



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 12 December 2003  
(OR. en)**

**15400/03**

**ENFOPOL 107**

**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject : Initiative of Ireland with a view to adopting a Council Decision amending  
Decision 2000/820/JHA

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# COUNCIL DECISION

of

amending Decision 2000/820/JHA  
establishing a European Police College (CEPOL)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 30(1)(c) and Article 34(2)(c) thereof,

Having regard to the initiative of Ireland,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) The European Police College (CEPOL) established by Council Decision 2000/820/JHA <sup>1</sup> presently does not have legal personality.
- (2) In the review of activities in the first three-year period the lack of legal personality has been identified as one of the major obstacles to the proper functioning of CEPOL.
- (3) It is appropriate that CEPOL be given the legal and contractual capacity available to legal persons.
- (4) This amendment is without prejudice to any other future amendments, in particular those that might be considered necessary following the review of activities in the first three-year period,

HAS DECIDED AS FOLLOWS:

#### Article 1

Decision 2000/820/JHA is hereby amended as follows:

- 1) After Article 4, the following new Article shall be inserted:

"Article 4a

1. CEPOL shall have legal personality.

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<sup>1</sup> OJ L 336, 30.12.2000, p. 1.

2. CEPOL shall enjoy in each Member State the most extensive legal and contractual capacity available to legal persons under that State's law. CEPOL may in particular acquire and dispose of movable or immovable property and be a party to legal proceedings.

3. The administrative director referred to in Article 4(2) shall be CEPOL's legal representative."

2) In Article 5(4):

(a) point (d) shall read as follows:

"general operating costs of the secretariat, without prejudice to point (f);"

(b) point (f) shall read as follows:

"remuneration of members of the secretariat and/or reimbursement, in proportion to Member States' contributions, of the costs incurred by the Member State(s) paying the remuneration of members of the secretariat."

#### Article 2

This Decision shall be published in the Official Journal of the European Union.

#### Article 3

This Decision shall take effect on the day following that of its publication.

Done at ..... 2004

For the Council

The President