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COUNCIL OF THE EUROPEAN UNION

Brussels, 22 June 2000 (26.06)
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LIMITE

ENFOPOL 43

COVER NOTE

from :	Vasco Valente, Permanent Representative of the Portuguese Republic
to :	Javier Solana, Secretary-General of the Council of the European Union
No. prev. doc. :	8560/00 ENFOPOL 33
Subject :	Submission from the Portuguese Republic: – Draft Council Decision on the provisional establishment of the European Police College

Sir,

I enclose, under Articles 30, 31 and 34 (2)(c) of the Treaty on European Union, a proposal by the Portuguese Government for a draft Council Decision on the provisional establishment of the European Police College (EPC), together with an explanatory report on the proposal, which I would appreciate your placing on the agenda for the appropriate bodies.

(Complimentary close).

(s.) (Vasco Valente)

Javier Solana
Secretary-General of the Council of the European Union
BRUSSELS

Draft Council Decision on the provisional establishment of the European Police College
EPC

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Union, and in particular Articles *30(1)(c) and* 34(2)(c) thereof,

Having regard to the initiative of.....

Having regard to the Opinion of the European Parliament of.....

Whereas:

1. at its meeting in Tampere on 15 and 16 October 1999, the European Council agreed that a European Police College for the training of senior police officers should be established.
2. the European Council in Tampere agreed that the European Police College should start as a network of existing national training institutes, *without* precluding the establishment of a permanent institution at a later stage.
3. there already exist national, European and international organisations and bodies which are active in the area of police training, on whose cooperation the European Police College should be able to rely in the carrying out of its tasks.
4. it is desirable to quickly develop a relationship between the European Police College and national training institutes in 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.

5. The European Union has been active in this field, in particular by adopting and implementing programmes under Title VI of the TEU, such as the OISIN[1] programme and the FALCONE [2] programme.
6. the European Police College should carry out its tasks by progressive stages in the light of the objectives set out in the annual work programmes and with due regard for available resources.
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,

HAS ADOPTED THIS DECISION:

TITLE 1 – Objectives and tasks

Article 1

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:

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

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

(c) to optimise cooperation and coordination between the College and the other multinational police training institutes in Europe on the subject of cross-border cooperation between police forces in Europe.

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1 OJ L 7, 10.01.97, p. 5
2 OJ L 99, 31.03.98, p. 8

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.

Article 2

In order to achieve those objectives the College may undertake the following actions in particular:

(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;

(b) draw up 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 help set up appropriate advanced training programmes;

(c) provide high-quality specialist training for key police officers involved in combating organised crime;

(d) develop and provide training for trainers;

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

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

(g) develop and provide training for police authorities from applicant countries, including training and consultation of police officers with a key role;

(h) facilitate relevant exchanges and secondments of personnel in the context of training;

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

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

TITLE II – Provisional organisation

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.

Article 4

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 Governing Board shall be chaired by the director of a national institute from the Member State holding the Presidency of the Council of the European Union. The Governing Board shall meet at least twice a year. It shall establish its Rules of Procedure by common agreement among the delegations. The Rules of Procedure shall provide for the establishment of a Bureau which shall be responsible for preparing the deliberations of the Governing Board and overseeing the management of the Secretariat referred to in Article 7.

Article 5

Acting on a proposal from the Bureau, the Governing Board shall each year adopt an annual programme for actions in the areas defined in Title 1. It shall also adopt additional programmes and initiatives, where appropriate.

Each year the Governing Board shall also adopt an activities report covering the previous year, and shall forward it to the Council, the Commission and the European Parliament for information.

The decisions of the Governing Board referred to in this Article shall be adopted by a simple majority of delegations.

Article 6

Each Member State shall either set up special units within its police academies which shall constitute the "European Police College – Section ... (Member State)", or shall designate national representatives of the College. The national units and the national representatives shall together form the College. Their task shall be to implement the programmes and initiatives adopted by the Governing Board. They shall cooperate closely to that end.

Article 7

The Governing Board shall set up a permanent Secretariat to assist the College with the administrative tasks necessary for the College to function and implement annual programmes. The Secretariat will be set up within one of the national police academies on the basis of a Board decision adopted by common agreement among the delegations.

All other decisions taken by the Governing Board concerning the Secretariat shall be taken by a simple majority of delegations.

The Secretariat shall be headed by a Secretary appointed by the Governing Board for a three-year term.

Article 8

1. The costs of implementing the actions in the annual programme adopted by the Governing Board pursuant to Article 5, together with the administrative costs of the College, shall be borne jointly by the Member States. To that end, the annual contribution from each Member State shall be established on the basis of the gross national product (GNP) according to the scale used for determining the GNP element in own resources for financing the general budget of the European Communities. Each year the GNP of the previous year shall be taken as the reference basis for each Member State.

2. The budget of the Governing Board shall be managed by the Secretariat on the basis of a Financial Regulation adopted by the Governing Board acting by common agreement of the delegations.

