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The Role of PMSCS in the EU's Security and Defence Policy: A Temporary Complementary Tool

Jennifer Kalushi

Defence & Security Research Department



RESEARCH REPORT



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Written by: **Jennifer Kalushi**

Supervised by: **Kevin Whitehead & Elise Alsteens**

Edited by: **Jonas Heins**

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RESEARCH REPORT

Contemporary armed conflicts are increasingly shaped by the involvement of external third parties, whether States or missions deployed by international organisations, seeking to influence their outcome (UN HRC, 2023, p. 8). Within this framework, Private Military and Security Companies (PMSCs) have emerged as a growing presence in both conflicts and international missions, but there is no internationally recognised definition of such entities.

To address this gap, the UN established a Working Group in 2005 tasked with developing a treaty on the issue. The most recent draft, dated March 2025, defines PMSCs as private business entities, including those partly or wholly state-owned, that provide military and/or security services in exchange for remuneration (UN HRC, 2025). While this definition is not yet internationally accepted, it is widely recognised. According to this draft, the services offered by PMSCs range from armed protection of sites and individuals to weapons system maintenance, consultancy, training of local forces, intelligence gathering and broader logistical support.

Regarding the European Union, in the absence of a standing army, it relies on private companies to support its external action within the framework of the Common Security and Defence Policy (CSDP) (European Parliament, 2017). These are employed to assist missions abroad and ensure the security of European delegations and personnel deployed in third countries (Krahmann & Friesendorf, 2011, p. 7). This trend has become more relevant in the current strategic context, since the adoption of the Strategic Compass in 2022, which aims to strengthen European defence capabilities by 2030, but remains bound by the voluntary contribution of Member States (Council of the EU, 2022, p. 47). The use of private actors may appear as a pragmatic short-term solution to fill operational gaps, their use in combat roles, however, remains a grey area, since the distinction between ‘security’ and ‘military’ activities in the field remains blurred. The absence of a coherent regulatory framework at the European level for the activities of PMSCs raises several concerns.

In this context, the aim of the paper is to examine how the EU currently uses PMSCs and whether they can temporarily compensate for the absence of a European army, and if so, to what extent. It will also discuss existing regulatory and accountability gaps, as well as the legal, political and ethical implications of using private forces. The underlying thesis is that, while PMSCs can offer complementary solutions in the short term, they cannot replace an integrated European defence. Recommendations for a regulatory framework will then be suggested, as the EU should implement a balanced approach to maximise operational benefits while mitigating the risks, followed by conclusions on the controlled integration of these actors into European security policy.

2. Regulation, current practices and case studies

The role of private companies has so far been mainly complementary and supportive, especially in mission theatres where European forces have limited resources or face high-risk environments (UN HRC, 2023, p. 6). The European Parliament sought to regulate PMSCs’ use by adopting a resolution in July 2017, which

recognised that security and defence remain inherently public functions and State responsibility. It also clarified what these companies cannot do, namely participate in combat, use direct force outside of self-defence, conduct interrogations or replace national armies (European Parliament, 2017). Any participation by PMSCs in military operations must be justified by clear objectives, a defined budget and precise start and end dates. The Parliament also emphasised the EU's interest in relying on companies with registered offices in the EU, to ensure that they are subject to the courts of Member States. Finally, it called on the Commission to propose common guidelines and legislative harmonisation tools. Within the EU, the only common references are still limited to non-binding documents such as the EU Concept for Logistic Support and the EU Concept for Contractor Logistics Support, whose practical impact has remained limited (Bures & Cusumano, 2025, p. 471).

However, in the absence of shared definitions and concrete legislative initiatives not only by the Commission but also at the international level, the Parliament's recommendations remain of limited effect. The lack of regulation on PMSCs continues to prevent the EU Parliament from fully exercising its oversight and control functions (Krahmann & Friesendorf, 2011, p. 1). In this regard, concrete examples of the EU's utilisation of PMSCs in external missions are relevant to illustrate both risks and benefits.

