



EUROPEAN  
COMMISSION

Brussels, 16.7.2014  
COM(2014) 465 final

2014/0217 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing a European Union agency for law enforcement training (Cepol), repealing  
and replacing the Council Decision 2005/681/JHA**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### 1.1. Political context

The European Police College (CEPOL), established as an EU agency in 2005 by Council Decision 2005/681/JHA<sup>1</sup>, is entrusted with activities related to the training of senior law enforcement officers. It aims to facilitate cooperation between national police forces by organising courses with a European policing dimension. It also defines common curricula on specific topics, disseminates relevant research and best practice, coordinates an exchange programme for senior police officers and trainers, and, for specific projects, may act as a partner of the beneficiaries of EU grants. Its seat was transferred from Bramshill, United Kingdom to Budapest, Hungary, by Regulation (EU) No 543/2014 of 15 May 2014 amending Council Decision 2005/681/JHA, which has entered into force on 29 May 2014.

On 27 March 2013 the Commission made a proposal for a Regulation updating the legal framework of the European Police Office (Europol)<sup>2</sup>. As regards CEPOL and training of law enforcement officers, that proposal pursued three aims. First, it proposed to merge CEPOL with Europol to create synergies between operational law enforcement work and training activities, and to make administrative savings which would be invested in training. Second, it sought to strengthen the merged agency's ability to support law enforcement training in the EU by giving it the necessary powers to implement the European Law Enforcement Training Scheme (LETS) published by the Commission at the same time as the proposal for a new Europol regulation<sup>3</sup>. Third, it sought to align the rules on governance of Europol with the Common Approach on EU decentralised Agencies, endorsed by the European Parliament, Council and Commission in July 2012.

The European Parliament and the Council did not agree to the proposed merger of CEPOL with Europol. Instead, a regulation (proposed by Member States pursuant to Article 76 TFEU and based on Article 87(2)(b) TFEU) moving the seat of CEPOL as an independent agency to Budapest, Hungary, was adopted on 6 May 2014<sup>4</sup>. 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.

The Regulation relocating CEPOL to Budapest, Hungary, invites the Commission to submit a report on the effectiveness of the Decision, if appropriate accompanied by a legislative proposal for the Agency. This proposal for a regulation responds to that invitation. It also reflects the call in the Stockholm Programme<sup>5</sup> to step up training on EU-related issues and to make them systematically accessible for all relevant law enforcement professionals, and the request of the European Parliament for a European training policy for law enforcement officers to address the increasingly complex and international nature of serious crime<sup>6</sup>. It is in

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<sup>1</sup> OJ L 256 of 1 October 2005.

<sup>2</sup> COM(2013) 173/2 final.

<sup>3</sup> COM(2013) 172 final.

<sup>4</sup> That regulation amends Article 4 of Council Decision 2005/681/JHA which designates Bramshill, United Kingdom, as the seat.

<sup>5</sup> The Stockholm Programme — An open and secure Europe serving and protecting citizens, OJ C115, 4.5.2010, p. 1.

<sup>6</sup> Special committee on organised crime, corruption and money laundering report of 22.2.2013 and European Parliament Resolution of 2 April 2014 on the mid-term review of the Stockholm Programme

line with the priorities set out in the Internal Security Strategy in Action<sup>7</sup>, and with the Common Approach on EU decentralised Agencies. The need to develop EU level training of law enforcement personnel to support practical cooperation and implementing fully the LETS was also pinpointed as one of the key priorities for the future in the Communication of the Commission on "An open and secure Europe: making it happen"<sup>8</sup>.

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.

## **1.2. General objective**

Over the last decade, the EU has seen an increase in serious and organised crime as well as more diverse patterns in crime.<sup>9</sup> Europol's EU Serious and organised crime threat assessment 2013 (SOCTA 2013) found that "serious and organised crime is an increasingly dynamic and complex phenomenon, and remains a significant threat to the safety and prosperity of the EU."<sup>10</sup> Transnational crime can only be countered by cross-border cooperation, with police, customs, border guards and other authorities working together. Unless those authorities are properly trained, and unless there is sufficient mutual trust, such cooperation will not be effective. Against this background, the strategic and operational goals in the fight against organised and serious cross-border crime and terrorism need to be underpinned by coherent, recognised and high quality training in specialized and centrally prioritised areas for EU law enforcement officers involved in transnational cooperation.

The general objective of this proposal for a Regulation is therefore to improve EU security through the implementation, by CEPOL, of a new training approach for EU law enforcement officers, consistent with evolving priorities for operational law enforcement cooperation.

The new training approach – or learning system – is set out in the European Law Enforcement Training Scheme (LETS), which aims to equip law enforcement officials of all ranks (from police officers to border guards and customs officers, as well as, where appropriate, other state officials, such as prosecutors) with the knowledge and skills they need to prevent and combat cross-border crime effectively through efficient cooperation with their colleagues in other Member States, EU agencies, third countries and international organisations.

In order to achieve the general objective, this proposal for a Regulation confers on CEPOL two main tasks: **1)** delivering relevant EU-level training and exchanges and **2)** coordinating the implementation of the Law Enforcement Training Scheme (LETS) by conducting strategic training needs assessments and ensuring a common quality framework for law enforcement learning.

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<sup>7</sup> COM(2010) 673 final

<sup>8</sup> COM(2014) 154 final

<sup>9</sup> Europol (2011). EU organized crime threat assessment.

<sup>10</sup> Europol (2013). Serious and Organised Crime Threat Assessment (SOCTA).

## **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

Dialogues on the preparation of the reform of Europol, CEPOL and of EU law enforcement training took place in 2010 and 2011 between the Commission and representatives of the European Parliament, the Council of the European Union and the Management Board of Europol and Governing Body of CEPOL, as well as with representatives of national Parliaments.

### **2.1 External Studies**

An external **five-year evaluation** of CEPOL was carried out in 2010-2011 in line with Article 21 of the CEPOL Decision<sup>11</sup>. The final report was submitted to the Governing Board of CEPOL on 31 January 2011<sup>12</sup>. An independent **external study**, commissioned to support the preparation of the Impact Assessment, assessed the functioning of CEPOL and the legislation governing CEPOL in the light of the objectives in the Stockholm Programme and analysed impacts of possible future actions. A wide variety of stakeholders were consulted, namely representatives from CEPOL national stakeholders, users of CEPOL's activities and experts in the field of police cooperation and training. The study was submitted to the Commission on 23 April 2012<sup>13</sup>.

### **2.2 External consultations**

In addition, the Commission involved all Member States in the assessment of the functioning of the CEPOL Decision and its revision. The future role of CEPOL was also discussed in the context of several workshops to gather ideas on the European Training Scheme organised by the Commission in the second half of 2011 and the first part of 2012. The Commission organised on 7 February 2012 a consultative workshop with 20 participants, mainly from UK, FR, DE, ES, DK, BE, SK, PL, CEPOL, to assess problems identified in the study as well as recommendations and to consider the alternatives. On 3 May 2012 the Commission organised a consultative conference with 60 participants from all Member States.

### **2.3 Internal consultations**

DG HOME carried out an internal consultation by setting up a specific Inter-Service Group (ISSG), with the participation of representatives of the SG, SJ, DG HR, BUDG, JUST, IAS, OLAF and EEAS. ISSG meetings were held on 15 March, 21 May, and 5 June 2012.

### **2.4 Impact Assessment**

In line with its “Better Regulation” policy, 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 and (ii) establishing a framework to achieve this in line with the Common Approach on EU decentralised agencies. When presenting a Law Enforcement Training Scheme, the implementation of which will require additional resources, the Commission examined different options including strengthening and

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<sup>11</sup> Study on Five Years evaluation of CEPOL activity 21.1.2011 Consortium Blomeyer & Sanz, Centre for Strategy and Evaluation Studies LLP and Evalutility Ltd.

<sup>12</sup> [www.cepol.europa.eu](http://www.cepol.europa.eu)

<sup>13</sup> Study on the amendment of the Council Decision 20905/681/JHA setting up CEPOL activity. Final Report 21.4.2012 - GHK Consultants.

streamlining CEPOL as a separate agency and merging, partially or fully, the functions of CEPOL and Europol into a new Europol agency.

According to the Commission's established methodology, each policy option was assessed, with the help of an inter-service steering group, against its impact on security, on the costs (including on the budget of the EU institutions) and against its impact on fundamental rights.

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, the European Parliament and the Council did not agree to the proposed merger, nor to the alternative option of co-locating the two agencies in The Hague, the Netherlands,<sup>14</sup> and decided to move CEPOL, as an independent Agency, to Budapest.

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.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

Article 87(2)(b) of the Treaty on the Functioning of the European Union is the legal basis for this proposal.

#### **Objective and content of the legislative proposal**

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 LETS published in March 2013. 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.

#### **Implementation of a European approach to training**

The Commission Communication on LETS aims to make the EU's response to common security challenges more effective, to raise the standard of policing across the EU and to stimulate the development of a common law enforcement culture as a means of enhancing mutual trust and cooperation. It seeks to identify and address gaps in existing law enforcement training on cross-border matters by supporting and, where appropriate, by coordinating the delivery of training by European and national centres of excellence<sup>15</sup>. To implement the training effort envisaged in the Communication, this proposal for a Regulation aims at giving CEPOL the appropriate legal mandate and the necessary resources.

