

# EUROPEAN PARLIAMENT

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## **REPORT**

1. on the initiative of Ireland with a view to adopting a Council Decision amending Decision 2000/820/JHA establishing a European Police College (CEPOL)  
(15400/2003 – C5-0001/2004 – 2004/0801(CNS))

2. on the initiative of the United Kingdom with a view to the adoption of a Council Decision amending Decision 2000/820/JHA establishing a European Police College (CEPOL)  
(5121/2004 – C5-0040/2004 – 2004/0802(CNS))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Martine Roure

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

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend*  
*the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases*  
*covered by Articles 105, 107, 161 and 300 of the EC Treaty and*  
*Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend*  
*the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## PROCEDURAL PAGE

By letter of 7 January 2004, the Council consulted Parliament, pursuant to Article 39(1) of the Treaty on European Union on an initiative of Ireland with a view to adopting a Council Decision amending Decision 2000/820/JHA establishing a European Police College (CEPOL) (15400/2003 – 2004/0801(CNS)).

At the sitting of 12 January 2004 the President of Parliament announced that he had referred the initiative to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible (C5-0001/2004).

The committee appointed Martine Roure rapporteur at its meeting of 21 January 2004.

By letter of 20 January 2004, the Council consulted Parliament, pursuant to Article 39(1) of the Treaty on European Union on an initiative of the United Kingdom with a view to the adoption of a Council Decision amending Decision 2000/820/JHA establishing a European Police College (CEPOL) (5121/2004 – 2004/0802(CNS)).

At the sitting of 28 January 2004 the President of Parliament announced that he had referred the initiative to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible (C5-0040/2004).

The committee appointed Martine Roure rapporteur at its meeting of 9 February 2004.

It considered the initiative by Ireland, the initiative by the United Kingdom and the draft report at its meetings of 9 February and 9 March 2004.

At the latter meeting it adopted the draft legislative resolutions by 35 votes to 2, with 1 abstention.

The following were present for the vote: Jorge Salvador Hernández Mollar (Chairman), Robert J.E. Evans (Vice-Chairman), Johanna L.A. Boogerd-Quaak (Vice-Chairman), Giacomo Santini (Vice-Chairman), Martine Roure (rapporteur), Alima Boumediene-Thiery, Marco Cappato (for Maurizio Turco), Massimo Carraro (for Ozan Ceyhun pursuant to Rule 153(2)), Michael Cashman, Charlotte Cederschiöld, Carlos Coelho, Thierry Cornillet, Gérard M.J. Deprez, Giuseppe Di Lello Finuoli, Giovanni Claudio Fava (for Martin Schulz pursuant to Rule 153(2)), Timothy Kirkhope, Eva Klamt, Jean Lambert (for Heide Rühle), Kurt Lechner (for Hubert Pirker), Ana Miranda de Lage (for Carmen Cerdeira Morterero pursuant to Rule 153(2)), Pasqualina Napoletano (for Walter Veltroni pursuant to Rule 153(2)), Hartmut Nassauer, Bill Newton Dunn, Marcelino Oreja Arburúa, Elena Ornella Paciotti, Paolo Pastorelli (for Mary Elizabeth Banotti), Bernd Posselt, Gerhard Schmid, Olle Schmidt (for Baroness Ludford), Ingo Schmitt (for Ian Twinn), Ole Sørensen (for Francesco Rutelli), Patsy Sørensen, the Earl of Stockton (for Giuseppe Brienza), Joke Swiebel, Anna Terrón i Cusí, Elena Valenciano Martínez-Orozco (for Adeline Hazan pursuant to Rule 153(2)), Gianni Vattimo (for Sérgio Sousa Pinto) and Christian Ulrik von Boetticher.

The report was tabled on 11 March 2004.

# 1. EUROPEAN PARLIAMENT DRAFT LEGISLATIVE RESOLUTION

**on the initiative of Ireland with a view to adopting a Council Decision amending Decision 2000/820/JHA establishing a European Police College (CEPOL) (15400/2003 – C5-0001/2004 – 2004/0801(CNS))**

## **(Consultation procedure)**

The European Parliament,

- having regard to the initiative by Ireland (15400/2003)<sup>1</sup>,
  - having regard to Article 34(2)(c) of the EU Treaty,
  - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C5–0001/2004),
  - having regard to Rules 106, 67 and 61(4) of its Rules of Procedure,
  - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0140/2004),
1. Approves the initiative by Ireland as amended;
  2. Calls on the Council to alter the text accordingly;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to amend the initiative by Ireland substantially;
  5. Instructs its President to forward its position to the Council and Commission, and the Government of Ireland.

