

DECISION 23/2011/GB
OF THE GOVERNING BOARD OF THE EUROPEAN POLICE COLLEGE
AMENDING CEPOL'S EXTERNAL RELATIONS POLICY

Adopted by the Governing Board

on 15 June 2011

THE GOVERNING BOARD,

Having regard to Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL)¹, and in particular Article 8 thereof;

Having regard to the proposal of the Strategy Committee², submitted by Hungarian Presidency of the European Police College;

Whereas:

CEPOL should have an External Relations Policy.

HAS ADOPTED the revised External Relations Policy as amended in the Annex to this Decision, which provisions supersede any previous document on the subject.

Done in Balatonalmádi, 15 June 2011

For the Governing Board

József BODA
Chair of the Governing Board

¹ (1) OJ L 256, 1.10.2005, p. 63.

² 23rd meeting of the Strategy Committee, 25 May 2011

CEPOL – EXTERNAL RELATIONS POLICY

| Acronyms: | |
|------------------|--|
| ACC | Acceding Country |
| AEPC | Association of European Police Colleges |
| ASC | Associated Country |
| ATOC | At Their Own Costs |
| COSI | Standing Committee on Internal Security (Council of the EU) |
| CC | Candidate Country |
| CEDEFOP | European Agency to promote the Development of Vocational Educational and Training (VET) in the European Union |
| EEAS | European External Action Service |
| EMCDDA | European Monitoring Centre for Drugs and Drug Addiction |
| EASO | European Asylum Support Office |
| ENP | European Neighbourhood Policy |
| ENFSI | European Network of Forensic Sciences Institutes |
| ERWG | External Relations Working Group |
| ESDC | European Security and Defence College |
| ETF | European Training Foundation |
| EUCPN | EU Crime Prevention Network |
| EUROJUST | European Union Judicial Cooperation Unit |
| EUROPOL | European Police Office |
| EXP | Expert |
| FRONTEX | from French: Frontieres exterieures, legally: European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union |
| FRA | Fundamental Rights Agency |
| IGO | Inter-governmental organisation |
| INTERPOL | The International Criminal Police Organization |
| INV | Invited |
| MEPA | Middle European Police College |
| NBPA | Nordic – Baltic Police Academy |
| NCP | National Contact Point (CEPOL) |
| NGO | Non-governmental Organisation |
| OBS | Observer |
| OLAF | European Anti-Fraud Office |
| PCC | Potential Candidate Country |
| RELEX | External Relations issues |
| PTI | Police training institution |
| TEU | Treaty on the European Union |
| TFEU | Treaty on the Functioning of the European Union |

I- PREAMBLE

CEPOL'S External Relations are embedded in the wider framework of EU Policies, and notably the Justice and Home Affairs Policy Area and its External aspects as enshrined in the Lisbon Treaty and its deriving legal and political instruments; specifically, CEPOL will operate in accordance with the inspiring principles set forth in Title V of the Consolidated Version of the Treaty on the European Union and the Treaty on the Functioning of the European Union. CEPOL shall coordinate closely with the EU Institutions, namely the Council, the Commission and the Parliament, as well as its EU partner Agencies and in particular those operating in the field of Justice and Home Affairs such as EUROPOL, FRONTEX and EUROJUST. In implementing its External Relations Policy, CEPOL shall pay particular attention to coordination with the European External Action Service (EEAS), and shall adhere to the priorities identified in the multi-annual sectorial programmes and respective action plans. For the period 2010-2014, these shall be the priorities set forth in the Stockholm Programme, its Action Plan and ancillary instruments. CEPOL shall observe the guidance received by the Council's Standing Committee on Operational Cooperation on Internal Security (COSI), the body of the Council of the EU mandated to facilitate, promote and strengthen coordination of operational actions between EU Member States in the field of internal security.

Lastly, CEPOL's External Relations shall always be conducted in strict observance of CEPOL's Strategy as approved by the CEPOL Governing Board Decision 43/2010.

II - LEGAL FRAMEWORK

II.I EXTERNAL RELATIONS IN CEPOL'S FOUNDING DECISION

Article 8 of the Council Decision 2005/681/JHA establishing the European Police College (CEPOL) and repealing decision 2000/820/JHA states that:

Article 8

Cooperation with other bodies

1. CEPOL may cooperate with relevant bodies of the European Union in the field of law enforcement and other related areas and with relevant training bodies in Europe.

