



COMMISSION OF THE EUROPEAN COMMUNITIES

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2004/0215 (CNS)

Proposal for a

COUNCIL DECISION

establishing the European Police College (CEPOL) as a body of the European Union

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. INTRODUCTION

Conclusion 47 of the Tampere European Council called for the establishment of a European Police College for the training of senior law-enforcement officials, which should operate as a network of existing national training institutes. On 22 December 2000, the Council adopted a Decision establishing a European Police College¹, where the aim and objectives of CEPOL are stated.

Because the Council Decision of 22 December 2000 provided it with neither legal personality nor a permanent seat, CEPOL encountered a series of difficulties, partially addressed by a decision of February of 2002 to provisionally house its Secretariat at the Danish National Police School. During its first year of existence, it could not execute its budget nor set up a Secretariat. Implementation of the decision of the heads of State and government meeting in the European Council in Brussels on 13 December 2003 giving CEPOL a permanent seat in Bramshill² should put an end to this problem. Nonetheless, other structural problems remain, notably due to the fact that the budget is financed through Member States' contributions, so that CEPOL has had to make recourse to the OISIN II and AGIS programs in order to carry some tasks like the development of the European Police Learning Net (EPLN).

Despite these difficulties, in its three years of existence CEPOL has achieved considerable progress, as acknowledged in CEPOL's three years report³, within the limits of individual police schools' abilities to properly organize courses and of an understaffed Secretariat. Participation also suffered from insufficient knowledge of foreign languages among potential beneficiaries and financial problems limiting the participation of candidate countries.

The three-year report recommended that CEPOL should have legal personality, an adequately staffed Secretariat and a permanent seat. As to CEPOL's structure, a majority of Member States expressed their preference for the continuation of the network.

Two Member State initiatives were subsequently presented to amend the Council Decision of 22 December 2000 in order to give CEPOL legal personality⁴ and to establish CEPOL's permanent seat in Bramshill⁵. Although their expected adoption will help CEPOL to deal with some of the most pressing issues, these two initiatives do not tackle all the institutional changes required to ensure efficient and effective development of CEPOL, as stated in conclusions adopted by the Council⁶ that noted the intention of the Commission to bring forward additional proposals.

Such a proposal should aim at providing CEPOL a better legal framework by giving CEPOL legal personality, a permanent seat, financing from the Community's budget, clear staff rules, and a streamlined governance structure, thus improving Member States' law-enforcement services' ability to face the challenges posed by cross-border crime.

1 OJ L 336, 30 12 2000.

2 OJ L 29, 03 02 2004.

3 CATS 74 Enfopol 117 of 9 12 2003.

4 OJ L 251 of 27 07 2004.

5 OJ L 251 of 27 07 2004.

6 Council document 5880/02/04 ENFOPOL 15 Rev 2 of 19 February 2004.

2. OBJECTIVE

Cooperation in law-enforcement training in the European Union is a means towards achieving an area of freedom, security and justice in the sense of Article 29 of the Treaty on European Union. The Commission's Communication on "Enhancing Police and Customs Cooperation in the European Union"⁷ identifies training as one of the key issues to improve cooperation in criminal matters in the European Union and stresses the need to carry out common training not only for police but for other law-enforcement services of the Member States (i.e. customs officials).

CEPOL training should increase their knowledge of the instruments at law-enforcement services' disposal in the European Union, of the different national systems, of technical terminology in different languages, of ethical and human rights issues, as well as an awareness of belonging to the European Union. It should also aim at increasing the quality of training, by establishing not only common curricula and methodologies, but also a CEPOL certification.

Providing CEPOL with financing from the Community's budget will increase its possibilities to carry out its tasks and perform new ones⁸. Making CEPOL staff subject to the rules and regulations applicable to the officials and other servants of the institutions of the European Communities will increase CEPOL's possibilities to recruit most qualified people.

3. IMPLEMENTATION

Although the Member States' different approaches to training should not be a problem in itself, a common methodology and shared standards of quality are necessary in order to ensure a certain minimum level of law-enforcement training across the EU, at least in those areas of common interest. In respect of the principle of subsidiarity, CEPOL should ensure the European dimension of law-enforcement training as a complement to training done by national training institutes that will continue to be the main sources of training for law-enforcement officials in the EU. Thus, CEPOL should focus on the development of common curricula and teaching methods, including virtual training modules, in priority areas of law-enforcement co-operation, to be applied in a uniform manner in all national training institutes.

The current draft proposal not only foresees giving CEPOL the task of organizing common courses - either centrally or in a decentralized fashion - but puts a stronger emphasis on CEPOL's responsibility for developing these common methodologies and standards, and for evaluating their implementation through a certification mechanism.

⁷ COM (2004) 376 of 18 May 2004.

⁸ See Council Resolution of 17 December 2003, OJ C 38, 12.02.2004 and the conclusions of the Task Force of EU Police Chiefs meeting in Rome, on 6/7 October 2003, calling for CEPOL to train Europol staff. Finally, CEPOL provides training for police officers in the framework of the CARDS and MEDA regional programs.

4. FUNDING

Article 41 (3) TEU establishes that “operating expenditure to which the implementation of those provisions (those in Title VI TEU) gives rise shall also be charged to the budget of the European Communities except where the Council acting unanimously decides otherwise”.

To date, CEPOL has been financed by contributions from the Member States. This method of financing has led to a series of problems, such as late payments or a lack of willingness by individual Member States to make funds available to finance important projects, such as the development of the European Police Learning Net (EPLN), a virtual learning tool which has been developed by the Dutch police school (LSOP), with support from other training institutes and the OISIN and AGIS programs.⁹

The fact that CEPOL has had to recurrently request funding from EU programs points to the need for it to have Community funding. Giving CEPOL a subsidy from the general budget of the European Communities would ensure that its work in building a European dimension of law-enforcement cooperation will not depend on the vicissitudes of national budgetary procedures and priorities.

5. CHOICE OF STRUCTURE

CEPOL already performs a series of tasks that could not be performed either by the Commission or by the individual law-enforcement training institutes of the Member States, that have neither a regulatory nor an executive character, in a policy area covered by Title VI of the Treaty on European Union.

Building on the precedent set by Eurojust¹⁰, it seems that the best option is to transform CEPOL into a body of the European Union. The present proposal for a Council Decision establishing CEPOL as a body of the European Union has been drafted taking into account the CEPOL three-year report¹¹ of 9 December 2003 and the conclusions of the European Council meeting in Brussels on 12 and 13 December 2003, the Meta-Evaluation on the Community Agency System¹² carried out by the Commission, the Communication from the Commission on the operating framework for the European Regulatory Agencies¹³, and the Commission Regulation of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities¹⁴.

6. CHOICE OF LEGAL BASIS

The legal basis for the current proposal is Article 30 (1) (c) of the Treaty on European Union, establishing that “common action in the field of police cooperation shall include (...) cooperation and joint initiatives in training...”, combined with Article 34 (2) (c), establishing

9 The OISIN II program (OJ L 186 of 07 July 2002) was substituted by the AGIS program as of 2003 (Council Decision 2002/630/JHA of 22 July 2002, OJ L 203 of 01 August 2002).

10 Council Decision 2002/187/JHA of 28 February 2002, OJ L 63 of 06 March 2002.

11 CATS 74 Enfopol 117, 15722/03 of 9 December 2003.

12 Final Report of the Commission of 15 September 2003.

13 COM(2002) 718 final.

14 Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002, OJ L 357, 31.12.2002.

that the Council shall “take measures and promote cooperation” and to that end may, unanimously, “adopt decisions for any other purpose consistent with the objectives of this title, excluding any approximation of the laws and regulations of the Member States.”

7. SUBSIDIARITY AND PROPORTIONALITY

Title VI on provisions on police and judicial cooperation in criminal matters creates a Union responsibility in these fields, without prejudice to the powers of the European Community. This responsibility must however be exercised in accordance with Article 2 of the Treaty on European Union, which states that the principle of subsidiarity as enshrined in Article 5 of the Treaty establishing the European Community shall be respected. The proposal for a Decision satisfies these criteria.

Subsidiarity

Individual national administrations are not able to ensure co-operation in the field of law-enforcement training to the degree required by the European Council when it called for the creation of CEPOL in Tampere, in 1999. The current CEPOL set up, while proving positive, has shown its limitations. A Union structure is therefore necessary to improve operational co-operation among the national training institutes and ensure the EU dimension of law-enforcement training.

