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NOTE

From:	Presidency
To:	Law Enforcement Working Party
No. prev. doc.:	12013/1/14 REV 1, 16727/14, 16762/14
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing a European Union Agency for law enforcement training (Cepol), repealing and replacing the Council Decision 2005/681/JHA - Revised compromise text, including the recitals

Delegations will find in the Annex the revised text of the draft CEPOL Regulation prepared by the Presidency based on the outcome of discussions at the LEWP on 20 January 2015, as well as the revised recitals.

Changes to the Commission proposal are marked in ***bold italics*** and ~~strikethrough~~, whereas additional changes compared to the previous Presidency compromise texts (set out in doc. 16727/14 and 16762/14) are marked in underlining.

Member States drafting suggestions that were not widely supported by other delegations have been deleted from the footnotes in this revised compromise text.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**establishing a on the European Union agency for law enforcement training (Cepol), repealing
and replacing the Council Decision 2005/681/JHA**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 87(2)(b) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The European Police College was set up by Council Decision 2005/681/JHA¹ as an entity of the Union to train senior police officers of the Member States and facilitate cooperation between national police forces by organising and coordinating training activities with a European policing dimension.
- (2) The 'Stockholm Programme - An open and secure Europe serving and protecting citizens' sets the aim of creating a genuine European law enforcement culture by setting up European training schemes and exchange programmes for all relevant law enforcement professionals at national and Union level.

¹ Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA (OJ L 256, 1.10.2005, p. 63).

- (3) ~~The European Law Enforcement Training Scheme (LETS)²~~ responds ***In response*** to the European Council's call, in the Stockholm Programme, to step up training on Union related issues and to make it systematically accessible for all relevant law enforcement professionals, and to request from the European Parliament for a stronger Union framework for judicial and police training, ***CEPOL objectives should be structured in line with the following general principles: firstly, support Member States in providing training in order to improve basic knowledge of the EU dimension of law enforcement and, secondly, support them in the development of bilateral and regional cooperation as well as, thirdly, develop and coordinate training in specific thematic areas and, fourthly, in relation to Union missions and capacity-building in third countries. The set of these general principles should be seen as the European Law Enforcement Training Scheme (LETS), aimed to ensure that Union level training for law enforcement personnel is of high quality, coherent and consistent.***
- ~~(4) The development of Union level training for law enforcement personnel to support practical cooperation and full implementation of the LETS represents a key priority for the future years in that context.~~
- ~~(5)(3a)~~ Simplification and improvement of CEPOL's functioning, in light of the LETS, widens the possibilities for CEPOL to support, develop, ~~deliver~~ ***implement*** and coordinate training activities for the ~~competent~~ law enforcement authorities of the Member States, without prejudice to the national initiatives taken by the Member States in the field of training for law enforcement ~~personnel~~ ***officials***.
- ~~(4a)~~ ***CEPOL is to achieve its objectives gradually, taking into account the need for prioritisation in line with business requirements and available financial resources.***
- (6) ~~To ensure that Union level training for law enforcement personnel is of high quality, coherent and consistent, CEPOL should strive to structure it in line with the principles of the Law Enforcement Training Scheme.~~ Union-level training should be available to law enforcement ~~officers~~ ***officials*** of all ranks. CEPOL should ensure that training is evaluated and that conclusions from training needs assessments are part of planning to enhance effectiveness of future actions. CEPOL should promote ***the mutual recognition of law enforcement training in Member States and*** the recognition ~~in~~ ***by*** Member States of training provided at Union level.

² ~~COM(2013) 172 final.~~

- (7) To avoid duplication in the training activities for the competent law enforcement personnel officials, which are carried out by existing European Union Agencies and other relevant bodies, CEPOL should assess strategic training needs and address Union priorities in the area of internal security and its external aspects, in line with the relevant policy cycles.
- ~~(8)(4b)~~ To achieve its objectives, CEPOL, ~~as a centre of Union learning activities, should maintain and encourage cooperation with the~~ should function as a network, by bringing together of the national training institutes of the Member States whose tasks include the training of law enforcement officials, which should cooperate closely to that end. It should further be supported by a "National Unit" in each Member State. ~~The activities of the National Units should be coordinated at the Union level by CEPOL.~~
- (9) The ~~Commission and the~~ Member States and the Commission should be represented within the Management Board of CEPOL in order to supervise effectively the exercise of its functions. The Board should consist of members appointed on the basis of their experience in the management of public or private sector organisations and of their knowledge in the national policy on training for law enforcement officers officials and other relevant skills.
- (9a) All parties represented in the Management Board should make efforts to limit the turnover of their representatives, to ensure continuity of the Management Board's work. All parties should aim to achieve a balanced representation between men and women on the Management Board.
- (9b) The Management Board should be entrusted with the necessary powers, in particular to establish the budget, verify its execution, adopt appropriate financial rules and CEPOL's strategy multiannual programming and annual work programmes, establish transparent working procedures for decision making by CEPOL, appoint the Executive Director, establish performance indicators and exercise appointing authority powers, in accordance with the Staff Regulations and the Conditions of Employment of Other Servants.
- (10) To ensure the efficient day-to-day functioning of CEPOL, the Executive Director should be its legal representative and manager, acting ~~in complete independence~~ independently in the performance of his/her duties and ensuring that CEPOL carries out the tasks provided for by this Regulation. In particular, the Executive Director should be responsible for preparing budgetary and planning documents submitted for the decision of the Management Board, implementing the ~~annual and~~ multiannual programming and annual work programmes of CEPOL.
- (11) If appropriate, the Management Board should set up the Scientific Committee for Training as an independent advisory body ~~To~~ ensure the scientific quality of CEPOL's work, ~~a Scientific Committee for Training~~, composed of independent persons of the highest academic or professional standing who are high level academics or law enforcement practitioners in the subjects covered by this Regulation, ~~should be set up as an independent advisory body.~~

