

DECISION 45/2012/GB
OF THE GOVERNING BOARD OF THE EUROPEAN POLICE COLLEGE

POLICY PAPER ON CEPOL's PARTNERSHIPS WITH THE PRIVATE SECTOR

Adopted by the Governing Board
on 14 November 2012

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 Articles 5, 6, 7, 8,10 and 15 thereof;

Having regard to the task attributed by the Governing Board in March 2011 by which the External Relations Working Group was tasked with the delivery of a policy document aimed at setting some basic rules for the participation of CEPOL into partnership with the Private Sector,

Having regard to CEPOL’s External Relations Policy Paper,

Without prejudice to future developments with regard to Private Sector possible involvement into CEPOL activities, including provisions which may establish ways by which the Private Sector may have access to CEPOL funding, in consortium with Member States or directly,

HAS ADOPTED the Policy Paper on CEPOL’s Partnership with the Private Sector as annexed to this decision.

Done in Nicosia, 14 November 2012

For the Governing Board

*Zacharias Chrysostomou
Chair of the Governing Board*

¹ OJ L 256, 1.10.2005

I. SCOPE

The present Policy Paper applies primarily to cases in which CEPOL may participate, as Leader, Partner or Associate, to funding opportunities offered by the European Union to implement projects or activities which relate to EU Policies and which are relevant to the Agency’s mandate, objectives and tasks. This paper also sets some general principles for the further enhancement of CEPOL’s partnership with non-governmental agencies and bodies, including the private sector, in the implementation of the Agency’s work programmes, which the Governing Board may decide to develop in the future. This document does not apply to the procurement of goods, services or supplies from the private sector, which continue to be regulated by the relevant provisions.

II. LEGAL FRAMEWORK

The below articles of **Council Decision 2005/681/JHA establishing the European Police College (CEPOL)** are immediately relevant to the issue at stake:

- Art. 5 (Purpose)
- Art.6 (Objectives)
- Art.7 (Tasks)
- Art.8 (Cooperation with other bodies)
- Art. 10 (Governing Board, para.10.9.d and 10.10)
- Art 15 (Financial Requirements, 15.1)
- Art. 17 (Financial Provisions)

III. GENERAL POLICY CONSIDERATIONS

III.I CEPOL and EU Funding

EU Policies in the field of Justice and Home Affairs are often implemented through Grants or Service Contracts which are normally subjected to a competitive EU Tender Procedure. Some grants are exceptionally awarded directly to certain beneficiaries without a call for proposals, due to their specific competences or characteristics which meant that they are the sole beneficiaries for certain actions (situations of monopoly), or to the emergency nature of the action (humanitarian aid in particular). This is particularly relevant in the case of EU External Assistance funds, which are disbursed to implement Capacity or Institution Building or Technical Assistance projects in Third Countries which have concluded an Agreement with the European Union. These funds are normally either managed centrally by the relevant Commission or EEAS Services, or locally by the network of EU Delegations. Grants in particular are subjected to the publication of an Annual Programme which is available to the general public. Service Contracts are activities to be performed by a Consultant under the contract such as technical assistance, studies, training and designs which may be necessary for the implementation of EU policy objectives vis- a- vis Third Countries. Service contracts in particular are subjected to a public tender procedure for which private entities such as Consultancy companies are eligible for. These Actions are in many cases compatible or in line with the Objectives and Tasks of the Agency

CEPOL may, as a public body, be afforded the possibility to access both Grants and Service contracts under certain conditions set in the Financial Regulations or in the specific

Call for Proposals or Call for Tenders. However, CEPOL cannot apply directly for projects which are in its list of tasks and for which it already receives a subsidy from the General Budget of the EU.

CEPOL can be either the implementing agency (i.e the sole body implementing the action, or the Leader of a Consortium), a Partner (eligible for the reimbursement of costs incurred for project implementation or remuneration for the provision of Services), or an Associate (eligible only for the reimbursement of per diems and travel cost for staff participating to the implementation of the Action).

A wide range of organizations in the private sector, often private consultancy firms bidding for EU funded projects have shown a willingness to become involved with CEPOL. While there appears to be no overarching rules or policies developed by European Agencies in that regard, it can be appreciated that concrete cooperation on specific projects can only be made on a case-by-case basis. This document aims at setting rules for CEPOL engagement into such initiatives, notably some key principles for the assessment of potential partners and some procedural rules for the decision making process. CEPOL should take the lead in selecting the most appropriate partners.

III.II Participation of the Private Sector into CEPOL activities

CEPOL is the key EU Agency active in the development and delivery of training initiatives benefiting EU and third countries’ law enforcement officials whose functions include, inter alia, cross border cooperation. Studies and experience of the recent years show that Europe’s public authorities and the private sector providers need to collaborate more closely to confront an increasingly complex range of internal security challenges ranging from financial crime, fraud, cyber-attacks to cross-border environmental disasters, threats to transport networks and security on the European Union’s external borders. The increasing range of activities that criminals may put in place misusing the financial markets or the possibilities offered by technology constitutes a natural basis for enhancing public and private partnership in the provision of security. The creation of active partnerships between the private and public sectors, based on mutual trust and a common objective of reducing the harm caused by organised crime and terrorism, has proven to be an effective way to tackle these problems at the national level. Noticeable examples such as recently inaugurated EUROPOL initiatives on Cybercrime² are clear example of how the provision of security by public sector agencies cannot be disjointed from the key role that the private sector plays in today’s society. It should now be assessed how the lessons learned from these experiences can be applied at the international, and especially the EU, level, in order to tackle multinational crime and terrorism. CEPOL already hosts, in its courses and seminars, lecturers from the private sector. There is however scope to further develop the involvement of the private sector in developing and implementing CEPOL initiatives.