2. CEPOL may cooperate with national training institutes of non-member States of the European Union, in particular with those of the candidate countries, as well as with those of Iceland, Norway and Switzerland.

3. The Governing Board may authorise the Director of CEPOL to negotiate cooperation agreements with any of the bodies mentioned in paragraphs 1 and 2. Such cooperation agreements may be concluded only with the authorisation of the Governing Board.

Cooperation agreements with bodies of non-member States of the European Union can only be concluded after the approval of the Council has been obtained.

4. CEPOL may take into account recommendations made by Europol and/or the Task Force of Chiefs of Police of the Member States of the EU, without prejudice to the rules governing the adoption of the CEPOL work program³

* The document is annexed to the policy paper

III. GUIDING PRINCIPLES FOR COOPERATION

CEPOL's external relations categories and priorities shall mirror those developed at the wider EU level.

In order to develop the mandated cooperation, CEPOL establishes and updates a list of its partners including the different activities and prioritizing levels of engagements and requested instruments.

Should cooperation with a specific partner present permanent features, an agreement should be negotiated. The handling of Cooperation Agreements shall be conducted in line with the principles and procedures approved by the Governing Board (cf. annex 1).

The Director of CEPOL shall be responsible for contacts with relevant EU Institutions (Parliament, Council and Commission) and the implementation of External Relations priorities. He shall undertake those tasks in close coordination with the Presidency of the Governing Board.

On these matters, the ERWG provides necessary advice and recommendations to the Strategy Committee to be presented, if accepted, to the Governing Board.

³ The Task Force of Chiefs of Police of the Member States of the EU no longer exists and has been substituted by the Standing Committee on Operational Cooperation on Internal Security (COSI).

IV. RELATIONS WITH CEPOL PARTNERS

CEPOL develops external relations with police training institutions (PTI) in a number of countries, whose relations with the EU are outlined below:

- Enlargement: helping police training institutions in candidate countries to adjust to the Acquis and assisting acceding countries in the final steps of the Accession process.
- Associated Countries: encouraging continued technical cooperation and exchange of Best Practices in the areas pertinent to CEPOL's remit;
- Western Balkans: contributing to the stabilisation of the region and to its European perspective;
- European Neighbourhood Policy: fostering the implementation of freedom, security and justice component of Action Plans;
- Strategic Partners (Brazil, Canada, China, India, Russia, United States of America): continuing and encouraging dialogue in the areas determined by the EU as subject of technical cooperation to which CEPOL can contribute according to its mandate and tasks;
- Other partners: supporting the strengthening of rule of law and judiciary as well as cooperation on prevention of illegal activities under framework of Partnership and Cooperation Agreements.

V. RELATIONS WITH OTHER EU BODIES

V.I EU AGENCIES IN THE JUSTICE AND HOME AFFAIRS (JHA) CLUSTER

CEPOL's External Relations shall take into due account the approach followed by partner Agencies in the Justice and Home Affairs cluster. The Secretariat shall be responsible for maintaining close contacts with those Agencies via the appropriate fora. The Presidency of the Governing Board and the Chair of the ERWG shall be kept apprised of policy developments.

Should permanent forms of cooperation be established with other EU Agencies, a formal agreement shall be negotiated by the Director of CEPOL and approved by the Governing Board.

Should cooperation not be permanent, there may be informal contacts between the Agencies and the CEPOL Secretariat. The Presidency of the Governing Board

and the Chair of the ERWG shall also in this case be kept periodically appraised of developments and will inform, in turn, the Governing Board.

V.II . OTHER EU BODIES , AGENCIES, NETWORKS AND ASSOCIATIONS

The principles referred to in the preceding paragraph V.I apply by analogy to other EU Agencies whose tasks may have some bearing on CEPOL's activities.

EU networks and associations expressing a will to cooperate should contact the Director, who shall inform the CEPOL Presidency and the Chair of the ERWG.

Their requests will be reported to the ERWG for a first discussion. If necessary, the ERWG will pass on the request to the Strategy Committee, and final decision will be reached by the Governing Board. They may be involved as observers in CEPOL activities.

