

DECISION 13/2012/GB

OF THE GOVERNING BOARD OF THE EUROPEAN POLICE COLLEGE

LAYING DOWN THE CRITERIA AND PROCEDURE FOR THE CREATION AND

FUNCTIONING OF CEPOL WORKING GROUPS AND REPEALING DECISIONS

10/2007 AND 11/2007 OF THE CEPOL GOVERNING BOARD

Adopted by the Governing Board

on 23 May 2012

THE GOVERNING BOARD,

Having regard to Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA¹ (hereafter “CEPOL Decision”), and in particular Article 10(10) thereof;

Having regard to Decision 32/2011/GB of the CEPOL Governing Board of 25 October 2011;

Whereas:

- (1) In accordance with Art. 1(2) of the CEPOL Decision, CEPOL shall, without prejudice to future developments, function as a network by bringing together the training institutes in the Member States whose tasks include the training of senior police officers, which shall closely cooperate to that end;
- (2) As an Agency of the European Union, CEPOL shall fully and transparently implement the principle of Sound Financial Management as enshrined in Art. 25 of Council Decision 2343/2002 on the Framework Financial Regulations for the bodies referred to in art 185 of Council Decision 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (hereafter “ Framework Financial Regulations for EU Agencies”), therefore in line with the principles of economy, efficiency and effectiveness;
- (3) The principles of economy, efficiency and effectiveness imply respectively that: (a) the resources used by CEPOL shall be made available in due time, in appropriate quantity and quality and at the best price; (b) that CEPOL shall aim at the best relationship between resources employed and results achieved; (c) that CEPOL shall attain the specific objectives set and achieve the intended results;
- (4) Specific, measurable, achievable, relevant and timed objectives shall be set for all sectors of activity covered by the budget; the achievement of those objectives shall be monitored by performance indicators for each activity and information shall be provided to the Governing Board by the Director;

HAS ADOPTED THE FOLLOWING DECISION:

Article 1

- (1) The criteria and procedure for the creation and functioning of CEPOL Working Groups shall be as set out in Annex I to this decision.
- (2) Decisions 10/2007/GB and 11/2007/GB of the CEPOL Governing Board are hereby repealed.

Article 2

This Decision shall take effect on the day following that of its adoption.

Done at Copenhagen, 23 May 2012

For the Governing Board

Joergen Harlev

Chair of the Governing Board

¹ OJ L 256, 1.10.2005, p. 63.

Criteria and procedure for the creation and functioning of CEPOL Working Groups

Title I - General Principles

I.I Tasks and Competences

CEPOL Working Groups shall be created in cases of strict necessity by specific decision of the Governing Board in order to perform the tasks set in Art. 10(10) of the CEPOL Decision, as long as those tasks are in line with the functions, competencies and work programmes of the Agency.

I.II Rationale

The strict necessity criteria referred to in Section I.I shall be specifically addressed by the Governing Board in the Decision setting up a Working Group. In assessing the existence of a strict necessity, the Governing Board shall take into account, *inter alia*:

- Whether the establishment of a Working Group is essential to attain the objectives of the Agency;
- Whether ordinary consultation with the Members of the CEPOL Network via the CEPOL National Contact Points is sufficient to achieve an objective within the Annual Work Programme;
- Whether specific expertise in the subject matter of the proposed Working Group is available within the CEPOL Secretariat;
- Whether the resources employed for the creation and functioning of the proposed Working Group are proportionate to the expected result.

I.III Composition

Working Groups shall be composed of individual experts from the Member States proposed by the National Contact Points, nominated by the Governing Board and formally appointed by the Director in accordance with the rules set out in Title II of this Annex. Members of Working Groups shall be appointed and act solely on the basis of their independent technical competence. In order to encourage adequate geographical representation, no single Working Group should have more than one Member per nationality.

I.III.I Number of Working Groups, Experts, Meeting Days and Budgetary Ceiling

The overall number of Working Groups, experts per group, meeting days and budget must be proportionate to the objective to be achieved. In particular:

- (a) The Governing Board shall fix an annual limit to the maximum number of simultaneously functioning Working Groups; when fixing the annual limit, the Governing Board shall take into account the administrative capacity of the CEPOL Secretariat to support the Working Groups; the Director shall advise the Governing Board in this regard;
- (b) The maximum number of meeting days per year for all Working Groups shall be fixed by the Governing Board on an annual basis; when fixing the annual limit, the Governing Board shall take into account the administrative capacity of the CEPOL Secretariat to support the Working Groups; the Director shall advise the Governing Board in this regard;
- (c) The maximum number of members per Working Group shall not exceed 9 and not be fewer than 5;
- (d) The maximum budgetary ceiling for the functioning of all Working Groups shall not exceed 3% of the Operational Budget of the Agency on a yearly basis (Title III).

I.IV Duration

Working groups may have a standard duration of 12 months or shorter, and may be renewable indefinitely. The duration of the mandate of a Working Group shall be set in the specific Governing Board Decision setting up a Working Group. The mandate shall take effect from the date the Working Group becomes operational, i.e. from the date when all the members have been appointed.