The scope of CEPOL's mandate is broadened so that it can support, develop, deliver and coordinate learning activities for law enforcement officials of all ranks (not only police

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<sup>14</sup> Under the co-location scenario, CEPOL would have kept its legal autonomy, governance, budget, mission and mandate, but it would share certain administrative services with Europol.

<sup>15</sup> The Commission Communication on LETS draws on a mapping of training needs and delivery conducted by CEPOL, consultations with Member States' experts and JHA agencies in four expert meetings and three conferences in which members of the European Parliament took part, held in 2011 and 2012.

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; and provide appropriate and preliminary training sessions for the participation in civilian missions in third Countries.

CEPOL's tasks are defined in this Regulation on the basis of a strategic training needs assessment to address EU priorities in the area of internal security and its external aspects, in line with the relevant policy cycles and by introducing an accredited certification system.

### **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. 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).

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, implementing the annual and multiannual work programmes of CEPOL and other planning documents.

## **4. BUDGETARY IMPLICATION**

The adoption of this Regulation will have no additional financial implication as described in the annexed legislative financial statement. Figures included in the financial statement

combine the foreseen total amount for CEPOL as it is planned for the 2016-2020 financial period (Communication COM(2013)519) including the financial needs of € 3.710 million which are necessary to implement the mandate related to the Law Enforcement Training Scheme.

An additional 4 FTE will be needed to implement the new tasks related to training of law enforcement officials, i.e. the activities required to implement the European Law Enforcement Training Scheme. The specific task of the additional staff will be to coordinate the 4 Strands of the Scheme and to ensure that training activities are built on the regular training needs analysis and satisfy the high quality of delivery. In addition, 1 FTE will be recruited for the post of Legal Advisor in accordance with the advice from the European Ombudsman. Taking into account the additional posts already foreseen in the Communication COM(2013)519, only 1 additional FTE is to be recruited in 2016 and 1 additional FTE is to be recruited in 2017, and the additional post foreseen in 2018 in the Communication COM(2013)519 should be frontloaded in 2017. In order to comply with the 5% reduction, these modifications to the Communication will require exact compensation and are therefore subject to the availability of resources in the pool of Agencies through the annual budget procedures, resulting in an estimated €1.305 million in staffing costs over the period 2016-2020.

An estimated €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 CEPOL's staff will constitute an additional cost of €1.868 million over the same period.

An estimated €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 CEPOL's 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 € 45.383 million for CEPOL, as an independent Agency established in Budapest, over the period 2016-2020.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing a European Union agency for law enforcement training (Cepol), repealing and replacing the Council Decision 2005/681/JHA**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 87(2)(b) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The European Police College was set up by Council Decision 2005/681/JHA<sup>16</sup> as an entity of the Union to train senior police officers of the Member States and facilitate cooperation between national police forces by organising and coordinating training activities with a European policing dimension.
- (2) The 'Stockholm Programme - An open and secure Europe serving and protecting citizens' sets the aim of creating a genuine European law enforcement culture by setting up European training schemes and exchange programmes for all relevant law enforcement professionals at national and Union level.
- (3) The European Law Enforcement Training Scheme (LETS)<sup>17</sup> responds to the European Council's call, in the Stockholm Programme, to step up training on Union related issues and to make it systematically accessible for all relevant law enforcement professionals, and to request from the European Parliament for a stronger Union framework for judicial and police training.
- (4) The development of Union level training for law enforcement personnel to support practical cooperation and full implementation of the LETS represents a key priority for the future years in that context.
- (5) Simplification and improvement of CEPOL's functioning, in light of the LETS, widens the possibilities for CEPOL to support, develop, deliver and coordinate training activities for the competent law enforcement authorities of the Member States, without prejudice to the national initiatives taken by the Member States in the field of training for law enforcement personnel.
- (6) To ensure that Union level training for law enforcement personnel is of high quality, coherent and consistent, CEPOL should strive to structure it in line with the principles of the Law Enforcement Training Scheme. Union-level training should be available to law enforcement officers of all ranks. CEPOL should ensure that training is evaluated and that conclusions from

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<sup>16</sup> Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA (OJ L 256, 1.10.2005, p. 63).

<sup>17</sup> COM(2013) 172 final.



training needs assessments are part of planning to enhance effectiveness of future actions. CEPOL should promote the recognition in Member States of training provided at Union level.

- (7) To avoid duplication in the training activities for the competent law enforcement personnel, which are carried out by existing European Union Agencies and other relevant bodies, CEPOL should assess strategic training needs and address Union priorities in the area of internal security and its external aspects, in line with the relevant policy cycles.
- (8) To achieve its objectives, CEPOL, as a centre of Union learning activities, should maintain and encourage cooperation with the network of the training institutes of the Member States. It should further be supported by a "National Unit" in each Member State. The activities of the National Units should be coordinated at the Union level by CEPOL.
- (9) The Commission and the Member States should be represented within the Management Board of CEPOL in order to supervise effectively the exercise of its functions. The Board should consist of members appointed on the basis of their experience in the management of public or private sector organisations and of their knowledge in the national policy on training for law enforcement officers. The Board should be entrusted with the necessary powers to establish the budget, verify its execution, adopt appropriate financial rules and CEPOL's strategy, establish transparent working procedures for decision making by CEPOL, appoint the Director, establish performance indicators and exercise appointing authority powers, in accordance with the Staff Regulations and the Conditions of Employment of Other Servants.
- (10) To ensure the efficient day-to-day functioning of CEPOL, the Executive Director should be its legal representative and manager, acting in complete independence in the performance of his/her duties and ensuring that CEPOL carries out the tasks provided for by this Regulation. In particular, the Executive Director should be responsible for preparing budgetary and planning documents submitted for the decision of the Management Board, implementing the annual and multiannual programming and annual work programmes of CEPOL.
- (11) To ensure the scientific quality of CEPOL's work, a Scientific Committee, composed of independent persons of the highest academic or professional standing in the subjects covered by this Regulation, should be set up as an independent advisory body.
- (12) CEPOL should ensure that its training integrates relevant developments in research and encourage the creation of stronger partnerships between universities and law enforcement training institutes in the Member States.
- (13) In order to guarantee the full autonomy and the independence of CEPOL, it should be granted an autonomous budget with revenue stemming essentially from a contribution from the budget of the Union. The Union budgetary procedure should be applicable as far as the Union contribution and any other subsidies chargeable to the general budget of the European Union are concerned. The auditing of accounts should be undertaken by the Court of Auditors.
- (14) For the purpose of performing its tasks, CEPOL should also be able to award grants to the training and research institutes of the Member States for implementing CEPOL's courses, seminars and conferences. Grants awarded to Member States should further contribute to fostering the cooperation of the training institutes of the Member States within the network and promoting the mutual recognition of law enforcement.
- (15) For the purpose of fulfilling its mission and to the extent required for the performance of its tasks, CEPOL should be able to cooperate with other European Union Agencies and relevant bodies, the competent authorities of third countries and the international organisations competent in matters covered by this Regulation in the framework of working arrangements

concluded in accordance with this Regulation or in the framework of working arrangements concluded with national training institutes of third countries on the basis of Article 8 of the Council Decision 2005/681/JHA,

- (16) Regulation (EC) No. 1049/2001 of the European Parliament and of the Council<sup>18</sup> should apply to CEPOL,
- (17) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data and the right to privacy as protected by Articles 8 and 7 of the Charter, as well as by Article 16 of the Treaty.
- (18) In accordance with Article 3 of the Protocol (No 21) on the position of United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, those Member States have notified their wish to participate in the adoption and application of this Regulation] OR [Without prejudice to Article 4 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, those Member States will not participate in the adoption of this Regulation and will not be bound by or be subject to its application.
- (19) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION:

## CHAPTER I

### OBJECTIVE AND TASKS OF THE AGENCY

#### *Article 1*

#### **Establishment of the European Union Agency for Law Enforcement Training**

1. A European Union Agency for Law Enforcement Training (CEPOL) is hereby established in order to foster a coherent European law enforcement training policy.
2. CEPOL, as established by this Regulation, shall replace and succeed CEPOL as established by Decision 2005/681/JHA.

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<sup>18</sup> 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 (OJ L 145, 31.5.2001, p. 43).

## *Article 2*

### **Definitions**

For the purposes of this Regulation:

- (a) 'Law enforcement officers' means officers of police, customs and of other relevant services, including Union bodies, responsible for preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime that affect a common interest covered by a Union policy and for crisis management and international policing of major events.
- (b) 'Union bodies' means institutions, entities bodies, missions, offices and agencies set up by, or on the basis of, the Treaty on European Union and the Treaty on the Functioning of the European Union;
- (c) 'International organisations' means international organisations and their subordinate bodies governed by public international law or other bodies which are set up by, or on the basis of, an agreement between two or more countries as well as Interpol;

## *Article 3*

### **Objectives**

1. CEPOL shall support, develop and coordinate training for law enforcement officers, in line with the Law Enforcement Training Scheme, in particular in the areas of the fight against serious crime affecting two or more Member States and terrorism, management of high-risk public order and sports events, planning and command of Union missions, as well as law enforcement leadership and language skills, in order to:
  - (a) raise awareness and knowledge of:
    - (i) international and Union instruments on law enforcement cooperation;
    - (ii) Union bodies, in particular Europol, Eurojust and Frontex, their functioning and role;
    - (iii) judicial aspects of law enforcement cooperation and practical knowledge about access to information channels;
  - (b) encourage the development of regional and bilateral cooperation among Member States and between Member States, Union bodies and third countries;
  - (c) address specific criminal or policing thematic areas where training at Union level can add value;
  - (d) devise specific common curricula for law enforcement officers to train them for participation in Union missions;
  - (e) support Member States and Union bodies in law enforcement capacity-building activities in third countries;
  - (f) train trainers and assist in improving and exchanging good learning practices.

