

TEMPORARY EXERCISE OF PRIVATE SECURITY ACTIVITIES BY COMPANIES AND AGENTS NATIONALS OF EUROPEAN COUNTRIES ON NATIONAL TERRITORY

Private security companies and their agents will be heavily mobilised to provide security for the 2024 Olympic and Paralympic Games (JOP). In addition, events will be organised by the National Olympic Committees alongside the Games, creating a need for additional security guards, who may be recruited from outside France.

The provisions of Book VI of the Internal Security Code provide a framework for the temporary exercise of private security activities¹ by companies and agents who are nationals of European Union (EU) and European Economic Area (EEA) member states. These companies and their employees can therefore provide private security services in France² on an ad hoc or temporary basis.

This body of law is adapted to the exercise of private security activities by companies or agents established in neighbouring countries (Belgium, Luxembourg, etc.) who wish to travel to France for the Olympic Games.

This memorandum describes the conditions for issuing the licences required for companies (I) and for agents who are European nationals and who provide private security services (II).

I. Authorisation to operate for companies established in an EU or EEA Member State

Pursuant to 2° of article L. 612-1 of the Internal Security Code and in accordance with the principle of freedom to provide services guaranteed by European Union law (article 57 of the TFEU), only legal entities registered in an EU or EEA Member State may be issued with a licence to provide private security services in France on a temporary basis. Companies from third countries cannot provide this type of service in France.

The list of documents to be provided in support of an application for authorisation is available on the CNAPS website³. In particular, an order form or service contract is required, as well as a copy of the authorisation to carry out private security activities issued by the authorities of the country in which the

¹ This covers the activities referred to in Article L. 611-1 of the French Internal Security Code. In particular, these activities consist of providing services involving human surveillance, surveillance using electronic security systems or guarding of movable or immovable property, as well as the safety of people in these buildings or in vehicles used for the public transport of people, and protecting the physical integrity of people.

² Only companies that have an establishment in France, registered in the Trade and Companies Register and that meet all the requirements set out in the Internal Security Code may operate on a permanent basis (i.e. not just a one-off, temporary service) in France, under the same conditions as French companies (see 1° of article L. 612-1 of the Internal Security Code).

³ <https://www.cnaps.interieur.gouv.fr/Vos-demarches/Vous-etes-une-entreprise/Entreprises-etrangeres-comment-exercer-en-France/Entreprises-etrangeres-comment-exercer-en-France>

Company's head office is located and a list of agents temporarily seconded to France, who must also apply for and obtain authorisation to carry out their duties (see II). The documents submitted must be translated into French by an approved translator.

Companies that meet the conditions are issued with a specific authorisation by the CNAPS for the service in question, the period of validity of which depends on the service planned or to be provided. Similarly, the activities for which the company is authorised are explicitly listed in the authorisation⁴ decision.

Private security guards who are European nationals may also be authorised to provide temporary services in France.

II. Authorisation to work for agents who are nationals of an EU or EEA Member State

A national of an EU or EEA Member State who is self-employed or employed in his or her own country and who wishes to come to France to carry out his or her activity on an occasional basis must make a declaration to the Director of the CNAPS prior to his or her first service (art. R. 612-25 of the Internal Security Code)⁵.

They must provide proof of their professional qualifications. These qualifications are examined in accordance with the principle of mutual recognition of professional qualifications within the European Union⁶.

Applicants must also provide proof that they have not been convicted of a criminal offence, that they carry out security activities in their country of origin and that they are not banned from doing so in their country of origin.

If the applicant meets the character requirements (absence of conduct incompatible with the performance of the duties for which he or she is applying) and the training received is deemed to be equivalent to that required in France for access to the profession, the Director of the CNAPS authorises the provision of services.

Any prohibition, withdrawal of authorisation to practice or conviction that is incompatible with the practice of a private security activity or within an EU or EEA country entails the loss of the rights provided for in article R. 612-25 of the Internal Security Code.

⁴ Article L. 612-2 of the French Internal Security Code prohibits the practice of a private security activity in conjunction with another private security activity. It is therefore not possible to carry out a surveillance and guarding activity and a personal protection activity at the same time. Similarly, as a general rule, the practice of surveillance and guarding is exclusive of any other activity. The same legal entity may not, for example, offer and carry out surveillance and guarding services and reception services.

⁵ Agents from member states of the European Union or the European Economic Area may carry out private security activities in France on a permanent basis, under the same conditions as French nationals. These agents must hold a professional card attesting to their good character and professional aptitude (see arts. L. 612-20 and R. 612-12 et seq. of the Internal Security Code).

⁶ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as amended by Directive 2013/55/EU