

Decision

of the Bundesrat

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions establishing a European Law Enforcement Training Scheme

COM(2013) 172 final

At its 909th session on 3 May 2013, under Sections 3 and 5 of the Act on Cooperation between the Federation and the Länder in European Union Affairs (EUZBLG), the Bundesrat adopted the following opinion:

1. The European Union is increasingly developing into a common area of freedom, security and justice. At the same time, Member States' police forces are constantly facing new challenges in combating crime and maintaining public order and public safety. As a result of this situation, police training needs are changing. The Bundesrat therefore very much welcomes the Commission's efforts to extend the educational role of the European Police College (CEPOL) by means of a European training scheme and to adapt this role to the changes that have occurred since the current legal framework was adopted in 2005.
2. However, discussions on this matter must nevertheless take account of the fact that the EU's mandate in the field of police training in the Member States is limited under Article 87(2)(b) TFEU to providing support; the principles of conferral and subsidiarity under Article 5 TEU must also be respected.
3. In the light of this legal situation, the Bundesrat would point out first of all that the form taken by police training in the Member States is a matter of national sovereignty, and the EU therefore has no mandate in this field to determine the basic information about the EU dimension in law enforcement to be conveyed as part of police training, or to judge the delivery of the corresponding educational content at Member State level. As with regional and bilateral cooperation between Member States, the EU can instead merely offer non-binding support

measures in this matter, the use and implementation of which are left to the Member States' discretion.

4. CEPOL's current mandate is confined to providing training for 'senior police officers' and 'police officers playing a key role in combating cross-border crime'. On capacity grounds alone, the Bundesrat believes that the training provided or coordinated by CEPOL must continue in future to be directed solely at the existing target groups and other specialist police officers working in the field of cross-border crime.
 5. The Bundesrat supports the Commission's intention to conduct pre-deployment training for EU civilian missions in specific centres of excellence in the Member States in future and to make participation in such missions conditional on compulsory prior attendance at appropriate preparatory training. Such a process would better serve the interests not only of the public in the various mission locations but also of the originator of the mission and those taking part in it.
 6. The Bundesrat is concerned about the Commission's intention, stated in the Communication, of integrating the European Police Academy into Europol (the European Police Office) in order to reduce the total number of European agencies. This intention is encountering considerable reservations on the part of experts and seems unlikely to offer either decisive synergies or significant savings.
- Europol's mandate includes supporting EU Member States in the prevention and prosecution of organised crime, terrorism and other forms of serious cross-border crime. The European Cyber Crime Centre (EC3), which began operations at Europol at the beginning of 2013, further refines this part of the mandate in an important area of criminal activity and will help Europol to continue to meet the challenges of fighting crime in the future. This area is already making very considerable demands on Europol. The transfer of the training activities hitherto carried out by CEPOL would have the effect of placing a clear additional burden on Europol and would make it considerably more difficult for the organisation to focus on its primary mission of combating crime.
 - CEPOL's training role is concerned not only with the areas covered by Europol's mandate and mission but goes far beyond them. Of particular relevance, in addition to cross-border crime, are topics dealing with maintaining public order

and public safety (e.g. managing operations in relation to events with an international dimension). For example, CEPOL also deals with management training to promote a common understanding of police action in the EU through the training of senior police officers. In addition, the tasks associated with Strand 4 of the European Law Enforcement Training Scheme in relation to EU civilian missions and cooperation with third countries are also to be carried out by the EU's central training academy in future. Because of budgetary constraints in the public sector in Europe, Europol is unlikely to be provided with sufficient staff or equipment in the foreseeable future to properly fulfil all the tasks assigned to it. Since it will inevitably be necessary to prioritise in these circumstances, a merger of the two agencies would create the risk that the training activities that Europol would then be required to carry out would be generally neglected or at least confined to areas falling within Europol's original remit.

The missions of Europol and CEPOL are fundamentally different. The training courses provided so far by Europol under its own responsibility have essentially been attended only by its own staff. Moreover, Europol has in the past merely supported a few CEPOL training measures by making experts available. This being so, merging these two institutions would not lead to any appreciable synergies. The promised reduction in administrative costs is also unlikely to materialise. The reasons for this are, firstly, that the training offered by CEPOL is conducted primarily at a decentralised level, and therefore resource-efficiently, by the European network of national police academies, and, secondly, that CEPOL's administrative core functions, for example in the field of human resources, would also have to be carried out in a merged authority.

7. The Bundesrat is sending this opinion directly to the Commission.