

Decision of the Management Board 15/2018/MB

**On laying down rules on the removal and the extension of the Executive
Director of CEPOL**

Adopted by the Management Board

On 16 May 2018

THE MANAGEMENT BOARD,

Having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 establishing the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA¹, and in particular Articles 9(m)(t) and 23(4)(5) thereof,

Having regard to the Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council², and in particular Article 12 and Chapter 9 of Title II of the CEOS,

Having regard to the Rules of Procedure of the Management Board adopted on 24 May 2016³, and in particular Articles 5 and 7 thereof,

Whereas:

- (1) By virtue of Article 9(m) of Regulation (EU) 2015/2219, the Management Board of the Agency has the power to extend the term of office of the Executive Director or remove him or her from office.
- (2) According to Article 23(3) of Regulation (EU) 2015/2219, the term of office of the Executive Director shall be four years. By the end of that period, the Commission, in association with the Management Board, shall undertake an assessment taking into account an evaluation of the Executive Director's performance and CEPOL's future tasks and challenges.
- (3) In accordance with Article 23(4) of Regulation (EU) 2015/2219, the Management Board, taking into account the above-said assessment, may extend the term of office of the Executive Director once and for no more than four years. In such a case, the Executive Director shall not participate in another selection for the same post at the end of the overall period.
- (4) According to Article 23(5) of Regulation (EU) 2015/2219, the Executive Director may be removed from office by a decision of the Management Board.

¹ OJ L 319, 4.12.2015, p.1.

² OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 287, 29.10.2013, p.15).

³ Decision 05/2016 of the Management Board on the rules of procedure of the Management Board of the European Agency for Law Enforcement Training (CEPOL) and repealing Decision 08/2016/MB of the Governing Board of the European Police College, adopted on 27 October 2016.

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- (5) On the basis of Article 23(6) of Regulation (EU) 2015/2219, the decisions on the extension of the term of office or removal from office are to be reached by a majority of two-thirds of the members of the Management Board.
- (6) It is important to ensure that the removal and the extension procedures are clearly described in a set of rules,

HAS ADOPTED THIS DECISION:

Article 1

1. At the latest eight months before the end of the first term of office of the Executive Director, the Management Board shall decide whether the term of office of the Executive Director is to be extended.
2. Such a decision shall be supported by an assessment undertaken by the Commission, in association with the Management Board, taking into account:
 - (a) an evaluation of the performance of the Executive Director, and
 - (b) CEPOL's future tasks and challenges.

Article 2

1. Apart from cessation on death or the end of the term of office, the service of the Executive Director shall cease, in accordance with Article 47(a) of the CEOS, at the end of the month in which the person concerned reaches the age of automatic retirement.
2. The Executive Director who wishes to resign before the end of his term of office shall state unequivocally in writing his intention to leave the service, indicating the date on which his resignation should take effect in accordance with Article 47(b)(ii) of the CEOS. The letter of resignation shall be addressed to the Chairperson of the Management Board.
3. Pursuant to Article 47(b) of the CEOS, the Management Board may decide to remove the Executive Director from office following the period of notice and in accordance with the other conditions referred to under point (ii) or (iii) of Article 47(b).
4. Pursuant to Article 48(a) or (b) of the CEOS, the Management Board may decide to remove the Executive Director from office without notice.

5. Pursuant to Article 50 of the CEOS, should the Management Board find that, at the time of his selection or appointment, the Executive Director had deliberately supplied false information as to either his/her professional ability or the requirements of Article 12(2) of the CEOS and that the false information supplied was a determining factor in his/her being engaged, after hearing the person concerned and after the disciplinary procedure provided for in Annex IX to the Staff Regulations has been followed, shall declare that his/her employment is terminated. Before removal from office the Executive Director may be suspended; by the Management Board in accordance with Article 50(2), second subparagraph, of the CEOS and Articles 23 and 24 of Annex IX to the Staff Regulations.
6. Any intentional or negligent failure by the Executive Director to comply with his obligations under Regulation (EU) 2015/2219 or the CEOS shall render him liable to disciplinary action in accordance with Article 50a of the Conditions of Employment of Other Servants, Title VI of the Staff Regulations and, where applicable, Annex IX to the Staff Regulations. Disciplinary proceedings shall be initiated and take place in accordance with Annex IX to the Staff Regulations.
7. After the disciplinary procedure provided for in Annex IX to the Staff Regulations has been followed, the Management Board may decide to remove the Executive Director from office without notice on disciplinary grounds in accordance with Article 49 of the CEOS in serious cases of intentional or negligent failure of the Executive Director to comply with his obligations. Before removal from office, the Executive Director may be suspended by the Management Board in accordance with Article 49(1), second subparagraph, of the CEOS and Articles 23 and 24 of Annex IX to the Staff Regulations.
8. Upon receipt of the reasoned opinion from the Disciplinary Board referred to in Article 18 of Annex IX to the Staff Regulations, the Management Board shall decide, within two months of receipt of the opinion, whether the Executive Director is to be removed in accordance with Article 23 (5) of Regulation (EU) 2015/2219. Reasons must be given for the decision. Before reaching its decision the Management Board shall give the Executive Director the opportunity to be heard.

Should the Management Board decide that the Executive Director should not be removed, it shall have the right to impose one of the penalties stated in Article 9(1) of Annex IX to the Staff Regulations other than the removal from office. If the penalty considered to be imposed has the effect that the person concerned no longer has the required grade to exercise his/her functions, the Management Board shall also decide on the temporary occupation of the post of the Executive Director.

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

Done at Sofia, on 16 May 2018

For the Management Board
<< Signature on file >>

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Mr Nobert Leitner

Chair of the Management Board