Proportionality

The proposal establishes a body of the EU which would be subject to clear and uniform rules contained in a Council Decision, which is the appropriate instrument for establishing EU bodies. The proposal does not go beyond what is necessary to achieve the aforementioned objectives.

8. COMMENTARY ON THE ARTICLES

Article 1 establishes CEPOL as a body of the EU.

Article 2 gives CEPOL legal personality. In order to avoid issues of interpretation, the article gives CEPOL “the most extensive legal and contractual capacity available to legal persons under national law”.

Article 3 foresees that the protocol on the Privileges and Immunities of the European Communities shall apply to CEPOL, its director and its staff.

Article 4 gives CEPOL its permanent seat in Bramshill, U.K. This Article is in line with the decision of the heads of state and government of the Member States meeting in the European Council on 13 December 2003¹⁵.

Article 5 establishes the purpose of CEPOL and is broadly in line with the aims set out in the original Council Decision creating CEPOL.

15 OJ L 29 of 03 February 2004.

This Article, though, differs from the original Council decision in that it also attempts to broaden CEPOL's scope to better take into account the spirit of point 47 of the Tampere conclusions, which actually called for the establishment of a European Police College to train "law-enforcement officials." Although some CEPOL courses at present are already open to customs officials, its mandate is strictly to train "senior police officers" of the Member States.

The same reasoning underlies the fact that this Article refers to "senior and other law-enforcement officials playing a key role in the fight against cross-border crime", since there may be officials who, without being considered "senior" according to the definition of this term in their Member State, play a key role in law-enforcement cooperation at EU level.

Article 6 sets out CEPOL's objectives. In line with the original Council Decision creating CEPOL, it states that CEPOL shall complement the actions of the relevant training institutes of the Member States.

However, it underlines the need to achieve both quantitative and qualitative improvements in law-enforcement cooperation in the EU and identifies examples of key subjects (such as knowledge of the institutions of the EU, Europol's and Eurojust's structure and functioning), that make up the basis for CEPOL common curricula to be developed in future.

Article 7 establishes CEPOL's tasks. In comparison with the original Council Decision, this Article extends the tasks performed by CEPOL to developing and providing common standards and course modules to be used by the training institutes of the Member States, as well as to evaluating their implementation. CEPOL should thus be able to ensure the uniform application of both common standards and certain key courses across the EU, so as to ensure that all law-enforcement officials have a similar level of knowledge and competence in certain subject areas considered essential to the best performance of their duties.

Article 8 establishes CEPOL's organs: the Governing Board and the Director. The Permanent Secretariat disappears, since the CEPOL Director is assisted by a staff (see Article 11).

Article 9 establishes the composition, decision-making methods and competences of the CEPOL Governing Board. This Article establishes that the Governing Board is made up of one representative per Member State and one for the Commission (who becomes a full member), each having one vote. National representatives should preferably be the heads of national training institutes, but it is now left to each Member State to decide on its representation at the CEPOL Governing Board. Also, the number of members of the Governing Board is being limited, provided that there is still a possibility for members to be accompanied by experts. The representatives of the General Secretariat of the Council and Europol attend meetings as non-voting observers.

The Article also represents a change from current practice in that it establishes that the normal decision-making procedure of the Governing Board shall be simple majority voting, except for specific cases set out in the Council Decision, which shall be decided by a two third majority. The move from unanimity to majority voting is in line with Article 34(2) (c) TEU.

Article 10 establishes the competences and responsibilities of the CEPOL Director. In contrast with Council decision of 22 December 2000 it provides that he or she shall be responsible not just for the day-to-day management of CEPOL's work, including its staff, but also for the new tasks of evaluation and certification. The CEPOL Director shall be responsible to the Governing Board.

Article 11 establishes that a CEPOL staff shall support the Director in the discharge of his or her duties. The article also foresees that the rules as contained in the Staff Regulations of

Officials of the European Communities and the Conditions of employment of other servants of the Communities shall apply to the staff of CEPOL, including its Director.

Article 12 calls for the setting up of CEPOL national units in the Member States. This Article responds to one of the main conclusions of the CEPOL three-year report, in which a majority of the Governing Board considered that the national training institutes of the Member States would continue to be the starting point of training in law-enforcement, and that the network was the best working method for CEPOL. It also aims at avoiding duplications and making an optimal use of knowledge and resources at the disposal of the national training institutes, allowing national training institutes to participate in the key tasks of planning, implementation, evaluation and certification of training activities.

In order to guarantee good flow of communication, the Article states that individual training institutes may have direct contact with the CEPOL Director, as long as they keep the CEPOL national unit(s) informed.

Article 13 spells out the different institutions and bodies with which CEPOL should cooperate and provides explicitly for the taking into account of recommendations made by Europol or the Task Force of Police Chiefs.

Articles 14, 15 and 16 are the standard provisions on the budget of a European agency and have been taken from the Commission proposal for a Council Regulation establishing an Agency for the Management of External Borders¹⁶. They represent a considerable change from the present Council Decision in that, at present, CEPOL's budget is financed through member States' contributions. The move to give CEPOL funding from the Community's budget derives from Article 41 (3) TEU. This should represent a major progress in CEPOL's development.

Article 17 regards combating fraud and is a standard article for European agencies.

Article 18 establishes that, without prejudice to the CEPOL Governing Board's rules of procedure, the official linguistic arrangements of the European Union shall apply to CEPOL.

Article 19 establishes public access to documents and is standard for EU bodies.

Article 20 is a transitional provision relating to the move of CEPOL's Permanent Secretariat from Copenhagen to Bramshill, U.K.

Article 21 is also transitional and establishes a six-month period for Member States to designate their CEPOL national units and communicate the relevant information to the Commission and the Council's Secretariat General.

Article 22 establishes the necessary mechanisms to ensure regular evaluation of CEPOL's work and the implementation of the Council Decision. This article is in line with existing guidelines on evaluating the functioning of Community agencies.

Article 23 establishes the repeal of the Council Decision of 22 December 2000.

Article 24 deals with the date of effect of the Decision.

Annex 1 establishes guidelines for the nomination of the CEPOL Director, in accordance with the ones used for the nomination of heads of European agencies.

16 COM(2003)0687 final.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 30 (1) (c) and Article 34 (2) (c) thereof,

Having regard to the proposal from the Commission¹⁷,

Having regard to the opinion of the European Parliament¹⁸,

Whereas:

- (1) On 22 December 2000 the Council, acting in accordance with Article 34 (2) (c) of the Treaty on European Union, adopted Decision 2000/820/JHA¹⁹ establishing a European Police College (CEPOL) as a network of national training institutes for senior police officers of the Member States having no legal personality.
- (2) In the period since its inception, CEPOL has developed a working relationship with national training institutes in the European Union and in the candidate countries with which it is in the process of negotiating or may in the future negotiate accession, as well as with those in Iceland and Norway.
- (3) In the same period CEPOL has developed a collaborative relationship to other organizations and bodies in the area of police training, especially the Nordic Baltic Police Academy (NBPA) and the Mitteleuropäische Polizeiakademie (MEPA).
- (4) CEPOL has played an increasingly significant role in offering training to senior police officers in the Member States, especially in the areas of counter-terrorism; fighting organized crime and in particular drugs trafficking, counterfeiting of currency and trafficking in human beings; environmental crime and cyber crime; non-military crisis management; cooperation with the applicant countries; human rights and public order, among others.
- (5) The Council, meeting in Brussels on 19 February 2004, adopted the report presented by the CEPOL Governing Board on the operation and future of CEPOL, according to Article 9 of the Council Decision 2000/820/JHA. In its conclusions, the Council recognises that institutional changes are required to ensure the further efficient and

¹⁷ OJ C [], [], p. [].

¹⁸ OJ C [], [], p. [].

¹⁹ OJ L 336, 30.12.2000, p. 1.

effective development of CEPOL and considers that an examination of the future development of CEPOL needs to be undertaken. In this context, the Council noted the intention of the Commission to bring forward additional proposals relating to the functioning of CEPOL and directed, in particular, to the role of the Secretariat and improving CEPOL's financial and staff management. The Council underlined that the further views of the CEPOL Governing Board should be taken into account when considering these proposals.