2. CEPOL shall develop and regularly update learning tools and methodologies and apply these in a lifelong learning perspective to strengthen the skills of law enforcement officers. CEPOL shall evaluate the results of these actions with a view to enhancing the quality, coherence and effectiveness of future actions.
3. CEPOL shall bring together the network of training institutes of the Member States for law enforcement officers and shall liaise with a single National unit in each Member State functioning within the network, and all other competent authorities in the Member States whose tasks include the training of law enforcement officers
4. The learning activities referred to in paragraph 1 shall be implemented by CEPOL in cooperation with the network of training Institutes of the Member States in accordance with the financial rules applicable to CEPOL.

#### *Article 4*

##### **Tasks**

1. CEPOL shall prepare multi-annual strategic training needs analyses and multi-annual learning programmes.
2. CEPOL shall develop and implement training activities and learning products, which may include:
  - (a) courses, seminars, conferences, web-based and e-learning activities;
  - (b) common curricula to raise awareness, address gaps and/or facilitate a common approach in relation to cross-border criminal phenomena;
  - (c) training modules graduated according to progressive stages or levels of complexity of skills needed by the relevant target group, and focused either on a defined geographical region, a specific thematic area of criminal activity or on a specific set of professional skills;
  - (d) exchange and secondment programmes of law enforcement officers in the context of an operational based training approach.
3. To ensure a coherent European training policy to support missions and capacity-building in third countries CEPOL shall:
  - (a) assess the impact of existing Union-related law enforcement training policies and initiatives;
  - (b) develop and provide training to prepare Member States' law enforcement officers for participation in Union missions, including to enable them to acquire relevant language skills, in coordination with the European Security and Defence College;;

- (c) develop and provide training for law enforcement officers from third countries, in particular from the countries that are candidates for accession to the Union and the countries under the European Neighbourhood Policy;
  - (d) manage dedicated Union External Assistance funds to assist third countries in building their capacity in relevant policy areas, in line with the established priorities of the Union.
- 4. CEPOL shall promote the mutual recognition of law enforcement training in Member States and related existing European quality standards.
- 5. CEPOL may engage in communication activities on its own initiative in the fields within its mandate. Communication activities shall not be detrimental to the tasks referred to in paragraph 1 and shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board.

#### *Article 5*

#### **Research relevant for training**

- 1. CEPOL shall contribute to the development of research relevant for training activities covered by this Regulation particularly with regard to the fight against serious crime and more general cross border criminal matters in training activities.
- 2. CEPOL shall promote and establish a partnership with Union bodies as well as with public and private academic institutions and shall encourage the creation of stronger partnerships between universities and law enforcement training institutes in Member States.

## **CHAPTER II**

### **COOPERATION BETWEEN MEMBER STATES AND CEPOL**

#### *Article 6*

#### **CEPOL National Units**

- 1. Each Member State shall establish or designate a national unit responsible for carrying out the tasks set out in this Article. An official shall be appointed in each Member State as the Head of the national unit. The Head of the national unit shall be the National contact point of CEPOL. Where possible, the Head of the national unit shall be the Member State's representative at the Management Board.
- 2. The national units shall:
  - a) on their own initiative supply CEPOL with the information necessary for it to carry out its tasks;

- b) contribute to CEPOL's effective communication and cooperation with all relevant training institutes, including relevant research institutes within the Member States;
  - c) contribute to and promote CEPOL's work programmes, annual calendars and web-site;
  - d) respond to requests for information and advice from CEPOL;
3. The Heads of the national units shall meet on a regular basis, at the request of the Management Board or the Executive Director, to assist CEPOL with operational matters, and in particular to:
- a) consider and develop proposals that improve CEPOL's operational effectiveness and encourage commitment from Member States;
  - b) organise and coordinate appropriate nominations of participants for activities at the national level in a timely manner;
  - c) coordinate the implementation of activities and meetings within their Member State;
  - d) provide support in the establishment of exchange programme for law enforcement officers
4. Each Member State shall structure the organisation and the staff of the national unit according to its national legislation.

### **CHAPTER III**

#### **ORGANISATION OF CEPOL**

##### *Article 7*

##### **Administrative and management structure**

The administrative and management structure of CEPOL shall comprise:

- (a) a Management Board, which shall exercise the functions set out in Article 9;
- (b) an Executive Director who shall exercise the responsibilities set out in Article 15;
- (c) a Scientific Committee for Training in accordance with Article 16;
- (d) if appropriate, any other advisory body established by the Management Board in accordance with Article 9(1).

**SECTION 1**  
**MANAGEMENT BOARD**

*Article 8*

**Composition**

1. The Management Board shall be composed of one representative from each Member State and two representatives of the Commission, all with voting rights.
2. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his/her absence.
3. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of training for law enforcement officers, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the Management Board's work. All parties shall aim to achieve a balanced representation between men and women on the Management Board.
4. The term of office for members and alternate members shall be four years. That term shall be extendable.

*Article 9*

**Functions**

1. The Management Board shall:
  - (a) adopt each year by a majority of two-thirds of members entitled to vote and in accordance with Article 10, a programming document containing CEPOL's multiannual programming and the annual work programme for the following year;
  - (b) adopt, by a majority of two-thirds of members entitled to vote, the annual budget of CEPOL and exercise other functions in respect of CEPOL's budget pursuant to Chapter IV;
  - (c) adopt a consolidated annual activity report on CEPOL's activities and send it, by 1 July each year to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;
  - (d) adopt the financial rules applicable to CEPOL in accordance with Article 21;
  - (e) adopt an internal anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented;
  - (f) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as members of the Scientific Committee for Training;

- (g) adopt and regularly update the communication and dissemination plans referred to in Article 4, based on an analysis of needs;
  - (h) adopt its rules of procedure;
  - (i) in accordance with paragraph 2, exercise, with respect to the staff of CEPOL, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment<sup>19</sup> ("the appointing authority powers");
  - (i') for the programming of 2016 adopt the multiannual staff policy plan, after taking into account the opinion of the Commission<sup>20</sup>
  - (j) adopt appropriate implementing rules giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;
  - (k) establish, where relevant, an internal audit capability;
  - (l) appoint the Executive Director and where relevant extend his/her term of office or remove him/her from office in accordance with Article 23;
  - (m) appoint an Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of his/her duties;
  - (n) appoint the members of the Scientific Committee for Training
  - (o) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF);
  - (p) take all decisions, taking into consideration both business and financial requirements, upon on the establishment of CEPOL's internal structures and, where necessary, their modification.
  - (q) adopt, where appropriate, other internal rules.
2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.

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<sup>19</sup> Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1)

<sup>20</sup> As foreseen in the revised FFR (Commission Delegated Regulation (EU) No 1271/2013) information contained in current MSPP is part of new programming document referred to in Article 9(1)(a). New programming rules apply as of 1 January 2016; 2017 is the first year covered by new programming document. Thus the obligation for separate adoption of the MSPP exists only up to programming for 2016.



3. Where exceptional circumstances so require, the Management Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.

#### *Article 10*

#### **Annual and multi-annual programming**

1. The Management Board shall adopt the multiannual programme and the annual work programme at the latest by 30 November each year, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and in relation to the multiannual programming after consulting the European Parliament and national Parliaments. The Management Board shall forward the programming document to the European Parliament, the Council, the Commission and national Parliaments.

The programming document shall become definitive after final adoption of the general budget and, if necessary, shall be adjusted accordingly.

2. The multi-annual programme shall set out overall strategic programming including objectives, expected results and performance indicators. It shall also set out resource planning including multi-annual budget and staff. It shall include the strategy for relations with third countries or international organisations.

The multi-annual programming shall be implemented through annual work programmes and shall, where appropriate, be updated following the outcome of external and internal evaluations referred to in Article 33. The conclusion of these evaluations shall also be reflected, where appropriate, in the annual work programme for the following year.

3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraphs 1 and 2. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. Annual and/or multi-annual programming shall include the strategy for relations with third countries or international organisations referred to in Article 3 and the actions linked to that strategy.
4. The Management Board shall amend the adopted annual work programme when a new task is given to CEPOL.

Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

## *Article 11*

### **Chairperson**

1. The Management Board shall elect a Chairperson and a Deputy Chairperson from among members with voting rights. The Chairperson and the Deputy Chairperson shall be elected by a majority of two thirds of the members of the Management Boards with voting rights.

The Deputy Chairperson shall automatically replace the Chairperson if he/she is prevented from attending to his/her duties.

2. The term of office of the Chairperson and the deputy Chairperson shall be 4 years. Their term of office may be renewed once. If, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date.

