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REPORT

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)
(9679/2000 – C5-0373/2000 – 2000/0811(CNS))

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

Rapporteur: Bernd Posselt

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)

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PROCEDURAL PAGE

By letter of 18 July 2000 the Council consulted Parliament, pursuant to Article 39(1) of the Treaty on European Union, 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) (9679/2000 – 2000/0811 (CNS)).

At the sitting of 4 September 2000 the President of Parliament announced that she had referred this initiative to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible (C5-0373/2000).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs had appointed Bernd Posselt rapporteur at its meeting of 29 August 2000.

It considered the proposal by the Portuguese Republic and the draft report at its meetings of 13 September and 11 and 23 October 2000.

At the latter meeting it adopted the draft legislative resolution by 24 votes to 5, with 2 abstentions.

The following were present for the vote: Graham R. Watson, chairman; Bernd Posselt, vice-chairman and rapporteur; Niall Andrews, Roberta Angelilli, Alima Boumediene-Thiery, Marco Cappato, Michael Cashman, Carlos Coelho, Thierry Cornillet, Gérard M.J. Deprez, Giorgos Dimitrakopoulos, (for Christian von Boetticher), Francesco Fiori, (for Marcello Dell'Utri pursuant to Rule 153(2)), Pernille Frahm, Evelyne Gebhardt, Anna Karamanou, Margot Keßler, Ewa Klant, Alain Krivine (for Fodé Sylla), Baroness Sarah Ludford, Lucio Manisco (for Giuseppe Di Lello Finuoli), Minerva Melpomeni Malliori (for Sérgio Sousa Pinto), Hartmut Nassauer, William Francis Newton Dunn (for Daniel J. Hannan), Arie M. Oostlander, (for Enrico Ferri), Elena Ornella Paciotti, Hubert Pirker, Patsy Sørensen, Joke Swiebel, Anna Terrón i Cusí, Maurizio Turco (for Frank Vanhecke) and Gianni Vattimo.

The report was tabled on 25 October 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

Initiative of the Portuguese Republic with a view to adopting a Council Decision on the provisional establishment of the European Police College (EPC) (9679/2000 – C5-0373/2000 – 2000/0811(CNS))

The initiative is amended as follows:

Text proposed by the Portuguese Republic¹

Amendments by Parliament

(Amendment 1)
Recital 1

Does not affect the English version.

(Amendment 2)
Recital 3a (new)

(3a) The Governing Board of the Association of European Police Colleges (AEPC), which has coordinated law enforcement training activities for EU Member States and the applicant countries since early 1996, issued a statement on 20 September 2000 containing a number of recommendations on the proposed creation of a European Network of Police Colleges.

Justification:

When establishing a European Police College, account should be taken of the experience and recommendations of the Association of European Police Colleges, and especially the statement that was issued when its Governing Board met on 20 September 2000.

(Amendment 3)
Recital 4

(4) It is desirable to develop quickly a relationship between the European Police College and national training institutes in

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¹ OJ C 206, 19.7.2000, p. 3

Iceland, Norway *and the States which have applied for accession to the European Union* so that the activities of the College can be made accessible to them.

the applicant countries with which the European Union is conducting accession negotiations, as well as in Iceland and Norway, so that the activities of the College can be made accessible to them.

Justification:

Priority should be given to the training of officers from countries with which the European Union is conducting accession negotiations, as well from Iceland and Norway, with which particularly close cooperation exists on security matters.

(Amendment 4)

Recital 7

(7) This Decision should be reviewed *after a three-year period* in order to decide on the possible extension of the European Police College's tasks, and on *any modifications to* its institutional structure,

(7) This Decision should be reviewed *not later than in two years' time* in order to decide on the possible extension of the European Police College's tasks, and on its *future* institutional structure, *including its seat*,

Justification:

The decision should leave open the possibility of moving in less than three years' time from a network of existing training institutes to an actual college with a permanent seat.

(Amendment 5)

Article 1(1), introduction

1. The aim of the European Police College (hereinafter the 'College') shall be to help train the senior *law enforcement* officers of the Member States, by supporting and developing a European approach to the main problems arising in Member States in the field of crime-fighting and protecting internal security, with the following objectives:

1. The aim of the European Police College (hereinafter the 'College') shall be to help train the senior *police* officers of the Member States, by supporting and developing a European approach to the main problems arising in Member States in the field of crime-fighting, *crime prevention, provision of services, innovation, border surveillance* and protecting internal security *in terms of maintaining law and order*, with the following objectives:

Justification:

The rapporteur wishes to refer to EP resolution A4-0107/1998, paragraph 10 of which proposed the establishment of a European Academy for Internal Security, the main tasks of which would include the training of police forces and border control services.