- (6) In its three-year report of 2003, a majority of the CEPOL Governing Board recommended to transform CEPOL into a body of the European Union, with legal personality, its own staff and funding from the European Union's budget, while maintaining a solid network with the national training institutes of the Member States.
- (7) The ultimate aim of CEPOL should be to contribute to the achievement of an area of freedom, security and justice, in the sense of Article 29 of the Treaty on European Union, by strengthening and improving cooperation in police and law-enforcement training.
- (8) To this end, CEPOL should complement the actions of national training institutes in order to increase the number of law-enforcement officials playing a key role in the fight against serious and/or organized crime and terrorism in the European Union having a working understanding of practical aspects of law-enforcement cooperation.
- (9) In order to be able to achieve its objectives, CEPOL should optimize the use of existing resources in the field of law-enforcement training in the European Union. In particular, it should develop, together with the training institutes of the Member States, learning and teaching products that can be used by them, as well as minimum standards of quality against which to evaluate their implementation.
- (10) With a view to contributing to the achievement of an area of freedom, security and justice through improved cooperation among police and other law-enforcement services in the European Union, CEPOL products, including common courses, should be available to customs and other law-enforcement officials actively participating in the fight against serious and/or organized crime and terrorism in the European Union.
- (11) In order to develop training tools that effectively enable the law-enforcement services to better deal with the crime threats facing the Member States of the European Union, CEPOL should develop cooperative relations to other bodies of the European Union, such as Europol and Eurojust, as well as with networks and other relevant actors. In particular, CEPOL should develop close working links to the Task Force of Police Chiefs of the European Union.
- (12) The objectives of the proposed action, namely improving operational co-operation among the national training institutes and ensuring the European Union dimension of law-enforcement training, cannot be sufficiently achieved by the Member States and can therefore, by reason of the need to develop and apply common standards for law-enforcement training, be better achieved at the level of the European Union. This Decision confines itself to the minimum required in order to achieve those objectives and does not go beyond what is necessary for that purpose.

- (13) The Decision respects fundamental rights and observes the principles recognized by Article 6(2) of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union,

HAS DECIDED AS FOLLOWS:

Chapter I

Establishment, legal personality and seat

Article 1

Establishment

A European Police College, hereinafter referred to as "CEPOL", is hereby established as a body of the European Union.

Article 2

Legal personality

1. CEPOL shall have legal personality.
2. CEPOL shall enjoy in each Member State the most extensive legal and contractual capacity available to legal persons under national law. CEPOL may in particular acquire and dispose of movable or immovable property and be a party to legal proceedings.

Article 3

Privileges and Immunities

The protocol on the Privileges and Immunities of the European Communities shall apply to CEPOL, its director and its staff.

Article 4

Seat

The seat of CEPOL shall be in Bramshill, United Kingdom.

Chapter II

Purpose, objectives and tasks

Article 5

Purpose

1. Without prejudice to the competencies of the institutions responsible for training of law-enforcement officers in the Member States, the purpose of CEPOL is to help train the senior and other law-enforcement officers of the Member States playing a key role in the fight against cross-border crime in the European Union, with a view to strengthening and improving cooperation in those areas most relevant to the achievement of an area of freedom, security and justice in the sense of Article 29 of the Treaty on European Union. In so doing, CEPOL shall strive to support a European approach to the main problems facing Member States in preventing and combating crime, organized or otherwise, especially as regards its cross-border dimensions, by helping to train senior and other law-enforcement officials of the Member States.
2. CEPOL courses and training modules shall focus on ways to improve cooperation among Member States' law-enforcement services in priority areas, such as preventing and combating serious and/or organized crime and terrorism. They shall pay special attention to human rights and ethics as they apply to law enforcement, taking into account relevant instruments. CEPOL courses and training tools shall be directed to police and other law-enforcement officers working in the field of European Union and/or international cooperation in preventing and combating crime.

Article 6

Objectives

The objectives of CEPOL are as follows:

- (1) To complement the actions of the law enforcement training institutes of the Member States, with a view to increasing the number of senior and other law-enforcement officers playing a key role in the fight against cross-border crime in the European Union having a working understanding of practical aspects of law-enforcement cooperation in the European Union, and to enlarging and strengthening the European dimension of law-enforcement in the fight against cross-border crime.
- (2) To increase the knowledge of police and other law-enforcement officers of all levels playing an important role in European Union cooperation, namely in:
 - (a) national police systems and structures of the Member States;

- (b) the institutions of the European Union, their functioning and role, as well as the decision-making mechanisms and the legal instruments of the European Union, in particular as regards their implications for law-enforcement cooperation;
 - (c) Europol's objectives, structure and functioning, as well as the possibilities to maximize cooperation between Europol and relevant law-enforcement services in the Member States in the fight against organized crime;
 - (d) Eurojust's objectives, structure and functioning, as well as the possibilities to maximize cooperation between Eurojust and relevant law-enforcement services in the Member States in the fight against organized crime;
 - (e) European Union instruments in the field of cooperation in combating crime, as well as other relevant instruments applicable in this field, and their potential;
 - (f) human-rights instruments relevant to police cooperation in the European Union as well as legal and democratic safeguards as they apply to the police function in the Member States of the European Union;
 - (g) languages of the Member States of the European Union, with an accent on commonly used technical terminology.
- (3) To contribute to the development of technical and scientific knowledge on the fight against crime and the maintenance of law and order and public security in order to assist the bodies responsible for police training and police cooperation in performing their functions.
 - (4) To strengthen and improve cooperation in law-enforcement training, with a view to achieving the objectives mentioned above, with the relevant institutions in the candidates countries, as well as in Norway and Iceland, and any other country with which cooperation in law-enforcement training is deemed relevant to the achievement of CEPOL's aims and objectives.

Article 7

Tasks

In order to achieve the objectives listed in Article 6, CEPOL shall, in particular, undertake the following tasks:

- (1) Develop common standards for training courses, with regard to cooperation between police and other law-enforcement services in the European Union, aimed at senior and other law-enforcement officers of the Member States playing a key role in the fight against cross-border crime.
- (2) Provide the law enforcement training institutes in the Member States with common standards for training of said senior and other law-enforcement officers.
- (3) Provide the law enforcement training institutes in the Member States with course modules for training of said senior and other law-enforcement officers.

- (4) Provide training courses for senior law-enforcement officers of the Member States in priority areas. The priorities guiding CEPOL's work shall be defined yearly by the Governing Board.
- (5) Develop and provide training for trainers in the Member States.
- (6) Assess, on a regular basis, the implementation of the CEPOL training modules and methodologies to a common standard and emit CEPOL certification for both trainers and course contents. These assessments shall be carried out under the responsibility of the CEPOL Director under a peer-review scheme similar to that in place for other areas of cooperation under Title VI of the Treaty on the European Union.
- (7) Develop and provide virtual training modules by maintaining, updating and optimizing the use of the CEPOL electronic network ("European Police Knowledge Net").
- (8) Develop and provide training to prepare police forces of the European Union for participation in non-military crisis management.
- (9) Identify priority areas for research in law-enforcement subjects, with a view to enhancing the effectiveness of law-enforcement cooperation and strengthening the development of police science in the European Union. In this connection, CEPOL may commission research projects from academic and other relevant institutions.
- (10) Disseminate best practice, research findings and the results of concrete police-cooperation projects deemed useful for training purposes, be it through the organization of conferences and seminars, the publication of booklets or other information materials, and/or the use of electronic means of communication.
- (11) Promote exchanges and secondments of police and other law-enforcement officers in the context of training, including for the purpose of carrying out research as it relates to training.

Chapter III

Organs, national units and cooperation with other bodies

Article 8

Organs

The organs of CEPOL shall be:

- (1) The Governing Board.
- (2) The Director.

