

DECISION 33/2011/GB

OF THE GOVERNING BOARD OF THE EUROPEAN POLICE COLLEGE

CONCERNING ITS RULES OF PROCEDURE,

AND REPEALING AND REPLACING DECISION 8/2006/GB

OF THE GOVERNING BOARD OF THE EUROPEAN POLICE COLLEGE

Adopted by the Governing Board
on 25 October 2011

THE GOVERNING BOARD,

Having regard to the Decision of the Council of the European Union of 20 September 2005 (hereinafter referred to as "the Council Decision") establishing a European Police College and repealing Decision 2000/820/JHA¹, and in particular to Article 10(8) thereof,

Having regard to Decision 09/2011/GB of the Governing Board of the European Police College (CEPOL) adopting the Five-year report of the European Police College;

Whereas

It is for the Governing Board, acting by a two-thirds majority, to adopt its rules of procedure;

It is important to recast decisions periodically to ensure correct consolidation of accumulated changes.

HAS DECIDED AS FOLLOWS:

RULES OF PROCEDURE OF THE GOVERNING BOARD

Article 1

Attendance to the Governing Board

1. In accordance with Article 10 of the Council Decision members of the Governing Board (hereinafter referred to as "members"), shall enjoy the requisite authority in the areas in which the Governing Board has competence.
2. At Governing Board meetings, members may be accompanied and advised by experts. Members shall notify the Chairperson at least two weeks before the beginning of the meeting about the names of their experts². 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.
3. Each member state shall notify in writing to the Chairperson of the Governing Board and to the Director of the secretariat any changes about the voting member.

¹ CEPOL, OJ L 256, 01 October 2005, p.63-70

² Articles 10(2) and 10(3) of the Council Decision state:

(2) The members of the Governing Board shall preferably be directors of national police institutes. Where there are several directors from a single Member State, they shall together form a delegation.

(3) Representatives of the Commission and of the General Secretariat of the Council of the European Union and Europol shall be invited to attend meetings as non-voting members”

Article 2
Chairmanship of the Governing Board

1. The Governing Board shall be chaired by one of the members of the Member State holding the Presidency of the Council of the European Union. Each State shall appoint the member of its delegation taking up that chairmanship and the member to take over in the eventual absence of the Chairperson. In the event that both members are not available to chair, the former Chairperson or his/her substitute will chair the meeting.
2. The Chairperson of the Governing Board is responsible for sending the invitation letter to the CEPOL national contact points³ six weeks before ordinary meetings. Where an extraordinary meeting is called the period is reduced to two weeks. The invitation letter will contain information about the organisational conditions of the meetings.
3. Every incoming Chairperson of the Governing Board shall present his/her preliminary schedule for the Board meetings to the Governing Board at least one month before the start of his/her chairmanship.

Article 3
Director

The Director shall participate in the Governing Board meetings without the right to vote. He/She may be invited to leave the Board session if a decision about him/her has to be taken⁴.

Article 4
Proceedings of the Governing Board

1. On a general basis, the Governing Board shall hold one ordinary meeting during each Presidency convened by its Chairperson in conjunction with the timetable of relevant meetings of the EU-institutions.
2. When the Chairperson considers that circumstances so dictate, he/she may call an extra meeting of the Governing Board. He/She shall convene such a meeting when one third of the voting Board members so request. Should a meeting be requested, the Chairperson shall consult the other voting members and, if a third of them agree, shall call a meeting. The Chairperson must convene the meeting within 30 days of receiving the request.
3. The Governing Board invites observers to the meetings in particular representatives of other National Training Institutes for senior police officers within states which are not

³ Article 14 of the Council Decision states: A CEPOL contact point may be set up in each Member State. Without prejudice to the Member States’ right to organise this contact point as it sees fit, the contact point shall preferably be the Member State’s delegation at the Governing Board. The national contact point shall ensure effective cooperation between CEPOL and the training institutes.

⁴ Article 11 of the Council Decision states:

(1) The Director shall be appointed by the Governing Board....

(4) The Director is responsible for the day-to-day administration of CEPOL’s work. He or She shall support the work of the Governing Board.

(5) The Director shall be accountable for his/her activities to the Governing Board.

members of the European Union, representatives of National Training Institute for senior police officers of the candidate countries and Schengen area. The Governing Board may also invite representatives from other national and international organisations responsible for police training and other institutions with which CEPOL has concluded a written agreement.

*Article 5
Agenda*

1. The Chairperson of the Governing Board shall draw up the provisional agenda for each meeting. The draft agenda shall be sent, to the CEPOL national contact points, the General Secretariat of the Council of the European Union, the European Commission, Europol and the invited observers at least 2 weeks before the beginning of 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 Chair’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 contact points no later than one week 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 Governing Board decides otherwise.
4. At the beginning of the meeting the Governing 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 Governing Board decides otherwise.

