

AMENDMENTS 001-030

by the Committee on Civil Liberties, Justice and Home Affairs

Report

Kinga Gál

A8-0048/2015

EU Agency for Law Enforcement Training (CEPOL)

Proposal for a regulation (COM(2014)0465 – C8-0110/2014 – 2014/0217(COD))

Amendment 1

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) To ensure that Union level training for law enforcement personnel is of high quality, coherent and consistent, CEPOL should strive to structure it in line with the principles of the Law Enforcement Training Scheme. Union-level training should be available to law enforcement officers of all ranks. CEPOL should ensure that training is evaluated and that conclusions from training needs assessments are part of planning to enhance effectiveness of future actions. CEPOL should promote the recognition in Member States of training provided at Union level.

Amendment

(6) To ensure that Union level training for law enforcement personnel is of high quality, coherent and consistent, CEPOL should strive to structure it in line with the principles of the Law Enforcement Training Scheme, ***whilst putting particular emphasis on the protection of human rights and fundamental freedoms in the context of law enforcement.*** Union-level training should be available to law enforcement officers of all ranks. CEPOL should ensure that training is evaluated and that conclusions from training needs assessments are part of planning to enhance effectiveness of future actions. CEPOL should promote the recognition in Member States of training provided at Union level.

Amendment 2

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In order to make the most efficient use of its resources, CEPOL's activities should be focused on thematic areas that have a clear Union added value and a cross-border dimension, closely linked to the Internal Security Strategy. The focus should be forward-looking, identifying what training and capacity building measures are required in the future at Union level.

Justification

In order to ensure its effectiveness and impact, CEPOL's limited resources should be focussed towards a few thematic areas with a clear European added-value, by no means duplicating the work done at the level of the Member States, and in line with the principle of subsidiarity. Focussing on a more limited number of thematic areas would free resources to put more effort into quality and attractiveness.

Amendment 3

Proposal for a regulation Recital 7

Text proposed by the Commission

Amendment

(7) To avoid duplication in the training activities for the competent law enforcement personnel, which are carried out by existing European Union Agencies and other relevant bodies, CEPOL should assess strategic training needs and address Union priorities in the area of internal security and its external aspects, ***in line with the relevant policy cycles.***

(7) To avoid duplication, ***uncoordinated initiatives or overlap*** in the training activities for the competent law enforcement personnel, which are carried out by existing European Union Agencies and other relevant bodies, CEPOL should assess strategic training needs and recommends Union training priorities in the area of internal security and its external aspects.

Justification

In order to use scarce resources efficiently, a more effective coordination among JHA Agencies providing training is important, exploiting synergies and eliminating duplication.

Furthermore, CEPOL as the only specialised agency dealing exclusively with law

enforcement training, should be able to assist the European Institutions in the formulation of priorities to be addressed via training.

Amendment 4

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The Commission and the Member States should be represented within the Management Board of CEPOL in order to supervise effectively the exercise of its functions. The **Board should consist of** members appointed on the basis of their experience in the management of public or private sector organisations and of their knowledge in the national policy on training for law enforcement officers. The Board should be entrusted with the necessary powers to establish the budget, verify its execution, adopt appropriate financial rules and CEPOL's strategy, establish transparent working procedures for decision making by CEPOL, appoint the Director, establish performance indicators and exercise appointing authority powers, in accordance with the Staff Regulations and the Conditions of Employment of Other Servants.

Amendment

(9) The Commission and the Member States should be represented within the Management Board of CEPOL in order to supervise effectively the exercise of its functions. The members **of the Management Board and their alternates should be** appointed on the basis of their experience in the management of public or private sector organisations and of their knowledge in the national policy on training for law enforcement officers. The Board should be entrusted with the necessary powers to establish the budget, verify its execution, adopt appropriate financial rules and CEPOL's strategy, establish transparent working procedures for decision making by CEPOL, appoint the **Executive** Director, establish performance indicators and exercise appointing authority powers, in accordance with the Staff Regulations and the Conditions of Employment of Other Servants.

Amendment 5

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) To ensure the scientific quality of CEPOL's work, a Scientific Committee, composed of independent persons of the highest academic or professional standing in the subjects covered by this Regulation, should be set up as an independent advisory body.