## *Article 12*

### **Meetings**

1. The Chairperson shall convene meetings of the Management Board.
2. The Executive Director of CEPOL shall take part in the deliberations, but shall not have the right to vote.
3. The Management Board shall hold two ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of at least one-third of its members.
4. The Management Board may invite any person whose opinion may be relevant for the discussion to attend its meetings as an observer.
5. The members of the Management Board may, subject to its Rules of Procedure, be assisted at the meetings by advisers or experts.
6. CEPOL shall provide the secretariat for the Management Board.

## *Article 13*

### **Voting rules**

1. Without prejudice to Articles 9 (1) (a) and (b) and Article 23 (8), the Management Board shall take decisions by majority of members with voting rights.
2. Each member with voting rights shall have one vote. In the absence of a member with the right to vote, his/her alternate shall be entitled to exercise his/her right to vote.
3. The Chairperson shall take part in the voting.
4. The Executive Director shall not take part in the voting.

5. The Management Board's rules of procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.

## **SECTION 2**

### **EXECUTIVE DIRECTOR**

#### *Article 14*

#### **Responsibilities of the Executive Director**

1. The Executive Director shall manage CEPOL. The Executive Director shall be accountable to the Management Board.
2. Without prejudice to the powers of the Commission and the Management Board, the Executive Director shall be independent in the performance of the duties and shall neither seek nor take instructions from any government nor from any other body.
3. The Executive Director shall report to the European Parliament on the performance of the duties when invited to do so. The Council may invite the Executive Director to report on the performance of his/her duties.
4. The Executive Director shall be the legal representative of CEPOL.
5. The Executive Director shall be responsible for the implementation of the tasks assigned to CEPOL by this Regulation. In particular, the Executive Director shall be responsible for:
  - (a) the day-to-day administration of CEPOL;
  - (b) making proposals to the Management Board as regards the establishment of CEPOL's internal structures;
  - (c) implementing decisions adopted by the Management Board;
  - (d) preparing the draft annual work programme and multi-annual programming and submitting them to the Management Board after consulting the Commission;
  - (e) implementing the annual work programme and the multi-annual programming and reporting to the Management Board on their implementation;
  - (f) preparing appropriate draft implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations
  - (g) preparing the draft consolidated annual report on CEPOL's activities and presenting it to the Management Board for approval;
  - (h) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by OLAF and reporting on progress twice a year to the Commission and regularly to the Management Board;

- (i) protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative and financial penalties;
- (j) preparing a draft internal anti-fraud strategy for CEPOL and presenting it to the Management Board for approval;
- (k) preparing draft financial rules applicable to CEPOL;
- (l) preparing CEPOL's draft statement of estimates of revenue and expenditure and implementing its budget.
- (m) supporting the *Chairperson* of the Management Board in preparing Management Board meetings;
- (n) performing other tasks stemming from this Regulation

### **SECTION 3**

#### **SCIENTIFIC COMMITTEE FOR TRAINING**

##### *Article 15*

##### **Objective and task**

1. The Scientific Committee for Training shall be an independent advisory body guaranteeing and guiding the scientific quality of CEPOL's work on training. For that purpose, the Executive Director shall involve the Scientific Committee for Training early on in the preparation of all documents referred to in Article 9 as far as they concern training.
2. The Scientific Committee for Training shall be composed of 11 persons of the highest academic or professional standing in the subjects covered by Article 4 of this Regulation. The Management Board shall appoint the members following a transparent call for applications and selection procedure to be published in the Official Journal of the European Union. The members of the Management Board shall not be members of the Scientific Committee for Training. The members of the Scientific Committee for Training shall be independent. They shall neither seek nor take instructions from any government, nor from any other body.
3. The list of members of the Scientific Committee for Training shall be made public and shall be updated by CEPOL on its website.
4. The term of office of the members of the Scientific Committee for Training shall be five years. It shall not be renewable and its members can be removed from office if they do not meet the criteria of independence.
5. The Scientific Committee for Training shall elect its Chairperson and Deputy Chairperson for a term of office of five years. It shall adopt positions by simple majority. It shall be convened by

its Chairperson up to four times per year. If necessary, the Chairperson shall convene extraordinary meetings on his/her own initiative or at the request of at least four members of the Committee.

6. The Executive Director or his/her representative shall be invited to the meetings as a non-voting observer.
7. The Scientific Committee for Training shall be assisted by a secretary who shall be a CEPOL staff member designated by the Committee and appointed by the Executive Director.
8. The Scientific Committee for Training shall, in particular:
  - (a) advise the Executive Director in drafting the annual work programme and other strategic documents, to ensure their scientific quality and their coherence with relevant Union sector policies and priorities;
  - (b) provide independent opinion and advice to the Management Board on matters pertaining to its remit;
  - (c) provide independent opinion and advice on the quality of curricula, applied learning methods, learning options and scientific developments;
  - (d) perform any other advisory task pertaining to the scientific aspects of CEPOL's work relating to training at the request of the Management Board or the Executive Director.
9. The annual budget of the Scientific Committee for Training shall be allocated to an individual budget line of CEPOL.

## **CHAPTER IV**

### **FINANCIAL PROVISIONS**

#### *Article 16*

#### **Budget**

1. Estimates of all revenue and expenditure for CEPOL shall be prepared each financial year, corresponding to the calendar year, and shall be shown in CEPOL's budget.
2. CEPOL's budget shall be balanced in terms of revenue and of expenditure.
3. Without prejudice to other resources, CEPOL's revenue shall comprise a contribution from the Union entered in the general budget of the European Union.

4. CEPOL may benefit from Union funding in the form of delegation agreements or ad-hoc and exceptional grants in accordance with its financial rules referred to in Article 21 and the provisions of the relevant instruments supporting the policies of the Union.
5. The expenditure of CEPOL shall include staff remuneration, administrative and infrastructure expenses and operating costs.
6. Budgetary commitments for actions relating to large scale projects extending over more than one financial year may be broken down over several years into annual instalments.

#### *Article 17*

#### **Establishment of the budget**

1. Each year, the Executive Director shall draw up a draft statement of estimates of CEPOL's revenue and expenditure for the following financial year, including the establishment plan, and send it to the Management Board.
2. The Management Board shall, on the basis of that draft, adopt a provisional draft estimate of CEPOL's revenue and expenditure for the following financial year.
3. The provisional draft estimate of CEPOL's revenue and expenditure shall be sent to the Commission by 31 January each year. The Management Board shall send the final draft estimate to the Commission by 31 March.
4. The Commission shall send the statement of estimates to the budgetary authority together with the draft general budget of the European Union.
5. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the European Union the estimates it considers 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 Articles 313 and 314 of the Treaty.
6. The budgetary authority shall authorise the appropriations for the contribution from the European Union to CEPOL.
7. The budgetary authority shall adopt CEPOL's establishment plan.
8. CEPOL's budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted accordingly.
9. For any building project likely to have significant implications for CEPOL's budget, the provisions of Commission Delegated Regulation (EU) No 1271/2013<sup>21</sup> shall apply.

#### *Article 18*

#### **Implementation of the budget**

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<sup>21</sup> OJ L 328.7.12.2013, p.42

1. The Executive Director shall implement CEPOL's budget.
2. Each year the Executive Director shall send to the budgetary authority all information relevant to the findings of any evaluation procedures.

#### *Article 19*

##### **Presentation of accounts and discharge**

1. By 1 March of the following financial year, CEPOL's accounting officer shall send the provisional accounts to the Commission's Accounting Officer and to the Court of Auditors
2. By 31 March of the following financial year, CEPOL shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors.
3. By 31 March of the following financial year, the Commission's accounting officer shall send CEPOL's provisional accounts, consolidated with the Commission's accounts, to the Court of Auditors.
4. On receipt of the Court of Auditors' observations on CEPOL's provisional accounts pursuant to Article 148 of Financial Regulation, the accounting officer shall draw up CEPOL's final accounts. The Executive Director shall submit them to the Management Board for an opinion.
5. The Management Board shall deliver an opinion on CEPOL's final accounts.
6. CEPOL's accounting officer shall, by 1 July following each financial year, send the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.
7. The final accounts shall be published in the Official Journal of the European Union by 15 November of the following year.
8. The Executive Director shall send the Court of Auditors a reply to its observations by 30 September. The Executive Director shall also send this reply to the Management Board.
9. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, in accordance with Article 165(3) of the Financial Regulation.
10. On a recommendation from the Council acting by a qualified majority, the European Parliament shall, before 15 May of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.

#### *Article 20*

##### **Financial rules**

1. The financial rules applicable to CEPOL shall be adopted by the Management Board after consulting the Commission. They shall not depart from Delegated Regulation (EU) 1271/2013

unless such a departure is specifically required for CEPOL's operation and the Commission has given its prior consent.

2. CEPOL may award grants without a call for proposals to the Member States for providing training in relation to the tasks referred to in Article 4, Paragraphs 2 and 3.

## CHAPTER V

### STAFF

#### *Article 21*

##### **General**

1. The Staff Regulations and the Conditions of Employment of Other Servants<sup>22</sup> and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and the Conditions of Employment of Other Servants shall apply to the staff of CEPOL.

