



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from: General Secretariat of the Council
to: Permanent Representatives Committee/Council

Subject: Initiative of Belgium, Bulgaria, the Czech Republic, Germany, Estonia, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden for a Regulation of the European Parliament and of the Council amending Decision 2005/681/JHA establishing the European Police College (CEPOL)
- Outcome of the European Parliament's first reading
(Strasbourg, 14 to 17 April 2014)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure ¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

¹ OJ C 145, 30.6.2007, p.5

In this context, the rapporteur, Ms Kinga GAL (EPP-HU) presented one compromise amendment (amendment 7) to the proposed Regulation, on behalf of the Committee on Civil Liberties, Justice and Home Affairs. This amendment had been agreed during the informal contacts referred to above.

II. VOTE

When it voted on 16 April 2014, the plenary adopted the compromise amendment (amendment 7) to the proposed Regulation. The Member States' initiative as thus amended and the legislative resolution constitute the Parliament's first reading position¹, it reflects what had previously been agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

¹ The text of the amendment adopted and the European Parliament's legislative resolution are set out in the Annex. The amendment is presented in the form of a consolidated text, where changes to the Member States' initiative are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

European Police College ***I

European Parliament legislative resolution of 16 April 2014 on the draft regulation of the European Parliament and of the Council amending Decision 2005/681/JHA establishing the European Police College (CEPOL) (17043/2013 – C7-0435/2013 – 2013/0812(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the initiative emanating from a group of Member States submitted to Parliament and the Council (17043/2013),
 - having regard to Article 76(b) and Article 87(2)(b) of the Treaty on the Functioning of the European Union, pursuant to which the draft act was submitted to Parliament (C7-0435/2013),
 - having regard to Article 294(3) and (15) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Commission (COM(2014)0007),
 - having regard to the undertaking given by the Council representative by letter of 5 March 2014 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 44 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0146/2014),
1. Adopts its position at first reading hereinafter set out;
 2. Regrets that the European Parliament was not fully involved in the evaluation of the applications and that only one candidate was presented to the relevant committee, although seven applications had been submitted further to the Council Presidency's call in July 2013 for applications to provisionally host the European Police College until a long-term solution for the future of the Agency could be found. The Member States submitting candidatures were Ireland, Greece, Spain, Italy, Hungary, the Netherlands and Finland. The political agreement was confirmed at the JHA Council meeting of 8 October 2013; intends to request more information on the impact assessment of the exact location before taking its final position;
 3. Calls on the budgetary authorities to ensure that the additional costs relating to the change in the seat of CEPOL will be fully covered by the current host country and by additional Union budget and thus will not adversely affect the regular budget of CEPOL so as not to jeopardise the normal operational needs of CEPOL;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2013)0812

Position of the European Parliament adopted at first reading on 16 April 2014 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council amending Council Decision 2005/681/JHA establishing the European Police College (CEPOL)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the initiative of Belgium, Bulgaria, the Czech Republic, Germany, Estonia, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden,

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

Acting in accordance with the ordinary legislative procedure¹,

¹ *Position of the European Parliament of 16 April 2014.*

Whereas:

- (1) Pursuant to Article 4 of Council Decision 2005/681/JHA¹, CEPOL has its seat in Bramshill, United Kingdom.
- (2) ***Notwithstanding Article 4 of Decision 2005/681/JHA, by letters dated 12 December 2012 and 8 February 2013, the United Kingdom informed CEPOL that it had unilaterally decided that it no longer wished to host the seat on its territory. In addition to hosting CEPOL, Bramshill also hosts a national police training site of the National Policing Improvement Agency, which the United Kingdom had decided to replace by a new College of Policing to be located elsewhere. The United Kingdom had therefore decided to close the national police training site at Bramshill and to sell the site, indicating that the related costs were high and that no alternative business model to run the site had emerged. In the light of the obligation of the Treaty on European Union (TEU) of sincere cooperation, and in particular the obligations deriving from Article 4 TEU, the Union and its Member States should mutually assist each other in maintaining CEPOL's operational activities. To that end, the United Kingdom in particular is required to ensure a smooth transition of CEPOL to its new location, without jeopardising the regular budget of CEPOL.***
- (3) In view of ***the common accord reached*** on 8 October 2013 ***by*** the representatives of the Governments of the Member States, ***and of the need to maintain CEPOL's status as a separate Union agency***, arrangements ***should be made*** according to which CEPOL will be hosted in Budapest as soon as it leaves Bramshill. ***Those arrangements*** should be incorporated into Decision 2005/681/JHA.

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

- (4) ***In view of the legal framework introduced by the entry into force of the Treaty of Lisbon, it is necessary to review Decision 2005/681/JHA, while at the same time ensuring CEPOL's status as a separate Union agency.***
- (5) Decision 2005/681/JHA should therefore be amended accordingly.
- (6) ***Before CEPOL starts its operational phase at the new location, a headquarters agreement should be concluded, pursuant to established procedures.***
- (7) In accordance with Articles 3 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the TEU and to the Treaty on the Functioning of the European Union (TFEU), those Member States have notified their wish to take part in the adoption and application of this Regulation.

- (8) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (9) In the light of the urgent need to establish the new seat of CEPOL, this Regulation should enter into force on the date of its publication,

HAVE ADOPTED THIS REGULATION:

Article 1

Decision 2005/681/JHA is amended as follows:

- (1) Article 4 is replaced by the following:

"Article 4

Seat

The seat of CEPOL shall be in Budapest, Hungary.";

- (2) *the following Article is inserted:*

"Article 21a

Review

*By ... *, the Commission shall submit a report on the effectiveness of this Decision , taking into account the need to ensure CEPOL's status as a separate Union agency. That report shall, if appropriate, be accompanied by a legislative proposal to amend this Decision following a thorough cost-benefit analysis and impact assessment."*

* OJ: Please insert date: 18 *months after the entry into force of this Regulation*.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 September 2014.

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

Done at

For the European Parliament
The President

For the Council
The President