

Decision of the Management Board 12/2016/MB

On the authorisation of the Executive Director to conclude a working arrangement between the Kosovo Academy for Public Safety and CEPOL

Adopted by the Management Board

on 13 January 2017

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 34 thereof,

Whereas:

- (1) The Governing Board of the European Police College (CEPOL) under Council Decision 2005/681/JHA CEPOL authorised by its Decision of 9 August 2014 the Director of CEPOL to negotiate a Working Arrangement with the Kosovo Academy for Public Safety
- (2) The Governing Board of the European Police College (CEPOL) under Council Decision 2005/681/JHA approved by its Decision of 11 May 2015 the Working Arrangement between CEPOL and the Kosovo Academy for Public Safety (KAPS)
- (3) Due to the adoption of 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/JHA the Working Arrangement mentioned in the previous indent could not be concluded
- (4) A new draft that is in line with the provisions of the Regulation has been negotiated with the KAPS
- (5) The consultation with the European Commission under Article 34 paragraph (5) of the Regulation was completed

HAS ADOPTED THIS DECISION:

Single Article

The Executive Director is herewith authorised to conclude the Working Arrangement with the Kosovo Academy for Public Safety annexed to this Decision.

¹ OJ L319, 4.12.2015, p.1.

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

Done in the Netherlands, 13 January 2017

For the Management Board

<Signature on file>

.....
Mrs Frederike Everts MPA
Chair of the Management Board

Working Arrangement

Between the

**KOSOVO ACADEMY FOR PUBLIC SAFETY
(KAPS)**

And

**THE EUROPEAN UNION AGENCY FOR LAW
ENFORCEMENT TRAINING
(CEPOL)**

WORKING ARRANGEMENT BETWEEN THE KOSOVO ACADEMY FOR PUBLIC SAFETY AND THE EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT TRAINING

The Kosovo Academy for Public Safety (hereafter referred to as “KAPS”), and the European Union Agency for Law Enforcement Training (hereafter referred to as “CEPOL”),

Being aware of the mutual interest to enhance the effectiveness of law enforcement in the fight against crime, especially cross-border crime, in Europe by conducting common trainings for law enforcement officials to raise awareness and increase knowledge of, international and European co-operation instruments and mechanisms, as well as of a wide range of specific subjects, such as counter-terrorism, trafficking in narcotics and organised crime, illegal immigration, and border control or trafficking in human beings;

Having regard to the 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/JHA (hereafter referred to as “Regulation”);

Having regard to the Stabilisation and Association Agreement (SAA) between the European Union and Kosovo*, signed in Strasbourg, on 27 October 2015 that has entered into force on 1 April 2016;

Having regard to the role and mandate of the European Union Rule of Law Mission in Kosovo (EULEX);

Having regard to the CEPOL Governing Board Decision of 9 August 2014 to authorise the Director of CEPOL to negotiate a Working Arrangement with the Kosovo Academy for Public Safety;

Having regard to Article 36 of the Regulation indicating that CEPOL, as established by this Regulation, shall be the legal successor in respect of all contracts concluded by, liabilities incumbent on, and properties acquired by CEPOL as established by Decision 2005/681/JHA;

[c.f. a reference to be inserted to the future Decision of the MB authorising the conclusion of the WA]

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of Independence.

Without prejudice to future developments in the concerned policy area which may result from the revision of the existing legal, cooperation and political framework instruments or the new future treaties;

Have agreed as follows:

Article 1

Purpose of the Agreement and competent authority

The purpose of this Working Arrangement is to define the relations between KAPS and CEPOL, specifying, in particular, the nature, extent and manner in which KAPS may participate in CEPOL's work, and to establish the arrangements necessary to facilitate mutual cooperation. The exchange or dissemination of Law Enforcement Sensitive Data, including Personal Data, is not within the scope of this Working Arrangement or any of its provisions.