Police work nowadays not only involves fighting crime but also, in particular, preventing crime and providing services, and innovation in respect thereof. A European Police College is likely to bring about a number of improvements in these areas, through enhanced synergy.

So as to avoid confusion with other aspects of internal security, the term 'law and order' has been added to make it clear that the European Police College's activities should be confined to police tasks.

(Amendment 6)

Article 1(1)(a)

(a) to increase knowledge of the national police systems and structures of other Member States;

(a) to increase knowledge of the national police systems and structures of other Member States, ***of Europol and of cross-border police and judicial cooperation in the European Union;***

Justification:

It is precisely the imparting of information concerning Europol and the European Union which must be one of the most important objectives of a European police college.

(Amendment 7)

Article 1(1)(b)

(b) to strengthen knowledge of international instruments, in particular those which already exist at European Union level in the field of cooperation on combating crime;

(b) to strengthen knowledge of international instruments, in particular those which already exist at European Union level in the field of cooperation on combating crime, ***as well as of European Union legal rules and programmes relevant to police work, preventing crime, providing services, innovation and maintaining law and order, taking account also of relevant developments in the field of human rights and in the political and socio-economic situation in the European Union;***

Justification:

The level of knowledge of European legal rules and programmes is still far too low both in the Member States and in the countries applying for accession.

In addition to knowledge of the instruments used in the field of cooperation on combating crime, account should also be taken of the increasing importance attached to preventing crime, providing services, innovation and what has traditionally been the police's main sphere of activity, maintaining law and order. This should also be seen in a political, socio-economic and human rights context, so as to place the experience acquired in the broader European Union perspective.

(Amendment 8)
Article 1(1)(ca) (new)

(ca) to ensure appropriate training in respect for democratic safeguards, in particular the rights of the defence.

Justification

The establishment of a European Police College should be used to improve, at the European level, and in particular looking ahead to enlargement, the training of police officers in matters pertaining to individual rights, especially the rights of asylum-seekers and the rights of the defence.

(Amendment 9)
Article 1(2)

2. The College will also offer its facilities to the senior ***law enforcement*** officers of Iceland and Norway, ***and of States which have applied for accession to the European Union***. It will also be open to officials from the European Institutions and other bodies of the European Union.

2. The College will also offer its facilities to the senior ***police*** officers of ***the countries with which the European Union is conducting accession negotiations, as well as of*** Iceland and Norway. It will also be open to officials from the European Institutions and other bodies of the European Union ***whose work covers matters connected with police and judicial cooperation in the European Union***.

Justification:

Priority should be given to the training of officers from countries with which the European Union is conducting accession negotiations, as well from Iceland and Norway, with which particularly close cooperation exists on security matters.

It goes without saying that the College should be open to officials working in fields that fall

within its remit, i.e. judicial and police cooperation.

(Amendment 10)

Article 2(a)

(a) ***provide annual*** training sessions for senior national police officers, in particular on police cooperation between the Member States, on the basis of harmonised programmes;

(a) ***coordinate regular*** training sessions for senior national ***and regional*** police officers ***which focus*** in particular on ***existing European police and judicial cooperation***, police cooperation between the Member States, ***human rights policy, the political and socio-economic situation in the European Union, where relevant to the aims of such training, best practices in the Member States in the field of service provision, innovation, crime prevention and non-repressive police measures, in each case with regard to the exercise of police tasks***, on the basis of harmonised programmes;

Justification:

Trends in police training in various Member States point to further specialisation, with umbrella bodies having mainly coordinating functions. It is recommended that this trend be followed in the case of the European Police College and that it therefore be assigned a coordinating role.

Such courses represent an ongoing task and must not be restricted to being held on an annual basis.

Some Member States also have regional police forces which must not be excluded in advance from the College's activities.

Training must, in addition to the formal aspects of cross-border police cooperation, also focus on human rights policy, service provision and innovation, non-repressive aspects of law enforcement, best practices as regards crime prevention and associated matters and the political and socio-economic situation in the European Union, where relevant to the exercise of police tasks. In this way, proper account is taken of the complex sphere of activity in which today's police officers operate on a daily basis and on the basis of which synergies, and hence value-added, may be obtained by establishing a European Police College.