- (12) CEPOL should ensure that its training integrates relevant developments in research and encourage the creation of stronger partnerships between universities and law enforcement training institutes in the Member States.
- (13) In order to guarantee the full autonomy and the independence of CEPOL, it should be granted an autonomous budget with revenue stemming essentially from a contribution from the budget of the Union. The Union budgetary procedure should be applicable as far as the Union contribution and any other subsidies chargeable to the general budget of the European Union are concerned. The auditing of accounts should be undertaken by the Court of Auditors.
- (14) For the purpose of performing its tasks, CEPOL should also be able to award grants to the training and research institutes of the Member States for implementing CEPOL's courses, seminars and conferences. Grants awarded to Member States should further contribute to fostering the cooperation of the training institutes of the Member States within the network and promoting the mutual recognition of law enforcement.
- (15) For the purpose of fulfilling its mission and to the extent required for the performance of its tasks, CEPOL should be able to cooperate with ~~other European Union Agencies and relevant~~ bodies, ~~the competent~~ authorities of third countries and the international organisations competent in matters covered by this Regulation in the framework of working arrangements concluded in accordance with this Regulation or in the framework of working arrangements concluded with national training institutes of third countries on the basis of Article 8 of the Council Decision 2005/681/JHA, as well as with private parties.

(15a) CEPOL had its seat in Bramshill, United Kingdom. By letters dated 12 December 2012 and 8 February 2013, the United Kingdom informed CEPOL that it no longer wished to host CEPOL's seat on its territory. In view of the common accord reached on 8 October 2013 by the representatives of the Governments of the Member States, arrangements were made for CEPOL to be hosted in Budapest as soon as it left Bramshill. Those arrangements were incorporated into Council Decision 2005/681/JHA by Regulation (EU) No 543/2014³.

(15b) CEPOL's host Member State should provide the necessary conditions for the smooth operation of CEPOL, including multilingual, European-oriented schooling and appropriate transport connections so as to attract high-quality human resources from as wide a geographical area as possible.

³ Regulation (EU) No 543/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Decision 2005/681/JHA establishing the European Police College (CEPOL) (OJ L 163, 29.05.2014, p.5)

(15c) Since the amendments to be made by this Regulation are of substantial number and nature, Council Decision 2005/681/JHA as amended by Regulation (EU) No 543/2014 should in the interests of clarity be replaced in its entirety in relation to the Member States bound by this Regulation. CEPOL as established by this Regulation should replace and assume the functions of CEPOL as established by Council Decision 2005/681/JHA.

- (16) Regulation (EC) No. 1049/2001 of the European Parliament and of the Council⁴ should apply to CEPOL.
- (17) Since the objective of this Regulation, namely the establishment of an **entity agency** responsible for law-enforcement training at Union level, cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.
- (18) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data and the right to privacy as protected by Articles 8 and 7 of the Charter, as well as by Article 16 of the Treaty.
- (19) ~~In accordance with Article 3 of the Protocol (No 21) on the position of United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, those Member States have notified their wish to participate in the adoption and application of this Regulation~~ OR [Without prejudice to Article 4 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, those Member States will not participate in the adoption of this Regulation and will not be bound by or be subject to its application.
- (20) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION:

⁴ 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 (OJ L 145, 31.5.2001, p. 43).

CHAPTER I
GENERAL PROVISIONS, OBJECTIVES AND TASKS OF THE AGENCY

Article 1⁵

Establishment of the European Union Agency for Law Enforcement Training

1. A European Union Agency for Law Enforcement Training (CEPOL) is hereby established ~~in order to foster a coherent European law enforcement training policy~~ ***to improve cooperation among law enforcement authorities in the European Union by supporting and enhancing the training of their officials notably through a network of national training institutes.***
2. CEPOL, as established by this Regulation, shall replace and succeed CEPOL as established by Decision 2005/681/JHA.

Article 2

Definitions

For the purposes of this Regulation:

- (a) ‘Law enforcement ~~officers~~ ***officials***’ means ~~officers-staff~~ of police, customs and of other relevant services, ~~including Union bodies,~~ ***as defined by individual Member States,*** responsible for:
 - (i) preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime that affect a common interest covered by a Union policy; and
 - (ii) ~~for~~ crisis management and ***public order, in particular*** international policing of major events.

This definition also covers staff of Union bodies that have tasks related to points (i) and (ii).

⁵ RO scrutiny reservation.

- (b) ‘Union bodies’ means institutions, ~~entities~~ bodies, missions, offices and agencies set up by, or on the basis of, the Treaty on European Union and the Treaty on the Functioning of the European Union;
- (c) ‘International organisations’ means international organisations and their subordinate bodies governed by public international law or other bodies which are set up by, or on the basis of, an agreement between two or more countries as well as Interpol.

Article 3⁶

Objectives

- 1.⁷ CEPOL shall support, develop, **implement** and coordinate training for law enforcement officers ~~officials~~, ~~in line with the Law Enforcement Training Scheme~~ **where training at Union level can add value**, in particular in the areas of the **prevention of and** fight against serious crime affecting two or more Member States and terrorism, ~~management of high-risk~~ **maintaining** public order, ~~and in particular international policing of major sport events, planning and command of Union missions, as well as~~ **which may also include training on** law enforcement leadership and language skills, ~~in order to~~. **More specifically, CEPOL shall:**
- (a) **support Member States in providing training in order to** raise awareness and knowledge of:
 - (i) **implementation and use of** international and Union instruments on law enforcement cooperation;
 - (ii) Union bodies, in particular Europol, Eurojust, ~~the EPPO~~ and Frontex, their functioning and role;
 - (iii) **police and** judicial aspects of law enforcement cooperation and practical knowledge about access to information **exchange** channels;
 - (b) ~~encourage~~ **support Member States in** the development of regional and bilateral cooperation **in law enforcement training** ~~among Member States and between Member States, Union bodies and third countries;~~
 - (c) **develop and coordinate training** addressing specific criminal or policing thematic areas ~~where training at Union level can add value;~~

⁶ NL scrutiny reservation.

⁷ UK scrutiny reservation.