Article 9

The Governing Board

1. The Governing Board shall be made up of one representative from each Member State and a representative of the European Commission. It shall be up to each Member State to decide on its representation in the CEPOL Governing Board. Each member shall have one vote.
2. The members of the Governing Board shall preferably be directors of national law-enforcement training institutes of the Member States. Where there are several directors from a single Member State, it shall be up to each Member State to decide on its representation in the Governing Board in accordance with paragraph 1 of this Article. The Governing Board shall be chaired by the representative of the Member State holding the Presidency of the Council.
3. Representatives of the General Secretariat of the Council of the European Union and Europol shall be invited to attend meetings as non-voting observers. Members of the Governing Board may be accompanied by experts.
4. The Director of CEPOL shall participate in the meetings of the Governing Board, without the right to vote.
5. The Governing Board shall meet at least twice a year. It shall establish its rules of procedure by a two-thirds majority of its members.
6. Except when otherwise indicated in this Decision, the Governing Board shall act by a majority of its members.
7. The Governing Board shall take its decisions by a two-thirds majority of its members when adopting:
 - (a) common curricula, training modules, methodologies, and any other learning and teaching tools;
 - (b) a list of at least three candidates for the post of CEPOL Director, according to the guidelines set forth in the annex to this Decision, and submitting it to the Council for a decision;
 - (c) the draft budget and submitting it to the Commission;
 - (d) the draft work program, the draft annual report and the draft CEPOL five years report, and submitting them to the Council for adoption;
 - (e) the decision determining who within CEPOL shall exercise the powers conferred by the Staff Regulations of Officials of the European Communities on the appointing authority, respectively who shall be authorized pursuant to the conditions of employment of other servants to conclude the relevant contracts;

- (f) the implementing rules applicable to the CEPOL staff, on a proposal from the Director and after seeking agreement from the Commission.
8. The Governing Board can decide to establish among its members working groups to make recommendations, to develop and propose strategies, training concepts and tools, or to perform any other advisory task deemed necessary by the Governing Board. The Governing Board shall draw up the rules governing the creation and functioning of the working groups.

Article 10

The Director

1. The Director shall represent CEPOL in all legal acts and obligations.
2. The Director shall be designated by the Council for a period of five years, from a list of at least three candidates presented by the Governing Board.
3. The Council may decide to extend the term of office of the Director, on a recommendation of the Governing Board acting by a two-thirds majority. The CEPOL Director's total tenure may not exceed ten years.
4. The Director shall be responsible for the day-to-day administration of CEPOL's work. He or she shall support the work of the Governing Board and act as channel between this and the CEPOL national units referred to in Article 12. He or she shall in particular be responsible for:
 - (a) all staff matters, except for the decision determining who within CEPOL shall exercise the powers conferred by the Staff Regulations of Officials of the European Communities on the appointing authority, respectively who shall be authorized pursuant to the conditions of employment of other servants to conclude the relevant contracts;
 - (b) taking all necessary steps, including the adoption of internal administrative instructions and the publication of notices, to ensure the functioning of CEPOL according to the provisions of this Decision;
 - (c) drawing up the preliminary draft budget, the preliminary draft annual report and the preliminary draft work program to be submitted to the Governing Board;
 - (d) implementing the budget;
 - (e) contacts with the relevant services in the Member States;
 - (f) coordinating the implementation of the work program;
 - (g) evaluating the implementation of CEPOL training and learning tools, and giving CEPOL certification to trainers and training institutes of the Member States;

- (h) any other function attributed to him/her by the Governing Board.
- 5. The Director shall be accountable for his activities to the Governing Board.
- 6. If the European Parliament or the Council so requests, the Director shall report on the carrying out of his/her duties.
- 7. The Director shall negotiate a headquarters agreement with the government of the host Member State, and submit it for approval to the Governing Board, which shall act by a two-thirds majority.

Article 11

Staff

- 1. The Director shall be supported by a staff in the discharge of his/her duties.
- 2. The staff and the Director of CEPOL are subject to the rules resulting from the regulations and rules applicable to the officials and other servants of the European Communities.
- 3. For the purpose of implementing Regulation (CEE, Euratom, CECA) n° 259/68, CEPOL is assimilated to an agency in the meaning of Article 1 a, paragraph 2, of the Staff regulations of officials of the European Communities.
- 4. The Governing Board may adopt arrangements to permit the secondment of national experts from the Member States to CEPOL.

Article 12

National units

- 1. CEPOL national units shall be set up in the national law enforcement training institute of each Member State. Where there are several institutes in a single Member State, it shall be up to each Member State to decide whether to set up one or more national units, as well as on its/their location.
- 2. The national units shall preferably be headed by the official directly responsible for the development and implementation of training programs at national level, or a person with equivalent competences and responsibilities. It shall be up to each Member State to decide on the organization and staffing of the national units, in accordance with its national legislation. CEPOL national units may consist of a single person, if necessary, as long as their proper functioning in accordance with this Decision is ensured.
- 3. The Member States agree to undertake all necessary measures to ensure good communication and cooperation of all relevant training institutes, including relevant research institutes, with the CEPOL national unit(s). Where there is more than one

CEPOL national unit in a single Member State, it shall be up to each Member State to designate one of them as the central coordinating unit responsible for ensuring the necessary communication and coordination with the other CEPOL national units within its territory and with those in other Member States.

4. The CEPOL national units shall be responsible at national level for implementing the training, teaching and learning tools adopted by the Governing Board, and should also participate actively in their development and the evaluation of their use. In particular, each CEPOL national unit shall be responsible for the following tasks:
 - (a) Organizing any CEPOL activities carried out in the territory of its Member State, especially learning activities;
 - (b) aiding the Director in the implementation and evaluation of training teaching and learning tools in the different law-enforcement training institutes in that Member State, as well as providing the necessary feedback for the continued development and review of the same;
 - (c) disseminating, under the guidance of the Director, the products developed by CEPOL, as well as any other relevant information concerning CEPOL's activities, to the appropriate actors in the field of law-enforcement in that Member State;
 - (d) providing the Director with any information that could be useful for the fulfilment of his/her tasks, including information on and/or results of current applied research;
 - (e) fulfilling requests made by the Director on behalf of the Governing Board;
 - (f) any other task decided by the Governing Board.
5. The CEPOL national units shall be responsible for any CEPOL-related matters in the Member States. The CEPOL Director may at any time contact individual training institutes in the Member States, as long as he/she informs the respective CEPOL national unit of the purpose and content of the contact.
6. Individual training institutes in the Member States may contact the CEPOL Director on their own initiative, as long as they simultaneously inform their CEPOL national unit of the purpose and content of the contact.

Article 13

Cooperation with other bodies

1. CEPOL shall cooperate with relevant bodies of the European Union in the field of law-enforcement and other related areas, particularly Europol, Eurojust, the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), the European Monitoring Centre for Racism and Xenophobia (EMCR), and any other European Union body whose work is relevant to CEPOL.

2. CEPOL shall cooperate with national training institutes of the countries with which the European Union is conducting or intends to conduct accession negotiations, as well as with those of Iceland and Norway.
3. The Governing Board may, acting by a two-thirds majority of its members, authorise the CEPOL Director to negotiate cooperation agreements with any of the bodies mentioned in paragraphs 1 and 2 above, and with the national training institutes or similar bodies in third countries.
4. CEPOL may take into account recommendations made by Europol or the Task Force of EU Police Chiefs, without prejudice to the rules governing the adoption of the CEPOL work program.

Chapter IV

Financial requirements

Article 14

Budget

1. The revenues of CEPOL shall consist, without prejudice to other types of income, of:
 - (a) a subsidy from the Community entered in the general budget of the European Union (Commission section);
 - (b) fees for services provided;
 - (c) any voluntary contribution from the Member States.
2. The expenditure of CEPOL shall include the staff, administrative, infrastructure and operational expenses.
3. The Director shall draw up an estimate of the revenues and expenditure of CEPOL for the following financial year and shall forward it to the Governing Board together with an establishment plan.
4. Revenue and expenditure shall be in balance.
5. The Governing Board shall adopt the draft estimate, including the provisional establishment plan accompanied by the preliminary work programme, and forward them by 31 March of each year, at the latest, to the Commission.
6. The estimate shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the "budgetary authority") together with the preliminary draft budget of the European Union.
7. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the

establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty establishing the European Community.

8. The budgetary authority shall authorise the appropriations for the subsidy to CEPOL. The budgetary authority shall adopt the establishment plan for CEPOL.
9. The Governing Board shall adopt the CEPOL budget. It shall become final following the final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.
10. Any modification to the budget, including the establishment plan, shall follow the procedure laid down in paragraphs (5) to (9).
11. The Governing Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project that may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.
12. Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Governing Board within a period of six weeks from the date of notification of the project.

Article 15

Control of the budget

1. By 1 March at the latest following each financial year, CEPOL's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the Financial Regulation applicable to the general budget of the European Communities²⁰.
2. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward CEPOL's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for that financial year shall also be forwarded to the European Parliament and the Council.
3. On receipt of the Court of Auditors' observations on CEPOL's provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Director shall draw up CEPOL's final accounts under his own responsibility and forward them to the Governing Board for an opinion.
4. The Governing Board shall deliver an opinion on CEPOL's final accounts.

