

DECISION

OF THE GOVERNING BOARD OF THE EUROPEAN POLICE COLLEGE

5/2006/GB

LAYING DOWN GENERAL GUIDELINES ON THE IMPLEMENTATION

OF THE COUNCIL DECISION CONCERNING SECONDED NATIONAL EXPERTS

Adopted by the Governing Board
on 13 January 2006

THE GOVERNING BOARD,

Having regard to the Council Decision 2005/681/JHA of 20 September 2005 (hereinafter referred to as “constituent instrument”) establishing a European Police College (hereinafter referred to as “CEPOL”), and in particular Article 13(5) thereof;

Having regard to the Council Decision 2003/479/EC of 16 June 2003 concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council (hereinafter referred to as “Council Decision”);

Whereas:

- (1) The secondment of national experts from the Member States to the CEPOL Secretariat shall be in accordance with the Council Decision which shall apply by analogy.
- (2) The mission, structure and location of the General Secretariat of the Council and of the CEPOL Secretariat are different.
- (3) CEPOL may attain national experts inter alia from national police colleges as well as from education and research institutes.
- (4) The Governing Board and the Director shall cooperate to ensure, as far as possible, a balance between men and women and observe the principle of equal opportunities.
- (5) The Director is responsible for the recruitment and selection procedure.
- (6) The continuity of CEPOL’s business has to be ensured.
- (7) Guidelines on the implementation of the Council Decision are desirable to recognise the specific operational conditions and needs of CEPOL.

HAS ADOPTED THESE GUIDELINES:

General provisions

Article 1 *Subject matter*

These guidelines spell out the implementation of Council Decision 2003/479/EC of 16 June 2003 concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council (hereinafter referred to as “Council Decision”) for the purpose of the European Police College (hereinafter referred to as “CEPOL”).

Article 2
Definitions

For the purpose of implementing the Council Decision

- (a) “Council” shall be read as “CEPOL”;
- (b) “General Secretariat of the Council” shall be read as “CEPOL Secretariat”;
- (c) “Secretary-General/High Representative shall be read as “Director of CEPOL/chairperson of a working group as referred to in Article 10(10) of the Council Decision 2005/681/JHA”;
- (d) “Deputy Secretary-General” shall be read as “Director of CEPOL”
- (e) “Directorate-General for Personnel and Administration of the General Secretariat of the Council” shall be read as “Administration Unit of CEPOL”;
- (f) “Director-General for Personnel and Administration” shall be read as “Head of Administration”;
- (g) “Director-General of the department concerned” shall be read as “Head of the Unit concerned”;
- (h) “Directorate-General or department to which the SNE is assigned” shall be read as “Unit to which the SNE is assigned”;
- (i) “Permanent Representation of the Member State concerned” shall be read as “Member of the Governing Board concerned or seconding employer”;

Article 3
Seconding bodies
(Article 1(1) of the Council Decision)

National police colleges, education and research institutes shall be regarded as public administration in the meaning of Article 1(1) of the Council Decision regardless the legal form those actually hold.

Article 4
Recruitment
(Article 1(4) of the Council Decision)

1. If SNEs are needed the vacancies shall be advertised on CEPOL’s webpage and shall be send to the voting members of the Governing Board according to Article 10(2) of Council Decision 2005/681/JHA (hereinafter referred to as “constituent instrument”) and to the representatives according to Article 10(3) of the constituent instrument.

2. The selection decision is carried out by the Director, who ensures a transparent and objective procedure.
3. The Director reports to the Governing Board at the next meeting following the recruitment of SNEs. For each procedure information is given on the number of applicants, their gender and their nationality, and on the recruited SNEs.

Article 5
Place of secondment
(Article 3 of the Council Decision)

SNEs shall be seconded to Bramshill.

Article 6
Payments
(Article 22(3) of the Council Decision)

The payments shall be carried out in Great Britain Pound.

Transitional and final provisions

Article 7
Continuity of business

1. For the purpose of the continuity of CEPOL's business Article 5(1) of these guidelines and Articles 1(4), 2(1), 2(3) and 6(1) of the Council Decision are not applicable for seconded national experts who were posted to CEPOL, established on the basis of Council Decision 2000/820/JHA and who continue or renew their secondment to CEPOL, until the recruitment for the corresponding function in compliance with the constituent instrument has been finalised.
2. If seconding bodies so require, during a transitional period, but not beyond 31 December 2006, CEPOL shall reimburse all or part of the remuneration of seconded national experts during the period of secondment to his/her employer under an agreement to be concluded and recorded in the exchange of letters provided for in Article 1(5) of the Council Decision.

Article 8
Entry into force

These rules shall enter into force on the day of its adoption and shall apply as of 1 January 2006.

Done at Brussels, 13 January 2006

For the Governing Board

János Feherváry
Chair of the Governing Board