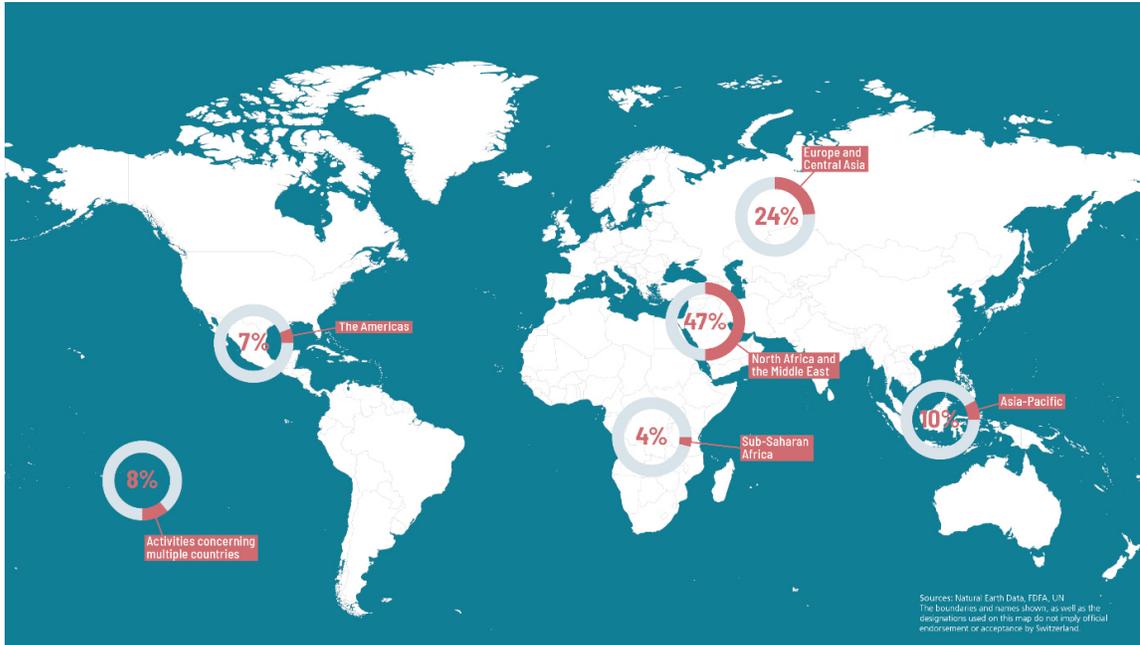
In contrast to the previous year, in 2023 only one supply of personal protection services (Art. 4 let. a para. 1 PSSA) was declared to the ECPS. This is because a company that used to declare a large number of these activities realigned its business.

In 2023, the number of declarations concerning the checking, detention or searching of persons, searching of premises or containers, and seizure of objects (Art. 4 let. a para. 4 PSSA) remained at the same level as in 2022.

In contrast to the previous reporting year, no activities in connection with the provision of security services at events (Art. 4 let. a para. 3 PSSA) were declared. This too is to be attributed to the realignment of the business activities of a single company.

### 3.6 Geographical distribution of activities (1.9.2015–31.12.2023)

In terms of geographical distribution, the activities subject to the PSSA continue to be mainly concentrated in North Africa and the Middle East, where approximately half of the activities declared since the Act came into force were carried out, followed by Europe and Central Asia.



## **4. Federal authorities' use of security companies for protection tasks abroad**

The PSSA stipulates that Swiss representations located in a region categorised as a complex environment can only hire companies providing security services that are members of the International Code of Conduct Association (ICoCA). The FDFA is active in encouraging private security providers operating in areas with few or no ICoCA members to join the Association.

It also takes a proactive approach to informing the representations about potential service providers and that cooperation in complex environments is only possible for ICoCA-certified companies. This approach has prompted several companies to join the Association in recent years. Representations located in a region not categorised as a complex environment are also advised to give preference to companies with ICoCA membership when availing themselves of security guard services. The external network also receives support and advice from the ECPS, Crisis Management Centre (KMZ), FDFA Contracts, Procurement, Compliance Division, and other federal units or delegations that use security guard services abroad. In addition, a number of tools are available and updated on an ongoing basis, such as the Guidelines on the procurement of security guard services by FDFA representations, multilingual templates for contracts and performance specifications that meet the legal requirements, as well as detailed explanations of the documents.

During its regular security missions abroad, the KMZ provides support to the FDFA's representations abroad by ensuring that the companies providing their security services are meeting their contractual obligations, particularly in terms of training and equipment. As regards training, the KMZ has developed training modules that can be used in the context of security missions. The FDFA digitalised its security and crisis management in 2023, rolling out a platform with a separate security guard services module. This move further fosters information-sharing and standardisation in the management of private security companies abroad.

## 5. Conclusion and outlook

Despite the geopolitically driven deterioration in conditions for security services described in the introduction and the challenges this poses, the ECPS assesses developments during the reporting year as positive.

World affairs and events had a direct influence on the ECPS' work. They were also particularly reflected in the type and number of declarations that the authority received. Due to the volatile security situation, security services such as the protection of persons and goods in complex environments are laden with major risks. At the same time, the need for services that support armed and security forces is growing. There is also more business for intelligence services. Still, overall, the number of services subject to the declaration requirement stayed at the same level. In addition to the actual declarations, the ECPS regularly receives enquiries from companies concerning potential projects involving the provision of security services. In these cases, it provides extensive advice and provides information on the legislation and resulting obligations.

Due to global developments, the issue of regulating private security service providers, including at international level, is becoming a greater priority. In 2023, the ECPS was able to use this momentum to work towards improving the cooperation between national regulatory bodies. It plans to continue and intensify these efforts in the coming year at both bilateral and multilateral level.

The ECPS will also analyse the extent to which the OPSA, which came into force in 2021, has achieved its objectives. But the trends concerning declarations and the cooperation with the other authorities already indicate an initial picture here, which is a positive one.

The market for private security services is constantly evolving and the topic of private military and security companies will not lose its relevance in the coming year. The ECPS will continue to monitor these developments closely, particularly with regard to the security market in Switzerland, in order to pursue the objectives set by the legislation.