Article 2

Areas of co-operation

The co-operation as established in this Working Arrangement shall:

- a) allow for the participation of law enforcement officials of Kosovo in CEPOL training sessions, and that of EU law enforcement officials operating in the field of Justice and Home Affairs in training sessions organized by KAPS ;
- b) define possible supporting activities of KAPS to the organisation of CEPOL training courses;
- c) further harmonise standards on law enforcement training with regard to cross-border co-operation;
- d) Enhance the exchange of best practices and grant the KAPS the access to the public sections of CEPOL's electronic network, defined as the sections accessible to all e-Net registered users but restricted for non-registered users, under conditions of reciprocity and to the extent necessary for the achievement of the objectives mutually agreed through the present Working Arrangement.

Article 3

Holding meetings

CEPOL meetings may be organised in Kosovo; costs for such meetings will be reimbursed by CEPOL, according to its rules.

Article 4

Participation in training courses

Law enforcement officials of Kosovo may participate in training activities provided by CEPOL.

As a rule, costs for participation of Kosovar trainees in CEPOL training activities shall be charged to the participants' sending institution. These costs shall be indicated in the invitation to the activity.

Article 5

Support for training activities of CEPOL

Officials of Kosovo may contribute to CEPOL training courses by supporting EU Member States organising CEPOL training courses; this may include the provision of experts for the needs of such courses. EU law enforcement officials may also participate as appropriate parties to training courses organized by KAPS. Any direct costs incurred for services provided by KAPS in supporting training activities of CEPOL shall be reimbursed by CEPOL according to its rules.

This Working Arrangement does not create any specific obligation on Third Parties to attend training sessions or courses organized within its framework.

Article 6

Harmonised standards on law enforcement training

KAPS may support the development and implementation of Common Curricula as set out in Article 4 of the Regulation and may integrate these into the national training programmes to the extent possible and necessary.

Article 7

Exchange of best practices, law enforcement and training officials

KAPS and CEPOL shall disseminate best practices and research findings.

Relevant exchanges and secondments of law enforcement officials and/or training staff members shall be facilitated.

Continuous dialogue and exchange of best practices shall be enhanced by granting KAPS access to the public sections of CEPOL's e-Net, defined as the sections accessible to all e-Net registered users but restricted for non-registered users, under conditions of reciprocity and to the extent necessary for the achievement of the objectives mutually agreed in this Working Arrangement.

Article 8

National contact point

KAPS shall communicate to CEPOL the contact details of the nominated National contact point within one month from the date of entry into force of the present Working

Arrangement and in any event prior to its entry into force. Any changes in that respect shall be communicated in writing to the Executive Director of CEPOL.

The National contact point shall be responsible for carrying out the following tasks:

- contribute to and promote CEPOL's work programmes, annual calendars and website among the law enforcement officials of Kosovo;
- organise and coordinate appropriate nominations of participants and experts for activities at the national level in a timely and transparent manner;
- facilitate the communication and coordination between CEPOL and relevant national institutions;
- coordinate the implementation of activities and meetings in Kosovo;
- nominate an Exchange coordinator and provide support in the establishment and implementation of exchange programmes for law enforcement officials;
- nominate an E-net manager and promote the use of CEPOL's electronic network for the training of law enforcement officials.

Article 9

Combating fraud

In line with Article 29 paragraph 2 of the Regulation, the European Court of Auditors shall have a power of audit, on the basis of documents and on-the-spot checks, over all grant beneficiaries, contractors and subcontractors who have received Union funds from CEPOL.

In line with Article 29 paragraph 3 of the Regulation, OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract awarded by CEPOL. Such investigations shall be carried out in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and in Council Regulation (Euratom, EC) No 2185/96.

Article 10

Amendment of the Working Arrangement

KAPS or CEPOL may each propose, by means of an exchange of official correspondence, to amend this Working Arrangement or parts thereof. Amendments to this Working Arrangement shall enter into force after the respective internal procedures have been completed.

Article 11
Termination of the Working Arrangement

This Working Arrangement may be terminated by each party with 6 months written notice.

Article 12
Entry into force

This Working Arrangement shall enter into force on the day of its signature.

<p>This day of two thousand and, in duplicate in the English language</p> <p>Dr. Ferenc Bánfi, Executive Director, For the European Union Agency for Law Enforcement Training (CEPOL)</p>	<p>This day of two thousand and....., in duplicate in the English language</p> <p>Mr. Skender Hyseni, Minister of Internal Affairs</p>
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