



EUROPEAN COMMISSION

*Brussels, 14.1.2014
C(2013) 11 final*

Dear President,

The Commission would like to thank the Senato della Repubblica for its Opinion concerning the proposal for a Regulation on the European Union Agency for Law Enforcement Cooperation and Training {COM(2013) 173 final} and apologises for the long delay in replying.

In its Opinion, the Senato della Repubblica considers the provisions concerning the training of law enforcement officers contained in the proposal as not consistent with Article 87(2)(b) of the Treaty on the Functioning of the European Union (TFEU). The said Article states that "the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures concerning [...] support for the training of staff, and cooperation on the exchange of staff, on equipment and on research into crime-detection".

The proposed Regulation aims to establish an entity responsible for law enforcement cooperation and training at European Union level. The mandate given by Article 87(2)(b) TFEU is expressed in Chapter III of the proposal. In particular, Article 9 describes the role of the Europol Academy, and Article 10 its tasks in relation to training. The notion of "support for the training of staff" in Article 87(2)(b) is given specific meaning by the creation of an EU agency charged with developing, delivering and coordinating training for law enforcement officers at the European Union level. In particular, all the legal obligations in the Chapter III of the proposal are imposed on the Europol Academy as the EU agency responsible for law enforcement training; in line with the "supporting" competence conferred by Article 87(2)(b) TFEU, there are no legal obligations imposed on Member States.

As regards the concerns of the Senato della Repubblica regarding the economic benefits that the merger would entail, the Commission would like to point out that the new tasks relating to the training of law enforcement officials concern the implementation of the European Law

*Mr Pietro GRASSO
President of the Senato della Repubblica
Piazza Madama, 1
IT-00186 ROMA*

Enforcement Training Scheme proposed in the Commission Communication¹ adopted alongside the legislative proposal. It is the savings achieved by merging the support functions of the agencies that would enable resources, notably staff posts, to be reallocated to implement the Training Scheme (12 full-time staff equivalents).

The Senato della Repubblica raises the concern that the development of the training at the European level could lower the importance of national training centres, making them mere "networks of training institutes". The tasks of the Europol Academy, building on those of the European Police College (CEPOL), reflect the call of the European Council in the Stockholm Programme "to step up training on EU-related issues and make it systematically accessible for all law enforcement professional". The European Law Enforcement Training Scheme aims to increase the knowledge of the law enforcement cooperation instruments developed over time by the EU as well as at equipping all law enforcement officials with the skills needed to tackle transnational crime, when cooperating with third countries as well as when taking part in civilian missions.

The increase in recent years of CEPOL's activities such as training courses, common curricula and the exchange programme proves that support, development, delivering and coordination at EU level of existing instruments are essential elements to attain a coherent approach in training and thereby to enhance operational cooperation. On the other hand, training at national level remains of primary importance, and in no way the enhancement of the European Union level of training will be detrimental to training at national level, and in particular at National Training Centres level. By means of the tasks listed in Article 10 of the proposal, the Commission aims at translating into legislation such needs while building on current practice.

Council Decision 2005/681/JHA is the current legal basis for CEPOL and defines actions it may undertake to help train the senior police officers of the Member States. The changes now proposed by the Commission would build on and improve existing practices, without weakening or hampering the specific and primary function of national contact points of CEPOL.

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

Yours faithfully,

*Maroš Šefčovič
Vice-President*

¹ 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, 27 March 2013.