

Regulation (EU) 2015/2219 of the European Parliament and of the Council
of 25 November 2015 on the European Union Agency for Law Enforcement
Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA

CHAPTER III

ORGANISATION OF CEPOL

Article 7

Administrative and management structure of CEPOL

The administrative and management structure of CEPOL shall comprise:

- (a) a Management Board;
- (b) an Executive Director;
- (c) where appropriate, a Scientific Committee for Training established by the Management Board in accordance with Article 15;
- (d) where appropriate, other advisory bodies established by the Management Board in accordance with point (q) of Article 9(1).

SECTION I

Management Board

Article 8

Composition of the Management Board

1 The Management Board shall be composed of one representative from each Member State and the Commission. Each representative shall have voting rights.

2 Each member of the Management Board shall have an alternate member, who shall represent the member in his or her absence.

3 Members of the Management Board and their alternates shall be appointed taking into account their knowledge in the field of training for law enforcement officials and their relevant managerial, administrative and budgetary skills. The principle of a balanced gender representation on the Management Board shall also be taken into account.

4 Without prejudice to the right of the Member States and the Commission to terminate the mandate of their respective member and alternate member, the membership of the Management Board shall be for a period of four years. That term shall be extendable.

Article 9

Functions of the Management Board

- 1 The Management Board shall:
 - a adopt each year, by a majority of two-thirds of its members and in accordance with Article 10, a document containing CEPOL's multi-annual programming and its annual work programme for the following year;
 - b adopt, by a majority of two-thirds of its members, the annual budget of CEPOL and exercise other functions in respect of CEPOL's budget pursuant to Chapter IV;
 - c adopt a consolidated annual activity report on CEPOL's activities and, by 1 July of the following year, send it to the European Parliament, the national parliaments, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;
 - d adopt the financial rules applicable to CEPOL in accordance with Article 21;
 - e adopt an internal anti-fraud strategy, proportionate to the risk of fraud, taking into account the costs and benefits of the measures to be implemented;
 - f adopt internal rules for the prevention and management of conflicts of interest in respect of its members and the members of the selection committee, as well as the members of a Scientific Committee for Training;
 - g adopt and regularly update the communication and dissemination plans referred to in Article 4, based on an analysis of needs;
 - h adopt its rules of procedure;
 - i in accordance with paragraph 2, exercise, with respect to the staff of CEPOL, the powers conferred by the Staff Regulations on the appointing authority and by the Conditions of Employment of Other Servants on the authority empowered to conclude a contract of employment of other servants ('the appointing authority powers');
 - j adopt appropriate implementing rules giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;
 - k establish, where appropriate, an internal audit capability;
 - l adopt internal rules regarding the selection procedure of the Executive Director, including the rules on the composition of the selection committee ensuring its independence and impartiality;
 - m appoint the Executive Director and, where relevant, extend his or her term of office or remove him or her from office in accordance with Article 23;
 - n appoint an accounting officer, subject to the Staff Regulations and the Conditions of Employment of Other Servants, who shall be functionally independent in the performance of his or her duties;
 - o where appropriate, and taking into consideration business requirements and financial resources, decide to establish a Scientific Committee for Training in accordance with Article 15 and appoint its members in accordance with Article 16(2);
 - p ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-Fraud Office (OLAF);
 - q take all decisions, taking into consideration both business and financial requirements, on the establishment of CEPOL's internal structures and, where necessary, their modification;

- r authorise the conclusion of working arrangements in accordance with Article 34;
- s adopt common curricula, training modules, learning methods and any other learning and teaching tools;
- t adopt, where appropriate, other internal rules.

2 The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating the relevant appointing authority powers to the Executive Director and establishing the conditions under which such delegation of powers may be suspended. The Executive Director shall be authorised to sub-delegate those powers.

3 Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and any sub-delegation of such powers and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.

Article 10

Multi-annual programming and annual work programmes

1 The Management Board shall, by 30 November each year, adopt a document containing CEPOL's multi-annual programming and annual work programme, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and, as regards the multi-annual programming, after having consulted the European Parliament. The Management Board shall forward that document to the European Parliament, the Council, the Commission and the national parliaments.

The document referred to in the first subparagraph shall become definitive after the final adoption of the general budget and, where necessary, shall be adjusted accordingly.

2 The multi-annual programming shall set out overall strategic programming, including the objectives, expected results and performance indicators, as well as resource planning, including the multi-annual budget and staff. It shall include a strategy for relations with third countries and international organisations.

The multi-annual programming shall be implemented by means of annual work programmes and shall, where appropriate, be updated following the outcome of the external and internal evaluations referred to in Article 32. The conclusion of those evaluations shall also be reflected, where appropriate, in the annual work programme for the following year.

3 The annual work programme shall comprise detailed objectives, expected results and performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be consistent with the multi-annual programming. It shall clearly indicate tasks that have been added, changed or deleted compared to the previous financial year. The annual work programme shall include the strategy for relations with third countries and international organisations referred to in Article 3 and the actions linked to that strategy.