- (d) ~~devise specific common curricula for law enforcement officers to train them for participation in Union missions;~~
 - (e) **develop and coordinate training aimed to** support Member States and Union bodies in **training law enforcement officials for participation in Union missions and** law enforcement capacity-building activities in third countries;
 - (f) train trainers and assist in improving and exchanging good learning practices.
2. CEPOL shall develop and regularly update learning tools and methodologies and apply these in a lifelong learning perspective to strengthen the skills of law enforcement ~~officers~~ **officials**. CEPOL shall evaluate the results of these actions with a view to enhancing the quality, coherence and effectiveness of future actions **at Union level**.
 3. CEPOL shall bring together the network of training institutes of the Member States for law enforcement ~~officers~~ **officials** and shall liaise with a single National unit in each Member State functioning within the network, ~~and all other competent authorities in the Member States whose tasks include the training of law enforcement officers.~~
 4. The learning activities referred to in paragraph 1 shall be ~~implemented~~ **carried out** by CEPOL in cooperation with the network of training Institutes of the Member States in accordance with the financial rules applicable to CEPOL.

Article 4

Tasks

1. CEPOL shall prepare multi-annual strategic training needs analyses and multi-annual learning programmes.
- 2.⁸ CEPOL shall **support**, develop, ~~and~~ implement **and coordinate** training activities and learning products, **where training at Union level can add value**, which may include:
 - (a) courses, seminars, conferences, **as well as** web-based and e-learning activities;
 - (b) common curricula, **aimed at providing recommendations about law enforcement training on specific subjects with EU dimension** ~~to raise awareness and knowledge~~, address gaps and/or facilitate a common approach ~~in relation to cross border criminal phenomena~~;

⁸ UK scrutiny reservation.

- (c) training modules graduated according to progressive stages or levels of complexity of skills needed by the relevant target group, and focused either on a defined geographical region, a specific thematic area of criminal activity or on a specific set of professional skills;
- (d) *study visits*, exchange and secondment programmes of law enforcement officers in the context of *law enforcement* ~~an operational-based training approach~~.

2a. CEPOL's training activities and learning products may be supported, enhanced and completed by the operation of an electronic network.

3. ~~To ensure a coherent European training policy to~~ **CEPOL shall support *Union* missions and capacity-building in third countries CEPOL shall by:**
- (a) *assessing, in coordination with other relevant Union bodies*, the impact of existing Union-related law enforcement training policies and initiatives;
 - (b) *developing and providing* ~~de~~ training to prepare Member States' law enforcement officers *officials* for participation in Union missions, including to enable them to acquire relevant language skills, in coordination with the European Security and Defence College **and existing initiatives in the Member States**;
 - (c) *developing and providing* ~~de~~ training for law enforcement officers *officials* from third countries, in particular from the countries that are candidates for accession to the Union and the countries under the European Neighbourhood Policy; *and/or*
 - (d)⁹ *managing* dedicated Union External Assistance funds to assist third countries in building their capacity in relevant *law enforcement* policy areas, in line with the established priorities of the Union.
- 4.¹⁰ ~~CEPOL shall~~ **may promote the mutual recognition of law enforcement training in Member States and the recognition by Member States of training provided at Union level in relation to specific competencies and related existing European quality standards.**
5. CEPOL may engage in communication activities on its own initiative in the fields within its mandate. Communication activities shall not be detrimental to the tasks referred to in paragraph 1 and shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board.

⁹ NL scrutiny reservation.

¹⁰ UK scrutiny reservation.

Article 5

Research relevant for training

1. CEPOL shall contribute to *and encourage* the development of research relevant for training activities ~~covered by this Regulation particularly with regard to the *prevention of and* fight against serious crime and more general cross border criminal matters in training activities~~ *within the scope of CEPOL's objectives as set out in Article 3(1) and shall disseminate research findings.*
2. CEPOL shall promote and establish a partnership with Union bodies as well as with public and private academic institutions and ~~shall~~ *may* encourage the creation of stronger partnerships between universities and law enforcement training institutes in Member States.

CHAPTER II
COOPERATION BETWEEN MEMBER STATES AND CEPOL

Article 6¹¹

CEPOL National Units

1. Each Member State shall establish or designate a national unit, *which shall be the liaison body ~~between CEPOL and~~ within the network of CEPOL bringing together the training institutes for law enforcement ~~officers~~ officials in Member States* responsible for carrying out the tasks set out in this Article. ~~An official shall be appointed in each Member State as the Head of the national unit. The Head of the national unit shall be the National contact point of CEPOL. Where possible, the Head of the national unit shall be the Member State's representative at the Management Board.~~
2. The national units shall *in particular*:
 - a) ~~on their own initiative~~ supply CEPOL with the information necessary for it to carry out its tasks;
 - b) contribute to CEPOL's effective communication and cooperation with all relevant training institutes, including relevant research institutes within the Member States;
 - c) contribute to and promote CEPOL's work programmes, annual calendars and web-site;
 - d) ~~respond to~~ *process the* requests for information and advice from CEPOL;
 - e) *organise and coordinate appropriate nominations of participants and experts for activities at the national level in a timely manner;*
 - f) *coordinate the implementation of activities and meetings within their Member State;*
 - g) *provide support in the establishment and implementation of exchange programme for law enforcement ~~officers~~ officials.*

¹¹ UK scrutiny reservation

3. The ~~Heads~~ **representatives** of the national units shall meet on a regular basis, at the request of the Management Board, ~~or~~ the Executive Director **or at their own initiative**, to assist CEPOL with operational **and educational** matters, and in particular to:
- a) consider and develop proposals that improve CEPOL's operational effectiveness and encourage commitment from Member States.;
 - b) ~~organise and coordinate appropriate nominations of participants for activities at the national level in a timely manner;~~
 - e) ~~coordinate the implementation of activities and meetings within their Member State;~~
 - d) ~~provide support in the establishment of exchange programme for law enforcement officers~~
4. Each Member State shall ~~structure~~ **determine** the organisation and the staff of the national unit according to its national ~~legislation~~ **law**.