IV. PARTICIPATION OF CEPOL INTO EU PROJECTS

IV.I Projects within the context of the Annual Work Programme

Whenever possible, the Director of CEPOL shall identify in advance potential opportunities for CEPOL to participate into EU funded initiatives when preparing the Annual Work Programme to be submitted to the Governing Board for approval. Towards this end, the relevant units within the CEPOL Secretariat should continue to monitor calls for proposals or tenders which are compatible with the Agency’s legal and strategic objectives and

² International Cyber-security Protection Alliance (ICSPA) and EUROPOL partnership, launched in July 2011

Member States training needs, with a view to submitting a timely proposal for adoption by the Governing Board. In doing this, the relevant units in the CEPOL Secretariat shall maintain close liaison with the Commission or EEAS or other EU Services which may be responsible for the management of the relevant funding.

IV.II Projects falling outside of the provisions of the Annual Work Programme

Whenever it is not possible to include participation into EU funded projects as part of CEPOL’s programming cycle or the proposed project is not expressed in the priorities listed in the Annual Work Programme, the Director of CEPOL shall inform the Presidency of the Governing Board. Decisions related to the participation of CEPOL into EU funded projects shall be then taken via written procedure. When deadlines do not allow for a written procedure or the provision of detailed information to the Governing Board, the Director of CEPOL may respond positively only insofar as the expression of interest is not legally binding for CEPOL and does not entail financial implications for the Agency.

IV.III Proposals for Cooperation into EU funded Actions received from Consultancy Firms

A case by case evaluation has to be operated prior to participation into such activities. Normally, CEPOL would be called to participate either as a Partner or as an Associate in the Action. The Director of CEPOL shall provide the Governing Board with the following information:

- Aim, scope, target group and expected results of the proposed Action;
- Estimated financial impact on CEPOL’s human and financial resources in the implementation of the proposed Action;
- Prospected benefits for CEPOL (operational, political, etc);
- Estimate on the Resources which Member States may be called to mobilize for the implementation of the prospected Action (human and financial)
- Where possible and available, project documentation supplied by the prospective partner.
- Evaluation of the prospective partner.

IV.IV Basic Criteria for the Evaluation of a prospective partner

CEPOL should be, in principle, responsible for selecting its partners proactively. In doing so, the Director of CEPOL shall in particular provide information to the Governing Board as to the partner’s:

- Relevant experience in the implementation of similar projects, preferably funded by the EU;
- Records in the European Commission’s EWS (Early Warning System)
- Any further information which may enable the Governing Board to make an evaluation of the prospective partner’s financial standing, as well as its professional and technical capacity.

V. RELATIONS WITH OTHER EU BODIES

CEPOL supports coordinated action with its partner Agencies, especially with regard to those included in the “cluster” of Justice and Home Affairs. As much as possible and whenever this may benefit the Agency, CEPOL shall take the appropriate steps to involve other EU Agencies into EU funded actions.

VI. INTELLECTUAL PROPERTY

CEPOL rights on intellectual property shall be safeguarded according to the existing legal and regulatory instruments at all times.

VII. PROVISIONS RELATED TO ENHANCING THE PARTICIPATION OF PRIVATE SECTOR EXPERTS INTO CEPOL ACTIVITIES

CEPOL recognizes the importance of further involvement of the private sector into capacity building for law enforcement. Towards this end, CEPOL should not limit itself to utilizing ad-hoc individual experts, but encourage synergies and common initiatives with relevant private sector organizations in the development and implementation of its range of products by the Member States network. Where this may have financial implications beyond the engagement of individual experts into training courses, this should be clearly outlined in the Annual Work Programme or presented as an ad-hoc project to the Governing Board.

VIII. USE OF THE CEPOL “BRAND”- VISUAL IDENTITY

CEPOL’s visual identity is the corporate Logo and Name. The use of the CEPOL name and logo can be seen as one of the means to enhance the visibility of the Agency, and equally it can be considered as an added value by any private entity wishing to associate itself with the Agency. The use of the CEPOL brand should be carefully considered and must always be authorized by the Director of CEPOL in the context of its partnerships with the private sector. The use of the CEPOL visual identity must comply with the relevant standards set by the European Union.

IX. SPONSORSHIPS

CEPOL may accept, under the same criteria identified in art IV of this policy paper, sponsorships from the private sector also as forms of co-financing of common initiatives. Where possible, CEPOL shall reward its partners from the private sector by affording an adequate level of visibility in its internal and external communication. In line with the above paragraph, the use of the CEPOL visual identity can be considered as a form of sponsorship when developing cooperation initiatives with the private sector.

Sponsorships from the private sector may result in private sector entities sending trainees or supplying experts at their own cost.

When deemed appropriate to enhance the exchange of experience and knowledge between public and private sector, the Director of CEPOL may authorize the participation of trainees from the private sector into CEPOL training activities at the cost of the sending private entity or in the framework of a sponsorship. The costs for attendance of training activities by private sector participants shall not be financed by CEPOL.

Possible impacts on the security of law enforcement sensitive information shall be assessed prior to any activity in which the private sector participates. The security of such information must be ensured at all times.