20 Council Regulation (EC,Euratom) No. 1605/2002 of 25 June 2002, OJ L 248, 16.9.2002, p. 1.

5. By 1 July of the following year at the latest, the Director shall send the final accounts, together with the opinion of the Governing Board, to the Commission, the Court of Auditors, the European Parliament and the Council.
6. The final accounts shall be published.
7. The Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Governing Board.
8. The European Parliament, upon a recommendation from the Council, shall, before 30 April of year n+2, give a discharge to the Director of CEPOL in respect of the implementation of the budget for year n.

Article 16

Financial provision

The financial rules applicable to CEPOL shall be adopted by the Governing Board after having consulted the Commission. They may not depart from the Commission Regulation (EC, Euratom) No. 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No. 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities²¹, unless specifically required for CEPOL's operation and with the Commission's prior consent.

Article 17

Combating fraud

1. In order to combat fraud, corruption and other unlawful activities the provisions of Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-fraud Office (OLAF)²² shall apply without restriction.
2. CEPOL shall accede to the Inter-institutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-fraud Office (OLAF) and shall issue, without delay, the appropriate provisions applicable to all its employees.
3. The decisions concerning funding and the implementing agreements and instruments resulting from them shall explicitly stipulate that the Court of Auditors and OLAF may carry out, if necessary, on-the-spot checks among the recipients of CEPOL's funding and the agents responsible for allocating it.

21 OJ L 357, 31.12.2002, p. 72, with Corrigendum in OJ L 2, 07.01.2003, p. 39.

22 OJ L 136, 31.05.1999, p. 1.

Article 18

Languages

Without prejudice to the rules of procedure agreed by the Governing Board, the provisions laid down in Regulation N° 1 of 15 April 1958²³ determining the languages to be used in the European Economic Community shall apply to CEPOL. The annual report to the Council referred to in Article 9 (7) (d) shall be drawn up in the official languages of the Union institutions.

Article 19

Access to documents

On the basis of a proposal by the Director, and not later than six months after this Decision takes effect the Governing Board shall adopt rules for access to CEPOL documents, taking into account the principles and limits stated in Regulation (EC) No. 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.²⁴

Chapter V

Transitional and final provisions

Article 20

Provisional headquarters of CEPOL

Until such time as the CEPOL has moved to its permanent headquarters, it shall continue to be housed at the Danish National Police School.

Article 21

Designation of CEPOL national units

At the latest six months after this Decision takes effect, the Member States shall have set up their CEPOL national unit(s) and transmitted all the relevant information to the General Secretariat of the Council and the Commission.

²³ OJ 17, 6.10.1958, p. 385/58. Regulation as last amended by the 2003 Act of Accession.

²⁴ OJ L 145, 31.5.2001, p. 43.

Article 22

Reporting and evaluation

1. At the end of each year the Governing board shall submit an annual report to the Commission, the Council and the European Parliament as specified by Article 9 (7) (d) of this Decision.
2. Within five years after this Decision takes effect and every five years thereafter, the Governing Board shall commission an independent external evaluation of the implementation of this Decision as well as of the activities carried out by CEPOL.
3. Each evaluation shall assess the impact of this Decision, the utility, relevance, effectiveness and efficiency of CEPOL and its working practices. The Governing Board shall issue specific terms of reference in agreement with the Commission, following consultations with the parties involved.
4. The Governing Board shall receive the evaluation and issue recommendations regarding CEPOL's structure and its working practices to the Commission. Both the evaluation findings and recommendations shall be forwarded to the Commission, to the European Parliament and the Council and shall be made public.
5. At the end of every five years from the date of effect of this decision, the Governing Board shall submit a report to the Council, the Commission and the European Parliament, on CEPOL's functioning and perspectives for the future. These reports shall duly take into account the conclusions and recommendations of the external evaluation to be carried out every five years as specified in paragraphs (2) to (4) of this Article.

Article 23

Repeal

Council Decision 2000/820/JHA is repealed.

Article 24

Date of effect

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Union*.

Article 25

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels,

For the Council
The President

ANNEX

Guidelines for the nomination of the CEPOL Director

1. PROCEDURAL GUIDELINES FOR THE SELECTION OF CANDIDATES

- (1) A selection, based on merit, of the best candidate for the post of CEPOL Director shall be carried out. To this end, the Governing Board shall set up a Selection Committee, in accordance with its rules of procedure.
- (2) The post shall be published in all the institutions and bodies of the European Union as well as externally. The vacancy must be published in the Official Journal of the European Community.
- (3) Interviews with the best pre-selected candidates shall be carried out by the Selection Committee, whose Chairman shall prepare a list of at least the best three candidates.
- (4) In case of objections from a member of the Selection Committee, the matter may be referred to the Chairman of the Governing Board. He or she may be invited to sit in the Selection Committee and interview any or all of the pre-selected candidates.
- (5) The Governing Board shall adopt, after seeking the opinion of the Commission, a list of at least three candidates and submit it to the Council for it to designate the CEPOL Director.
- (6) The candidates and the members of the Selection Committee, and any other person participating in the selection procedure, shall notify the Chairman of the Selection Committee and of the Governing Board of any conflict of interest that may impede them from objectively carrying out their functions.

2. PUBLICATION OF THE VACANCY NOTICE

The Selection Committee shall draw up the vacancy notice to be published. It shall include:

- (1) A description of CEPOL's tasks with appropriate references to its legal basis.
- (2) A description of the director's duties and responsibilities with appropriate references to CEPOL's legal basis.
- (3) The profile and level for the post.
- (4) An overview of the selection and appointment procedure.
- (5) An indication of the timetable foreseen for the appointment procedure.
- (6) Any other attribute that could be relevant to the post and may be subsequently used as a selection criterion. Only selection criteria mentioned in the publication can be taken into account for the evaluation of applicants.

3. MINIMUM REQUIREMENTS FOR THE CANDIDATES

Candidates for the post of CEPOL Director shall:

- (1) Supply an updated *Curriculum vitae* and a letter of motivation;
- (2) have the nationality of a Member State of the European Union;
- (3) justify a level of education which corresponds to completed university studies attested by a diploma or, where justified and approved by a unanimous decision of the Selection Committee, professional training of an equivalent level, in accordance with article 5(3)(c) of staff rules applicable to officials and other servants of the European Communities;
- (4) have at least fifteen years of professional experience since being awarded their degree or diploma, the last five of which must be in the field of police training;
- (5) have at least five years management experience, either in managing staff or in other management structures at a sufficient level of responsibility;
- (6) produce evidence of a thorough knowledge of one of the languages of the Communities and of a satisfactory knowledge of another language of the Communities to the extent necessary for the performance of his duties. Good knowledge of at least one other official language of the Community should be considered as an asset.

LEGISLATIVE FINANCIAL STATEMENT

Policy area(s): 18 Justice and Home Affairs (JAI)

Activit(y/ies): 1805 POLICE COOPERATION

TITLE OF ACTION: PROPOSAL FOR A COUNCIL DECISION TRANSFORMING THE EUROPEAN POLICE COLLEGE (CEPOL) INTO A BODY OF THE EUROPEAN UNION.

1. BUDGET LINE(S) + HEADING(S)

From 2005 onwards a new budget heading with two budget lines will be created:

- 18 05 05 01: European Police College – Subsidy to titles 1 & 2
- 18 05 05 02: European Police College – Subsidy to title 3

2. OVERALL FIGURES

2.1. Total allocation for action: 7.5 € million for commitment

A maximum of € 3 million *per annum* for 2005 and € 4.5 for 2006 is available within the current financial perspectives.

From 2007 onwards the allocation of appropriations will depend on the new financial perspectives 2007-2013. Le montant annuel de 4,5 M€ retenu pour la période 2007-2009 est donc purement indicatif.

2.2. Period of application: 2005 - 2006

An indicative timetable for the transforming of CEPOL into a body of the EU could be the following:

- Expected adoption and entry into force of the Decision: mid-2005.
- Transitional phase: 2005. Although CEPOL is already operational, there will be a transitional phase starting from the entry into force of the Decision until current staff is fully incorporated to the system of staff regulations and new staff is recruited accordingly, the new Director designated, the headquarters agreement with the host State signed, etc. The present legislative financial statement is calculated on the basis of 6 months for 2005, based on the assumption that the new Council Decision will not be approved and in force before mid-2005. A calculation based on a full year is made for the period from 2006 onward.
- Operational phase: From entry into force of the Council decision, i.e. as of adoption, CEPOL will be operating according to the new Council Decision.

