# Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA

## REGULATION (EU) 2015/2219 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing 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 point (b) of Article 87(2) 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[(1)],

Whereas:

(1) The European Police College (CEPOL) was established by Council Decision 2005/681/JHA[(2)] as an entity of the Union with the aim of training senior police officers of the Member States and facilitating 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’ aims to create 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) In response to the call from the European Council in the Stockholm Programme to step up training on Union-related issues and to make such training systematically accessible to law enforcement officials of all ranks, and to the request from the European Parliament for a stronger Union framework for judicial and police training, the objectives of CEPOL should, while putting particular emphasis on the protection of human rights and fundamental freedoms in the context of law enforcement, be structured in line with the following set of general principles: first, to support Member States in providing training in order to improve basic knowledge of the Union dimension of law enforcement; second, to support Member States, upon their request, in the development of bilateral and regional cooperation through law enforcement training; third, to develop, implement and coordinate training in specific thematic areas; and fourth, to develop, implement and coordinate training in relation to Union missions and law enforcement capacity-building activities in third countries. That set of general principles should represent the European Law Enforcement Training Scheme (LETS),

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which aims to ensure that Union level training for law enforcement officials is of a high quality, coherent and consistent. Those general principles reflect the four strands identified by the Commission on the basis of the mapping of training needs and delivery conducted by CEPOL in cooperation with Member States.

(4) In its training activities, CEPOL should promote common respect for, and understanding of, fundamental rights in law enforcement, such as privacy, data protection and the rights, support and protection of victims, witnesses and suspects of crime, including safeguarding the rights of victims of gender-based violence.

(5) The simplification and improvement of the functioning of CEPOL in light of LETS widens the possibilities for CEPOL to support, develop, implement and coordinate training activities for the law enforcement authorities of Member States, without prejudice to national initiatives undertaken by Member States in the field of training for law enforcement officials, where such training activities can add value for Member States and the Union.

(6) In order to make the most efficient use of its resources, CEPOL's activities should be focussed on priorities and areas where training can add value for Member States and the Union in line with current and future needs and business requirements.

(7) CEPOL should ensure that training is evaluated and that conclusions from training needs assessments are part of its planning to enhance the effectiveness of future actions. CEPOL should be able to promote the mutual recognition of law enforcement training in Member States and the recognition by Member States of training provided at Union level.

(8) To avoid duplication or overlap and to ensure better coordination of training activities for competent law enforcement officials carried out by 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.

(9) CEPOL should bring together a network of Member State training institutes for law enforcement officials and should liaise with a single national unit in each Member State functioning within the network.

(10) The Member States and the Commission should be represented on CEPOL's Management Board (the ‘Management Board’) in order to supervise CEPOL's exercise of its functions effectively. The members of the Management Board and their alternates should be appointed on the basis of their knowledge of national policy on training for law enforcement officials and their relevant managerial, administrative and budgetary skills.

(11) In order to ensure continuity of the Management Board's work, all parties represented on it should make efforts to limit the turnover of their representatives. All parties should aim to achieve balanced gender representation on the Management Board.

(12) The Management Board should be entrusted with the necessary powers, in particular the power to establish the budget, to verify its execution, to adopt appropriate financial rules

and CEPOL's multi-annual programming and annual work programmes, to establish transparent working procedures for CEPOL's decision making, to appoint the Executive Director, to establish performance indicators and to exercise appointing authority powers, in accordance with the Staff Regulations of Officials of the European Union (the 'Staff Regulations') and the Conditions of Employment of Other Servants of the European Union (the 'Conditions of Employment of Other Servants') laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68[(3)].

(13) To ensure efficient day-to-day functioning of CEPOL, the Executive Director should be its legal representative and manager, acting independently in the performance of his or 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 for submission to the Management Board for a decision, and for implementing CEPOL's multi-annual programming and annual work programmes.

(14) Where appropriate, and taking into account business requirements and financial resources, the Management Board should decide to establish a Scientific Committee for Training as an independent advisory body to ensure the scientific quality of CEPOL's work. That committee should be composed of independent high-level academics and law enforcement practitioners in the areas covered by this Regulation. The Members of the Scientific Committee should be appointed by the Management Board following a transparent call for applications and selection procedure to be published in the *Official Journal of the European Union*.