Expenditure on:

- course preparation;
- fees for external instructors;
- travel expenses for the members of the delegations on the Governing Board and for members of its Bureau;
- travel expenses for anyone from one Member State attending a course in another Member State;
- general operating costs of the Secretariat, except for the remuneration of its members;
- development of an electronic European Police College;
- costs for any other initiative adopted by the Board.
- etc.;

shall be borne by the budget of the College.

TITLE III – Other provisions

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

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.

Article 11

This Decision shall enter into force on ....

COUNCIL OF THE EUROPEAN UNION

Brussels, 22 June 2000

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ENFOPOL 43

NOTE

from :	Mr. Vasco Valente, Premanent Representative of the Portuguese Republic
to :	Mr. Javier Solana, Secretary-General of the Council of the European Union
No. prev. doc. :	8560/00 ENFOPOL 33
Subject :	Submission from the Portuguese Republic: - Explanatory report on the Council Decision on the provisional establishment of the European Police College (EPC)

EXPLANATORY REPORT ON THE COUNCIL DECISION ON THE PROVISIONAL ESTABLISHMENT OF THE EUROPEAN POLICE COLLEGE EPC

1. Introduction

(i) The Council Decision drawn up on the basis of Article 30 of the Treaty on the European Union on the provisional establishment of the European Police College EPC is intended to form the legal basis for a network of existing European national law enforcement training institutes.

Historical background

(ii) The Treaty of Amsterdam emphasises in Article 29, par. 1 that the "*Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police (...) cooperation in criminal matters*". This objective shall be achieved through closer direct cooperation between law enforcement authorities and common action in the field of police cooperation, including cooperation and joint initiatives in training (Articles 29, par.2 and 30, par. 1 c) TEU).

(iii) At its special meeting held in Tampere on 15 and 16 October 1999, the European Council decided that co-operation in the fight against crime should be intensified by establishing a European Police College (EPC), designed to help train senior law enforcement officials. Such an institution should however begin as a network of existing national training institutes. In addition, it was stipulated that it should also be open to the authorities of Accession Candidates.

(iv) Until then co-operation in the field of law enforcement training between Member States took place in the framework of the Association of European Police Colleges (AEPC), which was set up on the basis of an international agreement between Member States' Police Colleges, but is not a body of the European Union. Member States also have co-operated in the framework of programmes adopted under Title VI of the TEU, such as the OISIN[1] programme and the FALCONE[2] programme.

(v) Discussions on the future European Police College began shortly after the European Council of Tampere in December 1999 during the Finnish Presidency. On the basis of a study drawn up by the General Secretariat of the Council, the Portuguese Presidency drew up the present Draft Council Decision regarding the establishment of the European Police College Network in 2000.

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[1] OJ L 7, 10.01.97, p.5
[2] OJ L 99, 31.03.98, p.8

2. COMMENTARY ON THE ARTICLES

TITLE 1

Objectives and tasks

Article 1

(i) General remarks

Recommendation 47 made by the European Council in Tampere stated that the aim of the European Police College as well as of the Network will be the training of senior law enforcement officials. This is reflected in paragraph 1 of this Article. Paragraph 1 also highlights that the College primarily aims at the support and development of a common ("European") approach to the main problems, which ideally would result in creating a European "esprit de corps" among senior law enforcement officers.

"Law enforcement officers" is to be understood in a broad sense, that is to say not only limited to officers of uniformed or criminal police forces, but also including customs, border guards and other law enforcement agencies. "Senior" law enforcement officers in the opinion of Member States are those officers that already have a senior rank or who will become the future leaders in their authorities. As responsibility is increasingly being placed upon officers from the middle management level and the expert/ practitioner's level, the College is equally open for them.

Member States agreed that it should be left to Member States to decide whom they want to send to the training offered by the College. Additionally, the criteria (target group etc.) should be established by the College on a case by case basis.

(ii) Paragraphs (a) to (c)

These paragraphs spell out the objectives of the European Police College, which should help to support and develop the "European approach" and which, in the opinion of Member States, reflect best the areas where the College should be active.

(iii) Paragraph 2 of Article 1 establishes the possibility to participate in activities offered by the College for Iceland and Norway, which are not Members of the European Union, but are cooperating with other Member States in the framework of existing instruments and institutions (i.e. the Baltic Police Academy). This paragraph also reflects the recommendations of the European Council of Tampere by offering applicant countries to be involved in the training process[1]. It also opens the College to officials from European institutions and other bodies of the EU. Among these are the European Commission, Europol and the General Secretariat of the Council of the European Union.

Article 2

Article 2 deals with the various possibilities the college has to implement the objectives listed in Article 1. In the opinion of Member States, the actions proposed by paragraph (a) and (b) are especially appropriate to achieve the objectives of Article 1.

(i) Paragraph (a)

One of the main instruments to support and develop the "European approach" between senior national law enforcement officers (Article 1, paragraph 1) will be their annual training session. The purpose of this training session, which will be hold in one of the Member States, is twofold: It will complement the officer's national training regarding the knowledge of other Member States' law enforcement systems and structures and the knowledge of international instruments, which is carried out on the basis of harmonised curricula in order to achieve a common standard. It also aims at developing a European "esprit de corps" among participants.