#### *Article 22*

##### **Executive Director**

1. The Executive Director shall be engaged as a temporary agent of CEPOL under Article 2(a) of the Conditions of Employment of Other servants.
2. The Executive Director shall be appointed by the Management Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.

For the purpose of concluding the contract with the Executive Director, CEPOL shall be represented by the Chairperson of the Management Board.

3. The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and CEPOL's future tasks and challenges.
4. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once, for no more than five years.
5. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.
6. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.

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<sup>22</sup> OJ L 287, 29/10/2013, p. 15–62



7. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members with voting rights.

*Article 23*

**Seconded national experts**

1. CEPOL may make use of seconded national experts.
2. The Management Board shall adopt a decision laying down rules on the secondment of national experts to CEPOL.

**CHAPTER VI**

**MISCELLANEOUS PROVISIONS**

*Article 24*

**Legal status**

1. CEPOL shall be a body of the Union. It shall have legal personality.
2. In each of the Member States CEPOL shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire and dispose of movable and immovable property and be party to legal proceedings.
3. The seat of CEPOL shall be in Budapest, Hungary.

*Article 25*

**Privileges and immunities**

The Protocol on the Privileges and Immunities of the European Union shall apply to CEPOL and its staff.

*Article 26*

**Language arrangements**

1. The provisions laid down in Regulation No 1<sup>23</sup> shall apply to CEPOL.
2. The Management Board shall decide by a majority of two-thirds of its members on the internal language arrangements of CEPOL.
3. The translation services required for the functioning of CEPOL shall be provided by the Translation Centre of the bodies of the European Union.

#### *Article 27*

#### **Transparency**

1. Regulation (EC) No 1049/2001 shall apply to documents held by CEPOL.
2. The Management Board shall, within six months of the date of its first meeting, adopt the detailed rules for applying Regulation (EC) No 1049/2001.
3. Decisions taken by CEPOL under Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice of the European Union, under the conditions laid down in Articles 228 and 263 of the Treaty respectively.
4. The processing of personal data by CEPOL shall be subject to Regulation (EC) No 45/2001<sup>24</sup>.

#### *Article 28*

#### **Combating fraud**

1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation No 883/2013<sup>25</sup>, within six months from the day CEPOL becomes operational, it shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-fraud Office (OLAF)<sup>26</sup> and adopt appropriate provisions applicable to all employees of CEPOL using the template set out in the Annex to that Agreement.
2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from CEPOL.

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<sup>23</sup> Council Regulation (EC) No 920/2005 of 13 June 2005 amending Regulation No 1 of 15 April 1958  
<sup>24</sup> REGULATION (EC) No 45/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the  
Community institutions and bodies and on the free movement of such data  
<sup>25</sup> REGULATION (EU, EURATOM) No 883/2013 OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF)  
and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council  
Regulation (Euratom) No 1074/1999  
<sup>26</sup> Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European  
Union and the Commission of the European Communities concerning internal investigations by the European Anti-  
fraud Office (OLAF) ; Official Journal L 136 , 31/05/1999 P. 0015 - 0019

3. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by CEPOL, in accordance with the provisions and procedures laid down in Regulation No 883/2013 and Regulation (Euratom, EC) No 2185/96<sup>27</sup>.
4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and international organisations, contracts, grant agreements and grant decisions of CEPOL shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.

#### *Article 29*

#### **Security rules on the protection of classified and sensitive non-classified information**

CEPOL shall apply the security principles contained in the Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified information, as set out in the annex to Decision 2001/844/EC, ECSC, Euratom<sup>28</sup>. Applying the security principles shall cover, inter alia, provisions for the exchange, processing and storage of such information.

#### *Article 30*

#### **Liability**

1. CEPOL's contractual liability shall be governed by the law applicable to the contract in question.
2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by CEPOL.
3. In the case of non-contractual liability, CEPOL shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.
4. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damage referred to in paragraph 3.
5. The personal liability of CEPOL's staff towards CEPOL shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.

#### *Article 31*

#### **Evaluation and review**

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<sup>27</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities Official Journal L 292 , 15/11/1996 P. 0002 - 0005

<sup>28</sup> COMMISSION DECISION of 2 August 2006 amending Decision 2001/844/EC, ECSC, Euratom (2006/548/EC, Euratom)

1. No later than 5 years after the date referred to in Article 43 and every 5 years thereafter, the Commission shall commission an evaluation to assess particularly the impact, effectiveness and efficiency of CEPOL and its working practices. The evaluation shall, in particular, address the possible need to modify the mandate of CEPOL, and the financial implications of any such modification.
2. The Commission shall forward the evaluation report together with its conclusions on the report, to the European Parliament, the Council and the Management Board. The findings of the evaluation shall be made public.
3. On the occasion of every second evaluation, there shall also be an assessment of the results achieved by CEPOL having regard to its objectives, mandate and tasks. If the Commission considers that the continuation of CEPOL is no longer justified with regard to its assigned objectives, mandate and tasks, it may propose that this Regulation be amended accordingly or repealed.

### *Article 32*

#### **Administrative inquiries**

The activities of CEPOL shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.

### *Article 33*

#### ***Cooperation with Union bodies, third countries and international organisations***

1. CEPOL shall be open to the participation of third countries that have entered into agreements with the Union to that effect.
2. In so far as necessary for the performance of its tasks, CEPOL may establish and maintain cooperative relations with the Union bodies in accordance with the objectives of those bodies, authorities of third countries, training institutes of third countries, international organisations and private parties.
3. In accordance with paragraph 1 and 2, arrangements shall be developed specifying, in particular, the nature, extent and manner in which the third countries concerned may participate in the work of CEPOL, including provisions relating to participation in the initiatives undertaken by CEPOL, financial contributions and staff. As regards staff matters, those arrangements shall, in any event, comply with the Staff Regulations.
4. CEPOL shall cooperate with the Union bodies competent in matters covered by this Regulation and referred to in paragraph 2, within the framework of working arrangements concluded with those bodies, in accordance with this Regulation or with the relevant provisions of Decision 2005/681/JHA. Such working arrangements may be concluded only with the authorisation of the Management Board and shall have received the Commission's prior approval.

*Article 34*

**Headquarters Agreement and operating conditions**

1. The necessary arrangements concerning the accommodation to be provided for CEPOL in Hungary and the facilities to be made available by that Member State together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, CEPOL staff and members of their families shall be laid down in a Headquarters Agreement between CEPOL and Hungary, concluded after obtaining the approval of the Management Board and no later than 2 years after the entry into force of this Regulation.
2. CEPOL's host Member State shall provide the best possible conditions to ensure the functioning of CEPOL, including multilingual, European-oriented schooling and appropriate transport connections.

**CHAPTER VII**

**TRANSITIONAL PROVISIONS**

*Article 35*

**General legal succession**

1. CEPOL, as established by this Regulation, shall be the general legal successor in respect of all contracts concluded by, liabilities incumbent on, and properties acquired by CEPOL, as established by Decision 2005/681/JHA
2. This Regulation shall not affect the legal force of agreements concluded by CEPOL as established by Decision 2005/681/JHA before the date of entry into force of this Regulation.
3. The Headquarters Agreement concluded on the basis of Decision 2005/681/JHA shall be terminated from the date of entry into application of this Regulation.

*Article 36*

**Transitional arrangements concerning the Management Board**

1. The term of office of the members of the Governing Board of CEPOL as established on the basis of Article 10 of Decision 2005/681/JHA shall terminate on ... [date of entry into force of this Regulation].
2. The Management Board established on the basis of Article 10 of Decision 2005/681/JHA shall within the period between ... date of entry into force *of this Regulation*] and ... [date of application *of this Regulation*]:
  - (a) exercise the functions of the Management Board as referred to in Article 9 of this Regulation;

- (b) prepare the adoption of the rules *for applying Regulation (EC) No 1049/2001 with regard to CEPOL documents referred to in Article 29 of this Regulation and on the obligations of confidentiality and discretion, and the protection of sensitive and Union classified information referred to in Article 31 of this Regulation;*
- (c) prepare any instrument necessary for the application of this Regulation, and
- (d) *review the internal rules and measures adopted by the Management Board on the basis of Decision 2005/681/JHA so as to allow the Management Board established pursuant to Article 8 of this Regulation to take a decision pursuant to Article 42(2) thereof.*

#### *Article 37*

#### **Transitional arrangements concerning the Executive Director and staff**

1. The Director of CEPOL appointed on the basis of Article 11(1) of Decision 2005/681/JHA shall, for the remaining periods of his/her term of office be assigned to the responsibilities of the Executive Director as provided for in Article 15 of this Regulation. The other conditions of his/her contract shall remain unchanged. If the term of office ends after ... [the date of entry into force of this Regulation] but before ... [the date of application of this Regulation], it shall be extended automatically until one year after ... [the date of application of this Regulation].
2. Should the Executive Director be unwilling or unable to act in accordance with paragraph 1, the Management Board shall designate an interim Executive Director to exercise the duties assigned to the Executive Director for a period not exceeding 18 months, pending the appointments provided for in Article 23.
3. This Regulation shall not affect the rights and obligations of staff engaged under Decision 2005/681/JHA.
4. The employment contracts of staff referred to in the first subparagraph may be renewed under this Regulation in accordance with the Staff Regulations and the Conditions of Employment.