(Amendment 11)

Article 2(e)

(e) disseminate best practice and the results of research;

(e) **on the basis of study and of a comparison of the best common standards**, disseminate best practice and the results of research;

Justification:

In the view of the rapporteur, the dissemination among the police of the best European standards and methods should be regarded as one of the College's main activities, alongside the dissemination of knowledge of European rules.

(Amendment 12)

Article 2(f)

(f) develop and provide training regarding Member States' collective non-military response to crisis situations in third countries;

(f) develop and provide training regarding Member States' collective non-military response to crisis situations in third countries, **in particular in the areas of observance of the rule of law and the maintenance of law and order**;

Justification:

This amendment is based on concrete experience of events that have taken place in regions neighbouring the European Union during the past decade.

(Amendment 13)

Article 2(i)

(i) develop a virtual-reality 'electronic European Police College' (eEPC) to provide back-up for the College in the performance of its duties;

(i) develop a virtual-reality 'electronic European Police College' (eEPC) to provide back-up for the College in the performance of its duties, **ensuring that the necessary security measures are put in place**;

Justification:

It is clearly essential that criminal elements are prevented from accessing the College's electronic network.

(Amendment 14)

Article 2(j)

(j) enable the police officers of the Member States to acquire relevant language skills.

(j) enable the police officers of the Member States to acquire relevant language skills **and knowledge of European human rights policy and political and socio-economic trends in the European Union that are relevant to the aims of the College.**

Justification

Increasing knowledge of human rights policy and of political and socio-economic trends relevant to the aims of the training is, in the European context, at least as important as adequate language skills, as it cannot be taken for granted that police officers have sufficient knowledge of such matters.

(Amendment 15)

Article 3

Without prejudice to the future developments recommended in Article 10, the College shall be set up as a network, by bringing together national units and representatives of the national training institutes for senior police officers in the Member States as referred to in Article 6.

Without prejudice to the future developments recommended in Article 10, the College shall **provisionally** be set up as a network, by bringing together national units and representatives of the national training institutes for senior police officers in the Member States as referred to in Article 6.

Justification:

The College in the form of a network can only be a provisional structure. This must, however, during a transitional period, have a certain binding character [translator's note: the second sentence relates to a part of the amendment which does not affect the English version].

(Amendment 16)

Article 4(1)

The Directors of the national institutes shall form the governing board of the College. Where there are several directors from a single Member State they shall together form a delegation. Each delegation shall have one vote on the governing board. Representatives of the General Secretariat of the Council of the European Union shall be invited to attend the meeting with a non-voting status.

The Directors of the national institutes shall form the governing board of the College. Where there are several directors from a single Member State they shall together form a delegation. Each delegation shall have one vote on the governing board. Representatives of the General Secretariat of the Council of the European Union, **the Commission, the European Parliament and Europol** shall be invited to attend the

meeting with a non-voting status.

Justification:

In order to enable the governing board to function effectively, it is very important that the expertise of the Commission, the European Parliament and Europol is utilised.

(Amendment 17)

Article 9

The College may cooperate with the national police training institutes of non-Member States of the European Union. In particular, it will establish relations with the national institutes of Iceland and Norway ***and of the States applying for accession to the European Union.***

The College may cooperate with the national police training institutes of non-Member States of the European Union. In particular, it will establish relations with the national institutes of ***the countries with which the European Union is conducting accession negotiations, as well as of*** Iceland and Norway.

The College will also cooperate with relevant training bodies ***in Europe***, such as the Baltic Police Academy and the Central European Police Academy (MEPA).

The College will also cooperate with relevant training bodies ***at the international level***, such as the Baltic Police Academy and the Central European Police Academy (MEPA).

Justification:

The European Police College should be open to all forms of international cooperation. However, it should focus primarily on cooperation with countries with which the European Union is conducting accession negotiations, as well as Iceland and Norway, with which particularly close cooperation exists on security matters.

