

DECISION 08/2016/GB

OF THE GOVERNING BOARD OF THE EUROPEAN POLICE COLLEGE (CEPOL)

**CONCERNING THE RULES OF PROCEDURE OF THE MANAGEMENT BOARD OF  
THE EUROPEAN AGENCY FOR LAW ENFORCEMENT TRAINING (CEPOL)**

**AND REPEALING AND REPLACING DECISION 09/2014/GB**

**OF THE GOVERNING BOARD OF THE EUROPEAN POLICE COLLEGE**

Adopted by the Governing Board  
on 24 May 2016

THE GOVERNING BOARD,

Having regard to Regulation (EU) 2015/2219 of the European Parliament and the Council of 25 November 2015 (hereinafter referred to as "the CEPOL Regulation") establishing a European Union Agency for Law Enforcement Training and replacing and repealing Council Decision 2005/681/JHA, and in particular to articles 8, 9, 11, 12, 13, 15, 23, 27, 36, 37, and 38 of said Regulation;

Whereas

- 1) In the period between the entry into force and the date of application of the CEPOL Regulation the Governing Board exercises the functions of the CEPOL Management Board<sup>1</sup>;
- 2) It is for the CEPOL Management Board, acting by simple majority, to adopt its rules of procedure<sup>2</sup>;
- 3) It is important that the Management Board rules of procedure are in place before the date of application of the CEPOL Regulation,

HAS ADOPTED THE FOLLOWING

**RULES OF PROCEDURE OF THE MANAGEMENT BOARD**

*Article 1*

*Attendance to the Management Board and Term of Office of its Members*

1. In line with article 12 (5) of the CEPOL Regulation, Members of the Management Board (hereafter respectively the Members and the Board) may be accompanied by advisers or experts at its meetings. Members shall notify the Chairperson of the Management Board (hereafter: the Chairperson) and the Executive Director of CEPOL (hereafter: the Director) at least three weeks before the beginning of the meeting about the names of their experts.
2. As a general rule each Member State should send only two delegates to each meeting, however this number can be exceeded in well justified cases. Requests to that effect must be sent at least three weeks in advance to the Chairperson, who shall consult the Director for her/his opinion. Additional delegates' attendance shall be at no cost for CEPOL.

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<sup>1</sup> Article 37 of the CEPOL Regulation states that "during the period from 24 December 2015 to 1 July 2016, the Governing Board as established on the basis of Article 10 of Decision 2005/681/JHA shall: (a) exercise the functions of the Management Board in accordance with Article 9 of this Regulation"

<sup>2</sup> Article 13 of the CEPOL Regulation states that "without prejudice to points (a) and (b) of Article 9(1), Article 11(2), Article 15, Article 23(6) and Article 27(2), the Management Board shall take decisions by a majority of its members"

3. The Term of Office for the Members of the Board is four years and shall be extendable, in accordance with art. 8 of the CEPOL Regulation. Each member state shall notify in writing to the Chairperson and to the Director any changes with regard to their respective member and alternate member of the Board.

#### *Article 2*

#### *Chairperson and Deputy Chairperson of the Board*

1. In accordance with article 11 of the CEPOL Regulation the Board shall elect a Chairperson and a Deputy Chairperson from among its Members representing the group of three Member States that have jointly prepared the Council's 18-month programme; their term of office shall be 18 months. The Chairperson and Deputy Chairperson shall be elected by a majority of two thirds (2/3) of the Members of the Board.
2. In the event that both Chairperson and Deputy Chairperson are not able to chair all or part of a meeting of the Board, the other representative of the group of three Member States that have jointly prepared the Council's 18-month programme will chair the meeting.
3. Nominations for Chairperson and Deputy Chairperson shall be submitted at the initiative of one of the Member States representing the group of three Member States that have jointly prepared the Council's 18-month programme no later than three weeks prior to the meeting at which the election is to take place,. The Director shall forward the nominations to the Members of the Board no later than two weeks prior to the meeting at which the election is to take place.
4. The vote for the election of Chairperson and Deputy Chairperson shall be taken openly. The member representing the European Commission shall chair the agenda item dealing with the election of the Chairperson and Deputy Chairperson. The two elections should take place separately, with that of the Chairperson taking precedence.
5. Should a candidate fail to achieve the required majority, the Board shall take additional voting sessions as necessary. Should a candidate withdraw her/his candidacy, a new election will be called without undue delay.

Two tellers shall be designated amongst the Members or from the CEPOL staff to assist in the counting of the vote.