#### *Article 38*

#### **Transitional budgetary provisions**

The discharge procedure in respect of the budgets approved on the basis of Article 25 of Decision 2005/681/JHA shall be carried out in accordance with the rules established by the Decision 2005/681/JHA.

## CHAPTER VIII

### FINAL PROVISIONS

#### *Article 39*

##### **Repeal**

This Regulation replaces the Decision 2005/681/ as of the date of application of this Regulation.

#### *Article 40*

##### **Maintenance in force of the internal rules adopted by the Management Board**

Internal rules and measures adopted by the Management Board on the basis of Decision 2005/681/JHA shall remain in force after [date of application of this Regulation], unless otherwise decided by the Management Board in the application of this Regulation.

#### *Article 41*

##### **Entry into force**

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. It shall apply from [date of application].

However, Articles 36, 37 and 38 shall apply from ... [the date of entry into force of this Regulation].

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

**Legislative financial statement ‘Agencies’**

to the

**COMMISSION DECISION**

**on the Internal Rules on the implementation of the general budget of the European Union  
(European Commission section) for the attention of the Commission departments**

[to be used for any proposal or initiative submitted to the legislative authority concerning the bodies  
referred to in Article 208 of the Financial Regulation

(Article 31 of the Financial Regulation and Article 19 of the Rules of Application)]

**1. FRAMEWORK OF THE PROPOSAL/INITIATIVE**

**1.1. Title of the proposal/initiative**

**1.2. Policy area(s) concerned in the ABM/ABB structure**

**1.3. Nature of the proposal/initiative**

**1.4. Objective(s)**

**1.5. Grounds for the proposal/initiative**

**1.6. Duration and financial impact**

**1.7. Management mode(s) envisaged**

**2. MANAGEMENT MEASURES**

**2.1. Monitoring and reporting rules**

**2.2. Management and control system**

**2.3. Measures to prevent fraud and irregularities**

**3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE**

**3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected**

**3.2. Estimated impact on expenditure**

*3.2.1. Summary of estimated impact on expenditure*

*3.2.2. Estimated impact on [body]'s appropriations*

*3.2.3. Estimated impact on [body]'s human resources*

*3.2.4. Compatibility with the current multiannual financial framework*

*3.2.5. Third-party contributions*

**3.3. Estimated impact on revenue**



## 1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

### 1.1. Title of the proposal/initiative

Proposal for a EUROPEAN PARLIAMENT and COUNCIL REGULATION establishing a European Union Agency for Law Enforcement Training (CEPOL) repealing and replacing Council Decision 2005/681/JHA which sets up the European Police College (CEPOL)

### 1.2. Policy area(s) concerned in the ABM/ABB structure <sup>29</sup>

Policy area: HOME AFFAIRS (Title 18)

Activity: 18.02 Internal Security

### 1.3. Nature of the proposal/initiative

- The proposal/initiative relates to a **new action**
- The proposal/initiative relates to a **new action following a pilot project/preparatory action** <sup>30</sup>
- The proposal/initiative relates to **the extension of an existing action**
- The proposal/initiative relates to an **action redirected towards a new action**

### 1.4. Objective(s)

#### 1.4.1. *The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

Set up in 2000 by Council Decision, the European Police College (CEPOL) became an EU agency in 2005 (Council Decision 2005/681/JHA). CEPOL brings together senior police officers across Europe with the aim to encourage cross-border cooperation in the fight against crime and maintenance of public security and law and order.

The Stockholm Programme states that it is essential to step up training on Union-related issues in order to foster a genuine European judicial and law enforcement culture, and that the objective of systematic European Training Schemes should be pursued. The Commission accordingly proposed, prior to this proposal for new Regulation, a European Law Enforcement Training Scheme (LETS) which would build on the activities currently carried out by CEPOL – considering that under its current legal basis, CEPOL could only partially implement the LETS because its competence is restricted to senior officers.

#### 1.4.2. *Specific objective(s) and ABM/ABB activity(ies) concerned*

Specific objective No

Specific objective No.1: To coordinate relevant EU-level training and exchanges for law enforcement officers

Specific objective No.2: To coordinate the implementation of the Law Enforcement training Scheme (LETS)

ABM/ABB activity(ies) concerned

18.02 – Internal Security

<sup>29</sup> ABM: activity-based management – ABB: activity-based budgeting.  
<sup>30</sup> As referred to in Article 54(2)(a) or (b) of the Financial Regulation.

#### 1.4.3. *Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

Training of law enforcement officials, thereby raising the standard of policing across the EU, enhancing trust between law enforcement agencies, contributing to a common law enforcement culture and thereby making more effective the EU's response to common security challenges.

#### 1.4.4. *Indicators of results and impact*

*Specify the indicators for monitoring implementation of the proposal/initiative.*

- Number of needs analyses;
- Number of quality assurance products;
- Number of common curricula;
- Number of training (and e-training) modules;
- Number of course delivered;
- Number of exchanges organised;
- User satisfaction.

### **1.5. Grounds for the proposal/initiative**

#### 1.5.1. *Requirement(s) to be met in the short or long term*

The law enforcement training that will be brought about by the agency will raise the standard of policing across the EU, contribute to enhance trust between law enforcement agencies, contribute to a common law enforcement culture, and thereby make more effective the EU's response to common security challenges.

#### 1.5.2. *Added value of EU involvement*

The added value of EU involvement in law enforcement training is to ensure a coordinated approach developing and implementing such training. Much is already done in this field, whether nationally by Member States or at EU-level by CEPOL. However, as explained in the Commission Communication on the European Law Enforcement Training Scheme (LETS), more needs to be done e.g. to ensure that training responds to needs relating to crime topics prioritised at EU level and to ensure a coherent approach to deliver training at EU level according to the highest quality standards.

#### 1.5.3. *Lessons learned from similar experiences in the past*

The Commission Communication on a European Law Enforcement Training Scheme (LETS) draws on a mapping exercise undertaken by CEPOL in 2012 as well as extensive consultations with experts from Member States and from JHA agencies. The results indicated a need for a more coordinated approach, including a strong role for an EU agency as driving force and coordinator for implementing the Scheme, in close cooperation with other agencies and national training academies. CEPOL has been the subject of a five-year evaluation completed in 2011 and an external study commissioned by the Commission to support preparation of an impact assessment for the forthcoming legislative proposal. The results indicated needs for increasing training on EU dimensions of policing, for better coordination between CEPOL,

Member States and other agencies, and for improvements in CEPOL's current governance and structure.

1.5.4. *Compatibility and possible synergy with other appropriate instruments*

CEPOL cooperates with other EU agencies in the field of justice and home affairs (including Europol, Frontex, Fundamental Rights Agency). CEPOL will ensure a coherent development of and avoid duplication in the training activities for the competent law enforcement authorities, which are performed by the existing European Agencies and other relevant bodies, by preparing strategic training needs assessment and addressing EU priorities in the area of internal security and its external aspects, in line with the relevant policy cycles.

**1.6. Duration and financial impact**

- Proposal/initiative of **limited duration**
- Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY
- Financial impact from YYYY to YYYY
- Proposal/initiative of **unlimited duration**

Implementation with a start-up period from 01/01/2016 to 31/03/2016, followed by full-scale operation.

**1.7. Management mode(s) planned<sup>31</sup>**

**From 2014 budget**

- Direct management** by the Commission through
  - executive agencies
  - **Shared management** with the Member States
- Indirect management** by entrusting budget implementation tasks to:
  - international organisations and their agencies (to be specified);
  - the EIB and the European Investment Fund;
  - bodies referred to in Articles 208 and 209;
  - public law bodies;
  - bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
  - bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
  - persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.

Comments

<sup>31</sup> Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: [http://www.cc.cec/budg/man/budgmanag/budgmanag\\_en.html](http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html)

## **2. MANAGEMENT MEASURES**

### **2.1. Monitoring and reporting rules**

*Specify frequency and conditions.*

Under the proposal for a Regulation, CEPOL is required to elaborate each year a programming document containing Cepol's multiannual programming and the annual work programme. Furthermore, every 5 years, the Commission shall commission an evaluation to assess particularly the impact, effectiveness and efficiency of CEPOL and its working practices. The evaluation shall, in particular, address the possible need to modify the mandate of CEPOL, and the financial implications of any such modification.

### **2.2. Management and control system**

#### **2.2.1. Risk(s) identified**

Turning CEPOL into an agency responsible for implementing the LETS and coordinating learning at EU level might be perceived by stakeholders as too ambitious in relation to CEPOL's current size. Therefore, changes to its mandate need to be reflected in the new Agency's structure and governance.

Furthermore the risks related to the relocation of the Agency to its new seat – mainly in terms of staff – are to be taken into account.

#### **2.2.2. Control method(s) envisaged**

CEPOL is subject to the following controls: budgetary control, internal audit, annual reports by the European Court of Auditors, the annual discharge for the execution of the EU budget and possible investigations conducted by OLAF to ensure, in particular, that the resources allocated to agencies are put to proper use.

### **2.3. Measures to prevent fraud and irregularities**

*Specify existing or envisaged prevention and protection measures.*

In order to combat fraud, corruption and other unlawful activities, the provisions of Regulation No 883/2013 apply without restriction to the Agency, as stipulated in Art. 29 of the Regulation.

