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Part 2

COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT on merging the European Police College (Cepol) and the European Police Office (Europol) and implementing a European police training scheme for law enforcement officials

Accompanying the document

**Proposal for a EUROPEAN PARLIAMENT and COUNCIL REGULATION_
on the European Union Agency for Law Enforcement Cooperation and Training
(Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA**

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Commission staff working document

Impact assessment on merging the European Police College (Cepol) and the European Police Office (Europol) and implementing a European police training scheme for law enforcement officials

Accompanying the document

Proposal for a EUROPEAN PARLIAMENT and COUNCIL REGULATION

ON THE EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT COOPERATION AND TRAINING (EUROPOL) AND REPEALING COUNCIL DECISIONS 2009/371/JHA AND 2005/681/JHA

1. Introduction

This impact assessment accompanies the Commission proposal to merge the European Police College or 'CEPOL'¹ with the European Police Office (Europol),² and to implement a European training scheme for law enforcement officials. This proposal is intended to form part of a wider package with the reform of the functions and governance of Europol by transforming it into the European Law Enforcement Agency, for which a separate impact assessment has been prepared.

CEPOL is a decentralised agency of the EU, established in 2005, in charge of operational activities related to the training of law enforcement officers. It aims to facilitate cooperation between national police forces by organising courses with a European policing dimension, defines common curricula on specific topics requiring a more harmonised approach, disseminates relevant research and best practice, coordinates an exchange programme for senior police officers and trainers to acquire better understanding of legal systems and working methods in other Member States, and may act as a partner in EU grants for specific projects.

¹ Council Decision 2005/681/JHA of 20 September 2005 (referred to in this document as 'the CEPOL Decision').

² Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office

In the light of recent political and legal developments at EU as well as national level, this document assesses options for ensuring efficient and effective training for law enforcement officers to help achieve the EU's objectives for police cooperation in the fight against crime. In terms of the wider economic context at a time when national and EU resources are scarce, the Commission is seeking to take all available opportunities to rationalise efforts at EU level and to achieve efficiency gains, notably in the framework of the current negotiations on the next multi-annual financial framework. Although CEPOL is one of the smaller EU agencies, this is one such opportunity. The Commission is seeking to follow the Common Approach on EU decentralised agencies (hereafter referred to as 'the common approach') endorsed by the European Parliament, Council and Commission in July 2012, according to which *"merging agencies should be considered in cases where their respective tasks are overlapping, where synergies can be contemplated or when agencies would be more efficient if inserted in a bigger structure"*. The European Parliament has raised the issue of a potential merger between CEPOL and Europol in its last three annual discharges, in which it noted synergies and complementarities between both agencies, and explicitly asked the Commission to investigate the costs and benefits of merger. In the framework of MFF negotiations, the European Parliament also addressed the issue of cost savings and possibility of pooling resources in relation to EU decentralised agencies.

This impact assessment represents also an ex-ante evaluation.

An overview of the evolution, structure and legal basis of CEPOL is at Annex A.

2. Evaluation, procedural issues and consultation

This section outlines how the Commission has sought to gather as much evidence as possible of the current situation through consultation and external studies. It also shows exactly which issues and recommendations of the evaluation results have been taken over and which have been implemented without needing modifications to the legal framework

2.1 Evaluation and preparatory studies

An external five-year evaluation of CEPOL was carried out in 2010-2011 and the final report submitted to the CEPOL Governing Board in January 2011.³ The Commission endorsed the results of the evaluation and intends through its proposal to address the recommendations which have not been fully implemented. The table below shows exactly the evaluation's recommendations and issues and which ones have been taken over.

³ This was requirement under Article 21 of the CEPOL Decision. Study on Five Years evaluation of CEPOL activity 21.1.2011 Consortium Blomeyer & Sanz, Centre for Strategy and Evaluation Studies LLP and Evalutility Ltd; referred to in this report as 'evaluation report'; http://www.cepola.europa.eu/fileadmin/website/newsroom/publications/CEPOL_5_Year_Evaluation.pdf

Table 1: Evaluation recommendations

Recommendation	Status
Clarify the CEPOL intervention logic through better definition of objectives and tasks and stronger alignment of capacity building in areas with a clear European cross-border dimension (i.e. priorities of the Internal Security Strategy ⁴)	Partially implemented.
Streamline governance and rationalise structures and grant Commission full voting rights	Partially implemented. The Governing Board has decided to disband certain committees, and has amended the rules of procedure to reduce number of Governing Board meetings to two per year, increasing use of written procedures. The Commission does not have full voting rights as this requires amendment to the CEPOL Decision.
Strengthen the CEPOL Secretariat if appropriate through merging certain functions with Europol	Not implemented
Integrate justice and home affairs agencies' activities aimed at capacity building for law enforcement in line with internal security strategy	Partially implemented as a result of Commission's recommendations to Governing Body to include courses on certain internal security priorities.
Assess Member States involvement with CEPOL in order to identify best practice and in particular whether CEPOL's activities reach the police officers who need EU training	Ways of implementing this are being considered by the Governing Body
Place greater emphasis on quality by concentrate training on fewer themes and identify centres of EU training excellence where trainees can obtain accreditations	Under consideration.
Ensure that CEPOL's objectives in annual work programme are measureable with objectively verifiable indicators, baselines for each activity and targets, supported by regular customer satisfaction surveys, following the example of EUROPOL.	CEPOL secretariat are considering appropriate metrics.

⁴ Communication COM(2010) 673 'The Internal security strategy: Five steps to a more secure Europe'.

2.2 Data gathering and expertise

DG Home Affairs commissioned an external study to support the preparation of this impact assessment which concluded in April 2012 and which addressed the recommendations in the evaluation through interviews with and surveys of experts in police cooperation and training and clients of CEPOL's services activities.⁵ This study ran alongside CEPOL's 2011 European Law enforcement Training Scheme 'mapping exercise', which produced a comprehensive picture of who was doing what on law enforcement training in the EU to identify gaps and overlaps, in order to inform the development of a European Law enforcement Training Scheme for law enforcement officials.⁶

An inter-service steering group involving SG, SJ, DG HR, BUDG, JUST, IAS, OLAF and EEAS met to consider the draft impact assessment on 15 March, 21 May, and 5 June 2012. Since the summer, discussions at service and at political level have taken place, including on the possibility of a merger between Europol and CEPOL, and on the detailed conditions and provisions which would be necessary to ensure the viability of such a merger.

2.3 Consultation of stakeholders

DG Home consulted extensively with practitioners, public authorities and other stakeholders in assessing the functioning of the CEPOL Decision and its possible revision. The DG hosted on 7 February 2012 a workshop with 20 experts, including representatives from UK, FR, DE, ES, DK, BE, SK, PL and CEPOL, to consider the emerging findings and recommendations of the external study and options for reform. On 3 May 2012, the DG hosted a conference involving 60 participants from all Member States. Views were also gathered during several workshops held in 2011 and 2012 on developing the European Law enforcement Training Scheme for law enforcement officers.⁷ Several MEPs from different political groups were invited to attend the May 2012 conference, including the rapporteur. Options for reforming EU police training, including the possibility of a merger of Europol and CEPOL, were discussed at a meeting of the LIBE Committee on 6 November, and of a Council working group (Comité de l'Article 36).

It was not considered necessary to launch a public consultation due to the specialist, technical nature of this subject.

A summary of stakeholders views are at Annex E.

⁵ Study on the amendment of the Council Decision 20905/681/JHA setting up CEPOL activity. Final Report 24.4.2012 by GHK Consultants (referred to in this report as 'GHK study'); http://ec.europa.eu/dgs/home-affairs/pdf/policies/police_cooperation/cepol_final_report_100512.pdf.

⁶ CEPOL, 'European training scheme: Mapping of law enforcement training in the European Union: Final Report'.

⁷ The Stockholm Programme (paragraph 1.2.6) (see reference below) refers to a 'systematic European Training Scheme' which is meant to offer systematically accessible EU training to all law enforcement officers active in the implementation of the area of freedom, security and justice in order to foster a genuine European judicial and law enforcement culture. This includes judges, prosecutors, judicial staff, police officer, border guards and customs officers.

2.4 *The relationship between EU-supported training and the standard of policing*

This report does not argue that there are any ‘fundamental problems in police performance and preparedness’, nor does it attempt to gather evidence that policing across the EU is somehow ‘exacerbated’ by lack of EU-supported training or by inefficiencies in the structure or governance of CEPOL. The report does however summon all the evidence which is currently available, including the views of numerous law enforcement professionals, which suggests that the EU could and should be doing considerably more to address knowledge gaps, on the basis that better knowledge of common challenges and the EU tools has a beneficial impact on cross-border cooperation.

As the evaluation states, there is a lack of quantitative data in the area of police performance, but both Member States and participants’ feedback ‘indicates strong impact in terms of CEPOL activity leading to stronger police cooperation between Member States, and stronger engagement with other actors e.g. Europol.’ The results of capacity building activities are intangible (e.g. enhanced awareness) and cannot be measured with precision, and there may be no direct causal relationship between a specific CEPOL activity and a result on an operational level. There are no comprehensive statistics on international police cooperation. The difficulty of establishing quantitative indicators with regard to effectiveness is compounded by the fact that CEPOL’s activities may only target senior police officers, while most practical police cooperation, such as effective exploitation of EU databases, is performed by less senior officers).

These observations are in line with the general evaluation of decentralised EU agencies (including CEPOL and Europol), which suggested qualitative indicators for agencies’ work. These indicators would focus on ‘soft cooperation between Member States and European Institutions as to better achieve EU objectives’, and the effectiveness, efficiency and impact of such a focus could usefully be measured by ‘participation of Member States’, ‘Member States’ commitment to take action’ and ‘actual changes in Member States’ agenda’^{8, 9}.

Subject to these provisos, the overall working assumption in this report is that, all other factors being equal, there is a generally positive relationship between the level of investment in good quality police training in EU matters and police performance in tackling EU priorities.

⁸ Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume I, Synthesis and prospects, December 2009, page 31;
http://europa.eu/agencies/documents/synthesis_and_prospects.pdf

⁹ Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume I, Synthesis and prospects, December 2009, page 31;
http://europa.eu/agencies/documents/synthesis_and_prospects.pdf

2.5 *Scrutiny by the Commission Impact Assessment Board*

The Impact Assessment Board of the European Commission assessed draft versions of the present impact assessment, issuing its first opinion on 20.7.2012 and the second on 10.10.2012. The IAB made several recommendations and requested to submit a revised version of the report, which have been addressed as follows.