2.1 Operation Atalanta

As part of its overall strategy for the Horn of Africa, the EU launched its first naval mission, EU NAVFOR Somalia (Operation Atalanta), off the coast of Somalia in 2008. Extended until 2027 through Joint Action 2008/851/CFSP, the operation responded to severe instability, aggravated by piracy undermining international trade in this strategically important region (Council of the EU, 2008b; UK Parliament, 2010). The objectives were to protect World Food Programme (WFP) vessels and prevent and repress piracy, through the embarkment of armed personnel on board ships, surveillance of the waters off Somalia and measures to counter attacks (Council of the EU, 2008b). The Council of the EU expanded the mandate of the operation, including new executive tasks and allowing for the active intervention of naval units and the use of force too. So far, piracy off the Horn of Africa has been largely contained thanks to the presence of naval forces and Operation Atalanta has been recognised as one of the EU's most successful initiatives in reducing piracy in the region (Larsson & Widen, 2022, p. 1725).

EU NAVFOR Somalia is an example of PMSCs contracted not by the EU per se, but by Member States during EU missions, to support their national contingents. For example, the UK hired private personnel, from 2011, for surveillance and support purposes, and to help implement best management practices on the ships (UK Government, 2011, p.9). France, from 2014, contracted private companies for on-board private protection purposes, with armed guards (Thomas, 2013). Also, sometimes European units 'changed flag' from the EU operational command to the exclusive control of their home State to respond to national priorities (Larsson & Widen, 2022, p. 1735). This mechanism, which reflects the intergovernmental nature of the CSDP, highlighted the structural limits of a system lacking its own military assets and based on the voluntary contributions of Member States. Precisely these weaknesses made evident the need for complementary solutions, pushing many shipping companies to turn to PMSCs to fill the gaps of the state

naval missions (Larsson & Widen, 2022). PMSCs were tasked with risk analyses along the routes, training crews and ensuring an immediate response in the event of an attack, sometimes requiring force. By the mid-2010s, the combination of state naval patrols and PMSCs almost brought to zero the attempts of piracy and boardings off the coast of Somalia (Hurlbert, 2021). However, these companies could not legitimately engage pirates offensively, their intervention was limited to self-defence.

Overall, PMSCs acted in line with European States' policies and interests, rarely coming into conflict with them, and were generally considered legitimate, especially when approved or authorised by Member State's governments. Beyond the EU mandate, however, Member States regulated and authorised their use on national merchant vessels in parallel with the operation, raising further questions about the risk that recurring to these companies may end up eroding not only State monopoly on the legitimate use of force, but also the European mandate on the mission (Hurlbert, 2021).

2.2 EULEX Kosovo

The EU Rule of Law Mission in Kosovo (EULEX Kosovo) was launched in 2008, through the Council Joint Action 2008/124/CFSP, to strengthen rule of law institutions in Kosovo, under CSDP, shortly before Kosovo declared its independence. Considered as the largest EU mandated civilian mission, it has been extended until 2027. The activities carried out concern monitoring, mentoring, and advising the Kosovar authorities, to fulfil the mandate of supporting rule of law institutions, particularly in the areas of police, justice, and customs (Council of the EU, 2008a).

The Kosovo case is a clear example of how international organisations, or the EU in this instance, have used PMSCs for limited support functions in multilateral operations (European Parliament, 2007, p. 4). The EU contracted private security guards to protect EULEX mission premises in the country. In 2010, for instance, a one-year contract worth approximately €2.35 million was awarded to the British company Henderson Risk Limited, through its Kosovar subsidiary Henderson Asset Protection, for the provision of security assistance (Krahmann & Friesendorf, 2011, p. 13). Such services were confined to perimeter control and performed by unarmed guards without executive competences. On one hand, outsourcing helped ease the pressure on national contingents, already operating under strain, while increasing flexibility and guaranteeing continuity in logistical and infrastructural security.

