

English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.

Federal Act on Private Security Services provided Abroad (PSSA)

of 27 September 2013 (Status as of 1 December 2021)

The Federal Assembly of the Swiss Confederation,

based on Articles 54 paragraph 1, 95 paragraph 1 and 173 paragraph 2 of the Federal Constitution¹,
and having considered the Federal Council Dispatch dated 23 January 2013²,
decrees:

Section 1 General Provisions

Art. 1 Aim

The aim of this Act is to contribute to:

- a. safeguarding the internal and external security of Switzerland;
- b. realising Switzerland's foreign policy objectives;
- c. preserving Swiss neutrality;
- d. guaranteeing compliance with international law and, in particular, of human rights and of international humanitarian law.

Art. 2 Scope of application

¹ This Act applies to legal entities and business associations (companies) that engage in any of the following activities:

- a. provide, from Switzerland, private security services abroad;
- b. provide services in Switzerland in connection with private security services provided abroad;

AS 2015 2407

¹ SR 101

² BBl 2013 1745

- c. establish, base, operate, or manage a company in Switzerland that provides private security services abroad or provides services in connection therewith in Switzerland or abroad;
- d. exercise control from Switzerland over a company that provides private security services abroad or provides services in connection therewith in Switzerland or abroad.

² It applies to persons in the service of companies subject to the present Act.

³ The provisions of this Act pertaining to companies also apply to natural persons exercising the activities designated in paragraphs 1 and 2.

⁴ It also applies to federal authorities that contract with a company for the performance of protection tasks abroad.

Art. 3 Exemptions from the scope of application

¹ This Act does not apply to companies that provide, from Switzerland, in territories subject to the Agreement of 21 June 1999³, between the Swiss Confederation, of the one part, and the European Community and its Member States, of the other, on the Free Movement of Persons or subject to the Convention of 4 January 1960⁴ establishing the European Free Trade Association, any of the following private security services:

- a. the protection of persons;
- b. the guarding or surveillance of goods and properties;
- c. security services at events.

² It also does not apply to companies that:

- a. provide, in Switzerland, a service in connection with a private security service under paragraph 1;
- b. establish, base, operate, or manage in Switzerland a company that provides services under paragraph 1 or paragraph 2 letter a;
- c. exercise control, from Switzerland, over a company that provides services under paragraph 1 or paragraph 2 letter a.

Art. 4 Definitions

In this Act:

- a. *private security service* means, in particular, the following activities carried out by a private company:
 - 1. the protection of persons in complex environments,
 - 2. the guarding or surveillance of goods and properties in complex environments,

³ SR 0.142.112.681

⁴ SR 0.632.31

3. security services at events,
 4. the checking, detention, or searching of persons, searching of premises or containers, and seizure of objects,
 5. guarding, caring for, and transporting prisoners; operating prison facilities; and assisting in operating camps for prisoners of war or civilian detainees,
 6. operational or logistical support for armed or security forces, insofar as such support is not provided as part of a direct participation in hostilities as set out in article 8,
 7. operating and maintaining weapons systems,
 8. advising or training members of armed or security forces,
 9. intelligence activities, espionage, and counterespionage;
- b. *service in connection with a private security service* means:
1. recruiting or training personnel for private security services abroad,
 2. providing personnel, directly or as an intermediary, for a company that offers private security services abroad;
- c. *direct participation in hostilities* means:
 direct participation in hostilities abroad in the context of an armed conflict within the meaning of the Geneva Conventions⁵ and the Protocols I and II⁶.

Art. 5 Control over a company

¹ A company exercises control over another company if it:

- a. directly or indirectly holds a majority of the votes in the highest decision-making body thereof;
- b. directly or indirectly holds the right to appoint or remove a majority of the members of the highest executive or management body thereof; or
- c. pursuant to the articles of incorporation, foundation charter, a contractual agreement, or similar instrument, is able to exert a controlling influence thereon.

² Business associations are considered to be controlled if:

- a. another company is a member with unlimited liability of that business association;
- b. the controlling company, as a general partner in the business association, contributes funds in an amount exceeding one third of the equity of the business association; or

⁵ SR 0.518.12; 0.518.23; 0.518.42; 0.518.51

⁶ SR 0.518.521; 0.518.522

- c. the controlling company furnishes the business association or the general partners thereof with reimbursable funds in an amount exceeding one half of the difference between the association's assets and its liabilities towards third parties.

Art. 6 Subcontracting

¹ Where a company subcontracts the provision of a security service or of a service connected therewith to another company, it shall ensure that the other company performs that service in keeping with the constraints to which the subcontracting company is itself subject.

² The liability of the subcontracting company for harm caused by the other company is determined in accordance with the Code of Obligations⁷.

Art. 7 Accession to the International Code of Conduct for Private Security Service Providers

¹ Companies subject to Article 2 paragraphs 1, 3 and 4 must become signatories to the International Code of Conduct for Private Security Providers, in the version dated 9 November 2010 (Code of Conduct)⁸.

² The Federal Department to which the competent authority is subordinate may determine that an amendment to the Code of Conduct applies to matters governed by this Act, provided that such amendment is not contrary to the provisions of this Act.

Section 2 Prohibitions

Art. 8 Direct participation in hostilities

¹ It is prohibited:

- a. to recruit or train personnel in Switzerland for the purpose of direct participation in hostilities abroad;
- b. to provide personnel, from Switzerland, directly or as an intermediary, for the purpose of direct participation in hostilities abroad;
- c. to establish, base, operate, or manage, in Switzerland, a company that recruits, trains, or provides personnel, directly or as an intermediary, for the purpose of direct participation in hostilities abroad;
- d. exercise control, from Switzerland, over a company that recruits, trains, or provides personnel, directly or as an intermediary, for the purpose of direct participation in hostilities abroad.

⁷ SR 220

⁸ The International Code of Conduct for Private Security Service Providers may be consulted at the following Internet address: www.icoc.psp.org

² Persons who are domiciled, or have their habitual place of residence, in Switzerland and are in the service of a company that is subject to this Act shall be prohibited from directly participating in hostilities abroad.

Art. 9 Serious violations of human rights

It is prohibited:

- a. to provide, from Switzerland, private security services or services in connection therewith if it may be assumed that the recipients will use the services in connection with the commission of serious human rights violations;
- b. to establish, base, operate, or manage, in Switzerland, a company that provides private security services, or services in connection therewith, if it may be assumed that the recipients will use the services in connection with the commission of serious violations of human rights;
- c. to exercise control, from Switzerland, over a company that provides private security services, or services in connection therewith, if it may be assumed that the recipients will use the services in connection with the commission of serious human rights violations.

Section 3 Procedure

Art. 10 Declaration requirement

¹ Any company intending to carry out an activity under Article 2 paragraph 1 shall declare to the competent authority, in particular, the following information:

- a. the nature, provider, and place of performance of the intended activity;
- b. such details on the principal and on the recipient of the service as are necessary for an evaluation of the situation;
- c. the personnel to be deployed for the intended activities, and the training they have received;
- d. an overview of the business sectors in which the company is active;
- e. proof of accession to the Code of Conduct⁹;
- f. the identity of all persons bearing responsibility for the company.

² For companies under Article 2 paragraph 1 letter d, the declaration requirement applies both to the company's own exercise of control and to the activities of the controlled company.

⁹ The International Code of Conduct for Private Security Service Providers may be consulted at the following Internet address: www.icoc.psp.org