2.3. Overall multi-annual estimate of expenditure:

Commitment Appropriations in € million								
	#	2005	2006	2007	2008	2009	[n+5 and subs. Years]	Total
(a) Operational expenditure (Title 3); Schedule of commitment appropriations (<i>see points 6.2.1 and 6.2.2</i>)								
Annual or recurrent costs	0	1,90	2,20	2,20	2,20	2,20	2,20	12,900
Specific technical equipment	0	0,20	0,10	0,10	0,10	0,10	0,10	0,700
Total	0	2,10	2,30	2,30	2,30	2,30	2,30	13,600
(b) Administrative expenditure (Title 1 & 2); Schedule of commitment appropriations (<i>see points 6.1.1 and 6.1.2</i>)								
	0	0,9	2,2	2,2	2,2	2,2	2,2	11,900
(c) Overall Total : Schedule of commitment/payment appropriations								
TOTAL (a) + (b)	#	2005	2006	2007	2008	2009	[n+5 and subs. Years]	Total
Commitments	0	3,00	4,50	4,50	4,50	4,50	4,50	25,500
Payments	0	3,00	4,50	4,50	4,50	4,50	4,50	25,500
(d) Incidence financière globale des ressources humaines et autres dépenses de fonctionnement pour la Commission (<i>see points 7.2 et 7.3</i>)								
Commitments/ payments	0	0,005	0,005	0,005	0,005	0,005	0,005	0,030
TOTAL (c) + (d)	#	2005	2006	2007	2008	2009	[n+5 and subs. Years]	Total
Commitments	0	3,005	4,505	4,505	4,505	4,505	4,505	25,530
Payments	0	3,005	4,505	4,505	4,505	4,505	4,505	25,530

2.4. Compatibility with financial programming and financial perspective

[X] Proposal is compatible with existing financial programming (until 2006).

Proposal will entail reprogramming of the relevant heading in the financial perspective.

() Proposal may require application of the provisions of the Interinstitutional Agreement.

2.5. Financial impact on revenue:

(X) Proposal has no financial implications (involves technical aspects regarding implementation of a measure)

OR

☐ Proposal has financial impact – the effect on revenue is as follows:

3. BUDGET CHARACTERISTICS

Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
Non-compulsory	Diff/	YES/	NO	NO	No [3]

4. LEGAL BASIS

Articles 30 (1) (c) and 34 (2) (c) TEU

(Article 41 (3) TEU is the basis for financing from the general budget, but is not part of the legal basis for the draft Decision as such).

5. DESCRIPTION AND GROUNDS

5.1. Need for Community intervention.

5.1.1. Objectives pursued

The objective of the present draft Council Decision is to transform CEPOL into a body of the European Union, with the aim of providing it with the legal and organizational tools it needs to function properly. In order to improve CEPOL's effectiveness in contributing to the achievement of an area of freedom, security and justice, the present draft also seeks to expand CEPOL's mandate to include not only senior police officers, but all law-enforcement officers playing a key role in the fight against crime in the European Union. Finally, it establishes CEPOL's aims, objectives and tasks in such a way as to ensure an optimal use of existing resources, and those to be developed in future.

CEPOL should contribute to increasing the number of law-enforcement officials of the Member States in key positions in the fight against cross-border crime having knowledge of the instruments at law-enforcement services' disposal in the European Union, of the different national systems, of technical terminology in different languages, of ethical and human rights issues, as well as an awareness of belonging to the European Union. It should also contribute to increase the quality of the training offered to law-enforcement officials of the Member States, by establishing not only common curricula and methodologies, but by ensuring their implementation according to common standards. These would be ensured through a CEPOL certification based on regular evaluations.

Although the fact that different Member States have different approaches to training should not be a problem in itself, a common methodology and shared standards of

quality are necessary in order to ensure a certain minimum level of law-enforcement training across the EU, at least in those areas of common interest and for officers directly involved in them. Thus, CEPOL should focus on the development of common curricula and teaching methods in priority areas of law-enforcement co-operation, which would then be applied in a uniform manner in all national training institutes. At the same time, the value of law-enforcement officials from different Member States actually coming together, and having direct contact with trainers and speakers from different backgrounds, should not be underestimated. The organization of common courses should remain one of CEPOL's core tasks.

To fulfil its role properly, CEPOL should have legal personality, financing from the EU budget, an accountable Directorate with a fully functional permanent staff, and clear financial and staff regulations.

CEPOL shall in particular carry out the following tasks:

- (1) Develop common standards for training courses aimed at senior and other law-enforcement officers of the Member States playing a key role in the fight against cross-border crime, with regard to cooperation between police and other law-enforcement services in the European Union.
- (2) Provide the relevant institutes in the Member States with common standards for training of said senior and other law-enforcement officers.
- (3) Provide the relevant institutes in the Member States with course modules for training of said law-enforcement officers.
- (4) Provide training courses for senior law-enforcement officers of the Member States in priority areas. The priorities guiding CEPOL's work shall be defined yearly by the Governing Board, taking into account any relevant decisions by the Council.
- (5) Develop and provide training to prepare police forces of the European Union for participation in non-military crisis management.
- (6) Develop and provide training for trainers in the relevant institutions in the Member States.
- (7) Evaluate, on a regular basis, the implementation of the CEPOL training modules and methodologies to a common standard and emit CEPOL certification for both trainers and course contents.
- (8) Develop and provide virtual training modules by maintaining, updating and optimizing the use of the CEPOL electronic network ("European Police Knowledge Net").
- (9) Identify priority areas for research in law-enforcement subjects, with a view to enhancing the effectiveness of law-enforcement cooperation and strengthening the development of police science in the European Union.
- (10) Disseminate best practice, research findings and the results of concrete police-cooperation projects deemed useful for training purposes, be it through

the organization of conferences and seminars, the publication of booklets or other information materials, and/or the use of electronic means of communication.

- (11) Promote exchanges and secondments of police and other law-enforcement officers in the context of training. CEPOL may promote such exchanges and secondments with institutions from outside the European Union, where this is relevant for the accomplishment of its objectives.
- (12) Any other tasks decided by the CEPOL Governing Board and/or the Council.

In view of an evaluation at a later stage, more concrete objectives and indicators have been defined in the context of an *ex ante* evaluation of which the report is attached. This set of objectives and indicators will be reviewed and further developed by CEPOL when it is operational.

5.1.2. *Measures taken in connection with ex ante evaluation*

The Commission (DG JAI) has carried out an *ex ante* evaluation of the proposal to transform CEPOL into a body of the EU (see attachment).

The *ex ante* evaluation shows that transforming CEPOL into an EU body is a better and more cost-effective choice for achieving the objective of enhancing operational co-operation in law-enforcement training, than the current set up (a network of national training institutes without legal personality and financed through Member States' contributions). Due to the nature of the work carried out by CEPOL, the Commission's taking on these tasks is not a viable option.

5.1.3. *Measures taken following ex post evaluation*

Since CEPOL has worked in the past as network of national training institutes without legal personality and financed through Member States' contributions, its activities were not yet subject to an *ex post* or intermediate evaluation carried out by the Commission. However, an analysis of the experiences of the network to date points to the need for anchoring CEPOL in the EU's institutional framework, by giving it the status and the legal and institutional tools of an EU body. In this way, CEPOL would be on similar footing with the other main actors in cooperation in criminal matters in the EU, Eurojust and Europol, and could carry out its work in a more efficient and cost-effective way. The last meeting of the CEPOL Governing Board adopted the three-year report on its operations and future. The main conclusions of the report were that it is necessary to give CEPOL legal personality, a permanent seat as well as a clearly accountable governance structure and an appropriate staff in order to allow CEPOL to fully fulfil its tasks as one of the bodies of the EU.