Text proposed by Ireland

Amendments by Parliament

### Amendment 1

#### ARTICLE 1, PARAGRAPH 2, POINT (B)

Article 5, paragraph 4, point (f) (Decision 2000/820/JHA)

‘remuneration of members of the secretariat *and*/or reimbursement, in proportion to Member States’

‘remuneration of members of the secretariat or reimbursement, in proportion to Member States’ contributions, of the

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<sup>1</sup> OJ C 1, 6.1.2004, p. 8.

contributions, of the costs incurred by the Member State(s) paying the remuneration of members of the secretariat.’

costs incurred by the Member State(s) paying the remuneration of members of the secretariat.’

*Justification*

*Either the costs of remunerating members of the secretariat are directly drawn on CEPOL’s budget (first scenario) or the remuneration is paid by the Member States, who will thus incur expenses and will be reimbursed from CEPOL’s budget (second scenario). These are two distinct hypotheses and it is difficult to see how they can be combined.*

## 2. EUROPEAN PARLIAMENT DRAFT LEGISLATIVE RESOLUTION

**on the initiative of the United Kingdom with a view to the adoption of a Council Decision amending Decision 2000/820/JHA establishing a European Police College (CEPOL) (5121/2004 – C5-0040/2004 – 2004/0802(CNS))**

### **(Consultation procedure)**

The European Parliament,

- having regard to the initiative by the United Kingdom (5121/2004)<sup>1</sup>,
  - having regard to Article 34(2)(c) of the EU Treaty,
  - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C5–0040/2004),
  - having regard to Rules 106, 67 and 61(4) of its Rules of Procedure,
  - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0140/2004),
1. Approves the initiative by the United Kingdom as amended;
  2. Calls on the Council to alter the text accordingly;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to amend the initiative by the United Kingdom substantially;
  5. Instructs its President to forward its position to the Council and Commission, and the Government of the United Kingdom.

Text proposed by the United Kingdom

Amendments by Parliament

#### Amendment 2

#### ARTICLE 1, PARAGRAPH 2

Article 4, paragraph 1, subparagraph 1 (Decision 2000/820/JHA)

“1. The governing board shall set up a permanent secretariat to assist CEPOL with the administrative tasks necessary for it to

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<sup>1</sup> OJ C 20, 24.1.2004, p. 18.

function and implement the annual programme and, where appropriate, the additional programmes and initiatives. The *permanent* secretariat *may be set up within one of the national police academies*.

function and implement the annual programme and, where appropriate, the additional programmes and initiatives. The secretariat *shall have its seat in Bramshill*.

#### *Justification*

*Your rapporteur fully supports the visibility argument put forward in the three-year report and suggests that in any case the permanent secretariat should be based in the place chosen for CEPOL's seat.*

#### Amendment 3

##### ARTICLE 1, PARAGRAPH 2

Article 4, paragraph 1, subparagraph 2 (Decision 2000/820/JHA)

The necessary arrangements concerning the accommodation to be provided for CEPOL in *the United Kingdom* and the facilities to be made available by the United Kingdom as well as particular rules applicable in the United Kingdom to members of CEPOL's organs, its Director, employees and members of their families shall be laid down in a headquarters agreement between CEPOL and the United Kingdom after obtaining the unanimous approval of the governing board."

The necessary arrangements concerning the accommodation to be provided for CEPOL in *Bramshill* and the facilities to be made available by the United Kingdom as well as particular rules applicable in the United Kingdom to members of CEPOL's organs, its Director, employees and members of their families shall be laid down in a headquarters agreement between CEPOL and the United Kingdom after obtaining the unanimous approval of the governing board."



## EXPLANATORY STATEMENT

### Background

The European Council meeting in Tampere on 15 and 16 October 1999 decided to set up a European Police College for the training of senior law enforcement officials. In its conclusions it stated that 'it should start as a network of existing national training institutes' and 'it should also be open to the authorities of candidate countries'<sup>1</sup>.

Following on from this, on a Portuguese initiative, the Council adopted a decision establishing a European Police College (CEPOL)<sup>2</sup>. The College is intended to train senior officers of police forces by developing a European approach to the main problems in the fight against crime, crime prevention, and the maintenance of law and order and public security, in particular the cross-border dimensions of those problems. At a first stage CEPOL will consist of a network of existing national training institutes, which will cooperate closely, and it will work on the basis of experience acquired by national and European police training organisations.

Future assessments are supposed to determine whether and to what extent CEPOL should be given a permanent structure as envisaged by the Tampere European Council. One such assessment, in the form of a three-year report, has just been carried out on the operation and future of CEPOL. The Irish initiative to confer a legal personality on CEPOL was based on the report's conclusions. The present report concerns both the Irish initiative and a British initiative on CEPOL's seat.

### The rapporteur's view

Your rapporteur is aware of the problems raised by CEPOL's lack of legal personality, even though the three-year report is not particularly explicit on this point. It simply states that the lack of legal personality 'has presented difficulties regarding governance, financial and organisational aspects, such as entering into contracts'<sup>3</sup>. And it concludes that 'a pre-requisite, therefore, is that *legal personality is given to CEPOL* to provide a framework that can contribute towards stability and continuity and provides the necessary authority to implement future work'<sup>4</sup>.

