

Decision of the Management Board 15//2017/MB

On the authorisation of the Executive Director to conclude a working arrangement between the Organization for Security and Co-operation in Europe and CEPOL

Adopted by the Management Board

on 27 June 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) It is CEPOL's interest to conclude a Working Arrangement with the Organization for Security and Co-operation in Europe (OSCE) in order to formalise and further develop existing co-operation and the draft thereof has been negotiated with the OSCE
- (2) 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 OSCE annexed to this Decision.

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

Done at the Netherlands, 27 June 2017

For the Management Board

<Signature on file>

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Mrs. Frederike Everts MPA
Chair of the Management Board

¹ OJ L319, 4.12.2015, p.1.

Working Arrangement

Between

**The Organization for Security and Co-operation in Europe
(OSCE)**

And

**The European Union Agency for Law Enforcement Training
(CEPOL)**



**WORKING ARRANGEMENT
BETWEEN THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE
AND THE EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT TRAINING**

The Organization for Security and Co-operation in Europe, represented by the OSCE Secretariat (hereinafter referred to as the “OSCE”), and the European Union Agency for Law Enforcement Training (hereinafter referred to as “CEPOL”), jointly referred to as the “Parties” and individually the “Party”;

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 in a broad range of specific subjects, including counter-terrorism, border control, law enforcement co-operation, cyber security, and the fight against organized crime, irregular migration, trafficking in illicit drugs, trafficking in human beings, smuggling of migrants, and cybercrime.

Having regard to the Regulation No. 2015/2219 of the European Parliament and of the Council of the European Union (“EU”) of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA (hereinafter referred to as the “Regulation”);

Bearing in mind that the OSCE pursues a comprehensive and cross-dimensional approach to issues of security and deals with transnational threats, including cyber security and cybercrime, countering terrorism, and the fight against trafficking in illicit drugs, trafficking in human beings and smuggling of migrants; and maintains a number of field operations in the OSCE area addressing these issues;

Bearing in mind that the OSCE’s mandate to address transnational threats is provided in Permanent Council Decisions Nos. 1039, 1048, 1049 and 1063, as referenced in Ministerial Decision No. 4/12 on OSCE Efforts to Address Transnational Threats, and the Ministerial Decision No. 2/05 on the OSCE’s Border Security and Management Concept;

Recognizing that the development of high standards of professional skills and the sharing of best practices are among the key elements of the OSCE’s police-related activities;

Recognizing that promotion of co-operation and exchange of best practices between and among police training institutions is one of the OSCE’s focus areas of police-related activities;

Bearing in mind that the EU and the OSCE share a strong interest in co-operating at all levels on security-related matters and conflict prevention in Europe, extending existing co-



operation in the field, pursuing a permanent political dialogue among their members and coordinating efforts in pursuing common objectives and finding shared solutions;

Having regard to the close relations between the EU and the OSCE, maintained through regular meetings both on the political and technical levels, and to the regular contacts between the OSCE field operations and the respective EU Delegations, as well as the Common Security and Defense Policy Missions of the EU;

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 authorizing the conclusion of the WA]

Have agreed as follows:



Article 1

Purpose, scope and modalities of the Working Arrangement

The purpose of this Working Arrangement is to define the working relationship between the OSCE and CEPOL, specifying, in particular, the nature, extent and manner in which the OSCE may participate in CEPOL's work, and to establish the arrangements necessary to facilitate mutual co-operation. The exchange or dissemination of law enforcement sensitive data is not within the scope of this Working Arrangement or any of its provisions.

This Working Arrangement does not oblige the Parties to sign any further agreements or make any further commitments. The Parties shall respect each other's sphere of competence and the regulations, rules and procedures applicable to each Party.

Article 2

Areas of co-operation

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

- a) allow for the participation of OSCE officials in training sessions organized by CEPOL, and that of EU law enforcement officials operating in the field of Justice and Home Affairs in training sessions organized by the OSCE;
- b) allow for the organization of joint training activities between the Parties;
- c) identify possible activities of the OSCE to support CEPOL training courses;
- d) enhance the exchange of best practices between the Parties;
- e) grant the OSCE access to public sections of CEPOL's electronic network, defined as the sections accessible to all e-Net registered users (i.e., general users) as provided in Article 3, paragraph 3 of Decision 19/2014/GB of the Governing Board of the European Police College, under conditions of reciprocity and to the extent necessary, for the achievement of the objectives mutually agreed upon in the present Working Arrangement.

Article 3

Participation in training courses

OSCE officials may participate in training activities provided by CEPOL. As a rule, costs for participation of OSCE officials in CEPOL training activities shall be charged to the OSCE. These costs shall be fully indicated in the invitation to the activity.



Article 4

Support for training activities of CEPOL and the OSCE

OSCE officials may contribute to training courses organized by CEPOL by supporting EU Member States in organizing CEPOL training courses, including through the provision of material or experts for such courses. In the same manner, EU law enforcement officials may also contribute to training courses organized by the OSCE. Any direct costs incurred for services provided by the OSCE in supporting training activities of CEPOL shall be reimbursed by CEPOL as agreed by the Parties in writing prior to the provision of such services, in accordance with the Parties' respective rules.