CHAPTER III

ORGANISATION OF CEPOL

Article 7

Administrative and management structure of CEPOL

The administrative and management structure of CEPOL shall comprise:

- (a) a Management Board, ~~which shall exercise the functions set out in Article 9;~~
- (b) an Executive Director ~~who shall exercise the responsibilities set out in Article 14;~~
- (c) **if appropriate**, a Scientific Committee for Training **established by the Management Board** in accordance with Article ~~15~~ **14a-9(1)(n)**;
- (d) if appropriate, any other advisory body established by the Management Board in accordance with Article 9(1).

SECTION 1

MANAGEMENT BOARD

Article 8

Composition of the Management Board

1. The Management Board shall be composed of one representative from each Member State and ~~two representatives of~~¹² the Commission, all with voting rights.
2. Each member of the Management Board shall have an alternate *member, who*. ~~The alternate~~ shall represent the member in his/her absence.
3. Members of the Management Board and their alternates shall be appointed ~~in the light of~~ ***taking into account*** their knowledge in the field of training for law enforcement ~~officers~~ ***officials and***, ~~taking into account~~ relevant managerial, administrative and budgetary skills. ~~All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the Management Board's work. All parties shall aim to achieve a balanced representation between men and women on the Management Board~~¹³.
4. ***Without prejudice to the Member States' and the Commission's right to terminate the mandate of their members and alternate members, their*** ~~The term of office for members and alternate members~~ shall be four years. That term shall be extendable.

¹² COM reservation in relation to this amendment.

¹³ NB: The content of the deleted provision is reflected in recital (9a).

Article 9

Functions of the Management Board

1. The Management Board shall:
 - (a) adopt each year by a majority of two-thirds of *its* members ~~entitled to vote~~ and in accordance with Article 10, a programming document containing CEPOL's multiannual programming and the annual work programme for the following year;
 - (b) adopt, by a majority of two-thirds of *its* members ~~entitled to vote~~, the annual budget of CEPOL and exercise other functions in respect of CEPOL's budget pursuant to Chapter IV;
 - (c) adopt a consolidated annual activity report on CEPOL's activities and ~~send it~~, by 1 July ~~each of the following~~ year **send it** to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;
 - (d) adopt the financial rules applicable to CEPOL in accordance with Article 20;
 - (e) adopt an internal anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented;
 - (f) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as, ***if appropriate***, members of the Scientific Committee for Training;
 - (g) adopt and regularly update the communication and dissemination plans referred to in Article 4, based on an analysis of needs;
 - (h) adopt its rules of procedure;
 - (i) in accordance with paragraph 2, exercise, with respect to the staff of CEPOL, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment¹⁴ ("the appointing authority powers");

¹⁴ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1)

- (i') ~~for the programming of 2016 adopt the multiannual staff policy plan, after taking into account the opinion of the Commission~~¹⁵;
- (j) adopt appropriate implementing rules giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;
- (k) establish, where ~~relevant~~ **appropriate**, an internal audit capability;
- (ka) adopt rules regarding the selection of candidates for a post of the Executive Director, including the composition of the selection committee;**
- (l) appoint the Executive Director and where relevant extend his/her term of office or remove him/her from office in accordance with Article 22;
- (m) appoint an Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be ~~totally~~ **functionally** independent in the performance of his/her duties;
- (n) **if appropriate and taking into consideration business requirements and financial resources, establish by a majority of two-thirds of its members the Scientific Committee for Training and** appoint the ~~its~~ members **in accordance with Article 15** of the ~~Scientific Committee for Training~~;
- (o) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF);
- (p) take all decisions, taking into consideration both business and financial requirements, upon ~~on~~ the establishment of CEPOL's internal structures and, where necessary, their modification.;
- (pa) decide upon the conclusion of working arrangements in accordance with Article 33;**
- (pb) approve learning and teaching tools, such as adopt common curricula, training modules, and learning methods and any other learning and teaching tools;**
- (q) adopt, where appropriate, other internal rules.

¹⁵ As foreseen in the revised FFR (Commission Delegated Regulation (EU) No 1271/2013) information contained in current MSPP is part of new programming document referred to in Article 9(1)(a). New programming rules apply as of 1 January 2016; 2017 is the first year covered by new programming document. Thus the obligation for separate adoption of the MSPP exists only up to programming for 2016.

NB: The content of this paragraph is moved to a footnote in relation to Article 36 relating to transitional arrangements concerning the Management Board.

2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which ~~this~~ **such** delegation of powers ~~can~~ **may** be suspended. The Executive Director shall be authorised to sub-delegate those powers.
3. Where exceptional circumstances so require, the Management Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.

Article 10

Annual and multi-annual programming

1. The Management Board shall adopt the **programming document containing** multiannual programming and the annual work programme at the latest by 30 November each year, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and in relation to the multiannual programming after consulting the European Parliament ~~and national Parliaments~~. The Management Board shall forward the programming document to the European Parliament, the Council, the Commission and national Parliaments.

The programming document shall become definitive after final adoption of the general budget and, if necessary, shall be adjusted accordingly.

2. The multi-annual programming shall set out overall strategic programming including objectives, expected results and performance indicators. It shall also set out resource planning including multi-annual budget and staff. It shall include the strategy for relations with third countries ~~or~~ **and** international organisations.

The multi-annual programming shall be implemented through annual work programmes and shall, where appropriate, be updated following the outcome of external and internal evaluations referred to in Article 31. The conclusion of these evaluations shall also be reflected, where appropriate, in the annual work programme for the following year.

3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual ~~work programme~~**ing** referred to in paragraphs 1 and 2. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. ~~The Annual and/or multi-annual programming~~ **work programme** shall include the strategy for relations with third countries ~~or~~ **and** international organisations referred to in Article 3 and the actions linked to that strategy.
4. The Management Board shall amend the adopted annual work programme when a new task is given to CEPOL.
5. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

Article 11

Chairperson of the Management Board

1. The Management Board shall elect a Chairperson and a Deputy Chairperson from among ~~its members with voting rights~~ **within the group of three Member States who have jointly prepared the Council's eighteen-month programme. They shall serve for the eighteen-month period corresponding to that Council programme. If, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date**¹⁶.
- 1a.* The Chairperson and the Deputy Chairperson shall be elected by a majority of two thirds of the members of the Management Boards ~~with voting rights~~.
- 1b.* The Deputy Chairperson shall automatically replace the Chairperson if he/she is prevented from attending to his/her duties.
- ~~2. The term of office of the Chairperson and the deputy Chairperson shall be 4 years. Their term of office may be renewed once. If, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date.~~

¹⁶ COM reservation on this amendment.