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Heading .....]	Diff./non-diff. ( <sup>32</sup> )	from EFTA countries <sup>33</sup>	from candidate countries <sup>34</sup>	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
3	18.0205 – European Police College (CEPOL)	Diff.	NO	NO	NO	NO

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Heading .....]	Diff./non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation

<sup>32</sup> Diff. = Differentiated appropriations / Non-Diff. = Non-differentiated appropriations.

<sup>33</sup> EFTA: European Free Trade Association.

<sup>34</sup> Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

### 3.2. Estimated impact on expenditure

#### 3.2.1. Summary of estimated impact on expenditure

EUR million (to three decimal places)

<b>Heading of multiannual financial framework</b>	3	Security and citizenship
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Cepol			2016	2017	2018	2019	2020	<b>TOTAL</b>
Title 1:	Commitments	(1)						
	Payments	(2)						
Title 2:	Commitments	(1a)						
	Payments	(2a)						
Title 3:	Commitments	(3a)						
	Payments	(3b)						
<b>TOTAL appropriations for Cepol</b>	Commitments	=1+1a +3	8.641	8.813	9.126	9.308	9.495	45.383
	Payments	=2+2a +(3b)	8.641	8.813	9.126	9.308	9.495	45.383

Comment:

<b>Heading of multiannual financial framework</b>	<b>5</b>	"Administrative expenditure"
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EUR million (to three decimal places)

			Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	<b>TOTAL</b>
DG: Home Affairs								
• Human resources			0.132	0.132	0.132	0.132	0.132	<b>0.660</b>
• Other administrative expenditure			0.003	0.003	0.003	0.003	0.003	<b>0.015</b>
<b>TOTAL DG HOME AFFAIRS</b>	Appropriations		0.135	0.135	0.135	0.135	0.135	<b>0.675</b>

<b>TOTAL appropriations for HEADING 5 of the multiannual financial framework</b>	(Total commitments = Total payments)		0.135	0.135	0.135	0.135	0.135	<b>0.675</b>
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EUR million (to three decimal places)

			Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	<b>TOTAL</b>
<b>TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework</b>	Commitments		8.776	8.948	9.261	9.443	9.63	<b>46.058</b>
	Payments		8.776	8.948	9.261	9.443	9.63	<b>46.058</b>

### 3.2.2. Estimated impact on CEPOL's appropriations

- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ↓	Type <sup>35</sup>	Average cost	Year 2016		Year 2017		Year 2018		Year 2019		Year 2020		TOTAL		
			No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No total	Total cost	
<b>SPECIFIC OBJECTIVE NO 1<sup>36</sup></b> To coordinate the implementation of EU policy on training for law enforcement officers and to deliver relevant EU-level training and exchanges.															
- Output	Coordination	0.201	5	0.955	5	0.974	5	1.009	5	1.029	5	1.049	25	<b>5.015</b>	
- Output	Common curricula, training modules, e-learning modules	0.103	15	1.469	15	1.498	15	1.552	15	1.582	15	1.614	75	<b>7.715</b>	

<sup>35</sup> Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

<sup>36</sup> As described in point 1.4.2. 'Specific objective(s)...



- Output	No courses delivered	0.034	113	3.673	113	3.746	113	3.879	113	3.956	113	4.036	565	<b>19.289</b>
- Output	No exchanges organised	0.003	490	1.249	490	1.273	490	1.319	490	1.345	490	1.372	2450	<b>86.558</b>
Subtotal for specific objective No 1				7.345		7.491		7.758		7.912		8.071		<b>38.577</b>
SPECIFIC OBJECTIVE NO 2 Implementation of the Law Enforcement Training Scheme														
- Output	Coordination of the 4 Strands of the Scheme, needs analyses and quality assurance products	0.272	5	1.296	5	1.322	5	1.368	5	1.396	5	1.424	25	<b>6.806</b>
Subtotal for specific objective No 2				1.296		1.322		1.368		1.396		1.424		<b>6.806</b>
<b>TOTAL COST</b>				8.641		8.813		9.126		9.308		9.495		<b>45.383</b>

### 3.2.3. Estimated impact on CEPOL's human resources

#### 3.2.3.1. Summary

- The proposal/initiative does not require the use of appropriations of an administrative nature
- The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:
  - EUR million (to three decimal places)

Human resources	2016	2017	2018	2019	2020	2016-2020
<b>Establishment plan posts (in headcounts)</b>	28	30	30	30	30	
- Of which AD	17	19	19	19	19	
- Of which AST	11	11	11	11	11	
<b>External personnel (FTE)</b>	20	16	16	16	16	
- Of which contract agents	10	10	10	10	10	
- Of which Seconded National Experts (SNE)	10	6	6	6	6	
<b>Total staff</b>	<b>48</b>	<b>46</b>	<b>46</b>	<b>46</b>	<b>46</b>	

Staff expenditure	2016	2017	2018	2019	2020	2016-2020
<b>Establishment plan posts</b>	2.762	2.913	3.014	3.014	3.014	14.716
- Of which AD	1.657	1.808	1.909	1.909	1.909	9.191
- Of which AST	1.105	1.105	1.105	1.105	1.105	5.525
<b>External personnel</b>	1.008	1.008	0.889	0.889	0.889	4.682
- Of which contract agents	0.533	0.533	0.533	0.533	0.533	2.664
- Of which Seconded National Experts (SNE)	0.475	0.475	0.356	0.356	0.356	2.018
<b>Total staff expenditure</b>	<b>3.770</b>	<b>3.921</b>	<b>3.902</b>	<b>3.902</b>	<b>3.902</b>	<b>19.398</b>

#### Comment:

CEPOL's establishment plan in 2014 is: 27 TA (16 AD + 11 AST), 10 CA and 5.5 SNE. The intention of the agency is to recruit in 2016 an additional temporary agent for the post of Legal Advisor (1 AD) in accordance with the advice from the European Ombudsman. 3 posts for LETS are already included in the non-reduction of CEPOL's staff to 25 in line with the Communication COM(2013)519 of 10/7/2013, one of the three additional posts being granted in 2018 only. It is assumed that additional staff who will work on the LETS implementation will need to be recruited in 2017 (+ 1 AD); therefore, the additional post foreseen in 2018 should be frontloaded. . The 4 staff in relation to the LETS will be in charge of the coordination of the 4 Strands of the Scheme and of ensuring that the training activities are built on the basis of regular training needs analysis and satisfy the high quality of delivery. Considering that 3 additional staff are already foreseen by the Communication COM(2013)519. for CEPOL, only 1 FTE will need to be frontloaded for 2016, while 1

additional staff will need to be found in 2017, subject to the available resources of the pool of Agencies through the annual budget procedures.

All staff costs have been calculated based on DG BUDG guidelines of 08.08.2013: 1 TA = 132 000 EUR p.a., 1 CA = 70 000 EUR p.a., 1 SNE = 78 000 EUR p.a. The salary correction coefficient for HU (76.1%) was factored into the calculations.

### 3.2.3.2. Estimated requirements for establishment plan posts and external personnel

#### ESTABLISHMENT PLAN POSTS

Function group and grade	2016	2017	2018	2019	2020
	Temporary posts	Temporary posts	Temporary posts	Temporary posts	Temporary posts
AD 16					
AD 15					
AD 14			1	1	1
AD 13	1	1			
AD 12			1	2	2
AD 11	1	2	2	2	2
AD 10	2	2	2	2	2
AD 9	3	3	3	3	4
AD 8					
AD 7	2	2	2	2	2
AD 6					
AD 5	8	9	8	7	8
<b>AD total</b>	<b>17</b>	<b>19</b>	<b>19</b>	<b>19</b>	<b>19</b>
AST 11					
AST 10					
AST 9					
AST 8			1	2	2
AST 7		1	1	1	2
AST 6	1	1	1	1	1
AST 5	2	2	2	2	2
AST 4	2	2	2	2	2
AST 3	6	5	4	3	2
AST 2					
AST 1					
<b>AST total</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>11</b>
AST/SC 6					
AST/SC 5					
AST/SC 4					
AST/SC 3					
AST/SC 2					
AST/SC 1					
<b>AST/SC total</b>					
<b>TOTAL</b>	<b>28</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>

## EXTERNAL PERSONNEL

<b>Contract Agents</b>	<b>2016 estimate*</b>	<b>2017 estimate*</b>	<b>2018 estimate*</b>	<b>2019 estimate*</b>	<b>2020 estimate*</b>
<b>FG IV</b>	2	2	2	2	2
<b>FG III</b>	7	7	7	7	7
<b>FG III</b>	1	1	1	1	1
<b>FG I</b>					
<b>Total</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>

<b>Seconded National Experts</b>	<b>2016 estimate*</b>	<b>2017 estimate*</b>	<b>2018 estimate*</b>	<b>2019 estimate*</b>	<b>2020 estimate*</b>
<b>Total</b>	<b>10</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>

(\*) Estimate on the basis of average costs

The figures presented in this establishment plan shall remain indicative. The establishment plan for each year shall be subject to the decision of the budgetary authority. The increase of grades in this establishment plan does not mean an automatic regarding of staff, for which the normal appraisal and reclassification procedure shall be followed.

