

Decision of the Management Board 03/2021/MB

**ON REPLACING AND REPEALING MANAGEMENT BOARD DECISION
10/2019/MB CONCERNING THE DELEGATION TO MAKE NON-
SUBSTANTIAL AMENDMENTS TO THE ANNUAL WORK PROGRAMME
OF THE AGENCY**

Adopted by the Management Board

on 15 March 2021

THE MANAGEMENT BOARD,

Having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA¹, and in particular Article 10 (5) thereof,

Having regard to

Whereas:

- (1) The Management Board adopts each year CEPOL's Single Programming Document, containing CEPOL's multiannual programme and its annual work programme for the following year, including the procurement plan which constitutes the financing decision for procurement covering operational business needs.
- (2) Article 10(5) of Regulation (EU) 2015/2219 provides that the Management Board may adopt a decision delegating powers to make non-substantial amendments to the annual work programme to the Executive Director of the Agency.
- (3) The Governing Board of CEPOL adopted such a decision in May 2016, Decision 10/2016/GB. This Decision was amended and repealed in May 2019 by the Management Board in Decision 10/2019/MB.
- (4) By now the Agency has acquired experience on the implementation of Decision 10/2019/MB, and has identified that there is margin to improve the clarity of the phrasing in relation to the scope of application of the Decision and improve the relevant workflow.
- (5) More specifically, the non-implementation of a single activity shall not be considered anymore as a substantial amendment anymore.
- (6) Therefore, there is a need to repeal Decision 10/2019/MB and replace it with a new one,

HAS ADOPTED THIS DECISION:

Article 1 *Definitions and scope of application*

1. Any change that significantly affects the nature of the activities and the goals of the work programme is always substantial and requires a modifying decision adopted following the same procedure as the initial decision. Substantial are deemed to be the following changes:
 - a) Insertion of a completely new Work Programme activity;
 - b) Withdrawal of an existing Work Programme activity;

¹ OJ L319, 4.12.2015, p.1.

- c) Increase of maximum co-financing rate for grants;
 - d) Change from procurement to grant procedure;
 - e) Change from grant to procurement procedure (only if no procurement at all was foreseen in the work programme before the change);
 - f) Addition of a budget item not initially referred to in the work programme.
2. Cumulative changes to the allocations to specific actions² not exceeding 20% of the total amount of the envelope of the financing decision -while the total amount of the envelope remains the same- are considered to be non-substantial.
 3. Changes resulting to an increase of maximum 20% of the total amount of the envelope of the financing decision are considered to be non-substantial.

Article 2

Delegation to the Executive Director

1. The Management Board confers the powers to make non-substantial amendments to the work programme on the Executive Director of the Agency.
2. Any non-substantial amendment shall be formalised in an Executive director decision. For publication purposes, the Single Programming Document shall be amended accordingly, clearly indicating the parts where a non-substantial amendment took place.
3. The Executive Director shall inform the Management Board on all the decisions on non-substantial amendments in the context of the Management Board meetings whereas a summary of the non-substantial amendments shall also be included in the Agency's annual activity report.

Article 3

Suspension of delegation

1. In exceptional circumstances, the Management Board may decide to temporarily suspend the delegation of powers to the Executive Director granted by this Decision. The suspension shall be decided in accordance with the following provisions:
 - (a) before adopting a decision on suspension the Management Board shall carefully consider any possible impact on the functioning of the Agency. The suspension shall be limited to the duration and extent necessary to achieve its objective;

² i.e Entries in the table of the financing decision.

- (b) the decision on suspension shall be taken according to the voting rules of the Management Board provided for in Article 13(1) of Regulation (EU) 2015/2219;
- (c) the decision on suspension shall be communicated to the Executive Director in writing and shall clearly define the powers being the subject of suspension, the exact duration of the suspension and any conditions thereto;
- (d) the decision on suspension shall specify who shall exercise the relevant powers during the period of suspension.

Article 4
Final Provision

Decision 10/2019/MB is hereby repealed and replaced by the present Decision.

The present Decision shall take effect the day of its adoption.

Done at Lisbon, on 17 March 2021

For the Management Board
<< Signature on file >>

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Mr Jose Leitao
Chair of the Management Board