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**A7-9999/2014**

26.2.2014

**\*\*\*I**  
**REPORT**

on the draft regulation of the European Parliament and of the Council  
amending Decision 2005/681/JHA establishing the European Police College  
(CEPOL)  
(17043/2013 – C7-0435/2013 – 2013/0812(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Kinga Gál

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▯ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the draft regulation of the European Parliament and of the Council amending Decision 2005/681/JHA establishing the European Police College (CEPOL) (17043/2013 – C7-0435/2013 – 2013/0812(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the initiative emanating from a group of Member States submitted to Parliament and the Council (17043/2013),
  - having regard to Article 76(b) and Article 87(2)(b) of the Treaty on the Functioning of the European Union, pursuant to which the draft act was submitted to Parliament (C7-0435/2013),
  - having regard to Article 294(3) and (15) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the Commission (COM(2014)0007),
  - having regard to Rules 44 and 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0000/2014),
1. Adopts its position at first reading hereinafter set out;
  2. Regrets that the European Parliament was not fully involved in the evaluation of the applications and that only one candidate was presented to the relevant committee, although seven applications had been submitted further to the Council Presidency's call in July 2013 for applications to provisionally host the European Police College until a long-term solution for the future of the Agency could be found. The Member States submitting candidatures were Ireland, Greece, Spain, Italy, Hungary, the Netherlands and Finland. The political agreement was confirmed at the JHA Council meeting of 8 October 2013; intends to request more information on the impact assessment of the exact location before taking its final position.
  3. Calls on the budgetary authorities to ensure that the additional costs relating to the change in the seat of CEPOL will be fully covered by the current host country and by additional Union budget and thus will not adversely affect the regular budget of CEPOL so as not to jeopardise the normal operational needs of CEPOL.
  4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## Amendment 1

### Draft regulation Recital 2

*Draft by the group of Member States*

(2) By letters of 12 December 2012 and 8 February 2013, the United Kingdom informed CEPOL that it no longer *wishes* to host the seat on its territory. Apart from hosting CEPOL, Bramshill also hosts a national police training site of the National Policing Improvement Agency which the United Kingdom decided to replace by a new College of Policing to be located elsewhere. The United Kingdom has therefore decided to close the national police training site at Bramshill and to sell the site indicating that the related costs were high and no alternative business model to run the site had emerged.

*Amendment*

(2) ***Notwithstanding the legal obligations of the United Kingdom deriving from to both Council Decision 2005/681/JHA and the Headquarters Agreement concluded between the Government of the United Kingdom and CEPOL on 30 December 2004***, by letters of 12 December 2012 and 8 February 2013, the United Kingdom informed CEPOL that it ***had unilaterally decided that it*** no longer *wished* to host the seat on its territory. Apart from hosting CEPOL, Bramshill also hosts a national police training site of the National Policing Improvement Agency which the United Kingdom decided to replace by a new College of Policing to be located elsewhere. The United Kingdom has therefore decided to close the national police training site at Bramshill and to sell the site indicating that the related costs were high and no alternative business model to run the site had emerged. ***The Treaty obligations of sincere cooperation, and in particular the obligations deriving from Article 4 TEU to 'take any appropriate measure to ensure fulfilment of the obligations resulting from the acts of the institutions of the Union', require the UK government to ensure a smooth transition of CEPOL to its new location, without jeopardising the regular budget of CEPOL.***

*Justification*

*It is important to stress that the UK is under legal obligations to host the CEPOL Agency. Its wish to sell the current seat and its intention not to host the seat anymore on its territory needs to be respected. However, such unilateral decision should at least have consequences in terms of accommodating a smooth transition towards a new seat both in terms of time and in terms of assistance and aid.*

## Amendment 2

### Draft regulation Recital 3

*Draft by the group of Member States*

(3) In view of this situation, ***on 8 October 2013, the representatives of the Governments of the Member States agreed by common accord on arrangements to host CEPOL*** according to which CEPOL will be hosted in Budapest as soon as it moves from Bramshill. This ***agreement*** should be incorporated in Council Decision 2005/681/JHA.