*Article 6
Deliberations of the Governing Board*

1. The presence of two-thirds of the Board's voting members shall constitute a quorum⁵. 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. In case the deliberations are of a confidential nature the Governing Board may decide to meet in a restricted session, determining its own composition. The Director shall be invited except in the circumstances mentioned in Article 3.

⁵ Article 10 of the Council Decision states:

(7) Except when otherwise indicated in this Decision, the Governing Board shall act by a two-thirds majority of its members.

(9c) The Governing Board shall adopt by unanimity, the draft budget to be submitted to the Commission.

4. The meetings of the Governing Board shall be conducted in the English language, not excluding interventions by the Chairperson or other delegations in their own language as long as the translation into English is provided by themselves.

Likewise, all documents presented to the Governing Board shall be drafted in English.

Article 7

Voting at Governing Board meetings

1. The Governing 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 voting 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 voting member so requests.
3. In case a voting member cannot attend a meeting, he/she shall give power of attorney preferably to a member of his/her delegation or if not to another voting member attending the meeting or to the Chairperson. He/She shall communicate in writing the identity of this person to the Chairperson as well as any restriction placed on the proxy vote.

Article 8

Adoption of proposals

1. A proposal for decision shall be subject to vote on the procedure before the substance is decided. The Governing Board can accept it or forward it to a committee for further elaboration.
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 Governing Board on an urgent matter may be adopted by a written vote where the Governing Board decides by an affirmative two-thirds majority vote to use that procedure. In special and urgent circumstances, the Chairperson of the Governing Board may also decide to use that procedure.
2. The Chairperson of the Governing Board will give the Member States a minimum of 7 calendar days and a maximum of 14 calendar days to reply by only “yes” or “no” to any written procedure. In case no reply has been received within the period the respective Member State is deemed to have voted in favour of the proposal.

3. The Chairperson of the Governing Board shall establish that the written procedure has been completed.

Article 10

Outcome of proceedings of the meetings

1. Outcome of proceeding of each meeting of the Governing Board shall be taken by officers on behalf of the Secretariat and the Presidency. When drawn up, they shall include:

- decisions adopted by the Governing Board with an indication of the distribution of votes if requested by one Member State,
- the topics on which a discussion took place,
- a list of participants.

The Chair and Member States taking part in discussions can request their position be quoted in the Outcome of Proceedings. The request shall be made during the meeting.

2. The Governing Board shall approve the outcome of proceedings at its next meeting. The draft outcome of proceedings shall be submitted for the approval of the Governing Board only if the draft text has been sent to the members no later than three weeks after the meeting. If the draft has not been sent in due time, approval shall be postponed until the following meeting unless the Governing Board decides otherwise.

The draft outcome of proceeding shall also be sent to the General Secretariat of the Council of the European Union, the European Commission, and Europol and 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 of the Governing Board, within three weeks after receiving the draft. Within the same period, Member States may also send a written position to be annexed to the outcome or proceedings, which shall only express comments made during the Governing Board meeting.
4. Once approved, the outcome of proceedings shall be signed by the Chairperson of the Governing Board and by the Director.
5. Tapes of the recorded meetings are kept at the secretariat for five years. Members of the Governing Board and the representatives of the Commission and of the Council of the European Union and Europol are entitled to ask for transcripts of identified items.
6. Public access to the outcome of proceedings will be provided in accordance with the rules implementing Article 20 of the Council Decision⁶.

⁶ Article 20 of the Council Decision states: Access to documents. On the basis of a proposal by the Director, and not later than six months after this Decision takes effect, the Governing Board shall adopt rules for the access to CEPOL documents, taking into account the principles and limits stated in 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.

Article 11
Annual report

The annual report on the activities of CEPOL including budgetary and financial matters shall be approved by the Governing Board during the first half of the following calendar year.

Article 12
Correspondence

The official address of CEPOL is:

CEPOL Secretariat - European Police College
CEPOL House
Bramshill
Hook
Hampshire
RG27 0JW
United Kingdom

Article 13
Entry into force of the rules of procedure

These rules shall enter into force on the day of their approval by the Governing Board. The previous rules (Governing Board Decision 8/2006/GB) are thereby repealed.

Article 14
Revision of the rules of procedure

If these rules are revised, the Director shall forward the updated version to all CEPOL national contact points, to the General Secretariat of the Council of the European Union, the European Commission and Europol.

Done at Krakow, 25 October 2011

For the Governing Board

Eliza Wójcik
Chair of the Governing Board