On the other hand, concerns have been raised about the outsourcing of these functions, relating both to dependency on private actors in security matters and to the potential reduction of the EU's direct liability in cases of incidents or abuses. Resorting to PMSCs has fuelled both the debate on whether their use may undermine the State's monopoly on the legitimate use of force, with significant legal and political implications (Bures & Cusumano, 2025, p. 479-480) and the discussion on how many and what functions can be outsourced to private entities.

3. Could PMSCs complement the absence of a European army?

The proliferation of PMSCs has been facilitated by the massive downsizing of national armies since the end of the Cold War, particularly to cover functions no longer provided by public contingents (Doctors Without Borders, 2011; UN HRC, 2023, p. 6). In this scenario, several observers have questioned whether and to what extent these actors can play a complementary role to European capabilities.

From the examples presented in section II, the opportunities offered are clear. PMSCs can ensure rapid and flexible deployment, avoiding the decision-making processes required for the deployment of regular troops, and facilitating the mobilisation of private personnel on a contractual basis, while also offering specialist skills (Bures & Cusumano, 2025, p. 466). Finally, the use of external contractors can be less politically costly, as the loss of private personnel does not have the same impact on public opinion as the death of soldiers (Bures & Cusumano, 2025, p. 479-480).

However, PMSCs present structural limitations, such as the absence of a centralised system to report and monitor contracts with private security providers in multilateral operations (UN HRC, 2023, p. 14-15). As argued at the beginning of the paper, they cannot replace collective and territorial defence, which remains the sovereign prerogative of States and alliances such as NATO, as they are unable to undertake the essential tasks of deterrence or defence of European territorial integrity. This means that while they can act as force multipliers in external missions, they cannot substitute an integrated European army (Bures & Cusumano, 2025, p. 479). Over-reliance on PMSCs could risk consolidating dependence on short-term solutions, limiting the resources and the political will necessary to achieve military integration and strategic autonomy.

Not only that, but alongside these limitations, there are also regulatory and institutional gaps, as mentioned in section II. Some of them reflect structural shortcomings of the EU's foreign and security policy, which were already addressed in the literature as early as the 1990s by Christopher Hill (1993) with the 'capability expectations gap', and later by Toje (2008) with the 'consensus gap'. Following this approach, Bureš and Cusumano (2025) applied their gap framework to PMSCs, identifying four types of deficit (Bures & Cusumano, 2025, p. 466-467). First, a capabilities gap, which reflects the lack of internal resources and military capabilities of Member States and has prompted the EU to resort to private actors to fill technical and operational gaps. Then the consensual gap, linked to the decision-making difficulties inherent in the intergovernmental nature of the CFSP, as differences between Member States reduce the EU's ability to act collectively, favouring outsourcing as a quick and short-term fix. The third is an accountability gap, which manifests itself in weak parliamentary oversight and a lack of democratic control over missions, and which risks widening with the outsourcing option. Finally, the compliance gap, which depends on the regulatory fragmentation and the absence of binding standards, which hinder the possibility of ensuring uniform regulation of PMSCs (Bures & Cusumano, 2025, p. 477-478).

These limitations are intertwined with ethical and legal concerns. Outsourcing security increases the likelihood of governments conducting military operations with private soldiers, with the consequent

possibility of bypassing the public debate and parliamentary authorisations required for the deployment of regular troops. While this is not always the case, as the examples presented before, it remains a possible risk. Furthermore, the lack of transparency in contract management, and the fact that even the agencies hiring PMSCs (namely EU Delegations, civilian and military CSDP operations, and Member-State contingents under national contracts) sometimes appear to lack effective control over them and their employees, together with the difficulties in attributing criminal responsibility for acts committed in third countries, and the transnational dimension of PMSCs further complicate regulation and accountability (Orlando, 2024, p. 4; Krahmann & Friesendorf, 2011, p. 24). Nevertheless, although the EU still lacks a binding framework, awareness of the issue has grown, and both companies and their staff can be held accountable under national or international law in cases of misconduct (Bures & Cusumano, 2025, p. 477-478).

