European Union Agency for Law Enforcement Training (CEPOL)

2014/0217(COD) - 16/07/2014 - Legislative proposal

PURPOSE: to establish a European Union agency for law enforcement training (Cepol), repealing and replacing the Council Decision 2005/681/JHA.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Regulation (EU) No 543/2014 amending Council Decision 2005/681/JHA, which entered into force on 29 May 2014 transferred the seat of CEPOL from Bramshill in the United Kingdom to Budapest in Hungary.

On 27 March 2013, the Commission made a proposal for a Regulation updating the legal framework of the European Police Office (Europol). This proposal pursued several aims, one of which being merging CEPOL with Europol to create synergies between operational law enforcement work and training activities.

The European Parliament and the Council did not agree to the proposed merger of CEPOL with Europol. Instead, a regulation moving the seat of CEPOL as an independent agency to Budapest, Hungary, was adopted on 6 May 2014. Due to the opposition to the proposed merger, other parts of the Europol proposal relating to training were not discussed by the European Parliament and the Council in detail.

This proposal for a Regulation draws except as regards the question of merging CEPOL with Europol which has since been decided by the co-legislators on preparatory work carried out in 2011 and 2012 by the Commission on the modernisation of CEPOL's legal basis. It therefore provides for a legal framework for a new CEPOL with broader objectives and modernised governance, which repeals and replaces CEPOL as established by Council Decision 2005/681/JHA.

IMPACT ASSESSMENT: the Commission conducted two impact assessments of policy alternatives concerning Europol and CEPOL.

The impact assessment on CEPOL was based on the two policy objectives of:

(i) ensuring better quality, more joined-up and more consistent training for a wider range of law enforcement officers in cross-border crime issues;

(ii) establishing a framework to achieve this in line with the Common Approach on EU decentralised agencies.

The analysis of the overall impact led, in the context of the Europol Regulation proposal, to a preferred policy option which was the merger of CEPOL into Europol. However, given that the European Parliament and the Council did not agree to the proposed merger in May 2014, this proposal for a regulation accordingly maintains CEPOL as an independent agency, with its seat in Budapest. Any other option would, at this point in time, generate additional costs and create uncertainty for the Agency's future and its staff which would adversely affect its ability to deliver on its objectives.

CONTENT: this proposal aims to:

- give CEPOL the appropriate legal mandate and the necessary resources to implement the training effort set out in the Commission Communication on European Law Enforcement Training Scheme;
- improve the governance of CEPOL by seeking increased efficiency and aligning it with the principles laid down in the Common Approach on EU decentralised agencies.

(1) Implementation of a European approach to training: in line with the principles laid down in the Commission communication on the European Law Enforcement Training Scheme (LETS), the scope of CEPOLs mandate is broadened so that it can support, develop, deliver and coordinate learning activities for law enforcement officials of all ranks (not only police officers of senior rank as is the case under the current CEPOL Decision) as well as to officers of customs and of other relevant services dealing with cross-border issues.

The proposal envisages that the Agency will remain network-based, bringing together the network of training institutes of the Member States for the law enforcement officials and liaising with a single National unit in each Member State.

The objectives of CEPOL are updated and clarified so that the Agency may:

- improve awareness and knowledge of international and Union instruments, the institutions, agencies and bodies of the European Union;
- encourage the development of the regional or bilateral cooperation among the Member States; address specific criminal or policing thematic areas where training at EU level can add value in addition to the national level;
- provide appropriate and preliminary training sessions for the participation in civilian missions in third Countries.

(2) Improved governance: the proposal improves the governance of CEPOL by streamlining procedures, notably with respect to the Management Board and the Executive Director, and by aligning CEPOL with the principles laid down in the Common Approach on EU decentralised agencies, keeping in mind that CEPOL, as a centre of EU learning activities, should continue to rely on the network of the training institutes of the Member States and liaise with a single National unit in each Member State.

The Commission and the Member States are represented on the Management Board of CEPOL.

Appointment procedure: in line with the mandate of the Agency, the members of the Management Board are appointed on the basis of their knowledge of training for law enforcement officers, taking into

account relevant managerial, administrative and budgetary skills. The Management Board will be advised by a scientific committee on technical training issues (Scientific Committee for Training).

Management Board tasks: the Management Board is given the necessary powers, in particular to establish the budget, verify its execution, adopt the appropriate financial rules and planning documents, establish transparent working procedures for decision-making by the Executive Director of CEPOL, adopt the annual activity report, and appoint an Executive Director.

In order to ensure efficient day-to-day functioning of CEPOL, the Executive Director is its legal representative and manager. The Executive Director is completely independent in the performance of his/her tasks and ensures that CEPOL carries out the tasks foreseen in this Regulation. In particular, the Executive Director is responsible for preparing budgetary and planning documents submitted for the decision of the Management Board.

BUDGETARY IMPLICATION: the adoption of this Regulation will have no additional financial implication.

An estimated EUR 6.092 million of staff costs (excl. schooling fees) will be saved over the period 2016-2020 as a result of the relocation from Bramshill to Budapest and the difference in the correction coefficient between the United Kingdom and Hungary. Schooling fees for children of CEPOLs staff will constitute an additional cost of EUR 1.868 million over the same period.

An estimated EUR 0.658 million will be saved as a result of lower costs of building, equipment and management board expenses over the same period.

The relocation of around 40 staff from CEPOLs current site in Bramshill, United Kingdom, to the new site in Budapest, Hungary, will have taken place before this proposal for a Regulation enters into force.

In total, therefore, the budgetary impact of the legislative proposal amounts to EUR 45.383 million for CEPOL, as an independent Agency established in Budapest, over the period 2016-2020.