- i. *Provide greater clarity and evidence on the concrete problems to be addressed with clear reference to stakeholders' views and evaluation results, showing which issues and recommendations have been taken over without needing modification to the legal framework.* Drivers and problems (sections 3.1 and 3.2) have been simplified, with the governance and training quality or operational issues clearly distinguished. Further references to stakeholder views and evaluation results have been added, in addition to further information on the evaluation (see section 2.1). A 'problem tree' summarising this section has been developed at Annex B.
- ii. *Expand the overview of existing police training system with comprehensive and exact data in an annex, clearly explain CEPOL's role and added value in the system, with more comprehensive and exact data in an Annex.* See section 3.1.1 and Annex A.
- iii. *Explain how fundamental problems in police performance and preparedness are exacerbated by insufficient provision of adequate training, and how these in turn may derive from the Agency's structure and governance.* This remark is addressed in section 2.4.
- iv. *Considerably strengthen the baseline scenario and make it more forward-looking by explaining how training provision would be expected to develop under the current governance structure, and how it may inhibit the European police forces' preparedness for new challenges.* See section 3.4.

- v. *Strengthen the intervention logic including more detailed objectives and options which specifically address the identified substantive problems and in relation to broader policy strategies and not only governance. Clearly link the objectives and the policy options to all the identified problems. E.g. the problem of insufficient training for intermediate level police officers and an objective on broadening the target audience, and elements in the policy options that ensure that this can be realised. Define more specific and operational objectives beyond improving CEPOL's training and structure to address broader objectives, such as improving policing throughout Europe, and explain in more detail how they address related EU policy issues, including the reform of Europol and the recently agreed 'Common approach on the EU's decentralised agencies'. Clarify the links between problems identified at Member States level (like administrative procedures, lack of language skills) and the measures proposed in the options. Concretely address through the presented options the identified and clearly describe the changes they would entail in practice. Alternative options to reforming CEPOL, such as a no EU training option, Member States based trainings, and the option of merger with Europol should be given serious consideration. Operational (or 'concrete') problems have been given greater emphasis. Objectives (section 4) have been revised with clearer specific and operational aims which related directly to the problems described. The policy options (section 5) have been reviewed, reorganised and described in more detail, with a table which juxtaposes how the various components of each options is intended to address the specific problems and policy objectives (Table 2), particularly with regard to operational issues. Further options, namely those of no EU police training and Member State-based training, have been added. Explicit cross-reference is made throughout the report to the reform of Europol and the common approach. The option of merger with Europol is now considered to be the preferred option.*
- vi. *Present a more transparent and comprehensive assessment of impact, including analysing the impact on the quality, delivery, and effectiveness of the training provided in the light of the established priorities for EU policing. Explain, in the main text, how the different impacts have been quantified (especially the quoted benefits), and how the cost figures have been calculated. Acknowledge upfront that these are merely 'educated guesses' and replace endpoint estimates by ranges. Costs and benefits of each option (section 6) are assessed transparently and comprehensively in relation to two criteria – (i) security, crime and police cooperation resulting from changes to the quality and delivery and effectiveness of police training and (ii) cost to EU and national authorities' budgets. A table itemising estimated potential costs has been added for each option, accompanied by a section (6.2) explaining how these costs have been calculated.*

- vii. *Presenting a more transparent comparison of options on the criteria of effectiveness, efficiency and coherence including a comprehensive summary comparison table. Provide a clear link to detailed calculations underlying the reported 'Present Value of Benefits'. Strengthen assessment of cost-effectiveness of each option by explaining the incremental cost of additional coverage and effectiveness of training activities under each of them.* The revised options are compared to the baseline scenario (section 7) according to criteria of effectiveness, efficiency and coherence, including explanation of the incremental cost of additional coverage and effectiveness of police training.
- viii. *Making clear reference to stakeholders' different positions:* stakeholder positions are referred to in descriptions of the policy options (section 5).

All other detailed comments from the board contained in the opinion and the further technical comments have also been carefully reflected in this impact assessment. The Impact Assessment Board delivered an opinion on 15.1.2013 on a revised draft; the recommendations in that opinion have also been reflected in this impact assessment.

3. Problem definition

3.1 Context and external drivers

There are two principal drivers behind the problems which have been identified with the current framework for EU training and the role of CEPOL: one relates to structure and governance, the second to operational aspects of training and law enforcement capabilities.

3.1.1 Overview of the existing police training system in the EU and internationally and added value of CEPOL

EU support for training is a tangible sign of the solidarity and responsibility-sharing which are indispensable in responding to the common challenges set out in the Internal Security Strategy. Such support helps promote efficiencies through the pooling of resources and reinforcing transnational practical cooperation between police in Member States, and between Member States and third countries, in the fight against terrorism and international criminal networks, trafficking in human beings and the smuggling of weapons and drugs. CEPOL has built capacity and enabled the retention and development of relevant skills. CEPOL also contributes to a coherent European response to crises through training in crisis management and strengthening cooperation with EU neighbourhood policy countries. A joint approach to training and the delivery of courses to police from across the EU are a uniquely powerful way to generate trust, understanding and the exchange of scientific knowledge among law practitioners, and so to drive up standards of policing. CEPOL's efforts to raise awareness of police cooperation and cross-border crime has enabled new Member States to adapt to the EU, especially in terms of organised crime and respect for human rights. Overall satisfaction with CEPOL's activities among participants was 93%.¹⁰

¹⁰ CEPOL annual report 2011.

CEPOL organises courses and develops common curricula on the European dimension of policing, both in the national academies and at CEPOL itself, and disseminates best practice and research findings. CEPOL training is delivered by Member States experts, rather than CEPOL staff themselves. In 2011 CEPOL implemented 106 training activities including 18-web based seminars. E-learning is increasing, with 9 283 registered users of CEPOLs electronic learning network, a 50% increase on 2010, and 2 163 practitioners participated in e-learning activities. For on-site training the average number of participants per year in CEPOL training activities is around 2 000 per year. In addition, there are about 100 to 200 participants per year in exchange programmes, plus (since 2011) those involved in eLearning activities. Courses included counter-terrorism and airport security training at Schiphol airport and planning and command in crisis management missions. Its e-learning modules include the role of Europol, community policing preventing radicalisation and terrorism, policing aspects of the Schengen agreement, gender-based violence and cybercrime, and webinars in 2011 included training on bioterrorism and tracing criminal assets.

CEPOL is one of the smallest EU agencies in terms of budget: €8.3 million in 2011, and forecast according to the Commission's proposal for Internal Security Fund in the multiannual financial framework at €70 million in the period 2014-2020. The budget is consumed over three main budget lines: Title 1 covers staffing (2.1m); Title 2 covers other administrative expenditure; and Title 3 covers operational expenditure (5m). The budget may also be broken down according to CEPOL's five principle activities or deliverables:

- i. Courses and seminars (excluding e-learning) corresponds to 77% of the CEPOL budget;
- ii. E-learning and electronic networks - 8%
- iii. Common curricula and learning methods - 6%
- iv. Research and developing good practice - 5%
- v. Exchanges - 4%

It currently has 43 staff, 14 of whom are assigned to support or administrative tasks in relation to training and research.

At national level, law enforcement authorities in the EU are broadly comparable in terms of structure. Twenty-one Member States have a single police agency and the remaining six (FR, DE, IT, PT, ES, UK) more than one. (For example, the UK law enforcement consists of 56 territorial and specialised law enforcement agencies and Germany includes 16 state and two federal police agencies). In 18 Member States, the police are responsible for border management while nine Member States have dedicated border agencies (BU, FI, LV, LT, NE, PL, PT, SE and UK). Twenty-six Member States have a dedicated customs agency and in one (PT) a police agency is responsible for customs investigations. Relevant knowledge on EU cross-border police cooperation may sometimes be included in the curricula of initial and promotion-related training for police and border guards in most Member States; the EU and other international organisations do not have a widespread role. Within the Mapping exercise survey, twelve EU agencies and international organisations, including CEPOL, Europol and Frontex,¹¹ reported some involvement in basic law enforcement training in terms of, for example, development and delivery, and contributing expertise or funding. Details of law enforcement education and training budgets as a share of law enforcement budgets were available only for the Netherlands and Northern Ireland, equivalent to around 2%. Extrapolating from this very limited sample, it might be estimated that overall in the EU Member States assign €2.6 billion per year to police training.

3.1.2 Driver 1: Increased political awareness of EU priorities for tackling cross-border crime

The EU with the Internal Security Strategy identified the challenges, principles and guidelines for dealing with security issues within the EU, including 41 specific actions which are now being implemented, underpinned by appropriate training. For example, in order to investigate effectively criminal financial transactions, the strategy underlined the need for law enforcement authorities to be equipped and trained to collect, analyse and share information making full use of national centres of excellence for criminal financial investigation and the CEPOL training programmes. From an operational point of view, Member States are implementing three of the strategic objectives (which concern combating organised crime, terrorism and cybercrime) with a new mechanism, known as the 'Harmony Policy Cycle on organised crime' for 2011-13, whereby the Council endorsed eight priorities in June 2011. These priorities address serious and organised crime and cybercrime, as well the strengthening of border management. Expert groups have defined strategic objectives for each priority, which are now being translated into operational action plans.¹² These concerted initiatives draw from up-to-date analyses of the most serious cross-border criminal phenomena, in particular Europol's twice-yearly Organised Crime Threat Assessment.¹³

¹¹ Other organisations included Interpol, the Organisation for Security and Cooperation in Europe, the European Union Agency for Fundamental Rights, European Network of Forensic Science Institutes, Academy of European Law, the United Nations Interregional Crime and Justice Research Institute and Aquapol.

¹² Council document 11050/11, 6 June 2011 and Council Conclusions from 3043rd Justice and Home Affairs Council meeting 8-9 November 2010; for further information see http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/internal-security/harmony-process/index_en.htm

¹³ See <https://www.europol.europa.eu/content/press/europol-organised-crime-threat-assessment-2011-429> ; from 2013 this will be known as the Serious and Organised Crime Threat Assessment.

3.1.3 Driver 2: Legal and political developments in police cooperation and police learning

The Lisbon Treaty (Title V) envisages the promotion and strengthening of operational cooperation on internal security, with a particular focus on specific forms of serious and organised crime. The EU has put in place a system for setting priorities through the Internal Security Strategy in 2010, to be supported by mutual trust and capacity building. The European Council in 2009 stated its aim to create a genuine European law enforcement culture through setting up European Law enforcement Training Schemes and exchange programmes for all relevant law enforcement professionals at national and EU level by 2015, and that CEPOL should play a key role in ensuring the European dimension.¹⁴ The European Parliament also called in 2009 for a coherent approach to the delivery of training for law enforcement officers across the EU.¹⁵

A parallel but closely related initiative is the reform of Europol, which aims to ensure that necessary information for combating crime can be exchanged more quickly and efficiently through Europol. Alongside better training of law enforcement officers in relevant EU matters, swift access to relevant information is crucial to achievement of the EU's internal security objectives. CEPOL reinforces the work of Europol by seeking to ensure law enforcement officers are aware of Europol's role and the importance of information sharing.