(Amendment 18)

Article 10

At the latest during the ***third*** year following the entry into force of this Decision, the governing board shall submit to the Council a report containing recommendations on ***how the College should develop, in particular at institutional level.***

At the latest during the ***second*** year following the entry into force of this Decision, the ***Commission, on the basis of an expert opinion from the*** governing board, shall submit to the Council ***and the European Parliament*** a report containing recommendations on ***the future structure and the seat of the College.***

Justification:

If a real college with a permanent seat is to be established at the latest at the end of three years, the Member States and the competent European Union institutions must be in a position to discuss relevant recommendations at the latest during the second year following the entry into force of this decision.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution 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) (9679/2000 – C5-0373/2000 – 2000/0811(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the initiative of the Portuguese Republic with a view to adopting a Council Decision on the provisional establishment of the European Police College (EPC) (9679/2000¹ – 2000/0811(CNS)),
 - having regard to Article 34(2)(c) of the Treaty on European Union,
 - having been consulted by the Council pursuant to Article 39(1) of the Treaty on European Union (C5-0373/2000),
 - having regard to Rules 106 and 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0316/2000),
1. Approves the initiative of the Portuguese Republic as amended;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
 4. Instructs its President to forward its position to the Council, the Commission and the government of the Portuguese Republic.

¹ OJ C 206, 19.7.2000, p. 3.

EXPLANATORY STATEMENT

On 3 April 1998, over a year before the entry into force of the Amsterdam Treaty, and on the basis of an own-initiative report drawn up by the rapporteur, Parliament adopted a resolution¹ 'on the implications of enlargement of the European Union for cooperation in the field of justice and home affairs'. Paragraph 10 of the resolution stated that the European Parliament proposed 'the establishment of a European Academy for Internal Security in the current border area between the European Union and the applicant countries to be responsible for training police forces and border control forces in the European Union and the applicant countries in order to prepare them for the use of Community law and the implementation of common and Community measures'.

On 16 October 1999, at its special meeting in Tampere, the European Council took up this proposal, referring to a 'European Police College'. Paragraph 47 of the Conclusions of the Finnish Presidency states that 'A European Police College for the training of senior law enforcement officials should be established. It should start as a network of existing national training institutes. It should also be open to the authorities of candidate countries.'

The idea of a European Police College has received particular support from Commissioner Vitorino. At a number of meetings of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as well as during part-sessions of Parliament, most recently at Question Time on 6 September 2000, the Commissioner has stressed the priority accorded to this project by the Commission in its 'scoreboard' for the field of justice and home affairs. He has also pointed out, however, that a number of Member States wish the college to be set up as a permanent network of national training institutes, whilst the others see a network structure as only a temporary, transitional stage in the process of establishing an institution with a permanent seat. From the outset, the Commission has vigorously advocated the latter approach.

The initiative of the Portuguese Republic of 27 June 2000, which has formed the subsequent basis for the work of Parliament and the Council in this area, corresponds generally speaking to the approach adopted by the Commission.

The Council and Parliament are broadly in agreement that a priority of the police college should be the training of senior police officers from countries with which the European Union is conducting accession negotiations. In the view of the rapporteur, this means that the project should be treated as urgent. The college in the form of a network should begin operating as early as 1 January 2001. As soon as possible thereafter, and not later than at the end of the three-year period laid down in the proposal, it should be established as an actual college with a permanent seat in the border area between the current EU and the applicant countries.

The work of the Council has identified priority areas in terms of the responsibilities of the European Police College, with which the rapporteur broadly agrees. These include the

¹ OJ C 138, 4.5.1998

following specific measures:

- providing training sessions for senior national police officers on the basis of common standards;
- participating in the drawing up of harmonised programmes for the training of middle-ranking police officers and police officers in the field with regard to cross-border cooperation between police forces in Europe and helping set up appropriate advanced training programmes;
- providing high-quality specialist training for key police officers involved in combating crime, with particular emphasis on organised crime;
- developing and providing training for trainers;
- disseminating best practice and the results of research;
- developing and providing training regarding operations in the context of assistance for third countries (e.g. Albania or Kosovo) in crisis situations, **taking account in particular of the areas of the maintenance of law and order and observance of the rule of law;**
- developing and providing training for police authorities from applicant countries, including training of police officers with a key role;
- facilitating relevant exchanges and secondments of personnel in the context of training;
- developing an 'electronic network' to provide back-up for the College in the performance of its duties, **ensuring that this goes hand in hand with the adoption of security measures preventing criminal elements from accessing the system;**
- enabling the police officers of the Member States to acquire relevant language skills.

In the view of the rapporteur, the purpose of the college should not, however, be solely to enhance police cooperation. The college should also contribute towards significantly improving the level of knowledge on the part of the police in the EU and in the applicant countries, above all in the areas of Community law and relevant Community programmes.

Not least for that reason, the idea of a European Police College has, from the outset, received wide support from police trade unions and professional associations.