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NOTE

From: Belgium, Bulgaria, the Czech Republic, Germany, Estonia, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden

To: Delegations

Subject: Initiative of Belgium, Bulgaria, the Czech Republic, Germany, Estonia, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden for a Regulation of the European Parliament and of the Council amending Decision 2005/681/JHA establishing the European Police College (CEPOL)
- Explanatory memorandum

Delegations will find enclosed an explanatory memorandum relating to the initiative by a group of Member States for a Regulation of the European Parliament and of the Council amending Decision 2005/681/JHA establishing the European Police College (CEPOL).

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

This explanatory memorandum concerns the legislative proposal for a Regulation of the European Parliament and of the Council amending Decision 2005/681/JHA establishing the European Police College (CEPOL).

According to Article 4 of Council Decision 2005/681/JHA establishing the European Police College (CEPOL), CEPOL has its seat in Bramshill, United Kingdom.

By its letters of 12 December 2012 and 8 February 2013, the United Kingdom informed CEPOL that it no longer wished to host the seat on its territory. Apart from hosting CEPOL, Bramshill also hosts a national police training site for the National Policing Improvement Agency, which the United Kingdom decided to replace by a new College of Policing, to be located elsewhere. The United Kingdom therefore decided to close the national police training site at Bramshill and to sell the site, indicating that the related costs were high and no alternative business model to run the site had emerged.

In view of this situation, on 8 October 2013 the Council agreed by common accord that CEPOL will be hosted in Budapest as soon as it has to move from Bramshill. This agreement should be incorporated into Council Decision 2005/681/JHA.

2. IMPACT ASSESSMENT

This initiative is supported by an impact assessment.

The Common Approach annexed to the Joint Statement of the European Parliament, the Council of the European Union and the Commission of 19 July 2012 on decentralised agencies, without prejudice to the political decision on an agency's seat taken by common agreement between the representatives of the Member States or by the Council sets out objective criteria to be taken into account when choosing an agency's seat. The impact assessment of locating CEPOL seat in Budapest demonstrates that the proposal complies with these criteria, allowing the European Parliament and the Council to assess the impact of the relocation and the functioning of CEPOL in Budapest.

The assessment addresses those factors in detail that:

- have a financial impact on the general budget of the European Union and
- cover social aspects of the work of CEPOL staff members.

Furthermore it indicates the budgetary implications relating to the relocation and functioning of the CEPOL in Budapest.

The impact assessment is annexed to the proposal.

3. LEGAL ELEMENTS OF THE PROPOSAL

3.1. Legal Basis

This proposal is based on Article 87(2)(b) TFEU. A Regulation adopted by the European Parliament and the Council is considered to be the appropriate legal instrument to amend Council Decision 2005/681/JHA.

3.2. Subsidiarity and proportionality

The objective of the proposal for a Regulation, namely the relocation of a European Union Agency, can, by its very nature, only be achieved at Union level. The Union may therefore adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this proposal for a Regulation does not go beyond what is necessary to achieve that objective.

3.3. Detailed explanation of the proposal

Article 1 amends Article 4 of Council Decision 2005/681/JHA and sets out that the new seat of CEPOL will be in Budapest, Hungary.

Article 2 determines the entry into force and the date of application of the Regulation.

4. BUDGETARY IMPLICATIONS

The specific budgetary implications of the proposal relate to estimated savings in CEPOL's functioning costs per year due to the proposed relocation from Bramshill to Budapest as well as an estimated tentative budgetary calculation of the one-off expenditure of the relocation.

These implications are set out in the impact assessment.