

Summarised report

REPORT 42/2014 BY THE JOINT COMMITTEE FOR EU AFFAIRS, DATED NOVEMBER 18, 2014, ON THE COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY BY THE PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING A EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT TRAINING (CEPOL), REPEALING AND REPLACING THE COUNCIL DECISION 2005/681/JHA OF THE COUNCIL [COM (2014) 465 FINAL/2] [2014/0217 (COD)]

BACKGROUND

A. The legal basis of this report is to be found in articles 3 j), 5 and 6 of Act 8/1994 (amended by Act 24/2009) regulating the compliance with the principles of subsidiarity and proportionality in Spain.

B. The deadline to verify the compliance with the principle of subsidiarity by this Proposal is November, 25, 2014.

C. A report by the Government has been requested and Senator Mr. Juan Ramón Represa Fernández has been appointed as rapporteur for the subsidiarity report on this initiative.

D. The Government states in its report that this proposal complies with the principle of subsidiarity.

E. A report has been conveyed by the Basque Parliament stating that the initiative complies with the principle of subsidiarity.

F. The Joint Committee for EU Affairs adopted on November 18, 2014, the following:

OPINION

Article 5 (1) of the Treaty on the European Union indicates that “*the use of Union competences is governed by the principles of subsidiarity and proportionality*”, and adds in Article 5 (3) of the same Treaty that “*under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall only act in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level*”.

2. The legislative proposal considered is based on articles 87 (2) of the TFEU:

3.- The European Police College (CEPOL), was established as an EU agency in 2005 by Council Decision 2005/681/JHA, entrusted with activities related to the training of senior law enforcement officers and facilitating cooperation between national police forces.

According to the terms of the European Law Enforcement Training Scheme, law enforcement officers must receive training and the latter must be subject to assessment. On the other hand, in 2013, the merger of CEPOL with Europol was not approved, which entailed that the parts of the proposal related to training were not discussed in detail.

The relocation of CEPOL’s seat to Budapest, adopted by a legislative initiative amending Decision 681/2005 entailed the adoption of a Regulation, in whose legislative process the Commission was invited to submit a report on the effectiveness of the Decision, if appropriate accompanied by a legislative proposal for the Agency. This proposal for a regulation responds to that invitation.

4.- This Proposal aims to give CEPOL the appropriate legal mandate and the necessary resources to implement the training effort for law enforcement agencies, as well as improve CEPOL's governance.

To attain the goals of the Proposal, CEPOL's is conferred two main tasks, namely delivering relevant EU-level training and exchanges and coordinating the implementation of the Law Enforcement Training Scheme. The general objective of this proposal for a Regulation is therefore to improve EU security through the implementation, by CEPOL, of a new training approach for EU law enforcement officers, as well as the improvement of the governance of CEPOL by means of simplifying procedures.

5.- As a complement to police training, an European scheme shall be established aimed at:

- * Raise awareness and knowledge of international and Union instruments on law enforcement and judicial cooperation, as well as access to information exchange channels.
- * encourage cooperation among Member States and with Union bodies and third countries
- * address specific criminal or policing thematic areas where training at Union level can add value.
- * devise specific common curricula for law enforcement officers.
- * support capacity-building activities in third countries.
- * train trainers and assist in improving and exchanging good learning practice.

6.- The Regulation has an explanatory Memorandum and eight chapters, such as "Objectives and Tasks of the Agency", "Cooperation between Member States and CEPOL", or "Organisation of CEPOL", as well as financial, transitional and final provisions.

7.- This legislative measure falls within the realm of shared competences. The Proposal complies with the principle of subsidiarity, since the goals of the proposed action cannot be sufficiently achieved by the Member States (either at central level, or at regional or local level) but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level. According to the principle of proportionality, this Regulation does not go beyond what is necessary to attain its goals.

CONCLUSION

For the aforementioned reasons, the Joint Committee for EU Affairs considers that this proposal complies with the subsidiarity and proportionality principles laid down in the Treaty on the European Union in force.