*Amendment*

(3) In view of this situation ***and of the fundamental need to maintain CEPOL's complete independence***, arrangements ***should be made*** according to which CEPOL will be hosted in Budapest as soon as it moves from Bramshill. Those ***arrangements*** should be incorporated in Council Decision 2005/681/JHA.

*Justification*

*The decision to relocate CEPOL needs to be taken under co-decision, whereby Parliament and Council are equal co-legislators. The political decision that Council took on 8 October concerning Council's preference for the new CEPOL seat does not have any binding force on Parliament and therefore should not be mentioned in the final text agreed by both Institutions.*

## Amendment 3

### Draft regulation Recital 3 a (new)

*Draft by the group of Member States*

*Amendment*

***(3a) Before CEPOL starts its operational phase at the new location, a headquarters agreement should be concluded, based on a set of provisions provided by the Commission.***

## Amendment 4

### Draft regulation

#### Article 1 – paragraph 1 – subparagraph 1

Council Decision 2005/681/JHA

Article 4

*Draft by the group of Member States*

The seat of CEPOL shall be in Budapest, Hungary.

*Amendment*

The seat of CEPOL shall **temporarily** be in Budapest, Hungary.

## Amendment 5

### Draft regulation

#### Article 1a (new)

*Draft by the group of Member States*

*Amendment*

#### *Article 1a*

***The Commission shall, not later than 18 months after the entry into force of this Regulation, evaluate the effectiveness of Decision 2005/681/JHA in the light of the provisions of the Treaty on the Functioning of the European Union governing CEPOL, as well as the new tasks envisaged for CEPOL in the Commission Communication of 27 March 2013 entitled 'Establishing a European Law Enforcement Training Scheme' and if appropriate issue legislative proposals to amend Decision 2005/681/JHA, while at the same time ensuring CEPOL's complete independence.***

#### *Justification*

*This Regulation is necessary to solve the urgent situation of the closure of the Bramshill site. But CEPOL cannot continue to function under the old Council Decision. The Lisbon Treaty entered into force 4 years ago, the legislative frameworks for other JHA Agencies such as Europol and Eurojust are in the process of being updated and revised, and the CEPOL agency cannot stay behind. Furthermore, CEPOL is supposed to play a central role in the newly proposed Law Enforcement Training Scheme and for that a revision of its mandate and*



*tasks is highly needed. The European Parliament can agree to solve the seat issue, but only on the condition that a proposal for a revised CEPOL Regulation will follow shortly*

## **Amendment 6**

### **Draft regulation**

#### **Article 2a (new)**

*Draft by the group of Member States*

*Amendment*

#### *Article 2a*

##### *Review*

*The Commission shall review this Regulation by 2019 at the latest, including by performing a thorough cost-benefit analysis and impact assessment of all possible options, and if appropriate table legislative proposals to amend it, while fully respecting the fundamental need to maintain CEPOL's complete independence.*

## EXPLANATORY STATEMENT

The European Police College (CEPOL) is an important Agency in the Justice and Home Affairs field, providing law enforcement training and bringing together national police officers from around Europe to encourage cross-border law enforcement cooperation in the Union. CEPOL's role will be further enhanced with the establishment of the European Law Enforcement Training Scheme that was proposed in March 2013.

The EU's internal security needs are constantly evolving, resulting in increasing demands on police forces and law enforcement officers. The right skills will be critical to meet future challenges and to safeguard the security of Europe's citizens. For this to happen a fully independent, efficient and properly staffed CEPOL Agency is vital.

Article 4 of the current CEPOL legal base (Council Decision 2005/681/JHA) stipulates that CEPOL has its seat in Bramshill (UK).

The UK Government in December 2012 announced its intention to sell the current Bramshill site and indicated that it no longer wished to host the seat of CEPOL on its territory. Recently, the UK Government indicated that it could keep the current Bramshill site open until the summer of 2014 at the latest, in order to allow for a smooth relocation of the CEPOL seat elsewhere.

The uncertainty of the past months concerning the future location of the CEPOL Agency has been detrimental to its proper functioning. Given the uncertainty, it has been challenging for CEPOL to attract and retain motivated staff. The Rapporteur therefore believes that for the proper functioning of this important Agency a quick decision is needed regarding its future seat.