Article 12

Meetings of the Management Board

1. The Chairperson shall convene *the* meetings of the Management Board.
2. The Executive Director of CEPOL shall take part in the deliberations, ~~but shall not have the right to vote.~~
3. The Management Board shall hold two ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, *or* at the request of the Commission, or at the request of at least one-third of its members.
4. The Management Board *and the Executive Director* may invite any person whose opinion may be relevant for the discussion to attend its meetings as a *non-voting* observer.
5. The members *or the alternate members* of the Management Board may, subject to its Rules of Procedure, be assisted at the meetings by advisers or experts.
6. CEPOL shall provide the secretariat for the Management Board.

Article 13

Voting rules of the Management Board

1. Without prejudice to Articles 9 (1) (a), ~~and~~ (b) *and (n)*, *Article 11 (1)*, ~~and~~ *Article 22 (7) and Article 26 (2)*, the Management Board shall take decisions by majority of *its* members ~~with voting rights.~~
2. Each member ~~with voting rights~~ shall have one vote. In the absence of a *voting* member ~~with the right to vote~~, his/her alternate shall be entitled to exercise his/her right to vote.
- ~~3. The Chairperson shall take part in the voting.~~
4. The Executive Director shall not take part in the voting.
5. The Management Board's rules of procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.

SECTION 2

EXECUTIVE DIRECTOR

Article 14

Responsibilities of the Executive Director

1. The Executive Director shall manage CEPOL. The Executive Director shall be accountable to the Management Board.
2. Without prejudice to the powers of the Commission and the Management Board, the Executive Director shall be independent in the performance of the duties and shall neither seek nor take instructions from any government nor from any other body.
3. The Executive Director shall report to the European Parliament on the performance of the duties when invited to do so. The Council may invite the Executive Director to report on the performance of his/her duties.
4. The Executive Director shall be the legal representative of CEPOL.
- 4a. *The Executive Director may delegate his/her powers to a member of CEPOL staff in case of his/her absence.***
5. The Executive Director shall be responsible for the implementation of the tasks assigned to CEPOL by this Regulation. In particular, the Executive Director shall be responsible for:
 - (a) the day-to-day administration of CEPOL;
 - (b) making proposals to the Management Board as regards the establishment of CEPOL's internal structures **and, where necessary, their modification;**
 - (c) implementing decisions adopted by the Management Board;
 - (d) preparing the draft annual work programme and multi-annual programming and submitting them to the Management Board after consulting the Commission;
 - (e) implementing the annual work programme and the multi-annual programming and reporting to the Management Board on their implementation;

- (f) preparing appropriate draft implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;
- (g) preparing the draft consolidated annual report on CEPOL's activities and presenting it to the Management Board for ~~approval~~ **adoption**;
- (h) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by OLAF and reporting on progress twice a year to the Commission and regularly to the Management Board;
- (i) protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, ***without prejudice to the investigative competence of OLAF***, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative and financial penalties;
- (j) preparing a draft internal anti-fraud strategy for CEPOL and presenting it to the Management Board for ~~approval~~ **adoption**;
- (k) preparing draft financial rules applicable to CEPOL;
- (l) preparing CEPOL's draft statement of estimates of revenue and expenditure and implementing its budget.
- (m) supporting the *Chairperson* of the Management Board in preparing Management Board meetings;
- (n) performing other tasks stemming from this Regulation.

SECTION 3

SCIENTIFIC COMMITTEE FOR TRAINING

Article 14a

Establishment

~~The Management Board may decide by a majority of two thirds of its members to establish a Scientific Committee for Training.~~

Article 15

General provisions, Objective and tasks

1. The Scientific Committee for Training shall be an independent advisory body guaranteeing and guiding the scientific quality of CEPOL's work on training. ~~For that purpose, the Executive Director shall involve the Scientific Committee for Training early on in the preparation of all documents referred to in Article 9 as far as they concern training.~~
2. The Scientific Committee for Training shall be composed of ~~11 persons of the highest academic or professional standing~~ high level academics or law enforcement practitioners in the subjects covered by Article 4 of this Regulation. The Management Board shall appoint the members following a transparent call for applications and selection procedure to be published in the Official Journal of the European Union. The members of the Management Board shall not be members of the Scientific Committee for Training. The members of the Scientific Committee for Training shall be independent. They shall neither seek nor take instructions from any government, nor from any other body.
3. ~~The list of members of the Scientific Committee for Training shall be made public and shall be updated by CEPOL on its website.~~

~~4. The term of office of the members of the Scientific Committee for Training shall be five years. It shall not be renewable and its members can be removed from office if they do not meet the criteria of independence.~~

~~5. The Scientific Committee for Training shall elect its Chairperson and Deputy Chairperson for a term of office of five years. It shall adopt positions by simple majority. It shall be convened by its Chairperson up to four times per year. If necessary, the Chairperson shall convene extraordinary meetings on his/her own initiative or at the request of at least four members of the Committee.~~

~~6. The Executive Director or his/her representative, *as well as the Chairperson of the Management Board*, shall be invited to the meetings as a non-voting observers.~~

~~7. The Scientific Committee for Training shall be assisted by a secretary who shall be a CEPOL staff member designated by the Committee and appointed by the Executive Director.~~

8. The Scientific Committee for Training shall, in particular:

- (a) advise the Executive Director in drafting the annual work programme and other strategic documents, to ensure their scientific quality and their coherence with relevant Union sector policies and priorities;
- (b) provide independent opinion and advice to the Management Board on matters pertaining to its remit;
- (c) provide independent opinion and advice on the quality of curricula, applied learning methods, learning options and scientific developments;
- (d) perform any other advisory task pertaining to the scientific aspects of CEPOL's work relating to training at the request of the Management Board or the Executive Director.

