

Decision of the Management Board 16/2016/MB

On the authorisation of the Executive Director to conclude a working arrangement between the European Judicial Training Network 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) A draft Working Arrangement has been negotiated with the European Judicial Training Network
- (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 European Judicial Training Network annexed to this Decision.

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>

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

The **European Union Agency for Law Enforcement Training** (hereinafter referred to as “CEPOL”)

and

The **European Judicial Training Network** (hereinafter referred to as “EJTN”)

Hereinafter referred to together as “the Parties”:

Recognizing that CEPOL aims to support, develop, implement and coordinate training for law enforcement officials, putting particular emphasis on the protection of human rights and fundamental freedoms in the context of law enforcement, in particular in the areas of prevention of and fight against serious crime affecting two or more EU Member States and terrorism, maintenance of public order, in particular international policing of major events, and planning and command of EU missions, which also includes training on law enforcement leadership and language skills pursuant to Article 1 of 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(hereinafter referred to as “the Regulation”),

Recognizing that EJTN’s mandate is to help build a genuine European area of justice and to promote knowledge of legal systems, thereby enhancing the understanding, confidence and cooperation between judges and prosecutors within EU Member States,

Having regard to the Articles of Association of the EJTN,¹ which aim to strengthen judicial cooperation in training programmes at European Union (“EU”) level and require the establishment of an Annual Programme of Activities in order to fulfil its objectives,

Recalling that the Communication from the Commission to the European Parliament and the Council of 13 September 2011, entitled “*Building trust in EU-wide justice: a new dimension to European judicial training*”,² highlights the importance of training of law enforcement officers and seeks to enable half of the legal practitioners in the EU to participate in European judicial training activities by 2020,

Whereas the European Council’s Conclusions of 26 – 27 June 2014³ stress that the smooth functioning of a true European area of justice with respect for the different legal systems and traditions of the Member States is vital for the EU; whereas paragraph 11 thereof underlines in particular that mutual trust in one another’s justice

¹ EJTN’s Articles of Association (revised). Published in the annexes of the *Moniteur belge* of 20 November 2015.

² COM(2011) 551 final, 13.09.2011.

³ EUCO 79/14.

systems should be further enhanced, and that further action is required to enhance training for practitioners,

Whereas the European Council's Conclusions of 11 December 2014⁴ acknowledge that *"at EU level, the EJTN is best placed to coordinate, through its members, national training activities and to develop a cross-border training offer for judges and prosecutors"*,

Recalling the importance of the EJTN's Strategic Action Plan 2014-2020 and the seven strategic goals outlined therein; namely, (1) fostering mutual trust, (2) enhancing knowledge of EU law, (3) enriching the quality of EU judicial training, (4) developing young judges' and prosecutors' European profiles, (5) furthering judicial networking, (6) promoting judicial cooperation, and (7) supporting judicial independence,

Considering that CEPOL, as an agency of the European Union, is in charge of coordination of training activities for competent law enforcement officials carried out by the EU agencies and other relevant bodies,

Considering that EJTN develops training standards and curricula, coordinates judicial training exchanges and programmes, disseminates training expertise and promotes cooperation between EU judicial training institutions,

Considering that it is in the common interest of CEPOL and EJTN to contribute to law enforcement and judicial co-operation through learning and through strengthening training activities for law enforcement officials, prosecutors and judges,

Considering that CEPOL is authorised to negotiate working arrangements pursuant to Article 34(2) of the Regulation,

Have agreed as follows:

Article 1

Purpose

The purpose of this Working Arrangement is to enhance the co-operation between CEPOL and EJTN in strengthening the training activities for law enforcement officials, prosecutors and judges, in particular through co-operation in the organisation of courses, seminars, conferences, e-learning options including webinars and in the development and implementation of common curricula and course material.

Article 2

Points of contact

1. The Executive Director of CEPOL and the Secretary General of EJTN shall each establish a point of contact whose task shall be to co-ordinate the day-to-day co-

⁴ Council conclusions (2014/C 443/04).

operation between the Parties. To this end, the Parties will respectively nominate within their institution a Contact Point entrusted with the implementation of and all communications relating to the present Working Arrangement.