5.2. **Actions envisaged and budget intervention arrangements**

Transitional phase (2005): Once the Decision is adopted and entered into force the CEPOL Director will start the necessary arrangements for restructuring CEPOL as an EU body, e.g. the revision of existing legal texts, publication of notices and

recruitment procedure of the new Director. These tasks will have no impact on staff and administrative expenditure for the Commission (cf. point 7)

Operational phase (from 2006 onwards): The estimates for resources needed during the 1st operational phase (2006 onward) take into account the financial constraints (ceilings established in the financial perspective). The calculations are based on a 'stand-alone' entity. The costs can be grouped in two main categories:

1) Personnel and administrative costs:

CEPOL's staff shall consist of a limited number of officials, temporary agents and national experts in the field of law-enforcement training. Staff costs are shown on a 6-month basis for 2005 and on a 12-month basis for the period starting in 2006. Personnel and administrative expenditure is € 0,108 million a year per person (Community officials) including buildings and related administrative expenditure (IT, telecommunications, etc)

The necessary number of staff in the transitional phase is calculated at 19 in the transitional phase (2005) and at 22.5 for the operational phase (2006 onward). The work force will be composed by 10 A posts, 6.5 B posts, and 6 C posts. The number of staff may increase following the assignments to CEPOL of new tasks by the Council and in accordance with the financial resources allocated by the budgetary authority for the post-2007 period. The security personnel for the building and infrastructures are not part of the CEPOL staff and are not reflected in the following table. The provision of security services will be outsourced.

TABLE: Estimate of human resources - Breakdown by areas of activity and category

ACTIVITIES	A	B	C	D
(a) Administration				
Management (this item includes the Director).	3	1	1	0
Human and financial resources	1	1	1	0
Information/IT	0,5	1	1	0
Legal tasks	0,5	0	1	0
TOTAL (a)	5	3	4	0
(b) Operational tasks:				
Develop and provide common standards for training courses	0,50	0,50	0,25	0,00
Develop and provide common course modules	0,50	0,50	0,25	0,00
Provide training courses for senior law enforcement officers of the Member States in priority areas	0,50	0,00	0,00	0,00
Develop and provide training for trainers in the relevant institutions in the Member States	0,50	0,00	0,00	0,00
Evaluate, on a regular basis, the implementation of the CEPOL training modules and methodologies to a common standard and emit CEPOL certification for both trainers and course contents	1,50	0,50	0,25	0,00
Disseminate best practice, research findings and the results of concrete police co-operation projects	0,50	0,00	0,25	0,00
Promote exchanges and secondments of police and other law enforcement officers in the context of training	0,50	0,50	0,00	0,00
Develop and provide virtual training modules by maintaining, updating and optimizing the use of the CEPOL electronic network ("European Police Knowledge Net")	0,00	1,00	1,00	0,00
Identify priority areas for research in law enforcement subjects, with a view to enhancing the effectiveness of law enforcement co-operation and strengthening the development of police science in the European Union	0,50	0,50	0,00	0,00
TOTAL (b)	5,00	3,50	2,00	0,00
TOTAL (a) + (b)	10,00	6,50	6,00	0,00

* The total staff calculated would not be in effect in 2005, since the new instrument will probably not enter into force before mid-2005. Therefore, calculations for staff costs in 2005 are based on 18 staff and 6 months of operations financed with a subsidy from the general budget. As of 2006, calculations are based on the total 22.5 staff foreseen above, for twelve-month periods.

Operational costs

These costs can be divided according to clusters of tasks of CEPOL as listed above.

1. Develop common standards for training courses aimed at senior and other law-enforcement officers of the Member States playing a key role in the fight against cross-border crime, with regard to cooperation between police and other law-enforcement services in the European Union.
2. Provide the relevant institutes in the Member States with common standards for training of said senior and other law-enforcement officers.
3. Provide the relevant institutes in the Member States with course modules for training of said law-enforcement officers.
4. Develop and provide training for trainers in the relevant institutions in the Member States.
5. Develop and provide training to prepare police forces of the European Union for participation in non-military crisis management.
6. Provide training courses for senior law-enforcement officers of the Member States in priority areas. The priorities guiding CEPOL's work shall be defined yearly by the Governing Board, taking into account any relevant decisions by the Council.
7. Evaluate, on a regular basis, the implementation of the CEPOL training modules and methodologies to a common standard and emit CEPOL certification for both trainers and course contents.
8. Develop and provide virtual training modules by maintaining, updating and optimizing the use of the CEPOL electronic network ("European Police Knowledge Net").
9. Identify priority areas for research in law-enforcement subjects, with a view to enhancing the effectiveness of law-enforcement cooperation and strengthening the development of police science in the European Union.
10. Disseminate best practice, research findings and the results of concrete police-cooperation projects deemed useful for training purposes, be it through the organization of conferences and seminars, the publication of booklets or other information materials, and/or the use of electronic means of communication.
11. Promote exchanges and secondments of police and other law-enforcement officers in the context of training. CEPOL may promote such exchanges and secondments with institutions from outside the European Union, where this is relevant for the accomplishment of its objectives.
12. Any other tasks decided by the CEPOL Governing Board and/or the Council.

All these tasks require travel to and from the Member States' training institutes and other universities and centers of learning and / or vocational training. The amount per mission within the EU is estimated at 600 Euro per person/day. The development of the electronic

network will require acquiring or leasing equipment and software, and perhaps outsourcing certain tasks (webmaster, technical support, etc.). Disseminating research will require establishing a database. This has been started in collaboration with the Max Planck Institute in Germany, which charges a fee of approximately 20.000 Euro per year. Resources should be made available for regular external evaluation of CEPOL's functioning, according to the existing provisions concerning the evaluation of the functioning of Community agencies.

5.3. Methods of implementation

The core tasks of CEPOL such as developing and providing common standards, curricula and training modules will be executed by its permanent staff and would only generate additional costs for staff missions and meetings (seminars and workshops). The actual organization of courses will be shared between CEPOL and the national institutes of the Member States, as beneficiaries of CEPOL's "products". The evaluation and certification will be carried out by CEPOL with support from the national training institutes of the Member States.

CEPOL will launch the public procurements procedures in accordance with its financial regulation for acquiring the operational equipment or for the provision of services (e.g. virtual training, research dissemination, etc) needed for fulfilling its tasks.

6. FINANCIAL IMPACT ON THE AGENCY'S BUDGET LINES:

6.1. Administrative expenditure (Title 1 & 2):

The needs for human and administrative resources shall be covered within the subsidy granted to the body in the framework of the annual allocation procedure.

6.1.1. Financial Impact on human resources 2005

The amounts are total expenditure that **include personnel costs and administrative expenditure (buildings, IT, etc).** For 2005 the costs will be calculated for a 6-month period (i.e. 54.000 Euro per official or temporary staff and 22.500 Euro per END).

Types of post	No of staff	Amount	Method of calculation
Officials or temporary staff	13	756.000	13* 58.153
External staff (ENDs)	5	112.500	5 * 22.500
Total	18	868.500	

Financial Impact on human resources from 2006 onwards

The amounts below are total expenditure for twelve months that include personnel costs and administrative expenditure (buildings, IT, etc). It is assumed that in 2006 CEPOL will recruit staff in order to arrive to the 22.5 staff foreseen in this legislative financial statement.

The needs of human resources shall be covered within the allocation granted to the managing DG in the framework of the annual procedure.

Types of post	No of staff	Amount	Method of calculation
Officials or temporary staff	17.5	1,890.000	17.5* 108.000
External staff (ENDs)	5	225.000	5 * 45.000
Total	22.5	2,115.000	

6.1.2. *Other administrative expenditure*

Only meetings of the governing board are indicated here. Other costs resulting from missions, conferences or seminars are detailed for each task under CEPOL's annual operational expenditure. For 2005, only half of these costs would be funded from the general budget, i.e. 30.000 Euro.

Meetings	Amount €	Method of calculation
Meetings of the governing board	60000	25 (members) * 600 (person/day)*4 meetings/year
Total	60000	

6.2. **Operational expenditure: (Title 3)**

The following tables contain a breakdown of the operational expenditure of CEPOL following their tasks and nature of the intervention.

6.2.1. *Annual or recurrent costs*

The costs indicated in the table below correspond to a fully operational body. In 2005 CEPOL will continue being operational, but under new rules. The year 2005 may be considered a transitional phase, since CEPOL will function for only part of it under its new rules and with financing from the general budget.

As of 2006 onwards, CEPOL should increasingly function as a college working closely with national training institutes of Member States, but having its own staff and the main responsibility for the organization of courses and the development of curricula, methodologies and evaluation tools, and less as a loosely bound group of individual national institutes organizing courses independently under the CEPOL umbrella. This change should imply a relative decrease in travel and meeting costs, as common learning and teaching tools are developed. The work being done at present by the standing committees should be taken over by the CEPOL Director and his staff.