In a joint statement, the European Parliament, the Council and the Commission set out a common approach on EU agencies,¹⁶ including their management structure and governance, operations and funding and budget-setting.¹⁷ There is a need for EU-supported police training to be brought into line with this approach as CEPOL's current Governing Board, the role of the Director and secretariat and the decentralised network-based structure continue to reflect its intergovernmental origins with the European interest insufficiently represented.

3.2. Defining the problem

3.2.1 Problem 1: Knowledge deficit in the EU dimension of policing

Many law enforcement officers in the EU lack sufficient knowledge to cooperate fully effectively against cross-border crime priorities. This includes awareness of the role of Europol and other EU instruments such as the European arrest warrant, and the Prüm Decision which aims to facilitate sharing of DNA profiles, fingerprint and vehicle registration data. Apart from training provided for a minority as part of the CEPOL training programme, there are few - if any - awareness raising activities directed at law enforcement officers at a national level about EU issues.¹⁸

¹⁴ OJ C115, 4.5.2010; 'An open and secure Europe, serving and protecting citizens' (the 'Stockholm Programme').

¹⁵ The report is available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2011-0150&language=EN>

¹⁶ Council document 11450/12 18 June 2012;
<http://register.consilium.europa.eu/pdf/en/12/st11/st11450.en12.pdf>

¹⁷ Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies, 12 June 2012;
<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/12/604&format=HTML&aged=0&language=EN&guiLanguage=en>.

¹⁸ Source: Responses to GHK study

The developments in the EU policy and legal framework as well as the changes in national policies have created new training and knowledge needs. Moreover, some training needs have been generated by contextual developments. For example, after the terrorist attacks in Madrid in 2004, new training needs emerged such as the prevention and the fight against terrorism. New technological developments and the globalisation of crime have led to the need for training of police officers in IT systems. Cybercrime has greatly developed over the past few years, since the adoption of the CEPOL decision in 2005.

Problem 1.a European training does not reach all the law enforcement officers who need it

CEPOL's training is targeted, in accordance with the CEPOL Decision (Article 5), at senior or mid-ranking officers, with little emphasis on more thematic training for officers of any rank who may need it, given that cross-border crime is dealt with by all ranks of officer, and not just senior officers. By end 2009, only 1.6% of senior police officers in the EU had received CEPOL training.¹⁹ In 2010 only around 13 to 15 Member States were able to send officers to receive training.²⁰ Courses fail to achieve full attendance. Average attendance between 2006 and 2011 was between 72% and 80%. This may be a result of the fact that attendance is not formally recognised or certified as a qualification²¹. Member States usually do not have a specific budget to send officers to receive training²². The official authorisation procedure for attending training in some Member States is complex and time-consuming.²³ While some Member States have developed plans for cascading knowledge acquired through CEPOL training, dissemination is usually not prioritised and tends to be informal and inadequate²⁴.

Language also can be an obstacle: most training is in English which often excludes a large number of officers²⁵. In terms of content of training, CEPOL has developed 10 common curricula, of which only five (including one on trafficking in human beings) have been finalised, approved by the Governing Board and made available on CEPOL's website. Some curricula, such as that on counter-terrorism has been delayed for six years, while other thematic training courses such as on domestic violence are not supported by e-Learning and exchange programmes. Although CEPOL has the knowledge and expertise to provide such training, the governance and structural arrangements prevent this happening.

From this evidence, it appears that EU police training is perceived as a peripheral activity which is relatively unattractive in terms of personal career development perspective.

¹⁹ Evaluation report p.87.

²⁰ GHK study p.65.

²¹ GHK study p.64.

²² GHK study p.64.

²³ GHK study p.64.

²⁴ GHK study p.66.

²⁵ GHK study p.35.

Problem 1.b Insufficient coordination between CEPOL, Member States and other agencies

Despite the existing cooperation agreements between justice and home affairs agencies, there is a lack of systematic coordination on training of law enforcement authorities in line with EU strategic objectives. Training programmes are insufficiently focussed and joined-up: one in three national academies in the EU reported overlap between CEPOL's training activities and training delivered nationally. Agency business plans are rarely aligned and duplication of training is common²⁶. For example, Frontex and CEPOL cover similar areas in their training activities on border management and violation of human rights, illicit trafficking of goods and language development.

There are also logistical overlaps, where training activities are provided by different agencies on the same dates thus preventing some officers from attending the training they require.²⁷ Europol and CEPOL lack a formal mechanism to exploit synergies between operational and training priorities, unlike Frontex which is responsible for training as well as operational cooperation, although the JHA agencies network attempts to provide a forum for general awareness raising between the agencies. There is no coordination between the European Judicial Network and CEPOL on learning activities for prosecutors and police in fields where they are asked to work jointly. There is no cooperation between the different agencies' national units or national contact points²⁸. There is no structured cooperation between CEPOL and national and European research institutes and synergies with initiatives such as the European Research Area are under-developed²⁹. It is unclear who is responsible for research and science-related activities. In a wider context, however, direct cooperation between CEPOL and Interpol appears to be satisfactory, the latter expressing its appreciation of CEPOL as a single contact point for EU-wide police capacity-building issues³⁰.

3.2.2 Problem 2: CEPOL's current governance and structure reduce effectiveness of training

CEPOL's governance and structure inhibit its ability to be fully effective as an instrument of EU policy. The organisation has been conditioned by its intergovernmental origin; it remains essentially a network-based organisation with key activities being organised on a decentralised basis by Member States. Some Member State representatives still view CEPOL as an intergovernmental body made up of national representatives, gathered within the Governing Board, the Director and the Secretariat having a simple role of support and implementation of the GB's decisions³¹.

²⁶ GHK study p.67.

²⁷ GHK study p.67.

²⁸ GHK study p.67.

²⁹ GHK study p.65. As an example, currently, the reference to CEPOL's research activities in the Decision is very limited as the latter only mentions "disseminate best practice and research findings". There is therefore a need to specifically mention the tasks of the Agency in relation to research and science activities (also specifying how such activities will be implemented on the ground; for example, which national actors should be involved, what should be the final outputs, etc.).

³⁰ Evaluation report p.85.

³¹ The GHK study (p.14) noted tensions created by that view of some Members States as contrasted to the view of other Member States (and the Commission) of CEPOL as an EU agency with the Director playing a key role in proposing and implementing a programme decided by the GB.

Problem 2.a Governing Board lacks appropriate focus

Following the five-year evaluation there has been some improvement in the efficiency of decision-making, but the governance and structure of CEPOL remains out of date³². The Governing Board tends to focus on minor, administrative matters and not enough on strategy at EU level. The CEPOL Decision does not focus the tasks of the board on strategic matters. In practice, the board's time horizon tends to be limited to approving the annual work programme and (in a very few cases) agreeing common curricula. The size of the board – there are typically 45-50 Member State participants at each meeting – hampers swift decision-making and creates disproportionate costs.³³ There is a high turnover of participants creating a constant need for new members to take time to gain familiarity with the agency's work.³⁴ There is no clear representative of the EU interest in the board, as the Commission is a non-voting observer, which contradicts the common approach for EU agencies³⁵. There are no formal or informal links to the Management Board of Europol, in spite of the obvious operational synergies between the two agencies. Certain Member States (FI, SE) reported that the CEPOL agenda is too often driven by national activities rather than EU cross-border priorities. Member States disagree on whether CEPOL should itself formulate and deliver policies determined by the board or focus on the logistical organisation of decisions taken by the Board³⁶. The CEPOL Decision, which states that the Director (Article 11(4)) 'shall...draw up the preliminary draft budget, the preliminary draft annual report and the preliminary draft work programme to be submitted to the Governing Board,' allows for such a minimalist interpretation of the role of the Director: in practice, the Director is not given sole authority to propose action on either a strategic or annual basis. This is not in line with the common approach. Unclearities as to the role of the Director risk rendering the agency less effective³⁷.

³² The evaluation report (pp.92-94) made recommendations to streamline governance, rationalise structures and strengthen the secretariat. These were generally endorsed by the Governing Board and many that do not require a change to the legal base have been implemented, with resulting improvements in decision-making. For a summary of the recommendations that have not been implemented, see GHK study p.62.

³³ The evaluation report stated: 'The size of the Governing Board does not seem to be commensurate to the size of the agency. For a small agency like CEPOL it is questionable whether it is reasonable and efficient to have Governing Board meetings with a number of participants as high as three times the size of the agency itself.' The European Parliament has voiced similar criticism.

³⁴ Evaluation report p.22.

³⁵ The evaluation report (p.93) recommended granting the Commission voting rights, a recommendation endorsed by the board itself.

³⁶ GHK study p.14.

³⁷ GHK study pp.72, 63.

Problem 2.b Member States engagement with CEPOL's activities is inconsistent

A large volume of CEPOL training modules are delivered at Member State level through the network of national contact points. The role of these contact points is to 'ensure effective cooperation between CEPOL and the [national] training institutes' (Article 14 of CEPOL Decision) and they are funded by Member States. However, despite several attempts by the board to address this, roles and responsibilities of these contact points remain unclear and unspecified³⁸. Some Member States do not have sufficient full-time officers in their national contact points which can weaken CEPOL's ability to coordinate and evaluate training, and hinders cooperation and communication between CEPOL and Member States³⁹. As a result, some parts of the network are unaware of relevant learning activities which might be taking place. Other national roles in the network are also unclear, including those of training coordinators, administrators, e-Net managers, research and science correspondents and CEPOL national exchange programme coordinators. Among these staff 29% claimed to have insufficient time to undertake their activities.⁴⁰

Problem 2.c Poor financial planning for training activities by Member States

Operational expenditure – mainly related to training activities – constitutes over half of planned expenditure. Member States tend to submit their plans too late in the year, meaning that courses have to be compressed into the remaining months of that year, and increasing the likelihood of under-attendance. Between 2006 and 2010, Member States (who are responsible for the delivery of CEPOL training) cancelled or postponed 13% of courses, despite the multiannual plan setting a target of only 5%. As the CEPOL annual work programme is approved rather late towards the end of the year, by that point Member States may have already finalised their national planning and have no capacity left for organising EU courses or making trainers available. Some Member States do not reserve capacity for EU courses without knowing beforehand whether the capacity will be used. Framework Partnership Agreements and Grant Agreements, agreed by the Governing Body in 2010, bring the process for applying for funding into line with EU rules, but they are perceived by Member States as having created a disproportionately bureaucratic burden⁴¹, which has had the effect of slowing down the process for submitting proposals. There were therefore annual underspends in this period of between 50% and 80% of the total budget, as Member States overestimated potential costs of training events. These funds which could have been invested in the skills and knowledge of law enforcement officers are therefore lost.

³⁸ GHK study pp.16, 63.

³⁹ GHK study p.63.

⁴⁰ GHK study p.63.

⁴¹ GHK study p.18.