(15) CEPOL should ensure that its training integrates relevant developments in research. It should promote and establish a partnership with Union bodies competent in matters covered by this Regulation as well as with public and private academic institutions and should be able to encourage the creation of stronger partnerships between universities and law enforcement training institutes in the Member States, in order to create synergies between them by means of strengthened cooperation.

(16) In order to ensure its full autonomy and independence and to enable it to properly perform the objectives and tasks assigned to it by this Regulation, CEPOL should be granted an adequate and autonomous budget with revenue stemming essentially from a contribution from the general 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 Union are concerned. The accounts should be audited by the Court of Auditors.

(17) For the purpose of performing its tasks, CEPOL should also be able to award grants to the training and research institutes of Member States for the implementation of CEPOL's courses, seminars and conferences. Such grants should further contribute to fostering cooperation between Member State training institutes within the network and to promoting the mutual recognition of law enforcement.

(18) 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 Union bodies, authorities and training institutes of third countries and international organisations competent in matters

covered by this Regulation within the framework of working arrangements concluded in accordance with this Regulation or concluded with national training institutes of third countries on the basis of Article 8 of Decision 2005/681/JHA, as well as with private parties.

(19) Decision 2005/681/JHA provided for CEPOL to have its seat in Bramshill, United Kingdom. In accordance with Regulation (EU) No 543/2014 of the European Parliament and of the Council[(4)], CEPOL's seat was moved to Budapest, Hungary, and the Commission was invited to submit a report on the effectiveness of Decision 2005/681/JHA following a thorough cost-benefit analysis and impact assessment.

(20) The host Member State should provide the necessary conditions for the smooth operation of CEPOL, including multilingual, European-oriented schooling and appropriate transport connections so as to attract high-quality human resources from as wide a geographical area as possible.

(21) This Regulation aims to amend and expand the provisions of Decision 2005/681/JHA, as amended by Regulation (EU) No 543/2014. Since the amendments to be made by this Regulation are of substantial number and nature, Decision 2005/681/JHA, as amended by Regulation (EU) No 543/2014, should, in the interests of clarity, be replaced in its entirety in relation to the Member States bound by this Regulation. CEPOL, as established by this Regulation, should replace and assume the functions of CEPOL, as established by Decision 2005/681/JHA, which, as a consequence, should be repealed.

(22) Regulation (EC) No 1049/2001 of the European Parliament and of the Council[(5)] should apply to CEPOL.

(23) Since the objective of this Regulation, namely the establishment of an agency responsible for law enforcement training at Union level, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.

(24) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter'), in particular the right to the protection of personal data and the right to privacy as protected by Articles 7 and 8 of the Charter, as well as by Article 16 of the Treaty on the Functioning of the European Union (TFEU).

(25) In accordance with Articles 1 and 2 and Article 4a(1) of 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 TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.

(26) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,

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HAVE ADOPTED THIS REGULATION:

## CHAPTER I

## GENERAL PROVISIONS, OBJECTIVES 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.

2 CEPOL, as established by this Regulation, shall replace and succeed CEPOL as established by Decision 2005/681/JHA.

### *Article 2*

### Definitions

For the purposes of this Regulation:

(1) ‘law enforcement officials’ means staff of police, customs and other relevant services, as defined by individual Member States, that are responsible for, and staff of Union bodies that have tasks relating to, the following:

(a) the prevention of and fight against serious crime affecting two or more Member States, terrorism and forms of crime that affect a common interest covered by a Union policy; or

(b) crisis management and public order, in particular international policing of major events;

(2) ‘Union bodies’ means institutions, bodies, missions, offices and agencies set up by, or on the basis of, the TEU and the TFEU;

(3) ‘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 of CEPOL

1 CEPOL shall support, develop, implement and coordinate training for law enforcement officials, while putting particular emphasis on the protection of human rights and fundamental freedoms in the context of law enforcement, in particular in the areas of prevention of and fight against serious crime affecting two or more Member States and terrorism, maintenance of public order, in particular international policing of major events, and planning and command of Union missions, which may also include training on law enforcement leadership and language skills. More specifically, CEPOL shall: