



Decision of the Management Board 39/2017/MB

On amending MB Decision 05/2016/MB on the Rules of Procedure of the Management Board of the European Union Agency for Law Enforcement Training (CEPOL)

Adopted by the Management Board

On 20 December 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) (hereinafter referred to as ‘the CEPOL Regulation’) and replacing and repealing Council Decision 2005/681/JHA¹, and in particular Articles 9(1)(h) and 10(2)(4) thereof,

Having regard to the Rules of Procedure of the Management Board adopted on 27 October 2016 (05/2016/MB),

Whereas:

- (1) According to Article 10(3) of the current Rules of Procedure, the draft outcome of proceedings shall be submitted for the approval of the Management Board only if the draft text has been sent to the members of the Management Board no later than six weeks after the meeting.
- (2) Practice so far has demonstrated that the timeline for the submission of the draft outcome of proceedings to the Management Board should be shorter.
- (3) One of the priorities of the Estonian Presidency of the Council of the European Union (July 2017-December 2017) in relation to CEPOL is the development of e-governance and administration.
- (4) In light of the afore-mentioned priority, discussions took place for the introduction of the electronic signature of documents by the Chairperson and Deputy Chairperson of the Management Board.
- (5) There is a need to amend the current Rules of Procedure to reflect the two points as detailed above.

HAS ADOPTED THIS DECISION:

Article 1

Amending Article 10 of the Decision of the Management Board 05/2016/MB

The text of the Decision of the Management Board 05/2016/MB, Article 10, paragraph 2 first period and paragraph 4 shall read as follows:

¹ OJ L319, 4.12.2015, p.1.

“ [...] 2. The draft outcome of proceedings shall be submitted for the approval of the Management Board no later than five weeks after the meeting. If the draft has not been sent in due time, approval shall be postponed until the following meeting, unless the Management Board decides otherwise. The draft outcome of proceedings may be sent to those who attended the meeting as observers. [...] 4. Once approved, the outcome of the proceedings shall be signed by the Chairperson (or Deputy Chairperson). The Chairperson’s and Deputy Chairperson’s electronic signatures² hold equal weight to their handwritten signatures. [...]”

Article 2

Amending Article 13 of the Decision of the Management Board 05/2016/MB

The text of the Decision of the Management Board 05/2016/MB, Article 13, paragraph 5 shall read as follows:

“ [...]5. The Decision shall contain the signature of the Chairperson (or Deputy Chairperson) on behalf of the Management Board using the words “For the Management Board”. The Chairperson’s and Deputy Chairperson’s electronic signatures hold equal weight to their handwritten signatures.”

Article 3

Amending Annex of the Decision of the Management Board 05/2016/MB

The consolidated version of the Rules of Procedure of the Management Board are laid down in the annex to the present decision.

Article 4

Entry into force

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

Done in Vienna, on 21 December 2017

For the Management Board

<< Signature on file >>

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Mr Norbert Leitner

Chair of the Management Board

² Electronic signature: an electronic attestation which links electronic signature validation data to a natural person and confirms at least the name of that person.

ANNEX

RULES OF PROCEDURE OF THE MANAGEMENT BOARD

Article 1

Composition and Term of Office

1. The Management Board consists of one representative from each Member State and the Commission. Each member of the Management Board shall have an alternate member who shall represent the member in his or her absence.
2. In case of absence of the member, his/her voting rights shall be automatically transferred to his/her alternate member.
3. The exercise of the duties of the member of the Management Board who has been elected as Chairperson of the Management Board, during the duration of the Chairmanship, shall be automatically transferred to his/her alternate member.
4. Paragraph 3 of the present Article shall apply by analogy to the exercise of the duties of the member of the Management Board who has been elected as Deputy Chairperson of the Management Board.
5. Without prejudice to the right of the Member States and the Commission to terminate the mandate of their respective member and alternate member the term of office for the members of the Management Board is four years and shall be extendable. Each Member State and the Commission shall notify in writing to the Chairperson and to the Executive Director any changes with regard to their respective member and alternate member.

Article 2

Chairperson and Deputy Chairperson of the Management Board

1. The Management 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 Management Board.
2. In the event that both Chairperson and Deputy Chairperson are not able to chair all or part of a meeting of the Management Board, the other representative of the group of three Member States that have jointly prepared the successive 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 Executive Director shall forward the nominations to the Members of

the Management 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 Management Board shall take additional voting sessions as necessary. Should a candidate withdraw her/his candidacy, a new election will be called without undue delay.

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

7. The Management Board shall elect a Deputy Chairperson following the procedure stipulated in the previous paragraphs.

8. 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 *Handover meeting*

1. At the end of the 18-month period of the Council's programme, a handover meeting shall take place at the seat of the Agency.

2. The participants of the meeting shall be: the voting members of the Management Board representing the group of three Member States that prepared the Council's 18-month programme that has come to an end, as well as the voting members representing the group of three Member States that have prepared the successive Council's 18-month programme.

Article 4 *Meetings*

1. The Chairperson shall convene the meetings of the Management Board³. S/he is responsible for sending the invitation letter to the CEPOL national units⁴ 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. Timing and location of meetings shall be the subject of a specific Decision by the Management Board. The Management 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.
4. The Executive Director shall take part in the deliberations of the Management 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.
5. The members and the alternate members of the Management Board may be accompanied by advisers or experts at its meetings. The members and the alternate members shall notify the Chairperson of the Management Board (hereinafter 'the Chairperson') and the Executive Director of CEPOL at least three weeks before the beginning of the meeting about the names of their experts.
6. 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 Executive Director for her/his opinion. Additional delegates' attendance shall be at no cost for CEPOL.

³ Article 12(3) 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".

⁴ Article 6(1) of the CEPOL Regulation states that "Each Member State shall establish or designate a national unit which shall be the liaison body with CEPOL [...]".

Article 5 Agenda

1. The Chairperson shall draw up the provisional agenda for each meeting, after having consulted the Executive Director. The draft agenda shall be sent to the members of the Management 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 Chairperson'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 units 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 Management Board decides otherwise.
4. At the beginning of the meeting the Management 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 Management Board decides otherwise.

Article 6 Deliberations and Proceedings of the Management Board

1. The quorum necessary for the meeting to be valid shall be achieved when at least two-thirds of all voting members are present or represented by a proxy. In the absence of a quorum, the Chairperson shall terminate the meeting and convene another within thirty days.
2. The Chairperson shall conduct the meeting, giving priority to members wishing to raise a question of procedure or a preliminary matter.
3. Notwithstanding Article 4 (4) of the present Decision, in case the deliberations are of confidential nature the Management Board may decide to meet in a restricted session, determining its own composition. A request to that effect can be made by any of the members of the Management Board.
4. The meetings of the Management Board shall be conducted in the working language of the Agency, not excluding interventions by the Chairperson or other delegations in their own language as long as the translation into the working language of the Agency is provided by themselves. Likewise, all documents

presented to the Management Board shall be drafted in the working language of the Agency.

5. The Executive Director shall provide the Secretariat for the Management Board.

Article 7

Voting during Management Board meetings

1. The Management 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 Management Board may decide to vote by secret ballot.

4. In case a member or his/her alternate cannot attend a meeting, the member shall give power of attorney 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 Management Board on an urgent matter may be adopted by a written vote where the Management Board decides by simple majority to use that procedure. In between sessions of the Management Board, the Chairperson may decide to use that procedure.
2. The Chairperson will give to the members of the Management Board 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. The members of the Management Board shall reply “yes”, “no” or “abstain from voting” to any written procedure. In case no reply has been received within the set 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 Management 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 of the Management Board.

Article 10 Outcomes of proceedings of the meetings

1. Outcomes of proceedings of each meeting of the Management Board shall be drafted by the CEPOL staff members as designated by the Executive Director. When drawn up, they shall include:
 - (a) decisions adopted by the Management Board with an indication of the distribution of votes if requested by one of the members,
 - (b) the topics on which a discussion took place,
 - (c) a list of participants.

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

2. The draft outcome of proceedings shall be submitted for the approval of the Management Board no later than five weeks after the meeting. If the draft has not been sent in due time, approval shall be postponed until the following

meeting, unless the Management Board decides otherwise. The draft outcome of proceedings 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 of the Management Board 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 (or Deputy Chairperson). The Chairperson's and Deputy Chairperson's *electronic signatures*⁵ hold equal weight to their handwritten signatures.

5. Audio recordings of the meetings are kept at CEPOL for five years. Members of the Management 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 documents of the Management Board, outcomes of proceedings and any other related records shall be subject to the principles, conditions and limits laid down in Regulation (EC) 1049/2001⁶ as well as to the rules set forth in a decision of the Management Board pursuant to Article 28 of the CEPOL Regulation regarding public access to documents of CEPOL.

Article 12 Independence

1. The members of the Management Board shall undertake to act independently in the public interest. They shall act impartially, avoiding any situation liable to give rise to potential conflicts of interest.

2. The members of the Management Board shall make a declaration of interests which could be prejudicial to their independence. These declarations shall be made annually in writing and shall be published on the Agency's website.

3. Before participating in a meeting, each participant shall ensure that his or her declaration of interest is valid and includes the latest relevant information. Prior to the meeting, the Chairperson shall review the declarations of interest of the

⁵ *Electronic signature*: an electronic attestation which links electronic signature validation data to a natural person and confirms at least the name of that person.

⁶ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31/05/2001, p. 0043.

members of the Management Board and bring any issue of concern to the attention of the Management Board.

4. At each meeting, members of the Management Board shall declare any interest which could be considered to be prejudicial to their independence with respect to any point on the agenda. Anyone declaring such interests shall not participate in the voting on the relevant point.

Article 13 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 shall contain the signature of the Chairperson (or Deputy Chairperson) on behalf of the Management Board using the words "For the Management Board". The Chairperson's and Deputy Chairperson's *electronic signatures*⁷ hold equal weight to their handwritten signatures.

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.

⁷ Electronic signature: an electronic attestation which links electronic signature validation data to a natural person and confirms at least the name of that person.