Therefore, PMSCs can mitigate the effects of the absence of a European army in the short term by providing rapidity, flexibility and specialisation. But without a clear regulatory and political framework, their use risks filling gaps in the short-term, while opening up long-term legal, political and ethical loopholes at the same time. For these reasons, their use should remain complementary and regulated, as part of a coherent European approach capable of taking advantage of the opportunities they may offer, but without compromising democratic principles and strategic cohesion

4. Recommendations

Based on this analysis, it is now essential to understand what steps could be taken to address the situation. The proposals outlined in the following paragraphs synthesise recommendations advanced in institutional and academic literature. They converge on the need for the EU to develop a common regulatory framework for the use of PMSCs, capable of filling the gaps and reducing the related risks. A first measure, proposed by the European Parliament as early as 2017, concerns the definition of a Common Service List, thus a shared list of military and security activities that can be entrusted to private actors. This would serve as the basis for harmonised policies across states, by specifying which functions may be delegated and which must remain prerogative of the EU (European Parliament, 2017).

The creation of black and white lists of companies has been advanced, both with regard to operational performance and to issues related to human rights violations and contractual mismanagement. This proposal, which already appears in European Parliament studies, was then taken up in more recent analyses, and responds to the need for a transparent supplier selection system that prevents impunity and professionalises the sector (European Parliament, 2007, p. 17). A similar approach has already been adopted in the United States too, where lists of reliable and unreliable companies have been adopted as part of a carrot and stick approach. Companies with a positive track record find it easier to obtain new contracts, while those involved in abuse or fraud are excluded. The US experience therefore shows that such a tool is feasible and could also be applied in the European context (Krahmann & Friesendorf, 2011, p. 18).

Another proposal from the Parliament concerns the internal market. In fact, the Internal Market Directive

was proposed to establish common minimum standards for the registration, licensing and operational practices of PMSCs within the EU, with the purpose of harmonising legislation (Krahmann & Friesendorf, p. 39). The issue was taken pointing to the need for greater regulatory coordination (Council of the EU, 2023, p.7). A second aspect concerns the adoption of a CFSP Decision to regulate the export of military and security services to third countries. Standardisation would help avoiding inconsistencies between Member States, since common licensing and the obligation to report data annually to the European Arms Export Report would be imposed. This would reduce the risk of European operators providing services in contexts incompatible with the Union's official stances and values (Krahmann & Friesendorf, 2011; Bureš & Cusumano, 2025).

Finally, the EU could introduce common rules for training, certification and qualification of personnel, in line with standards already adopted in other areas of the CSDP to ensure interoperability, effectiveness and transparency (Council of the EU, 2023). In this way, PMSCs could be integrated in a controlled and complementary way into the European security and defence policy framework.

5. Conclusions

The analysis conducted shows that the EU's use of PMSCs reflects both a pragmatic response to operational limitations and a deeper structural problem within the CSDP. The absence of a permanent European army and the limitations of Member States' military capabilities have encouraged the use of private actors as a flexible and rapid means of filling some gaps. Concrete examples, such as Operation Atalanta and EULEX Kosovo, have shown that while PMSCs have provided useful complementary functions, their presence has raised several issues.

Since PMSCs are already an integral part of EU missions and could play a greater role in the future, they should and could be integrated into European external action in a controlled and limited manner. It is necessary to clarify in which support functions they can actually offer an added value and, at the same time, set strict limits to prevent them from taking on military tasks that are the prerogative of States. Thus, while they cannot and should not replace a European army, and cannot replace the long-term objective of a progressive and independent strengthening of European defence, PMSCs can be a complementary tool for strengthening the effectiveness of EU missions, provided that their use is based on binding common rules and subject to democratic oversight.

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