The reason for this inadequate planning is, in part, poor needs assessment. Legal and political developments at EU and national level have created new training and knowledge needs, but the legal framework and CEPOL's activities are not aligned.⁴² The current system to ensure that the training needs correspond to the actual necessities of spreading knowledge on EU tools and policies remains suboptimal⁴³. There is no definition of needs assessment at an EU level against which national assessments can be considered. The results and impact of these activities are not systematically collated, assessed and fed back to improve planning of future activities.⁴⁴ Training needs are identified on the basis of post-course evaluations from Member States on CEPOL training modules, but this often consists of little more than a few sentences. Training content has only slowly adapted to issues identified in past training.⁴⁵ There is a clear need for this feedback loop to be remedied: CEPOL post-training surveys indicate that one-third of participants have been unable to apply training received to their work.

3.3 *Who is affected by these problems and in what way*

The following groups are affected.

- Police officers of the Member States of the EU, particularly the increasing number of those who are involved in cross-border crime fighting, fail to get the level and quality of training in EU policing issues that they need for operational activity.
- Citizens affected by cross-border crime are indirectly adversely affected as the knowledge deficit among police officers adversely affects the effectiveness of the fight against serious cross-border crime.

3.4 *Baseline scenario*

Under the current governance structure, training provision is expected to develop steadily. As the Commission continues to lack full membership of the Governing Body of CEPOL, and without formal procedures linking the agency to the work and knowledge of Europol, Member States priorities will prevail which are not necessarily consistent with EU priorities defined in the Internal Security Strategy or the needs highlighted in threat assessments. Consequently, European police forces risk being unprepared for new challenges, although the precise implications cannot be quantified. Using a linear trend which extrapolates from changes over the past 5 years, (see Annex D) the number of participants in CEPOL activity is projected to increase from 4 498 in 2011 to around 7 400 in 2020. The number of separate activities – courses, seminars, conferences and webinars – is projected to increase from 106 (2011) to 153 (2020). The unit cost per participant is projected to decrease from €1394 in 2011 (€2373 for courses and seminars) to €1240 in 2020 (168 for courses and seminars).

⁴² GHK's study p.66.; ECA, The European Union Agency, Getting Results, Special Report n.5, 2008 page 15.

⁴³ GHK study p.25.

⁴⁴ Evaluation report pp.91-92.

⁴⁵ GHK study pp.25.

EU policing knowledge deficit

The existing CEPOL Decision will continue to limit the reach of EU training to only a fraction of senior officers in the EU. There is no guarantee that common curricula for police officers will be developed at a faster pace than hitherto. National police forces may continue to be reluctant to implement the curricula or to ensure follow up. Member States are not expected to start to recognise EU training formally. The EU will be completely reliant on Member States to provide feedback on training needs. The risk that police in the EU are unprepared for new, evolving and costly cross-border security challenges would be expected to increase.

CEPOL governance and structure

Roles and responsibilities would remain unclear, and the Governing Board would continue to lack strategic focus and proper representation of the EU interest, resulting in increasing inefficiency in planning appropriate training. While the Commission remains a non-voting observer on the board, while CEPOL's director continues to lack the authorisation to devise proposals for training priorities, and while there are no formal linkages to Europol's Management Board, an emphasis on EU-wide priorities stemming from the latest threat assessments would continue to be lacking. Increasing pressure on national law enforcement budgets could result in further de-prioritisation of the work of national contact points. Cooperation agreements with other agencies could be strengthened. Under the relatively new Framework Partnership Agreements and Grant Agreements, Member States may be encouraged to set more realistic budgets, although this may not alleviate the complexity and lengthiness of procedures for allocating budgets.

CEPOL is expected to show continued moderate growth, with some efficiency gains for the delivery of learning activities. If recent trends continue, over the coming years the number of officers participating in CEPOL training could increase from around 5 000 in 2011 to around 7 000 in 2020, which in EU terms is a low number. However, without EU intervention, the problems described above concerning the EU's capacity and capability to address the existing and evolving challenges are likely to become increasingly pressing.

3.5. *The EU's right to act and subsidiarity*

Article 87(2) TFEU provides the framework for establishing and reforming CEPOL as a means of developing common competences for police officers across the EU. It refers to serious forms of organised crime (Article 87(2)(c)), while the article on Europol refers to 'serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy' (Article 88(1)). There is no obligation under the Lisbon Treaty to amend the legal basis and mission of CEPOL, but reform is supported by the Stockholm Programme. Parliament and the Council have recommended a European training policy to equip law enforcement to tackle the increasingly international nature of serious and organised crime on the basis of mutual trust.

The current Decision does not enable CEPOL to implement effectively and consistently according to the EU's evolving training needs. Whilst some Member States are active and successful in the provision of training to their police officers, other Member States suffer from lack resources or political or administrative willingness to ensure that law enforcement training serves cross-border needs. The EU needs to train its widely diverse police forces on the tools and instruments that have been developed to facilitate police cooperation and exchange of information but which would otherwise be a dead letter. EU priorities, rather than only national priorities, must be taken into account in learning. This cannot be achieved at Member State level but rather requires EU intervention.

4. Policy objectives

The identified objectives are derived from wider EU policies on strengthening cooperation in law enforcement and internal security. There are obvious synergies between the two specific objectives: better governance arrangements will enable the EU to ensure that law enforcement training is fit for purpose.

4.1 General objective

Improve policing in EU through the establishment of a learning system for law enforcement officers consistent with evolving strategic priorities for police cooperation.

4.2 Specific and operational objectives

Specific objective 1:

Ensure better quality, more joined-up and more consistent training for a wider range of law enforcement officers in cross-border crime issues consistent with the proposed reform of Europol.

Operational objectives:

- 1a. Align EU training programmes with EU strategic and operational priorities for fighting crime
- 1b. Ensure that EU training is available to a wider range of law enforcement officers by reducing barriers such as inadequate language skills
- 1c. Ensure that all training is evaluated and conclusions incorporated through training needs assessments into planning for future training
- 1d. Minimise duplication of law enforcement training delivered at EU and national level
- 1e. Ensure at least 90% attendance of all CEPOL courses and maximum 5% of course postponement or cancellation
- 1f. Ensure recognition across the EU of EU training

Specific objective 2:

Establish a clear framework for training police in accordance with EU training needs, in line with the common approach to EU agencies

Operational objectives:

- 2a. Ensure governing body is configured to focus on EU's strategic training needs
- 2b. Ensure clarity of roles and responsibilities at EU and national level
- 2c. Speed up financial management and budget allocation procedures
- 2d. Ensure consistent participation of all Member States in delivering training

5. Description of policy options

This section describes the substantive policy options, the rationale behind them, stakeholder views, and the changes they would entail. Each option concretely addresses the identified problems; Table 2 juxtaposes the problem and the relevant content of the policy options.

5.1 European Law enforcement Training Scheme

Alongside its proposal for reform of CEPOL, the Commission is presenting a European Law enforcement Training Scheme for Law Enforcement (referred to hereafter as the 'LETS'). This scheme will set out the training and learning opportunities available and how they should be implemented in a coordinated manner to build capacity of the EU to face the common challenges set down in the Internal Security Strategy. The LETS is not dependent on the implementation of changes to the EU's mandate - the current CEPOL Decision - on police training, however to be fully implemented it would be necessary to extend the EU's mandate to training of all relevant police officers.

The LETS will define the content of training, who should be trained on which subject and who in the EU or at national level will provide the training. It will seek to guarantee a basic level of knowledge for all law enforcement officials to work in law enforcement cross-border EU cooperation. It will encourage the development of EU regional or bilateral approaches and foster the education of those participating in such regional or bilateral matters. It will define the criminal or policing thematic areas that constitute EU priorities, in particular the criminal phenomena highlighted by the Organised Crime Threat Assessment or the Internal Security Strategy⁴⁶. Finally, it will also address the external dimension of training. Law enforcement officials operating under an EU umbrella should have common competences to offer a common degree of performance.

⁴⁶ E.g. up-to-date knowledge about modus operandi used by relevant organised crime groups, including criminal strategies, the misuse of new technologies and multidisciplinary aspects including the linguistic, technical, analytical and financial ramifications of the case.

In practical terms, the LETS will entail several new tasks for which, it is estimated, dedicated resources (total of 12 FTE⁴⁷ posts) would be required in the responsible agency; however, under the existing CEPOL Decision, which only provides for training of senior police officers, the scope of the LETS if implemented by CEPOL would be restricted and it is estimated that an additional 3 FTE posts would be required:

- Developing core competences, common curricula and courses on EU crime priorities and on civilian missions in third countries and expanding e-learning platforms, and developing a framework for recognised EU police sector qualification (5 FTE)
- Developing guidance and procedures for bilateral and regional exchange programmes and delivery of 'Erasmus' style law enforcement exchange programme (1.5 FTE)
- Annual mapping of supply and demand of learning, analysis of needs and learning priorities and related programming, including database of national trainers and experts (1 FTE)
- Annual mapping of relevant research activity and build partnerships with universities, research institutes, law enforcement training institutes to develop quality assurance procedures (1.5 FTE)
- Supporting Member States in development of basic training on EU tools and priorities and on general cross-border cooperation (1 FTE)
- Coordination and evaluation of activities by agencies and Member States under the LETS and of a pool of expert advisers (2 FTE)

At a national level, Member States would be expected to recognise attendance of CEPOL courses as an integral part of national police development, and to develop basic training on EU tools and best practice in general cross-border cooperation.

Under Options 1 and 2, the Commission would encourage Member States to implement the LETS, although the existing CEPOL Decision would only provide for training for senior police officers. Under options 4 and 5, CEPOL or (for option 4b) Europol would be responsible for implementing the scheme.

5.2 Option 1 (Status quo): Promote European Law enforcement Training Scheme without amendment to CEPOL's legal basis

Certain Member States (e.g. FR, NE, BE, SK) have opposed any amendment to current CEPOL framework which in their view provides sufficient training for their officers. Most Member States consulted are nevertheless of the opinion that there needs to be recast of the legal basis for EU training agency to develop and update training policy. Under the status quo, the LETS could still be implemented with participation of CEPOL under current legal basis, but only if CEPOL's Governing Board were persuaded to focus the agency's resources. CEPOL would however continue only to have the competence to provide training to senior officers.

⁴⁷ For cost calculation purposes, each additional post is assumed that these posts will be at AD-7 level.

5.3 *Option 2: Member State-based training as part of an EU network*

CEPOL would be disbanded as an agency. Coordination and liaison would continue on an intergovernmental basis with a small secretariat provided by DG Home, as was the case in prior to the CEPOL Decision. An estimated 10 additional FTEs posts would be transferred to other EU Agencies to take over some of CEPOL's learning activities. This option would follow the model of the judicial training network,⁴⁸ and would result in immediate direct cost savings. It is opposed by all Member States.

5.4 *Option 3: Discontinue all EU financial support for training*

CEPOL would be disbanded and EU would cease to allocate any funding for police training, except sector-specific training by other agencies. Commission and Europol may identify training needs which would fall to Member States to address. Withdrawal of all EU support for training involvement is a radical option meriting examination. This is opposed by all Member States on the basis that it would just be a return to what is considered to be a previously inefficient situation.