2. CEPOL and EJTN, via their respective points of contact, shall consult each other regularly on policy issues and matters of common interest for the purpose of realising their objectives and co-ordinating their respective activities.
3. In particular, CEPOL shall inform EJTN about new projects and activities. EJTN shall, within the limits of its mandate and for the purpose of the present Working Arrangement, inform CEPOL about new programmes, priorities and activities to facilitate planning training activities accordingly.
4. Meetings between CEPOL and EJTN shall take place as often as necessary to discuss issues relating to their co-operation in general and, in particular:
 - (a) the evaluation of their co-operation;
 - (b) aspects of future co-operation;
 - (c) the development of course materials;
 - (d) the participation of CEPOL staff in EJTN training activities, conferences and in the development of training standards and curricula and the participation of EJTN staff in CEPOL training activities and in the development and the implementation of common curricula;

Article 3

Organization of training activities

The Parties agree to co-operate:

- (a) in the organisation of residential and online training activities, e-learning modules, exchange programmes, study visits and other initiatives, in fields falling within the Parties' scope of competence, pursuant to an assessment of the training needs of judicial and law enforcement officials, and the agreement between the Parties;
- (b) on joint training initiatives within the Network of Justice and Home Affairs (JHA) Agencies;
- (c) on the exchange of knowledge, information and expertise on training practices, standards and methodologies, "*webinars*", where such exchange is considered to be beneficial for the enhancement of the quality of the trainings offered to either judges, prosecutors or law enforcement officials;
- (d) on the dissemination of information, training activities and materials (webinars, online courses, training manuals) when considered of mutual

added value for the training and/or awareness raising of judges, prosecutors and law enforcement officials.

The Parties shall, as far as possible and subject to such arrangements as may be deemed necessary, enable each other's access to all necessary facilities and equipment within their respective premises.

Article 4

Course material and common curricula

The Parties shall support each other in the development of course material and common curricula for training activities.

Article 5

Access to CEPOL's e-Net and

EJTN's Methodologies and Resources portal page and networking platform

1. CEPOL and EJTN shall disseminate best practices and research findings to each other.
2. Continuous dialogue and exchange of best practices shall be enhanced by granting EJTN staff 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 the conditions of reciprocity and to the extent necessary for the achievement of the objectives mutually agreed in this Working Arrangement.
3. In particular for the purpose of this Working Arrangement, duly authorized EJTN staff shall receive web-based access to the open-source information stored in the CEPOL scientific e-Library database and e-Journals, and where relevant also in LTRDB (Lecturer, Trainer and Researcher database), LMS (Courses) and R&S (Research and Science) Conferences.
4. For the purpose of this Working Arrangement, duly authorized CEPOL staff shall receive web-based access to the open-source information stored in EJTN's Methodologies and Resources portal page and networking platform, when available.

Article 6

Expenses and communication

1. Unless otherwise agreed, the Parties shall bear their own expenses which arise in the course of implementing the present Working Arrangement.
2. Communication of information and documents by CEPOL to the EJTN shall be subject to CEPOL's rules and regulations. Communication of information and documents by EJTN to CEPOL shall be subject to EJTN's rules and regulations.

Article 7

Combating fraud

1. 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.
2. 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 8

Settlement of disputes

All disputes which may emerge in connection with the interpretation or application of the present Working Arrangement shall be settled by means of consultation and negotiation between representatives of the Parties.

Article 9

Termination of the Working Arrangement

This Working Arrangement may be terminated in writing by either of the Parties with three months' notice.

Article 10

Amendments and Supplements

1. This Working Arrangement may be amended at any time by mutual consent between the Parties. All the amendments and supplements must be in writing.

2. The Parties shall enter into consultations with respect to the amendment of this Working Arrangement at the request of either of them.

Article 11
Entry into force

This Working Arrangement shall enter into force on the first day following its signature by both Parties.

In witness whereof, the Secretary General of EJTN and the Executive Director of CEPOL have signed the present Working Arrangement in two original copies of equal force in English, on the dates appearing under their respective signatures.

<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>Judge Wojciech Postulski, Secretary General For the European Judicial Training Network</p>
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