VI. PTI PARTICIPATION TO CEPOL ACTIVITIES

The below synopsis is a general overview of the rules for participation to CEPOL activities. Particular cases falling outside the broader categories described below shall be the subject of a specific Governing Board Decision presented by the Strategy committee based on the ERWG and Director recommendations. Participation to CEPOL Activities by Non-EU Member States shall be considered preferably at the Organizer's request.

VI. I PTI FROM ACCEDING COUNTRIES (ACC)

Those ACC representatives. They can attend, as observers, committee meetings at their own costs (ATOC). They can be invited as experts in ERWG meetings (their costs will be reimbursed by CEPOL following the applicable rules). Like Member States, ACC are authorised to send trainees, as well as experts, in CEPOL activities. They may send delegates to conferences. They may also host and organise CEPOL courses and conferences.

VI.II PTI FROM CANDIDATE COUNTRIES (CC)

This case refers to Official Candidate Countries.. The PTI representatives of CC are invited in ERWG meetings (ATOC).

Training institutes for senior officers of CC should be involved in CEPOL activities according to the below table, via their National Contact Points. In line with the EU policy, cooperation agreements are to be established between CEPOL and training institutes of CC willing to be part in CEPOL activities.

VI.III PTI FROM ASSOCIATED COUNTRIES (ASC)

Schengen Member States or Schengen functionalities users are to be placed in this category, the cooperation with CEPOL being regulated by agreements.

They are invited to Governing Board by exception, to committees and ERWG meetings as observers (ATOC). ASC are authorised to send trainees (ATOC), as well as experts, in CEPOL activities. They may also host and organise CEPOL activities.

VI.IV PTI FROM POTENTIAL CANDIDATE COUNTRIES (PCC) and ENP COUNTRIES (ENP)

Those countries are mainly covered by specific financial programmes run by the Commission.

CEPOL reaffirms its willingness to cooperate in this regard, using preferably non- CEPOL funds.

Request for participation and contribution in CEPOL activities should be sent to the Director who will contact/inform the Chair of the ERWG and the Chair of the Governing Board. CEPOL will also carry out market analysis in those countries to identify relevant partners. In both cases, the CEPOL Director and the Presidency will report findings to the Governing Board for decision (see annex 1). Such a decision may be taken by written procedure.

VII. PARTICIPATION TO CEPOL ACTIVITIES BY PTI FROM NON-EU MEMBER STATES AND BODIES OF NON- EU MEMBER STATES

Relevant governmental bodies, inter-governmental organisations (IGOs), non governmental organisations (NGOs), universities, non-EU networks, national training institutes of non EU Member States feature in this category.

Request for participation and contribution in CEPOL activities should be sent to the Director who will contact/inform the Chair of the ERWG for advice and the Chair of the Governing Board for decision. Final decisions are communicated to the Governing Board at its next session.

VIII. PARTICIPATION TO CEPOL ACTIVITIES BY PRIVATE SECTOR ORGANIZATIONS

CEPOL may cooperate with the private sector for training purposes.

The involvement of the private sector should be discussed in the Annual Programme Committee and Strategy Committee. A specific policy on Private Sector Engagement may be developed at the behest of the Governing Board.

IX – FINANCIAL PROVISIONS

The relevant Governing Board Decisions on Financial Matters related to External Relations and the participation of Third Countries to CEPOL activities continue to apply and take precedence over the provisions in the present Policy Paper. The

COOPERATION AGREEMENTS

The handling of Cooperation Agreements shall be conducted in line with the principles and procedures approved by the Governing Board when cooperation with a specific partner presents permanent features, and according to the following procedure. The CEPOL Secretariat shall monitor developments which may facilitate the relevant CEPOL bodies in their examination of External Relations issues, via a Desk Based data collection process.

The Director of CEPOL, shall be responsible for contacts with relevant EU Institutions (Parliament, Council and Commission) and the implementation of External Relations priorities. He shall undertake those tasks in close coordination with the Presidency of the Governing Board.

I. Identification of potential new cooperation agreements :

I.I Prospection:

Proactive market analysis: the ERWG will identify potential partners (relevant to the implementation of CEPOL's mandate), analyze threats and opportunities (SWOT) and examine relevance of offering a cooperation agreement;

OR

Receipt of cooperation request:

Requests for cooperation with CEPOL shall be addressed to the Director of CEPOL. To facilitate the External Relations Working Group, the CEPOL Secretariat shall perform an initial check to determine whether the request presents the necessary formal requisites for consideration, and hand over an Explanatory Note or Memorandum to the ERWG Chair.

