



EUROPEAN COMMISSION

*Brussels, 20.04.2015
C(2015) 2410 final*

Dear President,

The Commission would like to thank the Bundesrat for its Opinion concerning the proposal for a Regulation on the European Union Agency for Law Enforcement Training {COM(2014) 465 final} and would like to provide the following responses.

On the issue of the references in the text of the Regulation to the Law Enforcement Training Scheme (LETS), the Commission stresses that one of the reasons for reforming CEPOL's framework was also to equip the Agency with the means to implement the LETS. Against this background, the proposal for a Regulation structures the objectives of the Agency on the very principles of the LETS Communication.

This Communication was adopted as a result of a thorough mapping exercise of training needs and detailed consultations with the Member States. It aims at providing a framework and methodology to develop training support to Member States on issues related to cross-border law enforcement cooperation.

Acknowledging however the non-legislative nature of this instrument, the Commission is currently discussing with the co-legislators the most appropriate way to confirm the concepts enshrined in the Scheme and to entrust CEPOL with its implementation.

On the subject of subsidiarity, the Commission would like to note that the proposed Regulation aims to establish an entity responsible for law enforcement training at European Union level. The mandate given by Article 87(2)(b) TFEU and the notion of “support for the training of staff” are reflected in the creation of an EU agency in charge of developing, delivering and coordinating training for law enforcement officers at the European Union level. As it was said in the Commission reply to the Bundesrat of August 2013 (C(2013) 5327 final), the increase in recent years of CEPOL's activities such as training courses, common curricula and the exchange programmes proves that support, development, delivery and coordination at EU level of existing instruments are essential elements in order to attain a coherent approach in training and thereby to enhance operational cooperation across Member States. By means of the tasks listed in Article 3 of the proposal, the Commission aims at translating into legislation such needs while building on current practice.

Moreover, and in line with the “supporting” competence conferred by Article 87(2)(b) TFEU, there are no legal obligations imposed on Member States. The proposal for a

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Regulation on CEPOL widens the possibilities for the Agency to support, develop, deliver and coordinate training for law enforcement officers at all levels, without prejudice to the national initiatives taken by the Member States in the field of training for law enforcement personnel.

Regarding the interpretation of Article 3(3) and on the network based nature of the Agency, the Commission notes that paragraphs 3 and 4 of Article 3 make indeed reference to the very modus operandi of CEPOL, the network of the training institutes of the Member States. CEPOL is and will remain a network based Agency. The Commission maintains this important dimension of CEPOL through its proposal, and is convinced that the strength of the Agency is in the partner training institutes implementing – together with CEPOL – the trainings for law enforcement officers.

The points made above are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council in which your government is represented.

The Commission hopes that these clarifications address the concerns raised by the Bundesrat and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*