(ii) Paragraph (b)

This paragraph explicitly provides for the training of law enforcement officers from middle management level and the expert/ practitioner's level. In the framework of the cooperation via the European Police College their national training will deal with cross-border cooperation and will be based on harmonised curricula. The common "advanced training programmes" complement the instruction at national level. They are not restricted to a particular subject, but will mainly touch on problems of cross-border co-operation.

[1] This objective is also dealt with in detail in Article 9 of the Decision.

(iii) Paragraph (c)

This paragraph establishes the possibility to carry out training courses in areas which require a high degree of specialisation. In a first step the training will focus on special investigative techniques used in the fight against organised crime, like the deployment of undercover agents, controlled deliveries, intelligence etc. The training will be primarily carried out as common European training seminars. The officers involved are specialists in combating organised crime (prosecutors, police officers, customs officers and others).

(iv) Paragraph (d)

This training aim at obtaining a common understanding of the police training systems that exist in each country, and develop common instructional methods for the implementation of training programmes conducted by the College.

(v) Paragraph (e)

Based on this provision the College will distribute information about valuable experience gained in the field of law enforcement research by national authorities and other bodies. The electronic Police College (see paragraph (i)) will be an important instrument in this respect.

(vi) Paragraph (f)

The EU is developing a collective non-military response to crisis situations in third countries. Part of this collective response will be common training of those law enforcement officers who have been chosen to do their service in the crises regions. This training will ensure a common EU approach to this kind of policing and will sustain the exchange of best practices in this area.

(vii) Paragraph (g)

As provided for in Article 1, paragraph 2, the College will offer its facilities to accession states. This includes developing and providing actively appropriate training for police authorities from applicant countries. The training aims at those law enforcement officers which have important functions either at a strategic/ political level or at an expert level.

(viii) Paragraph (h)

This paragraph provides for exchanges and secondments of personnel in the context of training and not in the context of investigations. It thereby supplements the common training foreseen in paragraph (a) and (b).

(ix) Paragraph (i)

The electronic network between the European police colleges (electronic European Police College - eEPC) will be developed and used as an innovative and cost-effective instrument to disseminate training material and access knowledge databanks of all kinds. It is part of the flexible network structure of the College. In that way it will support the college in its task ("back-up"), but will not be used to replace the conventional face-to-face training.

(x) Paragraph (j)

This paragraph provides for the possibility to carry out language courses by national law enforcement-training institutes for law enforcement officers from other Member States.

TITLE II – PROVISIONAL ORGANISATION

Article 3

The European Council of Tampere recommended that the College should start as a network of existing national training institutes. This recommendation is reflected in Article 3. In referring to Article 10, Article 3 underlines that the network may be supplemented by an institution or a body at a later stage. Member States agreed that during the first phase this network should consist of national units. Instead of setting up a national unit, a Member State may also nominate representatives from its national training institutes for senior law enforcement officers. The provision refers to Article 6, where the role and the tasks of the national units and the national representatives are described.

Article 4

Article 4 spells out the composition of the Governing Board of the College and deals with its rules of procedure, as far as they will not be part of the Rules of Procedure to be established by the Board itself, as provided for by paragraph 2 of this article. The tasks of the Board are referred to in Article 5, paragraph 2, Article 6, Article 7 and Article 8. Paragraph 2 of Article 4 also deals with the establishment of a Bureau assisting the Governing Board in its tasks and supervising the Secretariat of the College. The role and competencies of this Bureau are to be specified in the Rules of Procedure.

Article 5

Article 5 specifies some of the tasks of the Governing Board, i.e. the adoption of an annual programme and an activity report.

Article 6

This Article refers to the question how the European Police College should be composed and which role the national entities will have and thus complements Article 3. According to Article 6 the Governing Board has the task to adopt programmes and initiatives which then will be put into practice by the national entities (national units or national representatives). This involves the annual programme of action (Article 5) as well as any other programme and initiatives. In order to ensure that the College will work as a true *network* of national entities, Article 6 requires "close co-operation" between them.

Article 7

The provisions concerning the role, the location of the permanent Secretariat and its Secretary are contained in Article 7. Most of the decisions which have to be taken regarding the functions of the Secretariat will be taken by the Governing Board at a later stage. The role of the Secretariat is also characterised by Article 4, paragraph 4, which deals with the establishment of the Bureau of the Board supervising the Secretariat.

Article 8

Article 8 deals with the financing of the College. It explains in detail in paragraph 1 and 2 what costs should be borne by jointly by the Member States. The distribution key which will be used is described in paragraph 1. Paragraph 2 describes the steps to be carried out before adopting the budget of the Governing Board.

TITLE III – OTHER PROVISIONS

Article 9

This Article provides for the cooperation with non-Member States of the European Union and training bodies in Europe, with which Member States have already co-operated earlier.

Article 10

In line with the European Council of Tampere, which envisaged the establishment of a network as a first phase, Article 10 determines that the Governing Board will submit a report to the Council, which contains recommendations for its further development.