In particular, the Secretariat will check if any cooperation request contains, at a minimum, the following elements:

- Denomination of the Institution wishing to enter into formal cooperation with CEPOL;
- Relevant contact details of the Institution and its representative (s);

- A Description of the Institution's main mandate and target group (s).

Even in the absence of formal requisites, the CEPOL Secretariat shall inform the CEPOL Presidency and the Chair of External Relations Working Group (ERWG) upon receipt of a request for cooperation.

I.II Identification and formalization, in a written report, of the expected results and ROI, for stake- and share holders. This report will serve as a basis in cooperation negotiations (see below).

I.III FACT FINDING MISSIONS

In order to enable the ERWG to evaluate whether a Cooperation Agreement is desirable and/or feasible, the ERWG may recommend the organization of a fact finding mission to the country or organization concerned when this is deemed necessary.

A fact finding mission shall be a technical exercise and should comprise 1) a desk-based data collection phase; 2) a field visit finalized to the collection and verification of data.

It shall produce a comprehensive Report, addressed to the Chair of the ERWG, which includes a final recommendation as to what actions should the ERWG consider recommending to the relevant CEPOL bodies for decision and implementation.

A fact finding mission shall, in principle, be composed of one (1) representative of the ERWG designated by the Chair of the ERWG, and one Staff Member from the Secretariat.

In duly justified cases, the ERWG can recommend that a representative of the Presidency and/or another ERWG Member is also associated to the fact finding mission.

II. CONCRETISATION:

Recommendations from the ERWG shall be forwarded to the Strategy Committee and the Governing Board for discussion and approval. The main objectives and rationale of a Cooperation Agreement shall be presented to the Governing Board prior to any agreement on possible negotiations. The latter may request the Director to undertake formal negotiations with the Institution (s) concerned. Negotiations will allow to identify:

- minimum and maximum service delivery from CEPOL

- concrete objectives of the agreement
- parties involved
- time limits and deadlines
- activities to be implemented
- Evaluation process

Once negotiations have been completed, the Cooperation Agreement shall be redacted. It will clearly stipulate agreed objectives, deadlines, parties involved and activities to be implemented (template to be developed). The agreement will then be submitted to the Governing Board for formal approval, and then submitted to the Council of the European Union for final approval.

Once endorsed by the Council, a Cooperation Agreement shall be concluded by the Director of CEPOL and the other Contracting Party. The Chair of the Governing Board will co-sign the Agreement. The Secretariat shall organize the signature of the Agreement with the Presidency and the Chair of the ERWG.

III. IMPLEMENTATION

Once a Cooperation Agreement is signed, it shall be implemented . Execution of the activities which have been agreed upon (organizing courses, participation in exchange programmes, common curricula...).

Periodically, the ERWG shall discuss progress made in the implementation of activities foreseen in the framework of the Cooperation Agreement. The Secretariat shall periodically report to the ERWG on the implementation of Cooperation Agreements .

An updated version of the cooperation overview (see annex 2) will be presented during each Governing Board meeting.

IV. EVALUATION

Depending on what has been stipulated in the agreement, and based on the developed performance indicators, the agreement has to be evaluated, and if needed, improved or reviewed.

In case the expected results and ROI determined are not met at the determined deadlines, the Governing Board may decide to put an end to the cooperation agreement.

Annex 2

IDENTIFIED COOPERATION PARTNERSHIPS: STATUS FEBRUARY 2011

(Please note the below table is not exhaustive and subject to periodical updates)

| COUNTRY/BODY | TYPE OF COOPERATION |
|--|---|
| 1. <u>EUROPEAN BODIES</u> | |
| <u>EU AGENCIES</u> | |
| <i>European Police Office (EUROPOL)</i> | Cooperation agreement signed on 19 October 2007 (GB Decision 1 – 2007) Europol is invited at meetings and courses (as observer, trainee or expert). |
| <i>The European Union’s Judicial Cooperation Unit (EUROJUST)</i> | Memorandum of understanding signed on 12 October 2009/7december 2009 (GB Decision 21 - 2009) |
| <i>European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX)</i> | Cooperation agreement signed on 25 June 2009 |
| Olaf | Cooperation in activities |
| European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) | |
| European Training Foundation (ETF) | |
| <i>European Centre for the Development of Vocational Training (Cedefop)</i> | |
| <u>European Union Agency for Fundamental Rights (FRA)</u> | Cooperation in activities |
| Institute for Security Studies (ISS) | |
| European Security and Defense College (ESDC) | Cooperation in activities |
| <u>EU NETWORKS</u> | |
| ECPN European Crime Prevention | |

