



CEPOL's External Action: Evolution and Outlook

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'Internal security cannot be achieved in isolation from the rest of the world, and it is therefore important to ensure coherence and complementarity between the internal and external aspects of EU security.'

(EU Internal Security Strategy, 2010)

Abstract

This article aims to present the evolution and further perspectives of the external action by the European Union Agency for Law Enforcement Training (CEPOL). By analysing the legal background in light of the subsequent mandates of the Agency and against various policy documents, the authors demonstrate the impressive evolution of the past 20 years, both in terms of volume and quality, that has made CEPOL a key player in the European Union's internal-external security nexus. The Agency has managed to engage nearly all countries in the EU's proximity on the one hand by concluding cooperation instruments¹, on the other hand by managing dedicated capacity-building projects. Via all these means, the European law enforcement culture is spread among partner countries' law enforcement communities. CEPOL is thus actively contributing to the high level of internal security of the European Union, serving its primary customers, i.e. the EU Member States, and well beyond the borders of the Union.

Keywords: internal security, international cooperation, European Union, law enforcement cooperation, training.

¹ These instruments have been called 'cooperation agreements' under the previous legal mandate (Council Decision 2005/681/JHA) and working arrangements under the current one (Regulation 2219/2015 EU). From practical point of view, there is no difference between the two denominations.

CEPOL² is a European Union (EU) Agency with a core mandate to support, develop and implement training for law enforcement officials. The Agency's 'brand' is extensively recognised and within the EU, considered as a prime actor in its relevant field. Its mission is to bring closer the law enforcement services of the Member States and those of the Western Balkans and the European Neighbourhood Policy countries. This ever-growing group contains the Eastern Partnership countries and others from the Middle East and North Africa regions. Through the years, CEPOL has gradually intensified its relations and activities with international organisations creating regional and global reach such as the United Nations, the International Criminal Police Organization (INTERPOL), and other significant actors, respectively.

This article aims at taking stock of the evolution of CEPOL's external action in light of the subsequent mandates of the Agency.

Evolution of CEPOL's external action and the Agency's mandate

CEPOL was conceived in the years following the Treaty of Amsterdam (1997), and its founding instrument was Council Decision 2000/820/JHA. In this first mandate, external action was already included. This means the authorisation to go beyond EU borders to assist if required. CEPOL's objectives mentioned that the Agency should offer its infrastructure to senior law enforcement officers of applicant countries where the European Union is conducting accession negotiations and those of Iceland and Norway. As the Council Decision formulated, the organisation develops and provides training for police authorities³ from the candidate and potential candidate states to achieve this objective.⁴ Furthermore, CEPOL was also allowed to cooperate with third countries' national police training institutes, particularly with candidate countries and others like Iceland and

2 CEPOL originally stood for European Police College. Since 2016, the Agency's official name has been '*European Union Agency for Law Enforcement Training*'. However, the acronym was kept unchanged.

3 One must note that already paragraph (1) of the Preamble precised that police forces are understood to mean law enforcement officials as referred to in point 47 of the Presidency conclusions of the Tampere European Council of 1999, which used the term 'senior law enforcement officials'. Thus, from the onset, CEPOL covered senior officers of any all those state run agencies with law enforcement function, not exclusively of those named as Police. One must note that already this text mentioned that 'it should also be open to the authorities of candidate countries', thus laying the foundations of CEPOL's cooperation with non-EU countries.

4 Article 7 g) of Council Decision 2000/820/JHA.

Norway⁵. A specific reference was included to cooperate with the Nordic-Baltic Police Academy (NBPA) and the Central European Police Academy (Mitteleuropäische Polizeiakademie, MEPA).⁶

After the first years of functioning on an intergovernmental basis, Council Decision 2005/681/JHA transformed CEPOL into a status of a full EU Agency, updating the provisions of its mandate relevant for its external action. Under this second mandate, CEPOL was equally allowed to cooperate with any third countries' national training institutes, in particular with those of the candidate countries, as well as with those of Iceland, Norway and Switzerland.⁷ As a novelty, the way of such cooperation was also regulated. Under this Decision, CEPOL's Governing Board was given the power to authorise the director to negotiate cooperation agreements with external partners. Cooperation agreements with bodies of non-member states of the European Union could only be completed after the approval of the Council of the European Union has been obtained, thus establishing a legal way of political oversight.⁸

In the following years, the 2009 'Stockholm Programme – an open and secure Europe serving and protecting citizens–'⁹, adopted by the leaders of the EU Member States, aimed to create a genuine European law enforcement culture by setting up European training schemes and exchange programmes for all relevant law enforcement professionals at national and Union level ([URL1](#)). In response to this call in the Stockholm Programme to step up training on Union-related issues and to make such training systematically accessible to law enforcement officials of all ranks, and to the request from the European Parliament for a more robust Union framework for judicial and police training, the need for a new mandate emerged. That was also given impetus by the set of general principles known as the European Law Enforcement Training Scheme (LETS), adopted by the European Commission ([URL2](#)), aiming to ensure that Union level training for law enforcement officials is of high quality, coherent and consistent. Achieving this milestone led to adopting the current mandate, stipulated in the Regulation (EU) 2015/2219. As regards external action, the new area of responsibility provided continuity and broadened CEPOL's horizon to fulfil its wider mission. According to the Regulation, to the extent required for the performance of its tasks, CEPOL should be able to cooperate with Union

5 The reason of the special emphasis on these two countries was that back then they were the only countries that were parts of the Schengen Area, thus participating in the related forms of cross-border police cooperation, while not being EU Member States.