I.V Extension, disbandment and shortening of the duration

Working Groups shall cease to operate on the date set in the relevant Governing Board decision.

The Governing Board may decide to extend, disband or shorten the duration of a Working Group by a specific Decision, in the context of an evaluation exercise conducted according to the principles set out in Section I.VIII of the present Decision.

Extension, disbandment or shortening of a Working Group may be requested by the Working Group at any stage via a specific request to the Chair of the Governing Board transmitted through the Director, who shall present an assessment in that regard. The Director may also produce a request to that effect and submit it to the Chair of the Governing Board.

I.VI Extension due to exigent circumstances

The Governing Board may decide to extend the duration of a Working Group when unexpected delays occur which are not due to lack of due diligence, in case of force majeure, in response to changes in the national or regional context, to adjust the design and resource allocation to ensure the project operates effectively in a changing environment or to undertake improvements in the design that may emerge during implementation of specific projects. The extension of the duration of a Working Group shall be requested by a Working Group to the Chair of the Governing Board through the Director no later than two months prior to the set expiry date unless exceptional circumstances occur. Any extension should not exceed 50% of the initially envisaged duration of a Working Group.

I.VII Action Plans and Budgets

Following their creation, Working Groups shall draft an Action Plan and a Budget without delay for approval by the Governing Board, via the Director. The Action Plan shall include specific results, objectively verifiable indicators and timed benchmarks.

A draft Budget and Action Plan for a Working Group which duration is shorter than 12 months shall be part of the package presented to the Governing Board for adoption.

The Director shall assist in the drafting of Actions Plans and Budgets, with a view to submitting them to the Governing Board.

I.VIII Evaluation

The Governing Board shall assess, on a yearly basis, the continued necessity of a Working Group on the basis of a report by the respective Chair outlining progress against the pre-defined objectives and results of a Working Group, in line with the criteria referred to in par. I.II of this Decision. The Director shall assist the Governing Board in this process. The Governing Board may, at any stage, re-define the objectives and expected results of Working Groups. Working Groups shall produce a Final Report upon completion of their tasks.

Title II - Creation of Working Groups

II.I Initiation by a group of Member States

A group of at least 5 Member States may propose the establishment of a Working Group by submitting a request to the Chair of the Governing Board. The request shall be transmitted through the Director, who shall provide all relevant information and support to the initiators of any such request.

The proposal shall contain the following information:

- (a) Purpose of the Working Group;
- (b) Rationale, taking into account the elements indicated under I.II of the present Decision;
- (c) Proposed Duration;
- (d) Link with the CEPOL Strategy, Annual Work Programme and Budget;
- (e) Overall Objectives and Results;
- (f) A tentative indication of the budget and number of meeting days foreseen on a yearly basis or for the envisaged duration of the Working Group;
- (g) Specific expertise and Number of the Experts required.

II.II Initiation by the Director of CEPOL

The Director may propose the establishment of a Working Group to the Governing Board, under the same criteria and requirements of Sections I.II and II.I of the present Decision. In this case, the assessment referred to in Section II.III of the present Annex is deemed to have been operated *ab initio*.

II.III Decision by the Governing Board

The Governing Board shall establish Working Groups on the basis of the elements at its disposal, in accordance with this Annex.

The Director is obliged to assess a proposal for the creation of a Working Group submitted by a group of Member States in accordance with Section II.I. of this Annex.

Such assessment shall be transmitted to the Governing Board prior to establishing a Working Group. The Governing Board shall maintain, through the Director, an updated list of CEPOL Working Groups and their composition.

The Governing Board may, when establishing Working Groups, issue instructions as it deems necessary with regard to specific results, objectively verifiable indicators and timed benchmarks to be achieved. Working Groups shall be bound by those instructions and shall address them when drafting the Action Plans and Budgets as detailed under art. I.VII of this Decision.

Title III - Functioning of Working Groups

III.I Nomination and Selection of Members of a Working Group

- III. I a. Candidacies for membership of a Working Group may be proposed by the Member States via the National Contact Points pursuant to a Call for Expressions of Interest whenever a vacancy arises. Only one candidate per Working Group may be proposed by a Member State. Candidacies shall be collected by the CEPOL Secretariat.

The Director shall issue and complete such Call within 15 working days from the Decision establishing a Working Group. Any personal data shall be processed pursuant to the provisions of Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

- III. I b. Once per year the Governing Board shall appoint a Selection Panel composed of 5 individuals chosen among its Voting Members. The Selection Panel shall be in charge of proposing members for a Working Group from the candidates forwarded by the Member States. A list of candidates, including individual CVs, shall be presented to the Selection Panel.

The Selection Panel proposal shall be based solely on the criteria of specific expertise.

Members of the Selection Panel may not be candidates for membership of a Working Group. The Selection Panel shall submit the list of proposed candidates and the Reserve List to the Governing Board.