5.5 *Option 4a: Partial transfer of CEPOL functions to Europol; CEPOL to implement LETS*

CEPOL would remain a separate agency but share corporate services and infrastructure with Europol. Existing HQ would be closed and Governing Board, Director and operational staff co-locates with Europol. CEPOL decision would be amended to address the problems of governance and training quality, and to ensure the implementation of the LETS

Parliament asked the Commission to explore the possibility of integrating CEPOL with Europol, on basis that they share similar general aims (improving police cooperation). Such a partial merger would allow governance issues to be addressed, bringing it in line with the Common Approach on Agencies, as well as rationalising non-operational functions. Member States representatives when consulted opposed this option, expressing the view that this would be first step in the disappearance of a training agency with its own identity.

⁴⁸ The European judicial training network aims to promote training programmes with a European dimension for members of the judiciary in Europe. Its members and observers include the Commission and nearly 40 EU national judicial bodies; <http://www.ejtn.net/>

5.6 Option 4b: Functions of Europol and CEPOL merged in single agency; merged agency (Europol) to implement LETS

CEPOL and Europol would be formally merged. CEPOL's headquarters would be closed and operational posts transferred to Europol. Tasks specified in Art. 7 of the CEPOL Decision would be added as a separate heading to the functions of Europol. A new deputy director responsible for training would ensure that training needs are fully integrated and recognised in the work of Europol at all levels. The founding regulation of the merged agency would include provisions to ensure that the overall Europol budget allocates appropriate resources to training in accordance with training needs assessments under the LETS. (To merge the two agencies, the new founding regulation would have to be accompanied by a new legislative financial statement.) In order that the training component of the new Europol to be fully represented within the Management Board, Member States would be required to ensure that the alternate members of the Management Board of Europol are training specialists, saving costs of reimbursing attendance. A scientific committee advise Europol's management board on training issues (already possible under Article 38(12) of the Europol Decision). An executive board could be established including the Commission which would increase control over the agency, enable Management Board to focus on strategic rather than administrative matters, and enhance the management of training activities.

For the 2014 budget CEPOL is qualified as a 'new tasks' agency, which means that while it is also subject to the objective of staff reductions including contributing to a pool for redeployment, it may also request new posts from the pool for new tasks albeit with no guarantee of receiving them. If the Commission proposal to cut 5% of staff is retained by Council, this would mean that CEPOL would lose 2 to 3 posts. However, CEPOL has argued⁴⁹ that it needs more staff to perform key horizontal functions (e.g. IT and legal officers), and that 'The deficits identified cannot be resolved through the reallocation of posts without creating new deficits in other areas of the organisation that will be equally impactful, either operationally or administratively. Any exercise of reprioritisation, reallocation and efficiency gains would therefore be better addressed within a bigger structure.' By unnecessary administrative overlaps between the two agencies, a bigger share of the staff could be allocated to training activities without actually increasing the number of total staff. This could eventually equal to a budget-neutral implementation (in terms of staff allocation) of the European Law enforcement Training Scheme, which could not be achieved if those tasks were assigned to CEPOL as a separate agency. Savings from discontinuing CEPOL's administrative posts would therefore be reinvested in training to finance the implementation of the LETS and, in case those savings were slightly to exceed the needs of the LETS, reinvested in other activities of the merged agency.

⁴⁹ Staffing Plan

Merger would create difficulties in recruiting new staff until the transfer is effective, and in retaining those who are earmarked for transfer to Europol. Therefore there would be a need for the two agencies supported by the Commission to analyse and defined quickly the implications for individual staff (i.e. contracts not renewed, available allowances, impact on current contracts – e.g. new coefficient, working conditions in Europol, new reporting lines, and the personal / family aspects e.g. transfer and resettlement allowances, schooling arrangements available in the Hague, social security aspects) and provide them with as much time as possible to prepare. Europol support functions should start as soon as possible to prepare for the transferring staff. Transition would be managed by the CEPOL Executive Director.

Merger is opposed by some Member States on the grounds that, in a single agency, quality and commitment to training activities would be weakened by such close proximity to operational priorities, although certain Member States including UK (the host Member State for CEPOL) expressed willingness to consider benefits and costs. However, any measure for rationalisation and savings in relation to agencies would be compatible with the Council's position in the negotiations for the 2013 EU budget in asking for a flat 1% reduction in agencies' budgets), and with the European Parliament which in multiannual framework negotiations recommends exploring scope for pooling resources and costs savings among agencies.⁵⁰

In line with exploratory discussions at service and political level, this option would include the following:

- There would be a separate heading for training within the proposed instrument for a merged agency
- The instrument would include a provision to ensure sufficient funding for training
- The name of the merged agency would be Europol, sited as now in The Hague, with a distinct department (a new fourth department) responsible for training.
- The Management Board would comprise alternate members who would decide training issues, and a scientific committee would advise on technical issues.
- A Deputy Executive Director at AD13 level would be responsible for the training directorate.

⁵⁰ The EP 'suggests that an independent assessment be conducted on the effectiveness of public spending at three levels – national, regional and European – in order to examine in depth added value and possibilities for pooling resources and for cost savings in areas such as defence, development policy, decentralised agencies, the European External Action Service, and scientific research by means not only of encouraging economies of scale at EU level, but also of respecting the subsidiarity principle; believes that this assessment should lead to cost savings; recalls that the assessment regarding decentralised agencies should take into account the relevant provisions of the Common Approach annexed to the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies signed on 19 July 2012.'

- The annual report and work programme would include a specific section on training.
- The transition would be managed in a single phase, allowing some time between adoption and entry into force of the regulation.
- Contracts which expire before the date of the merger may be extended or renewed for persons who occupy posts that will not become redundant after the merger. Staff members who occupy posts that will become redundant but who are suitable for implementing the LETS may apply for the relevant posts.

Posts which are saved as a result of the merger will be redeployed for the implementation of the LETS and, in case those savings were to slightly exceed the needs of the LETS, reinvested in other activities of the merged agency.

5.7 *Option 5: Strengthening and streamlining CEPOL*

CEPOL's role would be clarified and reinforced, requiring some additional staff. The CEPOL Decision would be amended to address the problems of governance and training quality. This would be in line with the Common Approach on Agencies and respond to calls from many Member States for a stronger CEPOL and more coherent training policy.

Details of how each of these options would aim to address the problems and objectives described above are in table 2 below. Section 6 then assesses the likely impact of each policy option, in particular how it would enable to EU address the problem of the knowledge deficit in the EU dimension of policing. Finally, section 7 compares the options and concludes by identifying the preferred option.

Table 2: Detail of policy options with reference to problems and policy objectives

Problem	Policy option elements addressing problems and objectives			
	1 Status quo	2 Member State-based training as part of an EU network	3 Discontinue all EU-level training	4a: Partial transfer of CEPOL functions to Europol
Problem 1. Knowledge deficit in EU dimension of policing: Objective 1 : Ensure better quality and more consistent training for all relevant law enforcement officers in cross-border crime issues	1a. EU training does not reach all who need it: -lack of formal recognition -lack of national budget allocation -slow official authorisation procedures -poor dissemination of knowledge -language barriers -slowness in setting common curricula	COM encourages CEPOL and MS to refocus resources to implement the LETS. COM encourage MS to recognise EU-relevant training provided at national level for all ranks of officer.	No action. -CEPOL responsible for delivery of LETS and ensuring EU-related training of all law enforcement officers as well as to customs officers and other officers dealing with cross-border issues. -CEPOL responsible for delivering EU priority training and research activities. -Establishment and coordination of the pool of experts or scientific committee -CEPOL regularly review and update curricula -CEPOL develop EU accreditation system for participation in CEPOL learning activities	As 4a except Europol assume responsibility for training activities and will be able to use Europol's wider translation and interpretation facilities.

Problem	Policy option elements addressing problems and objectives				5 Strengthening role of CEPOL	
	1 Status quo	2 Member State-based training as part of an EU network	3 Discontinue all EU-level training	4a: Partial transfer of CEPOL functions to Europol		
2b. Insufficient coordination between agencies and with MS: -business plans not aligned -logistical overlaps -no coordination between police and prosecutors -unclear who is responsible for research and science-related activities	COM encourage CEPOL with other agencies to establish a training forum to review effectiveness of training	COM review agency activities and recommend to MS and other agencies how to prevent overlaps and gaps in training.	No action	-CEPOL responsible with national contact points for ensuring complementarity and coherence in training at EU and national level to avoid overlaps without jeopardising the mission and mandates of other agencies in sectoral training. -CEPOL lead responsibility for cross-border crime research activities	-CEPOL national contact points merged with the Europol National Units with responsibility for cooperating with Frontex. - Contact points responsible for ensuring coherence in EU and national training	As 4a
Problem 2. CEPOL's current governance and structure reduce effectiveness of training.						
Driver: Legal and political developments						
Objective 2: Assign clear roles and responsibilities for training police on EU matters for all actors at EU and national level, in line with the common approach to EU agencies						
2.a. Governing Board lacks focus on EU priorities -insufficient focus on strategy -bloated board membership and high turnover -no links to Europol Management Board -Director not given authority to propose action	-No formal change -COM continue with observer status -Director continues to be responsible for 'preliminary draft' work programmes and budgets in line with EU priorities	-CEPOL disbanded so no formal governance arrangements. -COM monitor and evaluate national training activities every 3 years and recommend to network future priorities	-CEPOL disbanded. -Member States to consider whether joint action necessary	-Governing board mandate focused on strategic needs -Director responsible for preparing and implementing work programmes, budget. -COM becomes full member of Governing Board with 2 representatives -Scientific committee and executive board established to improve the quality of agency's activities and speed up board's decisions	-Merged management board responsible for ensuring operations and training are coherent. -COM full member of board. -A deputy director given responsibility for training, supported by scientific committee.	As option 4a

Problem	Policy option elements addressing problems and objectives					
	1 Status quo	2 Member State-based training as part of an EU network	3 Discontinue all EU-level training	4a: Partial transfer of CEPOL functions to Europol	4b Full merger of CEPOL and Europol	5 Strengthening role of CEPOL
2b. Inconsistent engagement from Member States -task of contact points and related national roles unclear -some contact points under-resourced	-COM to work with Member States who have been unable to participate fully in CEPOL activities and if necessary look at possibility of EU funding. -National contact points continue to be responsible for ensuring cooperation.	Council presidency would convene network as required with COM support.	No action.	CEPOL responsible for ensuring coherence of national activities with EU priorities.	CEPOL national contact points merged into Europol national units who become responsible for coherence of national training activities.	As 4a
2c. Poor financial planning and needs assessment -Member States plans submitted too late -too many cancelled or postponed courses -procedures too slow and consequent underspends -poor needs assessment and activities not aligned with political priorities	-COM use observer status to encourage greater emphasis on needs assessment, evaluation and realistic financial planning. -CEPOL with MS and agencies carry out periodic needs assessment in light of priorities for cross-border crime, plus evaluation	-MS would submit training proposals to COM for support from internal security fund. -COM would assess proposals on the basis of national needs assessments	-MS responsible for national training and other agencies for sectoral training (ie border guards and customs officers) -COM in review of ISS consider needs for training in light of latest threat assessments and may recommend action to Council.	-Establish clear planning cycle based on timely submission of national needs assessments which are checked by CEPOL in the light of EU priorities. -On that basis, Director prepares work programme for Governing Body's approval. -Penalties for late cancellation or postponement of courses.	-Europol deputy director responsible for ensuring timely provision from MS of financial information. -MS submit annual training needs assessments alongside resource estimates to deputy director.	As 4a

6. Analysis of likely impact of the policy options

6.1 Assessment criteria

Likely positive and negative, direct and indirect impact of these options is described with reference to two socio-economic categories:

- (1) Security, crime and police cooperation (through changes to quality, delivery and effectiveness of police training)
- (2) EU and national authorities budgets, including total direct costs of implementing the policy option and administrative burdens and indirect costs for criminal law enforcement and criminal judicial system.