~~(e) *promote and encourage research in line with Article 5.*~~

8a. *When establishing the Scientific Committee for Training, the Management Board shall define ~~in detail its functions according to paragraph 8,~~ its composition, the term of office of its members, the frequency of its meetings and its rules of procedure, including its voting rules.*

~~9. The annual budget of the Scientific Committee for Training shall be allocated to an individual budget line of CEPOL.~~

CHAPTER IV
FINANCIAL PROVISIONS

Article 16

Budget

1. Estimates of all revenue and expenditure for CEPOL shall be prepared each financial year, corresponding to the calendar year, and shall be shown in CEPOL's budget.
2. CEPOL's budget shall be balanced in terms of revenue and of expenditure.
3. Without prejudice to other resources, CEPOL's revenue shall comprise a contribution from the Union entered in the general budget of the European Union.
4. CEPOL may benefit from Union funding in the form of delegation agreements or ad-hoc ~~and exceptional~~ grants in accordance with its financial rules referred to in Article 20 and the provisions of the relevant instruments supporting the policies of the Union.
5. The expenditure of CEPOL shall include staff remuneration, administrative and infrastructure expenses and operating costs.
6. Budgetary commitments for actions relating to large scale projects extending over more than one financial year may be broken down over several years into annual instalments.

Article 17

Establishment of the budget

1. Each year, the Executive Director shall draw up a draft statement of estimates of CEPOL's revenue and expenditure for the following financial year, including the establishment plan, and send it to the Management Board.
2. The Management Board shall, on the basis of that draft, adopt a provisional draft estimate of CEPOL's revenue and expenditure for the following financial year.
3. The provisional draft estimate of CEPOL's revenue and expenditure shall be sent to the Commission by 31 January each year. The Management Board shall send the final draft estimate to the Commission by 31 March.
4. The Commission shall send the statement of estimates to the budgetary authority together with the draft general budget of the European Union.
5. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the European Union the estimates it considers necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Articles 313 and 314 of the Treaty.
6. The budgetary authority shall authorise the appropriations for the contribution from the European Union to CEPOL.
7. The budgetary authority shall adopt CEPOL's establishment plan.
8. CEPOL's budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted accordingly.
9. For any building project likely to have significant implications for CEPOL's budget, the provisions of Commission Delegated Regulation (EU) No 1271/2013¹⁷ shall apply.

¹⁷ OJ L 328.7.12.2013, p.42

Article 18

Implementation of the budget

1. The Executive Director shall implement CEPOL's budget.
2. Each year the Executive Director shall send to the budgetary authority all information relevant to the findings of any evaluation procedures.

Article 19

Presentation of accounts and discharge

1. By 1 March of the following financial year, CEPOL's accounting officer shall send the provisional accounts to the Commission's Accounting Officer and to the Court of Auditors
2. By 31 March of the following financial year, CEPOL shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors.
3. By 31 March of the following financial year, the Commission's accounting officer shall send CEPOL's provisional accounts, consolidated with the Commission's accounts, to the Court of Auditors.
4. On receipt of the Court of Auditors' observations on CEPOL's provisional accounts pursuant to Article 148 of Financial Regulation, ~~the~~ **CEPOL's** accounting officer shall draw up CEPOL's final accounts. The Executive Director shall submit them to the Management Board for an opinion.
5. The Management Board shall deliver an opinion on CEPOL's final accounts.
6. CEPOL's accounting officer shall, by 1 July following each financial year, send the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.

7. The final accounts shall be published in the Official Journal of the European Union by 15 November of the following year.
8. The Executive Director shall send *to* the Court of Auditors a reply to its observations by 30 September *of the following year at the latest*. The Executive Director shall also send this reply to the Management Board.
9. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, in accordance with Article 165(3) of the Financial Regulation.
10. On a recommendation from the Council acting by a qualified majority, the European Parliament shall, before 15 May of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.

Article 20

Financial rules

1. The financial rules applicable to CEPOL shall be adopted by the Management Board after consulting the Commission. They shall not depart from **Commission** Delegated Regulation (EU) 1271/2013 unless such a departure is specifically required for CEPOL's operation and the Commission has given its prior consent.
2. ***In justified cases and with a prior approval of the Management Board***, CEPOL may award grants without ***an open*** call for proposals to the Member States for providing training in relation to the tasks referred to in Article 4, Paragraphs 2 and 3.

CHAPTER V

STAFF

Article 21

General provision

1. The Staff Regulations and the Conditions of Employment of Other Servants¹⁸ and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and the Conditions of Employment of Other Servants shall apply to the staff of CEPOL.

Article 22

Executive Director

1. The Executive Director shall be engaged as a temporary agent of CEPOL under Article 2(a) of the Conditions of Employment of Other servants.
2. The Executive Director shall be appointed by the Management Board, from a list of candidates proposed by ~~the Commission~~ ***a selection committee*** following an open and transparent selection procedure.

For the purpose of concluding the contract with the Executive Director, CEPOL shall be represented by the Chairperson of the Management Board.

3. The term of office of the Executive Director shall be ~~five~~ ***four*** years. By the end of that period, the Commission ***in association with the Management Board*** shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and CEPOL's future tasks and challenges.

¹⁸ OJ L 287, 29/10/2013, p. 15–62

4. The Management Board, ~~acting on a proposal from the Commission that takes~~ *ing*es into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once, for no more than ~~five~~ *four* years.
5. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.
6. The Executive Director may be removed from office ~~only~~ upon a decision of the Management Board ~~acting on a proposal from the Commission.~~
7. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director ~~on the basis~~ *by a majority* of a two-thirds ~~majority~~ of its members ~~with voting rights.~~

~~Article 22a~~

~~Deputy Executive Director~~

~~1. A Deputy Executive Director shall assist the Executive Director. The Executive Director shall define her/his tasks.~~

~~2. Article 22 shall apply to the Deputy Executive Director. The Executive Director shall be consulted prior to her/his appointment, the extension of her/his mandate or her/his removal from office.~~

Article 23

Seconded national experts

1. CEPOL may make use of seconded national experts.
2. The Management Board shall adopt a decision laying down rules on the secondment of national experts to CEPOL.

