

2013/0812 (COD) Initiative of Belgium, Bulgaria, the Czech Republic, Germany, Estonia, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden for a Regulation of the European Parliament and of the Council amending Decision 2005/681/JHA establishing the European Police College (CEPOL)

MS initiative doc. 17043/13	Parliament (LIBE) Position (vote on 20.02.2014)	Presidency compromise proposal (approved by Coreper on 26.02.2014)	Comments
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 Article 87(2)(b) thereof,			
Having regard to the initiative of Belgium, Bulgaria, the Czech Republic, Germany, Estonia, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden,			
After transmission of the draft legislative act to the national parliaments,			

Acting in accordance with the ordinary legislative procedure,			
Whereas:			
(1) According to Article 4 of Council Decision 2005/681/JHA establishing the European Police College (CEPOL), CEPOL has its seat in Bramshill, United Kingdom.			
(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.	(2) <i>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</i> , by letters of 12 December 2012 and 8 February 2013, the United Kingdom informed CEPOL that it <i>had unilaterally decided that it</i> no longer wishes 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	(2) <i>Notwithstanding the <u>legal obligations of the United Kingdom deriving from to both provisions of Article 4 of Council Decision 2005/681/JHA and from the Headquarters Agreement concluded between the Government of the United Kingdom and CEPOL on 30 December 2004</u></i> , by letters of 12 December 2012 and 8 February 2013, the United Kingdom informed CEPOL <i>that it had unilaterally decided</i> that it no longer wishes 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. <i><u>In light of the Treaty obligations of sincere</u></i>	The reference to the EU law is sufficient.

	<p>emerged. <i>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.</i></p>	<p><i>cooperation and in particular the obligations deriving from Article 4 TEU, <u>to 'take any appropriate measure to ensure fulfilment of the obligations resulting from the acts of the institutions of the Union' require the Union and its Member States should mutually assist each other in maintaining CEPOL's operational activities. To that end, the UK Government in particular is required to ensure a smooth transition of CEPOL to its new location, without jeopardising the regular budget of CEPOL.</u></i></p>	
<p>(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.</p>	<p>(3) In view of this situation, on 8 October 2013, the representatives of the Governments of the Member States agreed by common accord on <i>and of the fundamental need to maintain CEPOL's complete independence, arrangements to host CEPOL should be made</i> according to which CEPOL will be hosted in Budapest as soon as it moves from Bramshill. This agreement <i>Those arrangements</i> should be incorporated in Council Decision 2005/681/JHA.</p>	<p>(3) In view of this situation, <i>the common accord reached</i> on 8 October 2013 <i>by the representatives of the Governments of the Member States agreed by common accord on</i> and of the fundamental need to maintain CEPOL's complete independence-status as a separate Union agency, arrangements to host CEPOL <i>should be made</i> according to which CEPOL will be hosted in Budapest as soon as it moves from Bramshill. This agreement <i>Those arrangements</i> should be incorporated in Council Decision 2005/681/JHA.</p>	<p><i>Factual information</i></p>

		Recital 3a (new)	
		<u>In view of the legal framework pursuant to the entry into force of the Lisbon Treaty, it would be necessary to review Council Decision 2005/681/JHA, while at the same time ensuring CEPOL's status as a separate Union agency.</u>	<i>New recital to justify the new Article relating to the "lisbonisation" of CEPOL</i>
	Recital (3b) (new)	Recital (3b) (new)	
	<i>(3b) 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.</i>	<i>(3b) 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 <u>Commission pursuant to established procedures.</u></i>	<i>The common approach to EU decentralised agencies foresees the need for a headquarters agreement; a reference to established procedures is sufficient</i>
(4) In accordance with Articles 1 and 2 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 Treaty on European Union and to the Treaty on the Functioning of the European Union, 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.			
OR			

<p>(5) In accordance with Article 3 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 Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this Regulation.</p>			
<p>(6) In accordance with Articles 1 and 2 of Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.</p>			
<p>HAVE ADOPTED THIS REGULATION:</p>			
<p><i>Article 1</i></p>			
<p>Council Decision 2005/681/JHA is hereby amended as follows:</p>			
<p>Article 4 Seat shall read as follows:</p>			

	Article 1 – paragraph 1 – subparagraph 1	Article 1 – paragraph 1 – subparagraph 1	
"The seat of CEPOL shall be in Budapest, Hungary."	The seat of CEPOL shall <i>temporarily</i> be in Budapest, Hungary.	The seat of CEPOL shall <u>temporarily</u> be in Budapest, Hungary.	<i>Addition of "temporarily" is not appropriate from a legal drafting point of view</i>
	<i>Article 1a (new)</i>	Article 1 – paragraph 1 – subparagraph 2 (new) <u><i>Article 21a "Review" is added in the Council Decision 2005/681/JHA:</i></u>	
		<u>Option 1:</u> <u><i>Not later than 2 years after the entry into force of the Regulation xxx/2014¹, the Council Decision 2005/681/JHA shall be reviewed on the basis of the Commission Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA.</i></u>	<i>If the Council agrees on 3/3/2014 to update the existing CEPOL Decision by splitting the draft Europol Regulation</i>

¹ Regulation of the European Parliament and of the Council amending Decision 2005/681/JHA establishing the European Police College (CEPOL).

	<p><i>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.</i></p>	<p><u>Option 2:</u></p> <p><i><u>The Commission shall, Not later than 18 months after the entry into force of this the Regulation xxx/2014², evaluate the Commission shall report on the effectiveness of Council 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 . The report may be accompanied by a legislative proposals to amend this Decision 2005/681/JHA, while at the same time ensuring CEPOL's complete independence.</u></i></p>	<p><i>If the Council agrees on 3/3/2014 to invite the Commission to submit a legislative proposal to amend or replace the existing CEPOL Decision</i></p>
Article 2			
<i>This Regulation shall enter into force on the day of its publication in the Official Journal of the European Union.</i>			
<i>It shall apply from (...) 2014</i>			

² Regulation of the European Parliament and of the Council amending Decision 2005/681/JHA establishing the European Police College (CEPOL).

<i>This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.</i>			
	Article 2a	Article 2a	
	Review <i>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.</i>	<u>Review</u> <u>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.</u>	<i>Covered under the previous point</i>
Done at ..., ...			
<i>For the European Parliament</i>			
<i>The President</i>			
<i>For the Council</i>			
<i>The President</i>			