Article 5

Harmonised standards on law enforcement training and exchange of best practices

- a) The OSCE may support the development and implementation of Common Curricula as set out in Article 4 of the Regulation and may integrate these into its relevant training programmes to the extent possible and necessary.
- b) The OSCE and CEPOL shall share best practices and research findings.
- c) Exchanges of law enforcement officials and/or training staff members shall be envisaged and facilitated.

Article 6

Intellectual property

- a) Each Party retains the ownership and all rights in and to its copyrights, trademarks, name, logos and any other intellectual property (collectively "Intellectual Property"). Either Party's use of the other Party's Intellectual Property is subject to the other Party's prior written approval. If such approval is given, the usage shall be on a non-exclusive basis and the Party using the Intellectual Property of the other Party shall strictly comply with the written instructions of the other Party and with its guidelines and specifications.
- b) Any materials jointly developed in the course of this Working Arrangement shall be subject to joint intellectual property rights, unless otherwise agreed to by the Parties.

Article 7

Points of contact

The OSCE Secretariat shall be represented by the Transnational Threats Department's Strategic Police Matters Unit ("TNTD/SPMU"). The contact details for the point of contact ("PoC") within the TNTD/SPMU shall be communicated to CEPOL within 30 days from the date of entry into force of this Working Arrangement. Any changes in that respect shall be communicated in writing to the Executive Director of CEPOL.

The OSCE PoC shall be responsible for carrying out the following tasks:

- contributing to and promoting CEPOL's work programmes, annual plan of activities and website among OSCE staff;
- organizing and coordinating appropriate nominations of OSCE participants and experts for CEPOL activities in a timely and transparent manner;
- facilitating the communication and coordination between CEPOL and the OSCE;
- coordinating the implementation of activities and meetings;
- nominating an Exchange coordinator and providing support in the establishment and implementation of exchange programmes for law enforcement officials;
- nominating an E-net manager and promoting the use of CEPOL's electronic network for the training of law enforcement officials.

CEPOL PoC for the OSCE shall be the External Relations Officer of CEPOL.

Any changes in that respect shall be communicated in writing to the OSCE Co-ordinator of Activities to Address Transnational Threats (Co/TNT).

The CEPOL PoC shall be responsible for carrying out the following tasks:

- promoting OSCE's activities in the field of law enforcement and police matters;
- facilitating the communication and the coordination between the OSCE and CEPOL;
- coordinating the implementation of activities and meetings;
- organizing and coordinating appropriate nominations of CEPOL participants and experts for OSCE activities in a timely and transparent manner;
- contributing to OSCE's web resource on transnational threats-related activities (POLIS).



Article 8

Financial arrangements

Unless otherwise agreed in writing, the Parties shall bear their own expenses which arise in the course of implementing this Working Arrangement.

Article 9

Combating fraud

Any contributions made by the European Commission (EC) to the OSCE shall be governed by a separate funding agreement between the Parties, taking into consideration paragraphs 2 and 3 of Article 29 of the Regulation, and that the OSCE abides by the single audit principle. In accordance therewith, any separate funding agreement shall be consistent with paragraph 10 of the 2007 Framework Agreement between the EC and the OSCE governing verification.

Article 10

Interpretation and Liability

This Working Arrangement has been developed and signed in a spirit of mutual co-operation and assistance between the Parties and it shall be interpreted in light of this primary purpose.

The Parties agree that neither Party shall be liable to the other Party, its successors, assigns, officials, agents, servants and employees with respect to any actions, causes of action, suits, controversies, damages, judgements, claims, demands, and liabilities whatsoever, directly or indirectly related in any way whatsoever to the Working Arrangement.

Article 11

Privileges and immunities

Nothing contained in this Working Arrangement shall be deemed a waiver of any privileges or immunities that the Parties enjoy.

Article 12

Settlement of Disputes

Any dispute, controversy or claim arising out of or in relation to this Working Arrangement shall be settled through negotiations between the Parties. If the Parties fail to settle the dispute amicably, after sixty (60) calendar days of commencement of the negotiations a Party may request that the dispute be settled through arbitration. Arbitrations shall be performed in accordance with the UNCITRAL arbitration rules. One (1) sole arbitrator shall be appointed who shall have full powers to make final and binding decisions. The appointing authority shall be the Permanent Court of Arbitration in The Hague. The place of arbitration shall be Vienna and the language used in the arbitration proceedings shall be English.

Article 13

Amendments and modifications to the Working Arrangement

Either Party may propose amendments or modifications to this Working Arrangement. Any amendment or modification to this Working Arrangement or any part thereof shall be subject to the written consent of both Parties.

Article 14

Termination of the Working Arrangement

This Working Arrangement may be terminated by either Party upon providing six (6) months written notice to the other Party.

Article 15

Entry into force

This Working Arrangement shall enter into force upon signature by the Parties. In the event this Working Arrangement is signed on different dates, it will come into effect on the day of the last signature. Each Party represents to the other that their signing representative is authorized to conclude this Working Arrangement on their behalf.



IN WITNESS WHEREOF, in two originals in the English language, the duly authorized representatives of the Parties affix their signatures below.

**For the European Union Agency for
Law Enforcement Training (CEPOL):**

**For the Organization for Security
and Co-operation in Europe (OSCE):**

Prof.h.c. Dr. Ferenc Bánfi
Executive Director

Rasa Ostrauskaite
Co-ordinator of Activities to Address
Transnational Threats

Date: _____

Date: _____