No significant impact resulting from the options on any fundamental rights is envisaged.

6.2 Methodology and assumptions for estimating costs and benefits

General remarks

No research has been undertaken in this area and scientific evidence is not available, therefore quantified benefits in terms of police efficiency and recovery of criminal assets are based on educated, reasonable guesses informed by discussions held with experts in the law enforcement and education and training field. These guesses are conservative given the weakness of causal links; this approach was endorsed in discussion with the experts. The estimates have been checked and validated by European experts in the area of police training.

The costs and benefits cover 2012-2020 (which includes the whole of the next multiannual framework period of 2014-2020).

In line with the Commission's impact assessment guidelines, a standard discount rate (4%) has been used to calculate the present value of impacts occurring in future years.

An average annual inflation rate of 2% has been used for the period 2011 to 2020 which represents the target inflation rate for the ECB and for most non-Euro area central banks.

Average cost per participant per type of learning activity is calculated using the actual expenditure in 2011 on each of the five main activities or deliverables (see section 3.1.1) and number of participants (source CEPOL).

Other data are sourced from Eurostat, UNODC and Member States.

For each option anticipated costs are clearly itemised.

At Annex C, a spreadsheet covering each option calculates costs, based on extrapolations from the two Member States (UK and Netherlands) which have been able to provide detailed costs for police training at a national level.

The methodology adopted for calculation of costs is described in Annex D, as well as the costs elements of each single option.

Key assumptions

As stated above (section 2.4), it is assumed that investing in good quality training makes policing more efficient; the coefficient is guessed to be 0.2%, and the benefit to policing is calculated by applying this coefficient to the estimated the total budget in the EU dedicated to policing, €2.6 billion (section 3.1.2).

If policing is more effective, more prosecutions could be brought before the courts, and a more convictions could result in more pressure on prisons. The overall result could be an increase in burden on the criminal justice system.

It is assumed that for every percentage point of efficiency gains or losses related to policing will lead to an increase or reduction of the costs of the Criminal Justice System of half of this percentage point, as not all efficient policing will be applied to the investigation of cases.

It is assumed that there is a positive correlation relation between efficiency gains in policing and the volume of assets recovered from convicted criminals. It is assumed that for every percentage point increase or reduction of costs related to the criminal justice system will lead to an increase or reduction of asset recovery of half of this percentage point, as on average, 40%⁵¹ of prosecuted cases are brought and of these, 50% to 60%⁵² result in a conviction.

6.3 Option 1: Status quo implement training scheme, no change to legal basis

Security, crime and police cooperation

As CEPOL's competence is currently limited to providing training only for senior officers, this option not enable the EU to address the knowledge deficit for *all* relevant law enforcement officers. Under this option there would nevertheless be some improvement in the competences and knowledge of senior police officers on carrying out cross-border investigations. It could result in an increase in the number of prosecutions, convictions and a higher number of people being incarcerated, and in an increase in seizure of criminal assets and proceeds and disruption of cross-border criminal networks. The EU interest may not be reflected in decisions on training because the Commission is not a full voting member of the Governing Body. Nevertheless, benefits of this option if implemented by Member States as well as CEPOL could amount to over €100m during the period 2012-2020.

⁵¹ 2010 European Sourcebook of Crime and Criminal Justice Statistics

⁵² UK statistics

EU and national authorities budgets

Direct costs in terms of running costs of CEPOL are estimated at around €8m per year over the period 2012-2020. The potential marginal cost to the EU of implementation of the European Law enforcement Training Scheme for law enforcement, not including any legislative initiatives, has been estimated at €0.9 million per year between 2012 and 2020. This would reflect a 10-25% increase in e-learning participants and related costs; an additional 200-350 participants in third-country mission training, hardware and software costs related to the regular updating and maintenance of databases and the expanded learning platforms. to ensure the annual mapping of learning opportunities and definition of learning priorities, management of databases, management of e-learning platforms, on-going support to bilateral and regional exchange programmes, missions in third countries and support to the sharing of best practices. To perform these new tasks it is estimated that CEPOL would require an additional 3 FTE posts.

Direct costs at national level of implementing the LETS are estimated at around €60m over 2012-2020. It is doubtful that Member States and CEPOL Governing Board would agree to make the necessary changes without a legal requirement to do so. The indirect costs of the option in terms of additional burden for criminal justice systems are estimated at around €9m (or 0.004%) over 2012-2020.

If the LETS were implemented, it could deliver an estimated 2-10% increase in training efficiency, through elimination of duplication and better exploitation of synergies. A 0.008% efficiency gain in policing as a result from more appropriate knowledge and skills is estimated, and a 0.002% increase in criminal asset seizure.

Estimated costs and benefits

Table 3: Costs and benefits Option 1

Measure	Costs	Quantifiable benefits
Encourage implementation of LETS (for senior police officers only)	Annual CEPOL running costs €7.9m.	Increase in policing efficiency of €70-90m 2012-2020
	Additional €0.9m per year to implement LETS	
	Indirect costs to Member States criminal justice system estimated at 0.004% i.e. €5-10m over 2012-2020.	Increase in criminal asset seizure of €15-30m 2012-2020
	Costs to Member States of adapting new training tools and guidance and to use new databases estimated at about 0.5% increase in budget, producing €50-60m 2012-2020	

6.4 Option 2: Member State-based training as part of an EU network

Security, crime and police cooperation

It is assumed that disbanding CEPOL and reducing or ceasing all EU support for police training would:

- a) increase the workload of other EU agencies;
- b) increase decentralised learning activities which would vary among Member State;
- c) lead to less effective and less efficient organisation of learning activities overall;
- d) reduce effectiveness of cross-border investigations; and
- e) contribute to a reduction in the number of prosecutions, convictions and imprisonments.

In the absence of CEPOL there would be no EU agency competent to deliver, coordinate general law enforcement training or ensure priority setting. Some Member States may find it difficult to sustain the network. Different Member State's ability and willingness to finance training could be an obstacle to the equal participation in training at EU level, and where training is not supported police competences would suffer. It is expected that there would be fewer training opportunities available.

The majority of Member States training experts highlighted a risk of fragmentation of learning activities among other EU agencies which will focus on their own operational tasks at the expense of training. This could reduce competences and knowledge of police officers on how to lead cross-border investigations and of their awareness of EU law, police values and culture, with a negative impact on the security. Learning would no longer be delivered according to a common format and set of themes. Exchange programmes would be more difficult to coordinate. The EU interest would probably be neglected as the Commission's role would be restricted to providing a secretariat for the network. Cooperation of national police training centres with other EU agencies will become more difficult without a central agency. The different agencies are focussed on specific training for their own needs and no general training at EU level would be organised by any entity.

In summary, this option would therefore significantly reduce the EU's ability to address the knowledge deficit in the EU dimension of policing.

In monetary terms, weaker police competences resulting from this option could result in a minimal cost to the EU in terms of less efficient criminal justice system and criminal asset recovery over 2012-2020.

EU and national authorities' budgets

There would be some negligible new costs to EU e.g. developing guidance for police on the changes, cost of transfer of some posts to other agencies. The EU would no longer carry the on-going costs of running a separate agency for training, although an estimated 10 additional FTEs posts would be required in Europol and Frontex to take over some of CEPOL's learning activities. The annual number of participants in EU training is expected to fall by 50%. EU training would be delivered less efficiently, increasing initially the average cost per participant. Disbanding CEPOL could save the EU around €60m over 2012-2020, while cost Member States for taking on some of the training hitherto organised by CEPOL could be €60-70m over 2012-2020. There could be a minimal reduction in police efficiency.

Estimated costs and benefits

Table 4: Costs and benefits Option 2

Measure	Costs	Quantifiable benefits
Transition of responsibility for EU training from CEPOL to intergovernmental network and Europol and Frontex.	Negligible	None
Disbanding CEPOL	EU costs savings of €60m 2012-2020	None
Member States assume responsibility for training on EU policing issues	Additional cost to Member States of €60-70m 2012-2020	Possible negative effect on police efficiency and criminal asset seizure of €0-15m 2012-2012

6.5 Option 3: Member State based training

Crime, police cooperation and security

Without any EU support for police training, police competences in cross-border crime fighting would deteriorate, and cooperation would become less effective. This option would very largely eliminate the EU's ability to address the knowledge deficit in the EU dimension of policing; only some sector-specific training by other agencies would continue to be funded by the EU. It is estimated that loss of policing efficiency could cost the EU €20-30m, with €5-10m less in criminal asset recovery, over the period 2012-20.

EU and national authorities' budgets

As Option 2, disbanding CEPOL would incur negligible one-off costs. Without any EU involvement in police training, it is estimated that very small compensatory increase in national policing budgets might ensue – no more than 0.1%. There might be a minimal reduction in criminal justice burdens.

Ceasing all financial support for police training could reduce costs to around €4m over 2012-2020 (consisting of disbanding CEPOL and transferring a small number of activities to other agencies), with a cost to Member States of around €10m and savings in indirect costs of around €4m over this period.

Estimated costs and benefits

Table 5: Costs and benefits Option 3

Measure	Costs	Quantifiable benefits
Disbanding of CEPOL	Costs savings of €60m 2012-2020	None
Member States assume responsibility for training on some additional policing issues	Additional cost of €5-10m 2012-2020	Possible negative effect on police efficiency and criminal asset seizure of €25-40m 2012-2012

6.6 Option 4a: Partial transfer of CEPOL functions to Europol

Crime, police cooperation and security

This option would to a good extent enable the EU to address the knowledge deficit in the EU dimension of policing: there would continue to be an EU agency responsible for the EU dimension of training; the agency's competence would be widened to cover all relevant law enforcement officers; and administrative cost savings would contribute to funding the implementation of the LETS.