4 Where, after adoption of an annual work programme, a new task is assigned to CEPOL, the Management Board shall amend the annual work programme.

5 Any substantial amendment to the annual work programme shall be adopted by the same procedure as that applicable to adoption of the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

Article 11

Chairperson and Deputy Chairperson of the Management Board

1 The Management Board shall elect a Chairperson and a Deputy Chairperson from among its members representing the group of three Member States that have jointly prepared the Council's 18-month programme. They shall serve for the 18-month period of that Council programme. If, however, the Chairperson's or the Deputy Chairperson's membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on the same date.

2 The Chairperson and the Deputy Chairperson shall be elected by a majority of two thirds of the members of the Management Board.

3 Where the Chairperson is unable to carry out his or her duties, he or she shall automatically be replaced by the Deputy Chairperson.

Article 12

Meetings of the Management Board

1 The Chairperson shall convene the meetings of the Management Board.

2 The Executive Director shall take part in the deliberations of the Management Board.

3 The Management Board shall hold two ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson or at the request of the Commission or of at least one-third of its members.

4 The Management Board and the Executive Director may invite any person whose opinion may be relevant for the discussion to attend a meeting as a non-voting observer.

5 The members and the alternate members of the Management Board may, subject to its rules of procedure, be assisted at the meetings by advisers or experts.

6 CEPOL shall provide the secretariat for the Management Board.

Article 13

Voting rules of the Management Board

1 Without prejudice to points (a) and (b) of Article 9(1), Article 11(2), Article 15, Article 23(6) and Article 27(2), the Management Board shall take decisions by a majority of its members.

2 Each member shall have one vote. In the absence of a voting member, his or her alternate shall be entitled to exercise that member's right to vote.

3 The Executive Director shall not take part in the vote.

4 The Management Board's rules of procedure shall establish detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.

SECTION 2

Executive Director

Article 14

Responsibilities of the Executive Director

1 The Executive Director shall manage CEPOL. The Executive Director shall be accountable to the Management Board.

2 Without prejudice to the powers of the Commission and of the Management Board, the Executive Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government or any other body.

3 The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties.

4 The Executive Director shall be the legal representative of CEPOL.

5 The Executive Director shall be responsible for the implementation of the tasks assigned to CEPOL by this Regulation, in particular:

- a the day-to-day administration of CEPOL;
- b making proposals to the Management Board as regards the establishment of CEPOL's internal structures and, where necessary, their modification;
- c implementing decisions adopted by the Management Board;
- d preparing the draft multi-annual programming and annual work programmes and submitting them to the Management Board, after having consulted the Commission;
- e implementing the multi-annual programming and the annual work programmes and reporting to the Management Board on their implementation;
- f preparing appropriate draft implementing rules to give effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;
- g preparing the draft consolidated annual report on CEPOL's activities and presenting it to the Management Board for adoption;
- h preparing an action plan following up conclusions of internal or external audit reports and evaluations, as well as investigations by OLAF, and reporting on progress twice a year to the Commission and regularly to the Management Board;
- i protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activity, without prejudice to the investigative competence of OLAF, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative and financial penalties;
- j preparing a draft internal anti-fraud strategy for CEPOL and presenting it to the Management Board for adoption;
- k preparing draft financial rules applicable to CEPOL;

- l preparing CEPOL's draft statement of estimates of revenue and expenditure and implementing its budget;
- m supporting the Chairperson of the Management Board in preparing Management Board meetings;
- n performing other tasks pursuant to this Regulation.

SECTION 3

Scientific Committee for Training

Article 15

Establishment

Where appropriate, and taking into consideration business requirements and financial resources, the Management Board shall decide, by a majority of two thirds of its members, to establish a Scientific Committee for Training. The same procedure shall apply to a decision revoking such establishment.

Article 16

General provisions, objective and tasks

1 When established by the Management Board, the Scientific Committee for Training shall be an independent advisory body ensuring the scientific quality of CEPOL's training-related work.

2 The Scientific Committee for Training shall be composed of high-level academics and law enforcement practitioners in the subjects covered by Article 4. The Management Board shall appoint the members of the Scientific Committee for Training following a transparent call for applications and selection procedure to be published in the *Official Journal of the European Union*. The members of the Management Board shall not be members of the Scientific Committee for Training. The members of the Scientific Committee for Training shall be independent and shall neither seek nor take instructions from any government or any other body.

3 The Management Board shall entrust the Scientific Committee for Training with, inter alia, the following tasks:

- a advising the Executive Director on the drafting of the multi-annual programming and annual work programmes and other strategic documents, to ensure their scientific quality and their consistency with relevant Union sector policies and priorities;
- b providing independent opinions and advice to the Management Board on matters falling within its remit;
- c providing independent opinions and advice on the quality of curricula, applied learning methods, learning options and scientific developments;
- d performing any other advisory task pertaining to the scientific aspects of CEPOL's work relating to training, at the request of the Management Board or the Executive Director.

4 When establishing the Scientific Committee for Training, the Management Board shall decide on its composition, its members' term of office, the frequency of its meetings and its rules of procedure, including its voting rules.