CEPOL – EXTERNAL RELATIONS POLICY

| | |
|--|---|
| Network | |
| ENFSI | Memorandum of understanding signed on 03 December 2009 |
| <u>ASSOCIATIONS</u> | |
| AEPC | Memorandum of understanding signed in February 2002 – Observers in CEPOL meeting |
| MEPA | Observers in CEPOL meeting |
| NBPA | Observers in CEPOL meeting |
| FRANCOPOL | |
| 2. <u>ACCEDING COUNTRIES</u> | |
| 3. <u>CANDIDATES COUNTRIES</u> | |
| Croatia | Cooperation Agreement signed on 7 December 2010 |
| Former Yugoslav Republic Of Macedonia | The Governing Board in its 21st meeting invited the Director to negotiate a cooperation agreement with the former Yugoslav Republic of Macedonia 29-30 September 2010 |
| Turkey | Cooperation Agreement signed on 7 December 2010 |
| Montenegro | Negotiations ongoing for a Cooperation Agreement |
| Iceland | Cooperation agreement signed in 2006, revision signed on December 2010 |
| 4. <u>ASSOCIATED COUNTRIES (EEA/SCHENGEN COUNTRIES)</u> | |
| Norway | Cooperation agreement signed in 2006, revision signed on 9 December 2010 |
| Switzerland | Cooperation agreement signed in 2006, negotiations ongoing (text was nevertheless approved by the Council of the EU in 2010) |
| Liechtenstein | Cooperation agreement requested |
| <u>5.1 POTENTIAL CANDIDATES COUNTRIES</u> | |
| Albania | Cooperation Agreement under development |
| Bosnia and Herzegovina | Contacts ongoing |
| Serbia | No contact yet |
| Kosovo (under UNSCR 1244) | No contact yet |

| | |
|---|--|
| 5.2.ENP COUNTRIES | |
| ALGERIA | EUROMED Programme |
| ARMENIA | Eastern Partnership |
| AZERBAIJAN | Eastern Partnership |
| BELARUS | Eastern Partnership |
| EGYPT | EUROMED Programme |
| GEORGIA | Eastern Partnership – Request for cooperation |
| ISRAEL | EUROMED Programme |
| JORDAN | EUROMED Programme |
| LEBANON | EUROMED Programme |
| LIBYA | |
| MOLDOVA | Eastern Partnership |
| MOROCCO | EUROMED Programme |
| PALESTINIAN AUTHORITY | EUROMED Programme |
| SYRIA | EUROMED Programme |
| TUNISIA | EUROMED Programme |
| UKRAINE | Eastern Partnership |
| 6 STRATEGIC PARTNERS | |
| RUSSIAN FEDERATION | Protocol signed on 17 April 2008. Cooperation agreement under negotiation |
| CANADA | |
| CHINA | |
| BRAZIL | |
| INDIA | |
| UNITED STATES OF AMERICA | |
| <u>7. OTHER THIRD COUNTRIES</u> | |
| | |
| | |
| <u>INTERNATIONAL ORGANISATIONS</u> | |
| UNICRI | |
| NATO | |

CEPOL – EXTERNAL RELATIONS POLICY

| | |
|--|--|
| AFRICAN UNION | |
| OSCE | Request for Cooperation received in late 2010 |
| <u>NON EU AGENCIES</u> | |
| INTERPOL | Cooperation Agreement signed on 11 December 2008 |
| FBI | |
| HOMELAND SECURITY DEPARTEMENT | |
| <u>UNIVERSITIES</u> | |
| Canadian Police College | |
| Nayef Arab University for Security Sciences | |
| <u>7. PRIVATE SECTOR</u> | |