The LETS, if implemented effectively and extended to all relevant police officers, would be expected to deliver a number of benefits to police efficiency in cross-border cooperation and levels of criminal asset recovery are envisaged – estimated at up to €200m over 2012-2020. Europol's HR and other support functions are expected to be sufficient to absorb the marginal cost of the partial merger, whereby they would be responsible for an additional 20-30 core CEPOL staff. Requiring CEPOL to rely on the human and finance resource support of Europol may affect management efficiency and procedural workflows, and some complex inter-agency working arrangements would have to be set up. It would imply a legally complex governance construction combining two directors and two management boards set up under different legal bases relying on common resources. A partial merger could weaken the identity of CEPOL, and reduce the attractiveness of its training activities. In addition, synergies with Europol would not be fully exploited.

EU and national authorities' budgets

There could be administrative cost savings over the period 2012-2020 of around €10m due to staff reductions (estimated at 25% of current complement) and ceasing involvement in certain missions and operations and reductions in building maintenance. These savings would almost offset the cost of relocating CEPOL staff and recruiting and strengthening the role of CEPOL, including the addition of 10-12 staff to implement the LETS (see Section 5.1), and costs related to the running of the scientific committee, the financing of research activities and an overall increase in the number of participants. Over the period 2012-2020, the overall cost of this option for the EU is estimated at around €12m, and total costs to Member States at €150-200m. Benefits in terms of efficiency gains in policing (assuming an estimated coefficient is 0.010%) by 2020 as through improved knowledge and skills in EU and increase in criminal assets seizure (coefficient 0.005%) matters could reach €200m over the period 2012-2020.

Estimated costs and benefits

Table 6: Costs and benefits Option 4a

Measure	Costs	Quantifiable benefits
Implementation of LETS	Additional €20-25m resources required for CEPOL per year to implement LETS of which €10-12m staff costs 2012-2020 and €10-15m for additional number of participants in training. Additional €150-200m cost to Member States 2012-20: €15-20m to reinforce national contact points, €120-140m in costs of providing training, €20-40m in additional burden to criminal justice systems	Increase in policing efficiency of €130-150m 2012-2020 Increase in seizure of criminal assets of €40-60m
Merger of support functions	Estimated cost savings of €11-14m 2012-2020	None

6.7 Option 4b: Full merger of CEPOL with Europol

Crime, police cooperation and security

Merger with Europol could enable CEPOL's hitherto decentralised networking-based organisation to benefit from its operational expertise of cooperation with Member States and its hub of EU-wide intelligence and information. Europol's operational core could meanwhile benefit from proximity to training expertise. This could facilitate the widening of target audience for training to relevant officers at all ranks. Some initial effort will be needed to ensure that there is no conflict between operational and training interests. Merger of CEPOL National Contact Points with the Europol National Units could improve coordination at national level. This option would reduce the risk of overlaps, although traditionally there is a division in all Member States between training and operational structures, which could make it difficult for Europol to coordinate. A merged agency would have the capability to impose top down priorities to achieve greater rationalisation and efficiency in the expenditure and to coordinate training activities by other agencies under the LETS – which potentially could generate benefits in terms of police efficiency and asset recovery of up to €200m over period 2012-20.

This option would therefore enable the EU to address the knowledge deficit in the EU dimension of policing: there would continue to be an EU agency responsible for the EU dimension of training; operational and training aspects of EU law enforcement support would be brought together to create a mutually-reinforcing dynamic; the agency's competence would be widened to cover all relevant law enforcement officers; and administrative cost savings would enable the LETS to be implemented.

There is concern among Member States that a merged agency could subordinate training needs to more immediately pressing operational priorities. This risk would be mitigated by clearly identifying training as a new core task of Europol the inclusion of a deputy director with specific responsibility for training, by the requirement for alternates on the management board to be training specialists, and by the requirement in the legislative measure to ensure that at least for a transition period appropriate resources are assigned to training in annual budgets.

The announcement of a merger could create uncertainties for CEPOL staff and could affect motivation and performance which would need to be managed carefully. There is the risk staff are reluctant to move to Europol; causing a short term loss of expertise. This could lead to inefficiencies such as longer and more frequent board meetings, which might in turn lead to setting up committees and working groups, similar to CEPOL's current problem. Policing efficiency could be expected to drop slightly initially, before improving as synergies are exploited, such as Europol's a wealth of information which would inform training and can enable outreach to the law enforcement community. As savings from support functions would be reinvested in training priorities, this option would enable the LETS to be implemented without the need for additional resources.

EU and national authorities' budgets

The potential savings from a full merger are estimated to be €23.5m over 2012-20. This would include the discontinuation of the 14 posts which are dedicated to support functions, either by not renewing a contract that is due to expire and for which there are no associated financial costs, by terminating by anticipation a contract that will expire naturally,⁵³ or by terminating a contract of indefinite duration.⁵⁴ It would enable the EU to save money through the lower coefficient for salaries in Netherlands compared to UK – between €0.7m and €1m per year. The cost to Europol of absorbing CEPOL would be minimal: there would be a marginal increase in HR costs for increasing staff from around 460 to around 500 in the merged agency is negligible. Therefore, the total annual salary savings could represent €2.5m i.e. 29% of CEPOL's annual budget for 2013.

Neither CEPOL nor Europol pay rent for the buildings they occupy – both are financed respectively by the UK and NL authorities. Maintenance costs are under discussion for CEPOL and they amount to €1.35million for Europol. Moving the around 40 staff of CEPOL to Europol's building would not necessarily trigger substantial additional costs: Europol's building is 31 000 m² in size accommodating 600 staff members at 51.6 m² per staff member - well above Commission building standards (35 m² per staff member). Therefore, the main infrastructure costs of relocation would be potential one-off penalties to cease CEPOL's lease and/or refurbish the building and one-off moving costs (estimated minimum €30 000). The UK authorities have announced their intention to close the Bramshill site where CEPOL is located. This means that even if CEPOL continues as a separate agency – i.e. under options 1, 4a or 5 – it will in any event need to move. There would therefore also be removal costs under those options.

There are also, albeit on a small scale, issues of expenses for participation of Management Board members and members of the proposed scientific committee, which cannot at present be calculated precisely, but which are overall likely to be on the savings side.

⁵³ Terminating a contract in this way would incur - for the agency - indemnity corresponding to one third of the period still to be served and - for the EU - unemployment allowances that are complementary to the national ones.

⁵⁴ Terminating a contract of indefinite duration incurs no financial costs for the agency, provided a certain period of notice is respected, but incurs for the EU budget unemployment allowances.

Estimated costs and benefits

Table 7: Costs and benefits Option 4b

Measure	Costs	Quantifiable benefits
Implementation of LETS	Additional €20-25m resources required for CEPOL per year to implement LETS of which €10-12m staff costs 2012-2020 and €10-15m for additional number of participants in training.	Increase in policing efficiency of €130-150m 2012-2020 ⁵⁵
	Additional €150-200m cost to Member States 2012-20: €15-20m to reinforce national contact points, €120-140m in costs of providing training, €20-40m in additional burden to criminal justice systems	Increase in seizure of criminal assets of €40-60m ⁵⁶
Full merger	Costs associated with the move of the Agency from the UK to the Netherlands estimated €30 000. However, the UK has announced its intention to close the Bramshill site and so CEPOL would in any event have to be relocated even if no merger were envisaged. Estimated cost savings of €23.5m 2012-2020: buildings and equipment, reduction in expenses for separate management boards (€1.5m) and staff (€22.5m)	Police efficiency gains 2012-20 of €0-5m

6.8 Option 5 Strengthening and streamlining CEPOL and changing its legal basis

Impact on quality, delivery and effectiveness of police training

The measures proposed could ensure the complementarity of EU policy of training and coherence in EU learning strategy, and reduce overlaps in training provision. Eventually accredited training could boost the attractiveness of training to police officers. Revising CEPOL's tasks would attract participation of police officers in CEPOL's activities. Extending the target group of CEPOL will increase the knowledge and skills of more law enforcement officers working in cross-border matters who are at present excluded from CEPOL's activities, and help raise awareness among police officers generally of EU police values and culture. This option would therefore to some extent enable the EU to address the knowledge deficit in the EU dimension of policing, notably by widening the agency's competence to cover all relevant law enforcement officers. However, the implementation of the LETS under this option would require additional resources (see section 5.1). Given current budget constraints there is a high risk that such additional resources would not be forthcoming.

⁵⁵ These are the same figures as those under Option 4.a.

⁵⁶ These are the same figures as those under Option 4.a.

This option is expected to raise the number and quality of successful cross-border investigations, leading to an improvement of the public perception of safety. The overall benefits of this option could reach up to €200m over 2012-20, consisting of efficiency gains to policing and increase in seizure of criminal assets.

EU and national authorities' budgets

Direct costs of this option at EU level are estimated at €20-25m over 2012-2020, and €135-160m at national level. Indirect costs in terms of criminal justice burden are estimated at €20-40m over the same period. It would involve an increase of 10-12 staff to carry out the additional responsibilities for coordination and improving effectiveness and efficiency in planning and delivery, plus financing a new scientific committee, and providing training to an estimated extra 250-300 participants per year by 2020. Successful implementation of the LETS could lead to increased burden on criminal justice systems of €20-40m over 2012-20.

Estimated costs and benefits

Table 8: Costs and benefits Option 5

Measure	Costs	Quantifiable benefits
Implementation of LETS	Additional €20-25m resources required for CEPOL 2012-20 implement LETS of which €10-12m staff costs 2012-2020 and €10-15m for additional number of participants in training.	Increase in policing efficiency of €130-150m 2012-2020
	Additional €150-200m cost to Member States 2012-20: €15-20m to reinforce national contact points, €120-140m in costs of providing training, €20-40m in additional burden to criminal justice systems	Increase in seizure of criminal assets of €40-60m

7. Comparison of policy options

All policy options are compared with the baseline scenario using the criteria of (1) effectiveness in meeting the policy objectives, (2) efficiency (i.e. incremental cost for each option of additional coverage and effectiveness) and (3) coherence with other measures, including the need for simplification of administration.

7.1 Effectiveness in meeting policy objectives

Specific objective 1: Establish a clear framework for training police in accordance with EU training needs, in line with the common approach to EU agencies

Options 4a, 4b and 5 are considered the most effective, as the new rules will be enforceable. Each would enable Commission to ensure that the EU interest is properly represented. The roles and responsibilities are less clear under option 2 and 3, where there is no formal framework for providing training in the context of EU security priorities. Overall, option 4b is expected to be the most effective, as it would allow both to reinforce the training activities at EU level and to rationalise the agencies framework in line with the common approach.

