



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 May 2013

10213/13

**Interinstitutional File:
2013/0091 (COD)**

**JAI 436
CATS 26
ENFOPOL 167
CODEC 1254**

NOTE

From: Presidency
To: Council
Subject: Proposal for a Regulation on the European Union Agency for Law Enforcement Cooperation and Training (Europol)
- Discussion paper

The Commission recently submitted a proposal for a Regulation on the European Agency for Law Enforcement Cooperation and Training (Europol), thereby repealing the existing Decisions on Europol and CEPOL¹.

Proposed new structure of the two agencies:

One of the aims of the proposal is that Europol will take over and build on the tasks currently carried out by CEPOL, creating a single European law enforcement agency.

In its proposal, the Commission provides a political explanation by referring to the Common Approach on EU decentralised agencies and argues that merging Europol and CEPOL into a single agency will create synergies and efficiency gains. It also anticipates certain cost savings to be realised by amalgamating some administrative and support functions.

¹ doc. 8229/13 ENFOPOL 98 CODEC 746

An extensive debate was held at the CATS meeting of 8 May, focusing mostly on the proposed merger. A number of delegations commented on what they felt was an unconvincing argument to justify the merger and also on the lack of detailed calculations to support the view that the merger would result in costs savings.

Referring to the Commission's research, a majority of delegations expressed the view that the merger would negatively affect both the training and the operational activities for EU law enforcement. As a consequence, Member States had concerns that potential cost savings would be mitigated by a reduction in the performance and service of the agencies in delivering their tasks:

- law enforcement training would, both in the medium and long term, be subsumed into Europol's operational functions, despite the fact that a training budget would be ring-fenced for the first few years; and
- the additional training tasks would affect the way Europol performs its core tasks.

Questions were also raised as to whether the Treaty provided the necessary legal basis for Europol to perform training tasks.

Following the debate in CATS, Vice President Šefčovič (Commissioner for Inter -Institutional Relations and Administration) wrote to the Presidency to explain that the proposed merger is a "direct follow-up to the Common Approach on EU decentralised agencies", "would strengthen the existing links and create synergies between the two fields" and "will allow administrative cost savings". Vice President Šefčovič reiterated these points at the General Affairs Council meeting on 21 May 2013.

Europol as the EU hub for information sharing:

Information sharing and analysis is critical to the success of the Member States' cooperation in the concerted fight against serious organised crime.

The proposed Regulation aims to make Europol a hub for information exchange on serious crime to the benefit of the law enforcement services across the EU. It seeks to increase the flow of information on crime to Europol, to allow Europol to produce more timely and targeted high-quality analysis to support cross-border cooperation and investigations.

Member States have expressed concerns that a significant increase in the volume of information supplied to Europol may overburden it. Clearly, many aspects of the proposed Regulation regarding the provision of information to Europol, including strengthening obligations on Member States, will require detailed examination at Working Party level. In the meantime, the views of Council would be important to help guide discussions in the Working Party.

Questions for Council:

1) The Council is invited to consider the operational, financial and policy aspects of the proposed Regulation. Council is also invited to provide strategic guidance on the proposed new structure which envisages the merger of CEPOL with Europol.

2) The Council is invited to consider how the proposed Regulation succeeds in its aim of enhancing the supply of information by Member States to Europol, including whether the obligations on Member States to provide information to Europol achieve the appropriate balance?