

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 VI

MISCELLANEOUS PROVISIONS

Article 25

Legal status

- 1 CEPOL shall be an agency of the Union. It shall have legal personality.
- 2 In each Member State, CEPOL shall enjoy the most extensive legal capacity accorded to legal persons under national law. It may, in particular, acquire and dispose of movable and immovable property and be party to legal proceedings.
- 3 The seat of CEPOL shall be in Budapest, Hungary.

Article 26

Privileges and immunities

The Protocol on the Privileges and Immunities of the European Union shall apply to CEPOL and its staff.

Article 27

Language arrangements

- 1 The provisions laid down in Regulation No 1⁽⁴⁾ shall apply to CEPOL.
- 2 The Management Board shall decide by a majority of two-thirds of its members on the internal language arrangements of CEPOL.
- 3 The translation services required for the functioning of CEPOL shall be provided by the Translation Centre of the bodies of the European Union.

Article 28

Transparency

- 1 Regulation (EC) No 1049/2001 shall apply to documents held by CEPOL.
- 2 The Management Board shall, within six months of the date of its first meeting, adopt the detailed rules for applying Regulation (EC) No 1049/2001.

Status: Point in time view as at 25/11/2015.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2015/2219 of the European Parliament and of the Council, CHAPTER VI. (See end of Document for details)

3 Decisions taken by CEPOL under Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the European Ombudsman or of an action before the Court of Justice of the European Union, in accordance with Articles 228 and 263 TFEU respectively.

4 The processing of personal data by CEPOL shall be subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council⁽²⁾.

Article 29

Combating fraud

1 In order to facilitate the fight against fraud, corruption and any other illegal activity under Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁽³⁾, between 1 July and 31 December 2016 CEPOL shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-Fraud Office (OLAF)⁽⁴⁾ and shall adopt appropriate provisions applicable to all employees of CEPOL using the template set out in the Annex to that Agreement.

2 The European Court of Auditors shall have a power of audit, on the basis of documents and on-the-spot checks, over all grant beneficiaries, contractors and subcontractors who have received Union funds from CEPOL.

3 OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract awarded by CEPOL. Such investigations shall be carried out in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and in Council Regulation (Euratom, EC) No 2185/96⁽⁵⁾.

4 Without prejudice to paragraphs 1, 2 and 3, working agreements with Union bodies, authorities and training institutes of third countries, international organisations and private parties, contracts, grant agreements and grant decisions of CEPOL shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct the audits and investigations referred to in paragraphs 2 and 3, in accordance with their respective competence.

Article 30

Security rules on the protection of classified and sensitive non-classified information

CEPOL shall apply, *mutatis mutandis*, the Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified information, inter alia, the rules for the exchange, processing and storage of such information, as set out in Commission Decisions (EU, Euratom) 2015/443⁽⁶⁾ and (EU, Euratom) 2015/444⁽⁷⁾.

Article 31

Liability

1 CEPOL's contractual liability shall be governed by the law applicable to the relevant contract.

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2 The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by CEPOL.

3 In the case of non-contractual liability, CEPOL shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.

4 The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damage referred to in paragraph 3.

5 The personal liability of CEPOL's staff towards CEPOL shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment of Other Servants applicable to them.

Article 32

Evaluation and review

1 By 1 July 2021 and every five years thereafter, the Commission shall ensure that an evaluation assessing, in particular, the impact, effectiveness and efficiency of CEPOL and of its working practices is carried out.

2 The Commission shall submit the evaluation report to the Management Board. The Management Board shall provide its observations on the evaluation report within one month from the date of receipt. The Commission shall then submit the final evaluation report, together with the Commission's conclusions, and the Management Board's observations in an Annex thereto, to the European Parliament, the Council and the Management Board. The findings of that evaluation report shall be made public.

Article 33

Administrative inquiries

CEPOL's activities shall be subject to inquiries by the European Ombudsman in accordance with Article 228 TFEU.

Article 34

Cooperation with Union bodies, third countries and international organisations

1 CEPOL shall be open to the participation of the authorities and training institutes of third countries that have entered into agreements with the Union to that effect.

2 In so far as necessary for the performance of its tasks, CEPOL may establish and maintain cooperative relations with Union bodies, in accordance with their objectives, with authorities and training institutes of third countries, with international organisations and with private parties.

3 In accordance with paragraphs 1 and 2, working arrangements shall be concluded specifying, in particular, the nature, extent and manner in which the authorities and training institutes of third countries, international organisations and private parties concerned may participate in CEPOL's work, including provisions relating to participation in CEPOL's

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initiatives, financial contributions and staff. As regards staff matters, those arrangements shall comply with the Staff Regulations and the Conditions of Employment of Other Servants.

4 CEPOL shall cooperate with the Union bodies competent in matters covered by this Regulation and referred to in paragraph 2, within the framework of working arrangements concluded with those bodies, in accordance with this Regulation or with the relevant provisions of Decision 2005/681/JHA.

5 The working arrangements referred to in paragraphs 3 and 4 may be concluded only with the authorisation of the Management Board after having consulted the Commission. They shall not be binding on the Union or on its Member States.

Article 35

Headquarters Agreement and operating conditions

The necessary arrangements concerning the accommodation to be provided for CEPOL in Hungary and the facilities to be made available by that Member State together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, CEPOL staff and members of their families, shall be laid down in a Headquarters Agreement between CEPOL and Hungary concluded after obtaining the approval of the Management Board.

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- (1) Regulation No 1 of 15 April 1958 determining the languages to be used in the European Economic Community ([OJ L 7, 6.10.1958, p. 385/58](#)).
- (2) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ([OJ L 8, 12.1.2001, p. 1](#)).
- (3) Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 ([OJ L 248, 18.9.2013, p. 1](#)).
- (4) Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-fraud Office (OLAF) ([OJ L 136, 31.5.1999, p. 15](#)).
- (5) Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ([OJ L 292, 15.11.1996, p. 2](#)).
- (6) Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission ([OJ L 72, 17.3.2015, p. 41](#)).
- (7) Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information ([OJ L 72, 17.3.2015, p. 53](#)).

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