6. The Board shall elect a Deputy Chairperson following the same procedure stipulated in the previous paragraphs.
7. If the office of Chairperson or Deputy Chairperson becomes vacant before the end of the originally stipulated term, the Deputy Chairperson or the Chairperson, as the case may

be, shall convene a meeting to elect a successor, to be held within three months from the date of notification. The member then elected shall serve as Chairperson or Deputy Chairperson until the end of the term of office of the group of three Member States that have jointly prepared the Council's 18-month programme, or until the end of his/her Membership of the Board, whichever is the earlier.

*Article 3*  
*Director*

The Director shall take part in the deliberations of the Board meetings without the right to vote. S/he may be accompanied by two CEPOL staff members, however this number may be exceeded in well justified cases.

*Article 4*  
*Meetings*

1. The Chairperson shall convene the meetings of the Board<sup>3</sup>. S/he is responsible for sending the invitation letter to the CEPOL national units<sup>4</sup> six weeks before ordinary meetings. Where an extraordinary meeting is called, the period is reduced to two weeks. The invitation letter shall contain information about the organisational conditions of the meetings.
2. Meetings shall take place in the Member State holding the six months Presidency of the Council or at the seat of the Agency, or. Timing and location of meetings shall be the subject of a specific Decision by the Board. The Board may decide to hold a meeting at any other location provided that the costs to be borne by CEPOL do not exceed the total amounts normally financed under the applicable rules.
3. The Chairperson and the Executive Director may invite any person whose opinion may be relevant for the discussion to attend a meeting as a non-voting observer. The invitation may specify which particular agenda items non-voting observers are invited for.

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<sup>3</sup> Article 12 of the CEPOL Regulation states that the Management Board “shall hold two ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson or at the request of the Commission or of at least one-third of its members”

<sup>4</sup> Article 6 of the CEPOL Regulation states that “(1) each Member State shall establish or designate a national unit which shall be the liaison body with CEPOL (...)”

*Article 5*

*Deliberations and Proceedings of the Board*

1. The presence of two-thirds of the Board's voting Members shall constitute a quorum<sup>5</sup>. In the absence of a quorum, the Chairperson shall terminate the meeting and convene another within thirty days. Proxy votes are to be taken into account for the purpose of establishing a quorum.
2. The Chairperson shall conduct the meeting, giving priority to Members wishing to raise a question of procedure or a preliminary matter.
3. Article 3 of this Decision notwithstanding, in case the deliberations are of a confidential nature the Board may decide to meet in a restricted session, determining its own composition. A request to that effect can be made by any one member.
4. The meetings of the Board shall be conducted in the official language of the agency, not excluding interventions by the Chairperson or other delegations in their own language as long as the translation into the official language of the agency is provided by themselves.  
Likewise, all documents presented to the Board shall be drafted in the official language of the agency.
5. The Director shall identify a Management Board secretarial function within the CEPOL organogram.

*Article 6*

*Agenda*

1. The Chairperson shall draw up the provisional agenda for each meeting, after having consulted the Director. The draft agenda shall be sent to the Members of the Board and the invited observers at least 3 weeks prior to the meeting. Where an extraordinary meeting is called, that period may be reduced to one week.
2. The provisional agenda shall contain the items requested by a member, provided that the relevant documents arrived at the Chair's office at least 3 weeks before the start of that meeting.
3. Only items for which the relevant documents have been forwarded to the CEPOL national contact points no later than two weeks prior to the meeting, may be included on the agenda for decision. If any necessary working document is transmitted to the Member States outside the time limits specified above, no decision shall be taken on the question to which it relates, unless the Board decides otherwise.

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<sup>5</sup> See footnote 2 above.

4. At the beginning of the meeting the Board shall adopt the agenda.
5. Any request for the inclusion of a topic under “any other business” shall be granted at the discretion of the Chairperson. New items should not lead to decisions unless the Board decides otherwise.

*Article 7*

*Voting during Board meetings*

1. The Board shall proceed to a vote on the initiative of its Chairperson, who shall also be required to put a matter to the vote at the request of any of the voting Members, provided a majority of the Members agree.
2. The distribution of votes shall be indicated for each decision. The decision shall be accompanied by a note, setting out the opinions of the minority should the minority so request. Votes shall be cast by a show of hands or by roll call if any one member so requests. Voting with the support of technical devices or means may also be used.
3. At the request of at least 1/3 (one third) of its Members, the Board may decide to vote by secret ballot.
4. In case a member cannot attend a meeting, he/she shall give power of attorney preferably to a member of his/her delegation or if not to another member attending the meeting or to the Chairperson. S/He shall communicate in writing the identity of this person to the Chairperson as well as any restriction placed on the proxy vote.
5. In case of a tie or deadlock, the Chairperson may exercise her/his right to have a casting vote.