Amendment

(11) To ensure the scientific quality of CEPOL's work, a Scientific Committee, composed of independent persons of the highest academic or professional standing in the subjects covered by this Regulation, should be set up as an independent advisory body. **The Members of the Scientific Committee should be appointed by the Management Board following a**

transparent call for applications and selection procedure to be published in the Official Journal of the European Union.

Amendment 6

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) CEPOL should ensure that its training integrates relevant developments in research and encourage the creation of stronger partnerships between universities and law enforcement training institutes in the Member States.

Amendment

(12) CEPOL should ensure that its training integrates relevant developments in research and encourage the creation of stronger partnerships between universities and law enforcement training institutes in the Member States ***as well as other European Union law enforcement agencies in order to create spill-over effects by means of enhanced cooperation.***

Amendment 7

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) In order to guarantee the full autonomy and ***the*** independence of CEPOL, it should be granted ***an*** autonomous budget with revenue stemming essentially from a contribution from the budget of the Union. The Union budgetary procedure should be applicable as far as the Union contribution and any other subsidies chargeable to the general budget of the European Union are concerned. The auditing of accounts should be undertaken by the Court of Auditors.

Amendment

(13) In order to guarantee the full autonomy and independence of CEPOL ***and to enable it to properly perform the objectives and tasks assigned to it in this Regulation,*** it should be granted ***a*** ***sufficient and*** autonomous budget with revenue stemming essentially from a contribution from the budget of the Union. The Union budgetary procedure should be applicable as far as the Union contribution and any other subsidies chargeable to the general budget of the European Union are concerned. The auditing of accounts should be undertaken by the Court of Auditors.

Justification

While the proposed Regulation attributes new tasks to CEPOL or expands, modifies and reprioritises existing ones, the proposed budget does not match this ambition by attributing the necessary additional resources. CEPOL has reached the limit by which it can make use of

internal reshuffling. Therefore, sufficient funding should be safeguarded for CEPOL to properly execute its new tasks.

Amendment 8

Proposal for a regulation

Article 1 – paragraphs 1 and 1 a (new)

Text proposed by the Commission

1. A European Union Agency for Law Enforcement Training (CEPOL) is hereby established *in order to foster a coherent European law enforcement training policy.*

Amendment

1. A European Union Agency for Law Enforcement Training (CEPOL) is hereby established.

1a. CEPOL is established in order to improve cooperation among law enforcement authorities in the Union by supporting and implementing the training of their law enforcement officials in relation to the prevention, detection and investigation of criminal offences, maintenance of law and order and EU police missions, in order to foster a coherent European training policy, and in order to strengthen the fundamental rights dimension of law enforcement training.

Amendment 9

Proposal for a regulation

Article 2 – point a

Text proposed by the Commission

(a) ‘Law enforcement *officers*’ means officers of police, customs and of other relevant services, *including Union bodies*, responsible for preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime that affect a common interest covered by a Union policy *and for* crisis management and international policing of major events.

Amendment

(a) ‘Law enforcement *officials*’ means *professionals, including those still in training, or* officers of police, customs and of other relevant services, responsible for preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime that affect a common interest covered by a Union policy, *public order*, crisis management and international policing of major events, *including employees or experts of Union institutions, bodies, offices and departments whose competences are*

related to those tasks.

Amendment 10

Proposal for a regulation Article 3 – title

Text proposed by the Commission

Objectives

Amendment

Objectives *of CEPOL*

Amendment 11

Proposal for a regulation Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

CEPOL shall support, develop and coordinate training for law enforcement *officers*, in line with the law enforcement training scheme, in particular in the areas of *the fight against* serious crime affecting two or more member states and terrorism, management of *high-risk* public order and sports events, planning and command of Union missions, as well as law enforcement leadership and language skills, *in order to*:

Amendment

CEPOL shall support, develop, *implement* and coordinate training for law enforcement *officials*, in line with *the principles of* the law enforcement training scheme, in particular in the areas of *preventing and combating* serious *and organised* crime affecting two or more Member States and terrorism, management of public order, *major events* and sports events, planning and command of Union missions, as well as law enforcement leadership and language skills.