Your rapporteur is very willing to accept this argument. She wonders, however, whether there might not be scope for responding to the need for stability and continuity by envisaging a more general review of the running of CEPOL, in particular by setting up a college in the strict sense of a training centre that would be housed in a separate building from the existing national training colleges. This college, in the proper sense of the term, would have a permanent secretariat and governing board (structures that exist already) and would set up its own training system. In that event, Community financing for CEPOL could be envisaged.

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<sup>1</sup> Point 47 of the conclusions of the Tampere European Council.

<sup>2</sup> Decision 2000/820/JHA.

<sup>3</sup> Three-year report on the operation and future of the European Police College, 15722/03, I.2.1(a).

<sup>4</sup> Ibid, II.2.2.1.

Your rapporteur is entirely in favour of this option and recommends that the Commission should draw up proposals to this end, which could then be considered in detail by Parliament.

At this stage, however, it is only a question of conferring on CEPOL two attributes which it lacks and which seem to be interdependent as CEPOL's move to its new seat, the subject of the British proposal, will certainly be much more successful if CEPOL first acquires a legal personality. On the substance, your rapporteur has no objections to either of these proposals, especially as Parliament has already called for the network of existing training colleges to be transformed into a real college with a permanent seat, in the Posselt report of October 2000<sup>1</sup>. She has decided to table amendments simply in the interests of consistency and to restore an element of logic in areas where she cannot help wondering what is meant.

On the Irish initiative, she cannot find any valid reason for the juxtaposition of 'and' and 'or' in the Council's proposed amendment to Article 5(4)(f) concerning expenditure borne by CEPOL's budget. Either the costs of remunerating members of the secretariat are directly drawn from CEPOL's budget, which is the first case envisaged, or this remuneration is borne by the Member States, which thus incur expenses and are reimbursed from CEPOL's budget, which is the second scenario. These are two distinct hypotheses and it is difficult to see how they can be combined. In your rapporteur's view 'and' should be dropped, as it seems superfluous.

Concerning the British initiative on CEPOL's seat, your rapporteur confesses to some perplexity. In the first amendment proposed, the United Kingdom<sup>2</sup> clearly announces that CEPOL will have its seat in Bramshill, United Kingdom, but the second is much more obscure. Thus in the other paragraph modified by the initiative<sup>3</sup>, the last sentence, which states that 'the Council shall decide on the location of the permanent secretariat's seat' is dropped. At first sight this seems logical, as the seat has just been established in Bramshill and thus there is no longer any need for a decision. However, the logic is undermined by the preceding sentence which states that 'the permanent secretariat may be set up within one of the national police academies'. Strictly speaking, this means that CEPOL could have its seat in Bramshill while its permanent secretariat is based elsewhere. If that is the case, it remains to be seen what is meant by seat. If the most visible, tangible and permanent body is excluded from the concept of a seat, it has to be asked exactly what the term refers to. Furthermore, in the three-year report, the concept of seat is indissociably linked to that of the permanent secretariat. Thus, in the report, the governing board lists among the major difficulties that it has had to deal with 'the lack of a permanent seat to accommodate the Secretariat and to enable the development of a more obvious CEPOL identity'<sup>4</sup>. Further on in the same report, it is stated 'a decision regarding the location of the seat would facilitate CEPOL's operations, making it possible to establish this secretariat. [...] A permanent location of the seat to enable accommodating of the Secretariat would offer a visible CEPOL-'corner-stone' and will contribute to a common and recognisable 'CEPOL-identity', and improved visibility for the organisation.'<sup>5</sup>.

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<sup>1</sup> Report A5-0316/2000 on the initiative of the Portuguese Republic with a view to adopting a Council Decision on the provisional establishment of the European Police College (EPC).

<sup>2</sup> Concerning Article 1(1) of Council Decision 2000/820/JHA.

<sup>3</sup> Article 4(1) of the above decision.

<sup>4</sup> Report mentioned above, I.2.1(c).

<sup>5</sup> Report mentioned above, II.2.2.1, fifth paragraph.

It may be that the sentence before last in Article 4(1) has not been deleted owing to an oversight but, even if that is not the case, your rapporteur fully supports the visibility arguments in the three-year report and suggests that the permanent secretariat should in any event be established in the place chosen for CEPOL's seat.

With these two amendments, tabled with a view to consistency, your rapporteur recommends adoption of the British and Irish initiatives and calls on the Commission to draw up a more general proposal on CEPOL's future, making provision for Community funding, which would give Parliament the right of scrutiny over its activities. This right is currently limited to the forwarding of CEPOL's annual activity report by way of information.