Specific objective 2: Ensure better quality, more joined-up and more consistent training for law enforcement officers in cross-border crime issues consistent with the proposed reform of Europol

Converting CEPOL into a multi-governmental network under option 2 would further weaken the scope for ensuring EU priorities are reflected in law enforcement training. It is likely that much EU training under CEPOL would not be continued, as Member States tend to focus on national priorities. There would be no systematic training needs analysis and planning under options 1, 2 and 3. Under options 4a and 4b (merging CEPOL with Europol, partially or fully), the transition period could be disruptive and would therefore need to be well managed to ensure the existing competent staff remain motivated and in place. In addition, the visibility of EU training opportunities would need to be safeguarded. Option 1 relies on Member State willingness to follow Commission promotion; gaps in implementation at EU level may be partially addressed. Only senior police officers would be able to benefit from these additional activities. Option 4b is most likely to improve the quality and consistency of training, and ensure that the EU interest is appropriately reflected in planning and implementation.

The European Law enforcement Training Scheme (LETS) for Law Enforcement (see section 5.1) will ensure a coordinated approach to developing and implementing the EU aspect of law enforcement training. However, given that implementing the LETS will entail additional costs, the extent to which the different option would allow its implementation can be compared as follows:

- Under option 1, the existing limitation of CEPOL's competence to senior officers would remain. This means that the scope of the LETS if implemented by CEPOL would be accordingly limited but so would be the required additional resources.
- Under option 2, the Commission would encourage Member States to implement the LETS but this would probably be unsuccessful in the absence of a central EU agency responsible for coordinating matters.
- Under option 3, there would be no LETS.
- Under option 4a, CEPOL would have the wider competence necessary fully to implement the LETS, and administrative cost savings would contribute to funding the implementation of the LETS.
- Under option 4b, the merged agency would have the wider competence necessary fully to implement the LETS, and administrative cost savings would enable the LETS to be implemented.
- Under option 5, CEPOL would have the wider competence necessary fully to implement the LETS, but there would be no administrative cost savings that would fund, or at least contribute to funding, the implementation of the LETS. The LETS would thus be dependent on the uncertainties of being able to find new resources.

7.2 Efficiency

This calculation checked with EU operational police training experts. The most efficient options are 4a and 4b, but efficiency gains depend on the success of the partial merger, which is expected to cause potential serious disruptions to training, especially given the lack of political support for such a partial merger. Disbanding CEPOL under options 2 and 3 could involve savings but lead to inefficiency and duplication due to the lack of coordination of EU training. For option 5, direct costs are quite high. There are also some indirect costs for Member States as it is expected that costs of prosecution, court proceedings and imprisonment will increase as a result of efficiency gains in policing. The success of option 5 would depend on additional funding being available. Notwithstanding Council and European Parliament statements of support for achieving costs savings among agencies, option 5 would probably however be supported by most Member States unlike options 4a and 4b whose main weaknesses appear to be the lack of political support.

Table 9 - Estimated costs and quantified benefits of policy options

Policy option		Present total value of costs (2012 - 2020)			Benefits
		Direct costs		Indirect costs	
		EU Budget	MS Budget	MS Budget	
1	Status quo	€70m	€50-60m	€5-10m	€75-100m
2	Member State-based training as part of an EU network	-€60m	€60-70m	Negligible	- €0-15m
3	No EU support for training	-€60m	€5-10m	€4m	- €25-40m
4a	Partial transfer of CEPOL functions to Europol	Costs savings of €6-14m	€150-200m	€20-40m	€140-200m
4b	Full merger with Europol	No net additional costs (additional €20-25m offset by cost savings of €23.5m)	€150-200m	€20-40m	€140-200m
5	Strengthen and streamline CEPOL	Additional €20-25m	€135-160m	€20-40m	€140-200m

7.3 Coherence with other measures

Implementation of internal security strategy

Options 2 and 3 appear to accord less importance to training of law enforcement, which is recognised as a key enabler for the implementation of the internal security strategy. Options 4a, 4b and 5 and to a lesser extent option 1 attempt a strategic approach to training across the EU which is aligned with security priorities. Options 4a, 4b and 4c with their emphasis on needs assessment and consolidation of national plans in the light of EU priorities, and potential integration of cross-border police operational and training cooperation, would appear to support new initiatives such as the EU cybercrime centre whose success will depend on police with skills in tackling high tech crime.

Reform of Europol

A proposal for reforming Europol is under development, which could result in a requirement for additional FTE posts to perform additional tasks. Partial or full merger of Europol and CEPOL could be disruptive as part of Europol's staff would be busy with the administrative and budgetary consequences of the merger. Savings from merging the agencies of CEPOL and Europol could enable posts to be redeployed and avoid the need for any additional staff. In the long term, efficiencies and synergies are likely to emerge, as operational priorities and training needs assessments become more closely integrated.

Common approach to agencies

Options 4a and 4b are consistent with the recommendation to merge agencies which may share scope to further exploit **synergies** and **share services**. Relocating to The Hague is not expected to make it any easier or harder for stakeholders to **access** the agency's premises. CEPOL's **disbanding** under options 2 and 3 is not justified in that it is not considered to be 'underperforming', but rather reform may be appropriate. Options 4a 4b and 5 meet the guidelines in terms of **composition of the board** and the proper role of the Director, in that the Commission would be represented, while option 1 would perpetuate the incompatibility. Options 4a, 4b and 5 enhance the role of **contact points** responsible for ensuring satisfactory information flow between national authorities. Implementation of the LETS under Options 1, 4a, 4b and 5 also would improve strategic approach to **international relations**. The planning cycle envisaged by options 4a, 4b and 5 are consistent with the guidance for **annual work programmes and budgetary procedures**, and there would be some improvement of coordination under option 1. Option 2 risks being the least **transparent** of options, as the absence of a formal agency could limit the amount of information on training and use of EU resources which is published. Options 1, 4a , 4b and 5 each envisage periodic **evaluations**.

7.4 Summary comparison table

Table 10 summarises the above analysis of each of the options in terms of how they score against the baseline scenario (Option 1) (0) on effectiveness, efficiency and coherence on a scale of -3 to +3.

Table 10: Summary comparison of options

	Effectiveness	Efficiency	Coherence
Baseline (Option 1)	0	0	0
Option 2	-2	-1	-1
Option 3	-3	-2	-2
Option 4a	+1	+2	+1
Option 4b	+2	+3	+2
Option 5	+3	+1	+2

7.5 *Legislative considerations*

Option 1 would not require any amendment to the CEPOL Decision. Option 2 would involve thorough reformulation or repeal of the CEPOL Decision. For Option 4a, the CEPOL Decision and the Europol Decision would be revised in a limited manner to reflect the sharing of infrastructure and the transfer to The Hague of CEPOL's Secretariat staff. Under Option 4.b a full revision of Europol's competences, structures and procedures would require amendments to the both instruments, bearing in mind that CEPOL's mandate is broader than Europol, which is restricted to certain defined forms of crime. Option 5 would require amendment of the CEPOL Decision. Any proposed legislative changes would invoke protocols 21 and 22 TFEU under which Denmark is excluded from Title V instruments and Ireland and UK are excluded unless they decide to opt in. Therefore, if and when the new instrument(s) were adopted, DK and (unless they opted in) IE and UK would remain bound by current instruments.

7.6 *Identification of the preferred policy option*

Option 4b is the preferred policy option. It will achieve savings, so that unnecessary duplication in administration is eliminated and posts redeployed to serve the operational needs of the LETS. There would be short-term disruption and loss of expertise which would have to be minimised, but longer term there would be additional flexibility to redeploy according to priorities. Savings triggered under this option would be significant in proportion to the current budget of CEPOL, allowing the merged agency to transfer resources to the development of policy activities, in particular LETS, while limiting the increase of resources needed. Swift decision-making – setting a clear date for the merger which coincides with ending of a number of staff contracts, careful stakeholder management and an adequate preparation of the merger by both agencies would mitigate any negative impact for staff and activities of either agency.

It would align CEPOL's governance more closely with the Common Approach on EU agencies. Ongoing training needs evaluations will ensure that the agency's activities remain relevant to the EU's cross-border police cooperation priorities. It strikes the best balance between central oversight and coordination and national activities. It would help improve coordination with other agencies. Taking into account an estimated gain in policing efficiency resulting from gains in knowledge and skills, and an estimated increase in seizure of criminal assets, the benefits expected for 2012-20 of implementing the preferred option could be considerable.

Overall it would permit an effective implementation of the European Law enforcement Training Scheme for Law Enforcement and thereby reinforce EU police training, making it more efficient and effective, and help close the skills and knowledge gap among law enforcement officers.

8. Monitoring and evaluation

CEPOL should gather the data to enable the EU to monitor and evaluate the efficiency and effectiveness of the proposed option. As well as the horizontal governance rules applicable to agencies, CEPOL should publish an annual report including these data. There will be a specific provision in the future regulation for a periodic overall evaluation of the effectiveness of the measure, with recommendations as appropriate, by or on behalf of the Commission every five years which will include report on the data gathered by CEPOL.

Table 11: Indictors and evaluation arrangements

Objectives	Indicators	Evaluation
Clear roles and responsibilities	<ul style="list-style-type: none"> ○ Number of GB meetings organised per year ○ Number of Decisions taken by two/third majority and simple majority ○ Number of proposals submitted by the Director to the GB ○ Number of staff working on CEPOL-related matters within National Units ○ Number of “recommendations” issued by the Scientific Committee ○ Number of grant agreements signed with the Member States ○ Number of National Units established, in accordance with criteria and definition of their role in the basic act ○ Unit price / price per participant per activity developed by CEPOL ○ budget spending, reimbursement (timely payments), implementation of Procurement Plan, etc. 	<ul style="list-style-type: none"> ○ Annual activity reports ○ Periodic CEPOL’s Balanced Scorecards ○ Periodic surveys of National Units, GB members, other national actors ○ Surveys of CEPOL’s central staff
To improve the quality of law enforcement training and of law enforcement officers across the EU	<ul style="list-style-type: none"> ○ Number of activities delivered ○ Number of law enforcement officers participating in learning activities per year ○ Number of law enforcement officers participating in the Erasmus inspired law enforcement exchange programme ○ Number of JHA staff participating in learning activities organised by CEPOL ○ Number of mapping activities carried out by CEPOL 	<ul style="list-style-type: none"> ○ Annual activity reports ○ Periodic CEPOL’s Balanced Scorecards ○ Periodic surveys of National Units, GB members, other national actors ○ Surveys of CEPOL’s central staff
To align agency capacity to recent developments in the EU policy and legal framework	<ul style="list-style-type: none"> ○ Number of tools produced by CEPOL to support learning activities in the Member States ○ Number of modules implemented ○ Number of languages available per modules ○ Number of longer-term courses organised by CEPOL ○ Progress in developing national accreditation systems to accredit learning gained from the participation in CEPOL’s activities 	<ul style="list-style-type: none"> ○ Annual activity reports ○ Periodic CEPOL’s Balanced Scorecards ○ Periodic surveys of National Units, GB members, other national actors ○ Surveys of CEPOL’s central staff