



Council of the
European Union

Brussels, 14 October 2014
(OR. en)

13865/14

ENFOPOL 303
CATS 143

NOTE

From:	Presidency
To:	CATS
No. prev. doc.:	8230/13, 12013/1/14 REV 1
Subject:	Discussion paper on the European Law Enforcement Training Scheme

Introduction

During the discussion on the proposed Regulation on CEPOL at the CATS meeting of 15 September 2014, a number of delegations suggested to have further in-depth discussion on the Commission Communication Establishing a European Law Enforcement Training Scheme (LETS) so that the outcome of this discussion could be reflected during the ongoing examination of the draft CEPOL Regulation.

Background

The Stockholm programme¹ points out that in order to foster a genuine European judicial and law enforcement culture, it is essential to step up training on Union-related issues and make it systematically accessible to judges, prosecutors, judicial staff, police and customs officers and border guards. It further states that systematic European Training Schemes should be offered to all persons involved and that the ambition for the Union and its Member States should be that a substantive number of professionals by 2015 will have participated in a European Training Scheme or in an exchange programme with another Member State, which might be part of training schemes that are already in place. For this purpose, existing training institutions should in particular be used.

On this basis, in March 2013 the Commission presented the Communication establishing LETS to equip law enforcement officers with the knowledge and skills they need to prevent and combat cross-border crime effectively through efficient cooperation with their EU colleagues. This Communication drew on a mapping of training needs conducted by CEPOL in 2012², consultations with Member States' experts and JHA agencies in four expert meetings and three conferences in which members of the European Parliament took part, held in 2011 and 2012.

Based on this preparatory work, the Commission suggested that, in order to step up the development, delivery and evaluation of the training and learning opportunities needed to meet the EU's cross-border law enforcement challenges, the Training Scheme should focus on improving knowledge, skills and competence across four strands:

- Strand 1: Basic knowledge of the EU dimension of law enforcement;
- Strand 2: Effective bilateral and regional cooperation;
- Strand 3: EU thematic policing specialism;
- Strand 4: Civilian missions and capacity-building in third countries.

¹ OJ C 115, 4.5.2010. p. 1.

² European Training Scheme - Mapping of Law Enforcement Training in the EU, CEPOL 2012.

The Commission in its Communication had also suggested that a new training directorate at Europol, the Europol Academy, would implement LETS and be the coordinating EU entity for law enforcement training. However, as the proposed Europol-CEPOL merger was not accepted by the co-legislators, the content of the Commission Communication and in particular the responsibility for implementing LETS and its four strands was reflected in the proposal for a new Regulation on CEPOL.

Discussions by the Council bodies relating to LETS

The Commission Communication on establishing LETS was first presented to the COSI Support Group on 23 May 2014. Some concerns were voiced as regards the target groups and the certification of training courses as well as in relation to the monitoring and evaluation role to be played by CEPOL.

The LEWP discussed the Commission Communication at its meeting on 25 June 2014. Delegations mostly supported LETS and suggested that CEPOL should be its driving force. Some points of concern were raised in relation to the following aspects of LETS:

- target audience: whether all or a more limited number of law enforcement officials should be targeted or whether training should even be extended to NGOs and private parties linked to the law enforcement sector,
- division of competences between CEPOL and Member States while respecting the principle of subsidiarity,
- coherence with training activities of other EU bodies/agencies (e.g. Frontex, police missions),
- financing of LETS: adequate budget for the implementation of LETS should be foreseen without additional financial burden upon Member States.

During the general discussions on the draft CEPOL Regulation at the LEWP meeting on 11 September 2014 and at the CATS meeting on 15 September 2014, a number of delegations welcomed the extended target groups for CEPOL training. However, referring to the Commission Communication on establishing LETS in the text of the Regulation was not considered appropriate from a legal point of view. Some delegations raised doubts in relation to the content of this Communication and suggested that the role of CEPOL in the implementation of various strands of LETS should be better defined while respecting the principle of subsidiarity and taking due consideration of the links with other EU agencies and bodies active in the field of law enforcement training.

Questions for discussion

In light of the above, delegations are invited to discuss LETS bearing in mind the following issues:

- (1) **Concept of LETS:** Do you agree with the general concept of LETS as described in the Communication and with the Commission's view that implementing LETS is not to be seen only as an additional task of CEPOL, but rather as a qualitative improvement and a structuring set of principles to ensure that Union level training for law enforcement personnel is of high quality, coherent and consistent, while fully respecting the primacy of the Member States in the field of training?
- (2) **Four strands of LETS:** Do you agree that LETS should consist of four strands as proposed by the Commission on the basis of the conclusions drawn from the mapping exercise of training needs and consultations with the Member States? If not, which strands would you suggest to remove/add?
- (3) **Target groups:** Do you agree with the proposed definition of the target group of beneficiaries of the Training Scheme, making the Scheme applicable to law enforcement officials of all ranks, from police officers to border guards, as well as, where appropriate, other state officials? If not, how would you define the target group(s)?

- (4) **Division of tasks in the implementation of LETS:** Do you agree that CEPOL should proceed with the implementation of LETS based on the key tasks listed in the Commission Communication³? What should be the timeframe for carrying out these tasks? More specifically, do you agree with the division of tasks between CEPOL and the Member States in relation to the implementation of the four strands? If not, what changes would you propose? Should CEPOL also have a coordinating role or at least a role of oversight in relation to all law enforcement trainings carried out at EU level, including those carried out by other EU agencies, e.g. Europol and Frontex? If not, how can overlaps be avoided and coherence ensured regarding law enforcement training at EU level?

³ The following six key tasks are proposed in the Commission Communication:

1. The Europol Academy should itself seek to develop into the EU centre of excellence for law enforcement (cross-border) learning. It should aim to become the authority for professionals in this field and act as a broker for exchanging best practice. The Europol Academy should seek to act as coordinator on EU strategic law enforcement learning issues and provide support to other EU agencies where needed, including by coordinating strategic training needs analysis for law enforcement at EU level.
2. In consultation with its stakeholders, the Europol Academy should define a package of basic knowledge, including learning outcomes for strand 1. CEPOL should present a first version of this in the first semester of 2014.
3. The Europol Academy should provide support to Member States implementing strand 2 by disseminating best practices on cross-border cooperation and provide learning tools when needed.
4. The Europol Academy, together with the other centres of excellence in the network of national training academies, should deliver EU-level training for officials as well as the trainers themselves. As part of strands 3 and 4, the Europol Academy should state the level for each course with reference to the European Qualification framework, in cooperation with the network of national training academies. The Europol Academy should ensure that courses are well planned and that trainers are supported, evaluated and remunerated appropriately.
5. The Europol Academy should devise procedures and guidance for defining training priorities, roles and responsibilities to coordinate and support the delivery of all strands of the Training Scheme.
6. Together with its stakeholders, the Europol Academy should follow up the action plan to implement the framework of quality assurance proposed by CEPOL in 2014, as described in section 4.2.

- (5) **Financing:** Do you think LETS could be fully implemented by CEPOL within its proposed budget? If not, do you think that CEPOL could start implementing LETS e.g. by prioritising, or should the level of ambition rather be reduced? Would it be a solution to complement trainings financed by CEPOL with those financed via other sources at EU level to ensure the effective implementation of LETS?

The outcome of discussion is expected to serve as guidance to the LEWP on how to reflect the content of LETS in the draft CEPOL Regulation, which it is currently examining.