The value of law-enforcement officials of the Member States actually coming together in common courses should not be underestimated. Thus, the organization of common courses will remain a core task of CEPOL, requiring significant expenditure. Evaluation missions will increase as this new task is carried out by

CEPOL; however, these would imply a lower cost than the coordination meetings that are currently necessary in order to organize each course or CEPOL activity. The actual export of CEPOL products to individual national training institutes of the Member States, which together with virtual learning would be the most cost-effective method to supply certain learning and teaching tools, may be expected to take some time and not begin in full until after 2006/2007.

Annual or recurrent costs for 2005 (transitional phase)

Tasks of CEPOL	Type of expenditure (cost per unit)	Number	Total
Meetings of its standing committees (science, annual program, budget, etc.)	Average of 10 participants per 2-day meeting of 5 committees (€600 per person)	* 8 (in 2005) *5 (in 2005) * 0 (in 2005)	480000 50000
Evaluation activities	Coordination/evaluation meetings (€ 10.000) Evaluation of CEPOL's functioning by an external consultancy.		
Development and provision of common standards, modules, training methods.	Meetings for general and specific needs assessment, exchanges, etc. (€ 10.000)	* 10 (in 2005)	100.000.
Training for trainers	Courses for 25 trainers each (€ 40000)	*6 (in 2005)	240.000.
Common courses for senior police officers	Courses organized by CEPOL under Community budget in 2005	*20 (in 2005)	800000
Disseminating best practice and research findings	Missions (€ 600) (1 person/2days) Contracting outside consultancy services	*5 (in 2005) *1	6.000 20.000
Management of technical; equipment and setting up a database	Costs are included in point 6.2.2. (procurement / maintenance of equipment) Outsourcing of services related to website and EPLN		0 80.000
Secondments and exchanges	Missions (€ 600) 1 person/2 days Co-ordination meetings (10.000)	*5 (in 2005) *6 (in 2005)	6000. 60.000.
Total (annual)			1990000

Annual or recurrent costs as of 2006

Tasks of CEPOL	Type of expenditure (cost per unit)	Number	Total
Evaluation activities	Coordination/evaluation meetings (€ 10.000) Evaluation missions (2 CEPOL staff /3 days/600 Euro per person) Evaluation of CEPOL's functioning by an external consultancy.	* 10 (as of 2006) *25 (as of 2006) * 1	100.000 90.000 120.000**
Development and provision of common standards, modules, training methods.	Meetings for general and specific needs assessment, exchanges, etc. (€ 10.000)	* 20 (as of 2006)	200.000.
Training for trainers	Courses for 25 trainers each (€ 40000)	*10 (as of 2006)	400.000.
Common courses for senior police officers	Courses organized by CEPOL under Community budget as of 2006 (40.000 Euro per course)	*30	1,200.000
Disseminating best practice and research findings	Missions (€ 600) (1 person/2days) Contracting outside consultancy services	*10 (as of 2006) *1	12.000 20.000
Management of technical; equipment and setting up a database	Costs are included in point 6.2.2. (procurement / maintenance of equipment)		0
Secondments and exchanges	Missions (€ 600) 1 person/2 days Co-ordination meetings (10.000)	*10 (as of 2006) *6 (as of 2006)	12.000 60.000.
Total (annual)			2.214.000

** An evaluation by an independent, external consultancy is foreseen every five years.

6.2.2. *Specific technical equipment*

Once it has a permanent seat, CEPOL will have to acquire the equipment in needs to meet its objectives. Following a previous evaluation and in compliance with the principle of subsidiarity CEPOL will launch the procedures for procuring its own

technical equipment. The procurement of this equipment will be done gradually starting in 2005, cf. point 2.3. The figures below are for the year 2005. It is assumed that while office equipment costs will decrease after the transitional phase, equipment needs will increase as of 2006, as CEPOL develops its electronic network further and virtual learning tools are made available to the national training institutes of the Member States.

Technical equipment requirements for 2005

Type of equipment	Type of intervention	Total
Office equipment, furniture etc.	Public Procurement (purchase/leasing) and maintenance	170000
IT equipment	Public Procurement (purchase/leasing) and maintenance	25000
Total		195000

Technical equipment requirements as of 2006 (estimate)

Type of equipment	Type of intervention	Total
Office equipment, furniture etc.	Public Procurement (purchase/leasing) and maintenance	25.000
IT equipment	Public Procurement (purchase/leasing) and maintenance	75.000
Total		100.000

7. IMPACT ON STAFF AND ADMINISTRATIVE EXPENDITURE FOR THE COMMISSION

7.1. Impact on human resources

Existing resources of the Commission will not have to be used for extra tasks in relation to what is already the case today regarding CEPOL.

Types of post	Staff to be assigned to management of the action using existing and/or additional resources		Total	Description of tasks deriving from the action
	Number of permanent posts	Number of temporary posts		
Officials or temporary staff				<i>A post: policy and legislative officer, co-ordination with the Agency</i>
Total			0	

The needs of human resources shall be covered within the allocation granted to the managing DG in the framework of the annual procedure.

7.2. Overall financial impact of human resources

Type of human resources	Amount (€)	Method of calculation *
Officials	0	0
Temporary staff		
Other human resources (specify budget line)		
Total	0	

7.3. Other administrative expenditure deriving from the action

For meetings of the governing board. These figures are stable for 2005 onwards.

Budget line (number and heading)	Amount €	Method of calculation
180 010211 – Missions Meetings of the governing board	4800	1 (members) * 600 (person/day)*4 meetings/year
Total	4800	

I.	Annual total (7.2 + 7.3) – for 2005	
II.	Total cost of action	4800

8. FOLLOW-UP AND EVALUATION

8.1. Follow-up arrangements

In view of an evaluation at a later stage, an appropriate system for monitoring the activities will be developed by CEPOL when it is operational. Regular reporting to the Commission, the Council and the European Parliament will make use of these monitoring data and will take the form of an annual activity report adopted by the Governing Board for the previous year and the work programme for the coming year.

8.2. Arrangements and schedule for the planned evaluation

A regular independent evaluation is foreseen, with a particular focus in the first exercise on process and delivery mechanisms issues. The evaluations should take place for the first time [five] years from the date of entry into force of this Decision and every [five] years thereafter. Each evaluation shall assess how effectively CEPOL fulfils its mission. It shall also assess the impact of this Decision, the utility, relevance, effectiveness and efficiency of CEPOL and its working practices. The evaluations shall take into account the views of stakeholders, at both European and national level.

The evaluation findings and recommendations will be forwarded by CEPOL to the Commission, the European parliament and the Council and shall be made public. The governing board, on the basis of the findings and conclusions of the evaluations, shall issues recommendations regarding changes to this Decisions, CEPOL's structure and its working practices in the context of a review report to the Commission, the Council and the European Parliament at the en of every [five] years period form the date of entry inot force of this decision.

9. ANTI-FRAUD MEASURES

Specific control measures envisaged:

9.1. For the Agency

The Director will implement CEPOL's budget. He/she will each year submit to the Commission, the Governing Board and the Court of Auditors the detailed accounts of all revenue and expenditure from the previous financial year. In addition, the Commission's Internal Audit Service will assist in the management of CEPOL's financial operations by controlling risks, monitoring compliance by providing an independent opinion on the quality of management and control systems and making recommendations in order to improve the efficiency and the effectiveness of operations and to ensure economy in the use of CEPOL's resources.

CEPOL will adopt its Financial Regulation following Commission Regulation No 2343/2002²⁵, after having received the agreement of the Commission and the Court of Auditors. It will put in place an internal audit system similar to that introduced by the Commission in the framework of its own restructuring.

An evaluation of CEPOL's activities, including transparency and financial operations, shall be conducted every five years by an independent, external consultancy.

9.2. Cooperation with OLAF

The staff subject to the Commission's Staff Regulations will cooperate with OLAF to combat fraud.

9.3. For the Court of Auditors

The Court of Auditors will examine the accounts in accordance with Article 248 of the Treaty and publish an annual report on the Agency's activities.

²⁵ Framework financial regulation for the bodies referred to in art 185 of the Financial Regulation applicable to the general budget of the European Communities.