CEPOL's activities shall raise awareness and knowledge of international and Union instruments and activities on law enforcement cooperation, Union bodies, in particular Europol, Eurojust, and Frontex, their functioning and role as well as judicial aspects of law enforcement cooperation. CEPOL shall promote a common respect for and understanding of fundamental rights in law enforcement including privacy, data protection and the rights, support and protection of victims, witnesses and suspects, including safeguarding the rights of victims of gender-based violence (GBV). Furthermore, CEPOL shall:

Amendment 12

Proposal for a regulation

Article 3 – paragraph 1 – point -b (new)

Text proposed by the Commission

Amendment

(-b) strengthening cooperation networks of law enforcement agencies in managing flows of illegal immigration;

Amendment 13

Proposal for a regulation

Article 3 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) encourage the development of regional and bilateral cooperation among Member States and between Member States, Union bodies and third countries; ***deleted***

Justification

In order to ensure its effectiveness and impact, CEPOL's limited resources should be focussed towards a few thematic areas with a clear European added-value. Focussing on a more limited number of thematic areas would free resources to put more effort into quality and attractiveness. Bilateral and regional cooperation can be better pursued by the Member States via the utilisation of thematic funds such as the Internal Security Fund, especially the national segment. Furthermore, cooperation with third countries is already covered in Article 3(e) of the Commission's proposal.

Amendment 14

Proposal for a regulation

Article 3 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) devise specific common curricula for law enforcement officers to train them for participation in Union missions; ***deleted***

Justification

In order to ensure its effectiveness and impact, CEPOL's limited resources should be focussed towards areas with a clear European added-value. Common curricula are an important element in order to facilitate a common approach in relation to cross-border law enforcement cooperation and should not be narrowly focussed on the participation in Union missions. It is

also important to underline the civilian nature of CEPOL's involvement in CSDP. Furthermore, the development of training initiatives in this context is already covered in Article 3(e) of the Commission's proposal.

Amendment 15

Proposal for a regulation

Article 3 – paragraph 1 – point e

Text proposed by the Commission

(e) support Member States and Union bodies in law enforcement capacity-building activities in third countries;

Amendment

(e) ***develop, coordinate and implement training to*** support Member States and Union bodies in ***training law enforcement officials for participation in Union missions and*** law enforcement capacity-building activities in third countries;

Justification

To enhance the efficiency and accountability of the Agency, it is important to clearly state, in the context of the formulation of the objectives of the agency, that CEPOL should develop, coordinate and implement training, not only provide support.

Amendment 16

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

(b) common curricula to raise awareness, address gaps and/or facilitate a common approach in relation to cross-border criminal phenomena;

Amendment

(b) common curricula to raise awareness ***and knowledge***, address gaps and/or facilitate a common approach in relation to cross-border criminal phenomena, ***in particular with regard to terrorism, cybercrime, financial investigation, and participation in Union missions***;

Amendment 17

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

5. CEPOL may engage in communication activities on its own initiative in the fields within its mandate. ***Communication activities shall not be detrimental to the***

Amendment

5. CEPOL may engage in communication activities on its own initiative in the fields within its mandate.

tasks referred to in paragraph 1 and shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board.

Justification

It is not possible to make obligations in a Regulation subject to external documents which were not published (see Guideline 16 of the Joint Practical Guide for drafting of EU legislation).

Amendment 18

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. CEPOL *shall contribute to the development of research relevant for training activities covered by this Regulation* particularly with regard to the fight against serious crime and more general cross border criminal matters in training activities.

Amendment

1. CEPOL *may carry out, cooperate with or encourage scientific research and surveys, preparatory studies and feasibility studies including, where appropriate and compatible with its priorities and its annual work programme, at the request of the European Parliament, the Council or the Commission,* particularly with regard to the fight against serious crime and more general cross border criminal matters in training activities. *To carry out those tasks, CEPOL may manage dedicated Union research funds.*

Justification

To fully implement an approach to law enforcement training which can guarantee and encourage scientific integrity and innovation of learning products, the Agency should have the clear legal possibility to engage in research without prejudice to its main priorities.

Amendment 19

Proposal for a regulation
Article 6 – paragraph 3 – point b

Text proposed by the Commission

(b) organise and coordinate appropriate nominations of participants for activities at the national level in a **timely** manner;

Amendment

(b) organise and coordinate appropriate nominations of participants for activities at the national level in a **transparent** manner;

Justification

The nomination of participants for activities at the national level should be transparent, all the published positions should be universally accessible and the selection should be clearly justified.

Amendment 20

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

4. Each Member State shall structure the organisation and the staff of the national unit according to its national legislation.

Amendment

4. Each Member State shall structure the organisation and the staff of the national unit according to its national legislation, ***taking into account this Regulation and the Treaties applicable in each case.***

Amendment 21

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of training for law enforcement officers, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the Management Board's work. All parties shall aim to achieve a balanced representation between men and women on the Management Board.