CHAPTER VI

MISCELLANEOUS PROVISIONS

Article 24

Legal status

1. CEPOL shall be a ~~body~~ **an agency** of the Union. It shall have legal personality.
2. In each of the Member States CEPOL shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire and dispose of movable and immovable property and be party to legal proceedings.
3. The seat of CEPOL shall be in Budapest, Hungary¹⁹.

Article 25

Privileges and immunities

The Protocol on the Privileges and Immunities of the European Union shall apply to CEPOL and its staff.

¹⁹ NB: this provision is accompanied by a new recital (15a) referring to the common accord reached on 8 October 2013 by the representatives of the Governments of the Member States on the location of CEPOL in Budapest.

Article 26

Language arrangements

1. The provisions laid down in Regulation No 1²⁰ shall apply to CEPOL.
2. The Management Board shall decide by a majority of two-thirds of its members on the internal language arrangements of CEPOL.
3. The translation services required for the functioning of CEPOL shall be provided by the Translation Centre of the bodies of the European Union.

Article 27

Transparency

1. Regulation (EC) No 1049/2001 shall apply to documents held by CEPOL.
2. ***On the basis of a proposal by the Executive Director,*** ~~The~~ Management Board shall, ~~within six months of the date of its first meeting,~~ adopt the detailed rules for applying Regulation (EC) No 1049/2001.
3. Decisions taken by CEPOL under Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice of the European Union, under the conditions laid down in Articles 228 and 263 of the Treaty respectively.
4. The processing of personal data by CEPOL shall be subject to Regulation (EC) No 45/2001²¹.

²⁰ Council Regulation (EC) No 920/2005 of 13 June 2005 amending Regulation No 1 of 15 April 1958

²¹ REGULATION (EC) No 45/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 December 2000 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

Combating fraud

1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation No 883/2013²², within six months from ... ~~[the day CEPOL becomes operational, it~~ ***date of application of this Regulation*** ~~] CEPOL~~ shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-fraud Office (OLAF)²³ and adopt appropriate provisions applicable to all employees of CEPOL using the template set out in the Annex to that Agreement.
2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from CEPOL.
3. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by CEPOL, in accordance with the provisions and procedures laid down in Regulation No 883/2013 and Regulation (Euratom, EC) No 2185/96²⁴.
4. Without prejudice to paragraphs 1, 2 and 3, ~~cooperation~~ ***working*** agreements with ***Union bodies, authorities and training institutes of*** third countries, ~~and~~ international organisations ***and private parties***, contracts, grant agreements and grant decisions of CEPOL shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.

²² REGULATION (EU, EURATOM) No 883/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999

²³ Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-fraud Office (OLAF); Official Journal L 136, 31/05/1999 P. 0015 - 0019

²⁴ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities Official Journal L 292, 15/11/1996 P. 0002 - 0005

Article 29

~~Security~~ **Rules on the protection of classified and sensitive non-classified information**

CEPOL shall ~~apply~~ **establish rules for protecting European Union Classified Information (EUCI) and sensitive non-classified information which shall be consistent with** the security principles contained in the Commission's security rules for ~~protecting European Union Classified Information (EUCI) and sensitive non-classified information~~, as set out in the annex to Decision 2001/844/EC, ECSC, Euratom²⁵. ~~Applying the security principles~~ **These rules** shall cover, inter alia, provisions for the exchange, processing and storage of such information.

Article 30

Liability

1. CEPOL's contractual liability shall be governed by the law applicable to the contract in question.
2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by CEPOL.
3. In the case of non-contractual liability, CEPOL shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.
4. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damage referred to in paragraph 3.
5. The personal liability of CEPOL's staff towards CEPOL shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.

²⁵ COMMISSION DECISION of 2 August 2006 amending Decision 2001/844/EC, ECSC, Euratom (2006/548/EC, Euratom)

Article 31

Evaluation and review

1. No later than 5 years after ~~the date referred to in Article 41 ... [the day CEPOL becomes operational, it~~ ***date of application of this Regulation***] and every 5 years thereafter, the Commission shall commission an evaluation to assess particularly the impact, effectiveness and efficiency of CEPOL and its working practices. ~~The evaluation shall, in particular, address the possible need to modify the mandate of CEPOL, and the financial implications of any such modification.~~
2. The Commission shall forward the evaluation report together with its conclusions ***and the observations of the Management Board*** ~~on the report~~, to the European Parliament, ***and*** the Council ~~and the Management Board~~. The findings of the evaluation shall be made public.
3. ~~On the occasion of every second evaluation, there shall also be an assessment of the results achieved by CEPOL having regard to its objectives, mandate and tasks. If the Commission considers that the continuation of CEPOL is no longer justified with regard to its assigned objectives, mandate and tasks, it may propose that this Regulation be amended accordingly or repealed.~~

Article 32

Administrative inquiries

The activities of CEPOL shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.

Article 33

Cooperation with Union bodies, third countries and international organisations

1. CEPOL shall be open to the participation of ***the authorities of those*** third countries that have entered into agreements with the Union to that effect.