6 Article 8 of Council Decision 2000/820/JHA. For a detailed introduction to MEPA: Fehervary (1997).

7 Article 8 paragraph 2 of Council Decision 2005/681/JHA.

8 Article 8 paragraph 3 of Council Decision 2005/681/JHA.

9 For a detailed analysis and assessment of the Stockholm Programme, see Fijnaut (2019).

bodies, authorities and training institutes of third countries and international organisations within the framework of working arrangements concluded under the new mandate or with national training institutes of third countries based on Article 8 of Decision 2005/681/JHA, as well as with private parties.¹⁰

This principle is set out in a more detailed manner by Article 34 of the Regulation. The *terminus technicus* of the cooperation instrument changed, stating that CEPOL, may conclude working arrangements instead of the formerly used cooperation agreements. More importantly, the procedure is somewhat simplified. The Commission takes over the role of the Council to ensure the necessary political oversight: working arrangements may only be concluded with the authorisation of the Management Board after having consulted the Commission.¹¹ However, when it comes to geographical scope, the Regulation refers to ‘*authorities and training institutes of third countries that have entered into agreements with the Union to that effect*’: having said that, should the political preconditions be given, CEPOL may, in principle, cooperate with any country in the world.

The current mandate is also a significant step forward in specifying the forms of cooperation, compared to the rather general language of the previous instruments. Article 4 paragraph 4 tasks CEPOL to support capacity-building in third countries by developing and providing training for law enforcement officials from third countries, in particular from countries that are candidates for accession to the Union and the countries under the European Neighbourhood Policy; and by managing dedicated Union External Assistance funds to assist third countries in building their capacity in relevant law enforcement policy areas, in line with the established priorities of the Union. On the one hand, the countries’ emphasis gets closer to the Union. On the other hand, it is explicitly mentioned that CEPOL may not only ‘cooperate’ but provide training for a non-European target audience itself. Last but not least, the provision on managing funds has opened up the possibility of targeted, project-based cooperation for CEPOL, which has significantly gained importance since 2015 in the Agency’s life, as we would see below.

External action achievements

Based on the legal provisions mentioned above, CEPOL has substantially increased its external action in the past years. During this process, it had to be taken into account that the environment in which CEPOL’s external action is

10 Recital (18) of the preamble of Regulation (EU) 2015/2219.

11 Article 34 paragraph 5 of Regulation (EU) 2015/2219.

positioned is volatile one, affected by various challenges. Terrorism, organised crime, irregular migration, and cybercrime continue to pose significant challenges. Beyond cybercrime, the digitalisation of our societies requires law enforcement to be equipped with proper digital skills. Member States have been concerned with security aspects of irregular migration flows towards Europe. The recent outbreak of the COVID-19 epidemic will certainly alter many aspects of our everyday life even in the long run – nevertheless, its economic implications may have severe consequences on the capacities of law enforcement. Most of these developments affect both the EU and third countries. Security of the EU and security of the countries in its neighbourhood and beyond are intertwined to such an extent that it is right to speak more of a continuum of the internal and external security of the Union than a simple nexus between the two, as it was the case a few years ago ([URL3](#)). On the other hand, CEPOL has a significant advantage in external cooperation compared to other EU Agencies, namely that training is a relatively ‘soft’ part of security cooperation, where the readiness of the given partner to cooperate may be reached more quickly. Thus, CEPOL often appears as the first EU agency having whatsoever security cooperation with a specific partner, generating trust and paving the way for cooperation of other EU agencies and services of EU Member States.

When it comes to the cooperation based on working arrangements, CEPOL started to conclude Cooperation Agreements with non-EU countries in 2010, once the EU Agencies had already been covered. The first country signing a Cooperation Agreement was Turkey ([URL3](#)). Following dynamic growth throughout the past decade, CEPOL currently covers all Schengen Associated Countries and all nations aspiring an EU membership,¹² just as four out of six countries of the Eastern Partnership.¹³ There is no Working Arrangement concluded with any country of the Southern Neighbourhood, although the draft with Tunisia is awaiting signature ([URL4](#)). There is one Strategic Partner covered with a Working Arrangement¹⁴. The advantage of this form of cooperation is to grant these partners comprehensive access to CEPOL’s training offer¹⁵, based on structured and permanent collaboration. This provides a solid basis for sustainable partnerships with permanent mutual engagements.

In parallel, since the adoption of the current mandate, CEPOL managed to build up the most extensive project portfolio among EU Justice and Home Affairs

12 i.e. candidate countries and countries that officially qualify as potential candidate countries.