Amendment

3. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of training for law enforcement officers, taking into account relevant managerial, administrative, ***educational*** and budgetary skills. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the Management Board's work. All parties shall aim to achieve a balanced representation between men and women on the Management Board.

Amendment 22

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

2. Each member with voting rights shall have one vote. In the absence of a member

Amendment

2. Each member with voting rights shall have one vote. In the absence of a member

with the right to vote, his/her alternate shall be entitled to exercise his/her right to vote.

with the right to vote, his/her alternate shall be entitled to exercise his/her right to vote, ***provided that he or she has a mandate from the member with the right to vote.***

Amendment 23

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the powers of the Commission and the Management Board, the Executive Director shall be independent in the performance of the duties and shall neither seek nor take instructions from any government nor from any other body.

Amendment

2. The Executive Director shall be independent in the performance of the duties and shall neither seek nor take instructions from any government nor from any other body.

Justification

Clearer drafting. The accountability to the Management Board and the Commission is self-evident from the logic of the text even if not mentioned. The use of the expression “without prejudice” makes this paragraph unclear (see Guideline 16, point 9 of the Joint Practical Guide for drafting of EU legislation).

Amendment 24

Proposal for a regulation Article 14 – paragraph 5 – introductory part

Text proposed by the Commission

5. The Executive Director shall be responsible for the implementation of the tasks assigned to CEPOL by this Regulation. In particular, ***the Executive Director shall be responsible for:***

Amendment

5. The Executive Director shall be responsible for the implementation of the tasks assigned to CEPOL by this Regulation, in particular:

Amendment 25

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

2. Each year the Executive Director shall send to the budgetary authority all information relevant to the findings of any

Amendment

2. Each year the Executive Director shall send to the budgetary authority all information relevant to the findings of any

evaluation procedures.

evaluation procedures *and shall also notify them to the Court of Auditors.*

Amendment 26

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. CEPOL shall be a body of the Union. It shall have legal personality.

Amendment

1. CEPOL shall be a body of the **European** Union. It shall have legal personality.

Amendment 27

Proposal for a regulation

Article 24 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall present, no later than two years after the date of application of this Regulation, a cost-benefit analysis and an impact assessment on the seat.

Amendment 28

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

1. No later than 5 years after **the date referred to in Article 41** and every 5 years thereafter, the Commission shall commission an evaluation to assess particularly the impact, effectiveness and efficiency of CEPOL and its working practices. The evaluation shall, in particular, address the possible need to modify the mandate of CEPOL, and the financial implications of any such modification.

Amendment

1. No later than 5 years after **[the date of application of this Regulation]** and every 5 years thereafter, the Commission shall commission an evaluation to assess particularly the impact, effectiveness and efficiency of CEPOL and its working practices. The evaluation shall, in particular, address the possible need to modify the mandate of CEPOL, and the financial implications of any such modification.

Justification

Consistency with the proposed Europol Regulation is advisable.

Amendment 29

Proposal for a regulation Article 31 – paragraph 3

Text proposed by the Commission

Amendment

3. On the occasion of every second evaluation, there shall also be an assessment of the results achieved by CEPOL having regard to its objectives, mandate and tasks. If the Commission considers that the continuation of CEPOL is no longer justified with regard to its assigned objectives, mandate and tasks, it may propose that this Regulation be amended accordingly or repealed. **deleted**

Justification

The Commission can, at any time, propose amendments to the legal basis of any Agency or propose its disbandment. The amendment therefore aims at simplifying the text.

Amendment 30

Proposal for a regulation Article 34 – paragraph 1

Text proposed by the Commission

Amendment

1. The necessary arrangements concerning the accommodation to be provided for CEPOL in Hungary and the facilities to be made available by that Member State together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, CEPOL staff and members of their families shall be laid down in a Headquarters Agreement between CEPOL and Hungary, concluded after obtaining the approval of the Management Board **and no later than 2 years after the entry into force of this Regulation.**

1. The necessary arrangements concerning the accommodation to be provided for CEPOL in Hungary and the facilities to be made available by that Member State together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, CEPOL staff and members of their families shall be laid down in a Headquarters Agreement between CEPOL and Hungary, concluded after obtaining the approval of the Management Board.

Justification

A Headquarters Agreement has already been concluded.