The offer put on the table by the Hungarian Government to host CEPOL in Budapest complies with all the requirements and is to the opinion of the Rapporteur a good offer. This is also supported by the fact that practically all Member States signed the legislative initiative to change the CEPOL seat, showing overwhelming support in Council for the new seat. The Rapporteur supports the proposal and believes that it should be adopted rapidly.

Solving the seat issue is a pressing matter. However, it should not lead to an unnecessary delay for bringing the existing legal framework of CEPOL in line with the Lisbon Treaty and with the new ambition set out in the European Law Enforcement Training Scheme. Therefore, the Rapporteur would like the new European Commission to table a proposal for a modernised legislative framework for the CEPOL Agency speedily.

## MINORITY OPINION

### **to the report on the draft regulation of the European Parliament and of the Council amending Decision 2005/681/JHA establishing the European Police College (CEPOL) - 2013/0812 (COD)**

Rapporteur: Kinga GAL

We decided to vote against the Decision on Cepol as amended foreseeing to move Cepol from Bramshill (UK) to Budapest (HU) as we believe that this creates a dangerous institutional precedent in the EU in relation to the location of bodies and agencies: while the Commission proposed to merge Cepol with Europol in The Hague, the Council decided to accommodate the unilateral decision of a Member State not to host such body anymore in the foreseen location or within the same Member State; it discussed during an informal lunch different location candidatures, denying to the EP the right to examine the accompanying budgetary impact assessments; the co-location of Cepol and Europol reasonably appears to be the best option to ensure that costs are minimized and synergies improved; it is unclear who will pay for the relocation, while Cepol and its staff members are subjected to uncertainty; the Council is discussing a further review of the Cepol Decision, as illustrated in Council document 6476/14, which leads us to the conclusion that it would have been better to call the Council to provide the EP with a detailed impact assessments and wait for the Cepol decision to be reviewed in its entirety.

Sonia Alfano  
Renate Weber  
Gianni Vattimo  
Sophie In't Veld  
Gerben Jan Gerbrandy  
Jan Mulder  
Nils Torvalds  
Jens Rohde  
Sarah Ludford  
Louis Michel  
Dennis de Jong

## PROCEDURE

<b>Title</b>	Amendment to Decision 2005/681/JHA establishing the European Police College (CEPOL)		
<b>References</b>	17043/2013 – C7-0435/2013 – 2013/0812(COD)		
<b>Committee responsible</b> Date announced in plenary	LIBE 10.12.2013		
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	BUDG 10.12.2013		
<b>Not delivering opinions</b> Date of decision	BUDG 5.2.2014		
<b>Rapporteur(s)</b> Date appointed	Kinga Gál 16.12.2013		
<b>Discussed in committee</b>	16.12.2013	30.1.2014	20.2.2014
<b>Date adopted</b>	20.2.2014		
<b>Result of final vote</b>	+: –: 0:	34 14 1	
<b>Members present for the final vote</b>	Jan Philipp Albrecht, Edit Bauer, Emine Bozkurt, Arkadiusz Tomasz Bratkowski, Salvatore Caronna, Philip Claeys, Carlos Coelho, Ioan Enciu, Frank Engel, Kinga Gál, Kinga Göncz, Nathalie Griesbeck, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Juan Fernando López Aguilar, Svetoslav Hristov Malinov, Véronique Mathieu Houillon, Louis Michel, Antigoni Papadopoulou, Georgios Papanikolaou, Carmen Romero López, Judith Sargentini, Birgit Sippel, Renate Sommer, Wim van de Camp, Axel Voss, Renate Weber, Cecilia Wikström, Tatjana Ždanoka, Auke Zijlstra		
<b>Substitute(s) present for the final vote</b>	Michael Cashman, Birgit Collin-Langen, Cornelis de Jong, Mariya Gabriel, Franziska Keller, Petru Constantin Luhan, Ulrike Lunacek, Marian-Jean Marinescu, Jan Mulder, Juan Andrés Naranjo Escobar		
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Zdravka Bušić, Tamás Deutsch, Ildikó Gáll-Pelcz, Catherine Stihler, József Szájer, Dubravka Šuica		