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**Ordinance  
on the Use of Private Security Companies  
by the Federal Government  
(Ordinance on the Use of Private Security Companies, OUPSC)**

of 31 October 2007

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*The Swiss Federal Council,*

based on Article 182 paragraph 2 of the Federal Constitution<sup>1</sup>,  
*ordains:*

**Section 1: General Provisions**

**Art. 1** Object and scope

<sup>1</sup> This Ordinance sets out the minimum conditions for the use of private security companies in cases where the Federal Government is authorised by law to transfer security functions to such companies.

<sup>2</sup> It applies to all federal authorities (Authorities) transferring a security function to a private security company in Switzerland or abroad.

**Art. 2** Definitions

The terms below are to be construed in this Ordinance as follows:

- a. *Private Security Company*: a company performing operations in the field of security, such as guarding real estate and movable property, personal protection, and secure transport of goods and valuables;
- b. *Security Personnel*: employees of a Private Security Company performing a security function transferred to that company by an Authority.

**Art. 3** Legal basis

An authority may only transfer a security function to a Private Security Company, including the use of police control and restraint techniques and police measures, if an adequate legal basis for such a transfer exists.

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<sup>1</sup> SR 101

**Art. 4** Legislation on public procurement

When an Authority transfers a security function to a Private Security Company, Articles 32–39 of the Ordinance of 11 December 1995<sup>2</sup> on Public Procurement apply.

**Section 2: Requirements****Art. 5** Requirements for Private Security Companies

<sup>1</sup> Before procuring the services of a Private Security Company, an Authority shall ensure that the Company meets the following requirements:

- a. it provides adequate guarantees with regard to the recruitment, training and monitoring of its Security Personnel.
- b. there is sufficient evidence of its good reputation and reliability, in particular through its application of a code of conduct, its experience in the field, the availability of references, or its membership of a professional association.
- c. it is solvent.
- d. it maintains an adequate internal review system to ensure that its Personnel comply with the appropriate standards of conduct and that disciplinary measures are taken in the event of misconduct.
- e. it has a permit for the performance of operations in the field of security, as required by the applicable law.
- f. it has liability insurance with adequate cover for the risk involved.

<sup>2</sup> The Authority shall consult the official responsible for security in its Department.

<sup>3</sup> If an Authority procures the services of a Private Security Company for the performance of a security function abroad, liability insurance is not compulsory if the cost thereof would be disproportionately high.

<sup>4</sup> Paragraph 1 does not apply in cases where military facilities are guarded or watched over by persons who have been contractually entrusted with such duties under Article 6 paragraph 2 letter b of the Ordinance of 2 May 1990 on the Protection of Facilities<sup>3</sup>.

**Art. 6** Training

The authorities shall ensure that the Security Personnel have received adequate training appropriate to the assignment in question. Such training shall in particular cover the following:

- a. dealing with uncooperative or potentially violent persons;
- b. the use of physical force;

<sup>2</sup> RS 172.056.11

<sup>3</sup> RS 510.518.1

- c. the use of aids and weapons, insofar as the security function in question calls for such equipment;
- d. the assessment of health risks posed by the use of force, and the provision of first aid;
- e. human rights, personal privacy and procedural law;
- f. combating corruption.

<sup>2</sup> This training is based in particular on the educational standards used for policing by the Swiss Police Institute.

#### **Art. 7** Special situations abroad

<sup>1</sup> By way of exception, an Authority may procure the services of a Private Security Company which does not fully meet the requirements set out in Article 6 if no other Private Security Company at the place of performance meets those requirements, and if the person or building in question abroad cannot be otherwise protected.

<sup>2</sup> The Authority shall ensure that the Private Security Company meets the requirements set out in Article 6 as quickly as possible, and shall provide for appropriate measures to achieve this in its contract with the Private Security Company.

<sup>3</sup> The contract may be awarded for a maximum of six months.

#### **Art. 8** Police control and restraint techniques and police measures

<sup>1</sup> In their contracts with Private Security Companies, the Authorities shall set out:

- a. whether and to what degree the security function to be performed requires the use of police control and restraint techniques and police measures in conformity with the law;
- b. the aids and weapons that the Security Personnel are authorised to use;
- c. the police measures that the Security Personnel are authorised to take.

<sup>2</sup> In the case of security functions performed abroad, Security Personnel are not authorised to use police control and restraint techniques or police measures.

<sup>3</sup> The following are regarded as police control and restraint techniques when used against persons:

- a. physical force;
- b. aids such as handcuffs, other means of restraint, and guard dogs;
- c. weapons such as batons and truncheons, riot agents and firearms.

<sup>4</sup> The following are regarded as police measures:

- a. the short-term detention of persons;
- b. searching persons and inspecting their personal effects;
- c. searching rooms and vehicles;

d. confiscating of objects.

<sup>5</sup> The use of police control and restraint techniques and police measures is governed by the relevant federal legal provisions.

**Art. 9**            Equipment of Security Personnel

<sup>1</sup> Authorities shall regulate in their contracts with Private Security Companies whether Security Personnel must be armed with a view to self-defence or emergency situations.

<sup>2</sup> The relevant provisions on self-defence and emergency situations are reserved.

**Art. 10**          Equipment of Security Personnel abroad

<sup>1</sup> In principle, Security Personnel are unarmed while performing security functions abroad.

<sup>2</sup> If by way of exception Security Personnel are required to carry arms so as to be able to act in self-defence or in an emergency situation, the Authority must regulate this in its contract with the Private Security Company.

<sup>3</sup> If a contract provides for Security Personnel to carry firearms, the relevant Head of Department must be informed.

<sup>4</sup> The arms legislation valid in the place in which the contract is performed is reserved.

**Art. 11**          Permission to carry firearms and use aids

If a contract provides for carrying firearms or using aids, the Authority shall verify whether the appropriate permits have been obtained in conformity with the applicable law.

**Art. 12**          Identifiability

Authorities shall ensure that Security Personnel are identifiable during the performance of their function, and that there is no risk of their being mistaken for the staff of an Authority.

**Art. 13**          Monitoring by Authorities

Authorities shall ensure that compliance with the terms of the contract is regularly monitored.

**Art. 14**          Content of the contract

<sup>1</sup> Contracts with a Private Security Company oblige it to:

- a. provide information on the performance of contract at the request of the Authority;
- b. disclose the identity of the Security Personnel provided to the Authority;

- c. prepare an activity report for the Authority;
- d. immediately replace any member of the Security Personnel not in possession of the necessary expertise, or whose deployment is prejudicial to the fulfilment of the contract;
- e. immediately inform the Authority of circumstances that could be prejudicial to the fulfilment of the contract;
- f. immediately inform the Authority of incidents in which Security Personnel have used police control and restraint techniques or police measures, or have acted in self-defence or in an emergency situation;
- g. immediately inform the Authority if the requirements to be met by the Private Security Company and in the training of its Security Personnel are no longer fulfilled;
- h. obtain from the Authority in advance its written approval for the sub-contracting of security functions.

<sup>2</sup> The contracts shall stipulate a contractual penalty for non-fulfilment.

#### **Art. 15** Model contract

<sup>1</sup> The Federal Department of Justice and Police shall prepare a model contract for services provided in Switzerland.

<sup>2</sup> The Federal Department of Foreign Affairs shall prepare a model contract for services provided abroad.

<sup>3</sup> The two Departments shall consult with each other in advance.

<sup>4</sup> The model contracts shall be accessible online.

#### **Art. 16** Notification of departmental security officials

The Authority shall provide the official responsible for security in its Department with:

- a. a copy of the contract concluded with the Private Security Company;
- b. Information on any problems encountered in the fulfilment of the contract.

### **Section 3: Final Provisions**

#### **Art. 17** Amendment of current law

The Ordinance of 27 June 2001<sup>4</sup> on Security Services under Federal Responsibility is amended as follows:

<sup>4</sup> SR 120.72

*Art. 3 para. 3*

*Repealed*

**Art. 18** Transitional provision

<sup>1</sup> This Ordinance applies to contracts with Private Security Companies concluded after it comes into force.

<sup>2</sup> Authorities shall appropriately amend previously concluded contracts within three years of the Ordinance coming into force.

**Art. 19** Commencement

This Ordinance comes into force on 1 December 2007.