*Article 8*

*Adoption of proposals*

1. A proposal for decision shall be subject to vote on the procedure before the substance is decided.
2. A proposal relating to several matters must be subdivided when so requested.
3. Where several proposals relate to the same matter, the most general one shall be voted on first. In the case of amendments, the amendment, which most extensively alters the basic text, shall be voted on first. In the case of an amendment to an amendment, the most extensive one shall be voted on first.

*Article 9*

*Written procedure*

1. Acts of the Board on an urgent matter may be adopted by a written vote where the Board decides by simple majority to use that procedure. In between sessions of the Board, the Chairperson may decide to use that procedure.
2. The Chairperson will give the Member States a minimum of 7 calendar days and a maximum of 30 calendar days to reply. The default duration of the written procedure shall be 14 calendar days; however, in well justified cases the Chairperson may decide on a shorter or longer duration, within the above specified time limits.
3. Member States shall reply “yes”, “no” or “abstain from voting” to any written procedure. In case no reply has been received within the period the respective Member State is deemed to have abstained from voting.
4. In cases where the required majority is not reached, the Chairperson can decide to either re-launch the written procedure or bring it to the next Board meeting, depending on the timing and urgency of the procedure in question.
5. The Chairperson shall establish that a written procedure has been completed. A notification to that effect shall be sent to the Members.

*Article 10*

*Outcomes of proceedings of the meetings*

1. Outcomes of proceeding of each meeting of the Board shall be taken by staff designated by the Director, on behalf of the Chairperson. When drawn up, they shall include:
  - Decisions adopted by the Board with an indication of the distribution of votes if requested by one Member State,
  - the topics on which a discussion took place,
  - a list of participants.

As a general rule the outcomes of proceedings shall not report each intervention *verbatim*. Members can however request their position be quoted in the Outcomes of Proceedings. The request shall be made during the meeting.

2. The Board shall approve the outcome of proceedings at its next meeting. The draft outcome of proceedings shall be submitted for the approval of the Board only if the draft text has been sent to the Members no later than six weeks after the meeting. If the draft has not been sent in due time, approval shall be postponed until the following meeting unless the Board decides otherwise.

The draft outcome of proceeding may be sent to those who attended the meeting as observers.

3. Proposals for amendments to the draft outcome of proceedings have to be sent to the Chairperson within three weeks after receiving the draft. Within the same period, Members and observers may also send a written position to be annexed to the outcomes of proceedings. The latter shall only express comments made during the meeting.
4. Once approved, the outcome of proceedings shall be signed by the Chairperson and by the Director.
5. Audio recordings of the meetings are kept at CEPOL for five years. Members of the Board and observers to the meeting they actually attended are entitled to ask for transcripts of identified items.

*Article 11*  
*Transparency*

Public access to the to the documents of the Board, outcomes of proceedings and any other related records shall be subject to the principles, conditions and limits laid down in Regulation (EC) 1049/2001 as well as to the rules set forth in a decision of the Board pursuant to Article 28 of the CEPOL Regulation regarding public access to documents of CEPOL.

*Article 12*  
*Form of Decisions*

1. Decisions adopted by the Management Board shall include:
  - a) In their title the words "MANAGEMENT BOARD DECISION", followed by a serial number, the year of adoption, the acronym "MB", and an indication of their subject-matter;
  - b) a reference to the provisions of the Regulation under which is adopted, preceded by the words "Having regard to";
  - c) a statement of the reasons on which the Decision is based, preceded by the word "Whereas", the recitals being numbered;
  - d) the words "HAS DECIDED AS FOLLOWS", followed by the enacting terms of the Decision.
2. Decisions shall be divided into Articles and, if appropriate, grouped into chapters and sections.
3. The final Article of a Decision shall fix the date of entry into force.
4. The final Article of a Decision shall be followed by the words "Done in", followed by the place and full date on which the Decision was adopted.

5. The Decision contains also the signature of the Chairperson on behalf of the Board using the words "For the Management Board".

*Article 13*

*Entry into force of the rules of procedure*

These rules shall enter into force on the day of their approval by the Board. The previous rules are thereby repealed.

*Article 14*

*Transitional Measures*

The term of office for the first elected Chairperson and Deputy Chairperson of the CEPOL Management Board under the CEPOL Regulation shall be 12 months.

Done in The Hague, 24 May 2016

*For the Governing Board*

*<Signature on file>*

*Mrs. Frederike Everts MPA  
Chair of the Governing Board*