III. I c. The Governing Board may approve the list of candidates proposed by the Selection Panel by two thirds majority. Should the list not be approved, the Governing Board may task the Director to issue a new Call for Expressions of Interest.

III. I d. Candidates not proposed as Members of a Working Group shall be placed by the Selection Panel on a Reserve List for the Working Group concerned. The Selection Panel shall place candidates on the Reserve List according to a ranking order based on specific expertise to fulfil the tasks assigned to the Working Group concerned. Members of the Reserve List can replace Working Group members who resign.

In such circumstances the Director shall appoint a new Member of the Working Group from the Reserve List. New Members should be appointed according to the ranking order decided by the Selection Panel.

In case it is not possible to draw up a reserve list due to an insufficient number of eligible candidates, the Governing Board may decide to issue an ad-hoc Call for Expressions of Interest to constitute one (Option: in this case the Governing Board may decide to issue a Call reserved only to those Member States not already represented in the Working Group).

III. I e. Voting Results shall always be made public. The Governing Board may request the Director to facilitate the voting process by utilising the appropriate online tools available.

III.II Membership

Each Working Group shall elect a Chair among its Members.

Chairs shall be in charge of representing the Working Group within the respective remits, for liaising with other Working Groups, and for drafting the agenda and preparing related documents with the support CEPOL staff; they shall also be responsible for drafting a budget for the Working Group. Chairs shall lead the efforts of Working Groups towards meeting their expected objectives. Chairs shall act consistently with the agreed work programmes and strategic objectives of the Agency. Chairs may invite Guests to contribute to the sessions of Working Groups with prior agreement of the Director. In this case the provision in art. 6 of GB Decision 8/2007 shall apply.

The Director shall assign a suitable member of Staff to act as facilitator of a Working Group. Facilitators shall be in charge of advising Working Groups on EU policy or administrative matters pertaining to the remit of a Working Group, and shall be responsible for the administrative functioning of working groups. Facilitators shall ensure that the input from Working Group experts is efficiently integrated into CEPOL programming and activity implementation; they shall not take part in deliberations and shall not be considered as Members or Experts within the meaning of art. I.III of this Decision. The latter provision shall apply also to any other member of staff who may be assigned by the Director for clerical or other tasks to the Working Group concerned.

Chairs or facilitators may be invited by the Presidency to attend sessions of the Governing Board when this is deemed necessary to illustrate any specific agenda item related in the remit of the Working Group.

Representatives of Member States, EU institutions, Agencies, International Organisations and other partners can be invited to participate at their own cost at any stage, when their expertise is relevant to the Agenda.

III.III Adoption of Recommendations

Working Groups shall adopt their recommendations by consensus and submit them in writing to the Governing Board via the Director. The Governing Board shall decide on concrete measures to follow up on those recommendations.

III.III.I Delegation of tasks

If required, Working Groups may establish sub-groups or panels tasked with bringing forward particular and specific issues in the remit of the Working Group concerned, and shall have the possibility to meet in person. Provisions towards this end, including budgetary ones, shall be made when formulating the Working Group's Action plan and Budget in order for the Governing Board to approve.

Under exceptional and duly justified circumstances, the Working Group may request the Director to provide additional funds which shall nevertheless not exceed 15% of the requesting Working Group's annual budget, subject to availability of funds.

III.IV Duration of Appointment

Members of a Working Group's term of appointment shall coincide with the duration of a Working Group as set by the Governing Board, and can be re-appointed.

III.V Support by the Director of CEPOL

In addition to the specific provisions contained in the previous articles, the Director is obliged to facilitate the creation and operational functioning of Working Groups by:

- (a) Providing logistics and financial support;
- (b) Providing administrative, technical or policy support or advice;
- (c) Providing access to relevant information available through the CEPOL Secretariat;
- (d) Assigning personnel of the relevant category or grade to a Working Group, commensurate to the tasks required;
- (e) Performing any other action as required by the Governing Board in the process of establishing, assessing and evaluating Working Groups;
- (f) Facilitating the creation of specific platforms for Working Groups within CEPOL's Electronic Network and/or LMS.

III.VI Meeting Venue

Meetings of Working Groups shall take place across the Member States. To facilitate contact and coordination between experts, the CEPOL management and relevant members of the CEPOL staff, Working Groups shall convene at least once per year at the seat of the Agency. In case of Working Groups with a duration shorter than 12 months, they shall convene at least once at the seat of the Agency.

Meetings of Working Groups may be organized outside of the Member States at the request of the Working Group concerned and after the authorisation of the Director.

Title IV - Financial Provisions

IV.I Reimbursement

The relevant rules of Governing Board Decision 8/2007 on reimbursement of costs for organising and attending meetings shall continue to apply.

VI. Transitional Provisions

Six months after the entry into force of this Decision, the Director shall present the Governing Board with an implementation assessment of this Decision, with a view to ascertain its impact on the Agency's business continuity.