2. In so far as necessary for the performance of its tasks, CEPOL may establish and maintain cooperative relations with the Union bodies in accordance with the objectives of those bodies, authorities of third countries, training institutes of third countries, international organisations and private parties.
3. In accordance with paragraph 1 and 2, **working** arrangements shall be ~~developed~~ **concluded** specifying, in particular, the nature, extent and manner in which the **authorities and training institutes of** third countries, **international organisations and private parties** concerned may participate in the work of CEPOL, including provisions relating to participation in the initiatives undertaken by CEPOL, financial contributions and staff. As regards staff matters, those arrangements shall, in any event, comply with the Staff Regulations.
4. CEPOL shall cooperate with the Union bodies competent in matters covered by this Regulation and referred to in paragraph 2, within the framework of working arrangements concluded with those bodies, in accordance with this Regulation or with the relevant provisions of Decision 2005/681/JHA. ~~Such working arrangements may be concluded only with the authorisation of the Management Board and shall have received the Commission's prior approval.~~
5. **Working arrangements referred to in paragraphs 3 and 4 may be concluded only with the authorisation of the Management Board and shall have received the Commission's prior approval after having consulted the Commission. They shall not bind the Union or its Member States.**

Article 34

Headquarters Agreement and operating conditions

- ~~1.~~ The necessary arrangements concerning the accommodation to be provided for CEPOL in Hungary and the facilities to be made available by that Member State together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, CEPOL staff and members of their families shall be laid down in a Headquarters Agreement between CEPOL and Hungary, concluded after obtaining the approval of the Management Board and no later than 2 years after the entry into force of this Regulation.
- ~~2.~~ ~~CEPOL's host Member State shall provide the best possible conditions to ensure the functioning of CEPOL, including multilingual, European-oriented schooling and appropriate transport connections.~~²⁶

²⁶ NB: The content of this paragraph is moved to the new recital (15b) similarly as in the Europol Regulation

CHAPTER VII

TRANSITIONAL PROVISIONS

Article 35

General legal succession

1. CEPOL, as established by this Regulation, shall be the general legal successor in respect of all contracts concluded by, liabilities incumbent on, and properties acquired by CEPOL, as established by Decision 2005/681/JHA.
2. This Regulation shall not affect the legal force of agreements concluded by CEPOL as established by Decision 2005/681/JHA before the date of entry into force of this Regulation.
3. ~~The Headquarters Agreement concluded on the basis of Decision 2005/681/JHA shall be terminated from the date of entry into application of this Regulation.~~

Article 36

Transitional arrangements concerning the Management Board

1. The term of office of the members of the Governing Board of CEPOL as established on the basis of Article 10 of Decision 2005/681/JHA shall terminate on ... [date of ~~entry into force~~ **application** of this Regulation].
2. The ~~Management~~ **Governing** Board established on the basis of Article 10 of Decision 2005/681/JHA shall within the period between ... [date of entry into force of this Regulation] and ... [date of application of this Regulation]:
 - (a) exercise the functions of the Management Board as referred to in Article 9 of this Regulation;
 - (b) prepare the adoption of the rules for applying Regulation (EC) No 1049/2001 with regard to CEPOL documents referred to in Article 27 of this Regulation, ~~and on the obligations of confidentiality and discretion, and the protection of sensitive and Union classified information~~ **European Union Classified Information (EUCI) and sensitive non-classified information** referred to in Article 29 of this Regulation;

- (c) prepare any instrument necessary for the application of this Regulation, and
- (d) review the internal rules and measures adopted by the ~~Management~~ **Governing Board** on the basis of Decision 2005/681/JHA so as to allow the Management Board established pursuant to Article 8 of this Regulation to take a decision pursuant to Article 40 thereof.

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Article 37

Transitional arrangements concerning the Executive Director and staff

1. The Director of CEPOL appointed on the basis of Article 11(1) of Decision 2005/681/JHA shall, for the remaining periods of his/her term of office be assigned to the responsibilities of the Executive Director as provided for in Article 14 of this Regulation. The other conditions of his/her contract shall remain unchanged. If the term of office ends after ... [~~the date of entry into force of this Regulation~~] but before ... [~~the date of application of this Regulation~~], it shall be extended automatically until one year after ... [~~the date of application of this Regulation~~].
2. Should the ~~Executive~~ Director *of CEPOL appointed on the basis of Article 11(1) of Decision 2005/681/JHA* be unwilling or unable to act in accordance with paragraph 1, the Management Board shall designate an interim Executive Director to exercise the duties assigned to the Executive Director for a period not exceeding 18 months, pending the appointments provided for in Article 22.
3. This Regulation shall not affect the rights and obligations of staff engaged under Decision 2005/681/JHA.
4. The employment contracts of staff referred to in the third subparagraph may be renewed under this Regulation in accordance with the Staff Regulations and the Conditions of Employment.

²⁷ NB: If this Regulation enters into application in the course of 2015, the following provision will have to be added here:

"3. The Governing Board established on the basis of Article 10 of Decision 2005/681/JHA shall for the programming of 2016 adopt the multiannual staff policy plan, after taking into account the opinion of the Commission."

Article 38

Transitional budgetary provisions

The discharge procedure in respect of the budgets approved on the basis of Article 25 of Decision 2005/681/JHA shall be carried out in accordance with the rules established by the Decision 2005/681/JHA.

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²⁸ NB: A transitional provision might be added here at a later stage depending on the date of application of this Regulation as the new rules on programming in the Framework Financial Regulation Art. 32-33, reflected in the revised Articles 9-10 of this Regulation, will only enter into force on 1 January 2016.

CHAPTER VIII

FINAL PROVISIONS

Article 39

Repeal Replacement

1. ~~This Regulation replaces the Decision 2005/681/ as of the date of application of this Regulation.~~ *Decision 2005/681/JHA, as amended by Regulation (EU) No 543/2014, is hereby replaced for the Member States bound by this Regulation with effect from ... [date of application of this Regulation].*
2. *For the Member States bound by this Regulation, references to the acts referred to in paragraph 1 shall be construed as references to this Regulation.*

Article 40

Maintenance in force of the internal rules adopted by the ~~Management~~ Governing Board

Internal rules and measures adopted by the ~~Management~~ **Governing** Board on the basis of Decision 2005/681/JHA shall remain in force after ... [date of application of this Regulation], unless otherwise decided by the Management Board in the application of this Regulation.

Article 41

Entry into force

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. It shall apply from ... [date of application *of this Regulation*].

However, Articles 36, 37 and 38 shall apply from ... [~~the~~ date of entry into force of this Regulation].

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament

For the Council

The President

The President
