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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT AND THE COUNCIL**

**Opinion of the Commission on the initiative for a Regulation of the European
Parliament and the Council amending Decision 2005/681/JHA establishing the
European Police College (CEPOL) presented by**

**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**

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Title of the initiative: Initiative for a Regulation of the European Parliament and the Council amending Decision 2005/681/JHA establishing the European Police College (CEPOL)

The proposal was formally introduced on: 4 December 2013

Legal basis: The initiative is based on Article 87(2)(b) TFEU, which provides for the ordinary legislative procedure, and is presented by a group of twenty-five Member States therefore fulfilling the condition of being presented by a group of at least a quarter of the Member States of the European Union in conformity with Article 76(b) TFEU.

Status of the procedure: Awaiting first reading by European Parliament

General appreciation:

The initiative taken by the Member States is presented as translating into legal terms the political agreement reached by the JHA Council on 8 October 2013 to provisionally relocate the seat of CEPOL from Bramshill (UK) to Budapest (HU), further to the announcement by the United Kingdom in December 2012 of its decision to close the Bramshill site in 2014.

The choice of Budapest as a new CEPOL provisional location was made by a specific voting arrangement proposed by the Presidency and accepted by the Member States, under the item "Provisional arrangements to host CEPOL" during the JHA Council lunch on 8 October. It was based on the 7 applications 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 is found.

The Member States submitting candidatures were Ireland, Greece, Spain, Italy, Hungary, The Netherlands and Finland. Finland subsequently withdrew its application.

The political agreement was confirmed at the JHA Council meeting on the same day, 8 October.

However, first of all, the Commission notes that the draft Regulation amending the CEPOL Decision does not refer to the provisional relocation of the seat of CEPOL and therefore it does not implement the abovementioned political agreement, but goes much further.

In that regard, the Member States' initiative is in direct opposition to the Commission's proposal for the Europol Regulation, including the merger of CEPOL into Europol, which has been and remains on the table since 27 March 2013.

The Commission's proposal is driven by the aim of addressing, in a comprehensive manner, ways to improve effectiveness in police cooperation and training. It is designed to achieve functional synergies and cost savings, in line with the overall goal of the proposed reform and in accordance with the recommendations set out in the Common Approach on decentralised agencies, endorsed by the three institutions. This is why the issue of CEPOL's seat should not be considered in isolation from this broader context of a functional and operational reform that would match the goals of rationalisation and operational improvement for both agencies.

In the same context, the Commission notes that the *impact assessment* attached to the initiative consists only of the elaboration of costs and benefits of one single solution, i.e. the relocation of CEPOL to Budapest, without taking into account and comparing it to the costs savings resulting from the proposed merger by the Commission of CEPOL into Europol or other alternative solutions.

The Commission further notes the adverse budgetary effects of a double move and notes that the necessary additional funding would need to come from the existing budget envelope, which means that those funds could not be used for other purposes.

Conclusion

The Commission therefore gives a negative opinion to the Member States' initiative.

Furthermore, the Commission invites the European Parliament and the Council to avoid any adverse budgetary effects of a solution that would not achieve functional synergies and cost savings and would not be in line with the recommendations set out in the Common Approach on decentralised agencies endorsed by the 3 institutions.

Should this Initiative be pursued, the Commission would be obliged to make a Declaration, at the time of its adoption, on the provisional nature of this Regulation, its adverse budgetary effects and the necessity of not prejudging the outcome of discussions on the Commission's own Proposal. In that regard, the Commission encourages the European Parliament and the Council to build on the constructive progress that is being made on its proposal to reform Europol's legal framework while reflecting on an alternative solution to co-locate CEPOL and Europol that would match the goals of rationalisation and operational improvement for both agencies.