### 3.2.3.3. Estimated requirements of human resources for the parent DG

- The proposal/initiative does not require the use of human resources.
- The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full amounts (or at most to one decimal place)*

	Year <b>2015</b>	Year <b>2016</b>	Year <b>2017</b>	Year <b>2018</b>	Year <b>2019</b>	Year <b>2020</b>
<b>18 01 01 01 (Headquarters and Commission's Representation Offices)</b>	1	1	1	1	1	1
<b>TOTAL</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary agents	Represent the Commission in the Governing Board of the Agency. Draw up Commission opinion on the annual work programme and monitor its implementation. Monitor implementation of the budget. Assist the Agency in developing its activities in line with EU policies, including by participating in experts meetings.
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Description of the calculation of cost for FTE equivalent should be included in the Annex, section 3.

3.2.4. *Compatibility with the current multiannual financial framework*

- Proposal/initiative is compatible the current multiannual financial framework.
- Proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

- Proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework<sup>37</sup>.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

[...]

3.2.5. *Third-party contributions*

- The proposal/initiative does not provide for co-financing by third parties.
- The proposal/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to 3 decimal places)

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations cofinanced								

<sup>37</sup> See points 19 and 24 of the Interinstitutional Agreement for the period 2007-2013.

**3.3. Estimated impact on revenue**

- Proposal/initiative has no financial impact on revenue.
- Proposal/initiative has the following financial impact:
  - on own resources
  - on miscellaneous revenue

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative <sup>38</sup>					
		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)	
Article .....							

For miscellaneous ‘assigned’ revenue, specify the budget expenditure line(s) affected.

[...]

Specify the method for calculating the impact on revenue.

[...]

<sup>38</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25% for collection costs.

**ANNEX**  
**to the LEGISLATIVE FINANCIAL STATEMENT**

Name of the proposal/initiative:

Commission Decision on the Internal Rules on the implementation of the general budget of the European Union (European Commission section) for the attention of the Commission departments

- 1. NUMBER AND COST OF HUMAN RESOURCES CONSIDERED NECESSARY**
- 2. COST OF OTHER ADMINISTRATIVE EXPENDITURE**
- 3. METHODS OF CALCULATION USED FOR ESTIMATING COSTS**
  - 3.1. Human resources**
  - 3.2. Other administrative expenditure**

*This annex must accompany the legislative financial statement when the inter-services consultation is launched.*

*The data tables are used as a source for the tables contained in the legislative financial statement. They are strictly for internal use within the Commission.*



## 1. COST OF HUMAN RESOURCES CONSIDERED NECESSARY

- The proposal/initiative does not require the use of human resources  
 The proposal/initiative requires the use of human resources, as explained below:

EUR million (to three decimal places)

HEADING 5 of the multiannual financial framework		Year 2016		Year 2017		Year 2018		Year 2019		Year 2020		TOTAL	
		FTE	Appropriations	FTE	Appropriations	FTE	Appropriations	FTE	Appropriations	FTE	Appropriations	FTE	Appropriations
<b>• Establishment plan posts (officials and temporary staff)</b>													
18 01 01 01 (Headquarters and Commission's Representation Offices)	AD	1	0.132	1	0.132	1	0.132	1	0.132	1	0.132	1	0.660
	AST												
XX 01 01 02 (in Union Delegations)	AD												
	AST												
<b>• External staff <sup>39</sup></b>													
XX 01 02 01 ('global envelope')	AC												
	END												
	INT												
XX 01 02 02 (in Union Delegations)	AC												
	AL												
	END												
	INT												
Other budget lines ( <i>specify</i> )	JED												
<b>Subtotal – HEADING 5 of the multiannual financial framework</b>		1	0.132	1	0.132	1	0.132	1	0.132	1	0.132	1	0.660

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

<sup>39</sup> AC = Contract Staff; AL = Local Staff; END = Seconded National Expert; INT= agency staff; JED = junior experts in delegations.

Outside HEADING 5 of the multiannual financial framework		Year 2016		Year 2017		Year 2018		Year 2019		Year 2020		TOTAL		
		FTE	Appropriations	FTE	Appropriations	FTE	Appropriations	FTE	Appropriations	FTE	Appropriations	FTE	Appropriations	
<b>• Establishment plan posts (officials and temporary staff)</b>														
10 01 05 02 (Direct research)	AD													
	AST													
XX 01 05 01 (Indirect research)	AD													
	AST													
<b>• External staff <sup>40</sup></b>														
XX 01 04 yy Sub-ceiling for external staff from operational appropriations (former 'BA' lines).	- at Headquarters	AC												
		END												
		INT												
	- in Union delegations	AC												
		AL												
		END												
		INT												
		JED												
XX 01 05 02 (Indirect research)	AC													
	END													
	INT													
10 01 05 02 (Direct research)	AC													
	END													
	INT													
Other budget lines ( <i>specify</i> )														
<b>Subtotal – Outside HEADING 5 of the multiannual financial framework</b>														
XX is the policy area or budget title concerned. <b>TOTAL</b>		1	0.132	1	0.132	1	0.132	1	0.132	1	0.132	1	0.660	

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

<sup>40</sup> AC = Contract Staff; AL = Local Staff; END = Seconded National Expert; INT= agency staff; JED = junior experts in delegations.

## 2. COST OF OTHER ADMINISTRATIVE EXPENDITURE

- The proposal/initiative does not require the use of administrative appropriations  
 The proposal/initiative requires the use of administrative appropriations, as explained below:

EUR million (to three decimal places)

	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	TOTAL
<b>HEADING 5</b> of the multiannual financial framework						
<b>At headquarters:</b>						
18 01 02 11 01 - Mission and representation expenses	0.003	0.003	0.003	0.003	0.003	<b>0.015</b>
XX 01 02 11 02 - Conference and meeting costs						
XX 01 02 11 03 - Committees <sup>41</sup>						
XX 01 02 11 04 - Studies and consultations						
XX 01 03 01 03 – ICT equipment <sup>42</sup>						
XX 01 03 01 04 – ICT services <sup>4</sup>						
Other budget lines ( <i>specify where necessary</i> )						
<b>In Union delegations</b>						
XX 01 02 12 01 - Missions, conferences and representation expenses						
XX 01 02 12 02 - Further training of staff						
XX 01 03 02 01 - Acquisition, renting and related expenditure						
XX 01 03 02 02 Equipment, furniture, supplies and services						
<b>Subtotal HEADING 5</b> of the multiannual financial framework	0.003	0.003	0.003	0.003	0.003	<b>0.015</b>

XX is the policy area or budget title concerned.

<sup>41</sup> Specify the type of committee and the group to which it belongs.

<sup>42</sup> ICT: Information and Communication Technologies

EUR million (to three decimal places)

	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	TOTAL
<b>Outside HEADING 5</b> of the multiannual financial framework						
<b>XX</b> 01 04 <b>yy</b> - Expenditure on technical and administrative assistance (not including external staff) from operational appropriations (former 'BA' lines)						
- at Headquarters						
- in Union delegations						
<b>XX</b> 01 05 03 - Other management expenditure for indirect research						
10 01 05 03 - Other management expenditure for direct research						
Other budget lines ( <i>specify where necessary</i> )						
<b>Sub-total – Outside HEADING 5</b> of the multiannual financial framework						

**XX** is the policy area or budget title concerned.

<b>TOTAL</b> <b>HEADING 5 and Outside HEADING 5</b> of the multiannual financial framework	0.003	0.003	0.003	0.003	0.003	<b>0.015</b>
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The administrative appropriations required will be met by the appropriations which are already assigned to management of the action and/or which have been redeployed, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of existing budgetary constraints.

### 3. METHODS OF CALCULATION USED TO ESTIMATE COSTS

#### 3.1. Human resources

*This part sets out the method of calculation used to estimate the human resources considered necessary (workload assumptions, including specific jobs (Sysper 2 work profiles), staff categories and the corresponding average costs)*

<b>HEADING 5</b> of the multiannual financial framework
<u>NB:</u> The average costs for each category of staff at Headquarters are available on BudgWeb: <a href="http://www.cc.cec/budg/pre/legalbasis/pre-040-020_preparation_en.html#forms">http://www.cc.cec/budg/pre/legalbasis/pre-040-020_preparation_en.html#forms</a>
<ul style="list-style-type: none"><li>• Officials and temporary staff The average cost of 1 AD is EUR 132 000 p.a. based on the Circular note of DG Budget rto RUF of 08.08.13</li></ul>
<ul style="list-style-type: none"><li>• External staff</li></ul>

<b>Outside HEADING 5</b> of the multiannual financial framework
<ul style="list-style-type: none"><li>• Only posts financed from the research budget</li></ul>
<ul style="list-style-type: none"><li>• External staff</li></ul>

#### 3.2. Other administrative expenditure

*Give details of the method of calculation used for each budget line and in particular the underlying assumptions (e.g. number of meetings per year, average costs, etc.)*

<b>HEADING 5</b> of the multiannual financial framework
Assumptions: 6 missions per year with an average cost of mission at 500 EUR (1 staff attending 2 NCP meetings, 2 staff attending 2 Governing Board meetings)

<b>Outside HEADING 5</b> of the multiannual financial framework