13 Azerbaijan and Belarus have no Working Arrangement at the moment.

14 The Strategic Partner covered with a Working Arrangement is Russia, since 2013- however, for political reasons, this has not been implemented since 2014.

15 i.e. access to on-site training, e-learning and exchanges.

Agencies, with four major projects of a cumulated budget of 23.5 million EUR for the period 2020-2024, covering the whole area of countries with a European perspective and the Eastern and Southern Neighbourhood.

CEPOL has already successfully concluded several comprehensive projects and training activities in third countries covered by EU neighbourhood policies, such as:

- Financial Investigation In-Service Training Programme for Western Balkan (CEPOL FI) 2017-2020, financed by European Commission through the Instrument for Pre-Accession Assistance II (IPA II)
- EU/MENA Counter-terrorism Training Partnership 1-2 (CEPOL CT & CT2) 2015-2017 and 2017-2020 respectively, financed by the European Commission through the Instrument contributing to Stability and Peace (IcSP)

Such projects are executed based on delegation, grant or contribution agreements concluded with the European Commission's services. The financing decisions rest with the European Commission. CEPOL has sought to export European know-how and foster fruitful training partnerships through these projects. In doing so, the Agency has been promoting international law enforcement cooperation instruments, helping widen networks of law enforcement specialists and transfer partner countries' professional experience to Europe. The activities in these projects provided excellent opportunities to bring participants from European law enforcement communities into direct discussion with an equal professional partner from the Western Balkans, North Africa, and the Middle East.

In 2020, CEPOL negotiated the above-mentioned 23.5 million EUR new projects portfolio. As a result of this, CEPOL is currently implementing four recent projects ([URL5](#)), namely:

- Enhancing Information Exchange and Criminal Justice Response to Terrorism in the Middle East and North Africa (CT INFLOW);
- Euromed Police for all partners in the Mediterranean countries, plus the African Union Mechanism for Police Cooperation (AFRIPOL) and the League of Arab States¹⁶;
- Training and Operational Partnership against Organized Crime (TOPCOP); for all countries covered by the EU Eastern Partnership policy¹⁷;
- Partnership against Crime and Terrorism (WB PaCT) for all Western Balkans countries¹⁸.

16 For a more detailed introduction of this project, see Berényi, & Freund (2020).

17 Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine. For political reasons, Belarus is currently not participating in the project.

18 Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, Serbia.

Regarding CEPOL's external action dynamics, one may notice synergy and interaction between the two forms of cooperation ([URL6](#)). The projects' excellent work has facilitated structured collaboration under the framework of Working Arrangements, opened the way towards concluding new Working Arrangements, and often paved the ground for other EU Agencies and structures in the partner countries. Thus, structured cooperation, based on Working Arrangements and project-based collaboration, are indispensable for CEPOL's external action, and their various aspects are often closely related, even intertwined. Considering the limits of the Agency's resources available for any other objectives than its core mission with the Member States' law enforcement education capacities, third countries' capacity building is primarily pursued via implementing ad-hoc projects financed through the European Commission's external assistance funds. This feature may also determine the evolution of CEPOL's external action in the coming years.

One key lesson of CEPOL's activities in the cooperation with third countries is the significant advantages of joint training opportunities to build solid bridges between the services engaged. At times, the cooperation has been impacted by political turbulences and crises. However, CEPOL has experienced a firm professional commitment from its partner institutions to work closer together. During the operational activities in the projects, it was evidenced that joint training courses, study visits, and staff exchanges are excellent tools to build up the most important currency for international cross border cooperation: trust!

In conclusion, the evolution of CEPOL's external action has been very dynamic in the past two decades. CEPOL was considered to support countries outside the European Union already from the moment of its birth, as we have seen in the Tampere Conclusions. This tasking has just become more and more evident in the subsequent legal mandates of the Agency. The demand for CEPOL's services within the non-EU countries, complemented with the high quality of CEPOL training have made CEPOL an appealing 'brand' in the eye of external partners. Thus, the Agency is a valuable instrument in EU external action when it comes to cooperation on internal security with non-EU countries. The current substantial portfolio of capacity-building projects seems to be an acknowledgement of this role and may provide a perspective for CEPOL's future development.

Figure1: Overview of CEPOL's Existing External Cooperation Instruments

Countries	Type of cooperation	Status	Date
Albania	Working arrangement	In force	15/05/2013
Armenia	Working arrangement	In force	25/04/2017
Bosnia and Herzegovina	Working arrangement	In force	03/12/2014
Georgia	Cooperation agreement	In force	12/12/2011
Iceland	Working arrangement	In force	01/09/2021
Kosovo*	Working arrangement	In force	24/03/2017
Liechtenstein	Working arrangement	In force	13/03/2020
Lebanon	Working arrangement	Preparatory phase	n/a
Moldova	Working arrangement	In force	10/12/2012
Montenegro	Working Arrangement	In force	19/10/2021
Norway	Cooperation agreement	In force	09/12/2010
Republic of North Macedonia	Working arrangement	In force	24/08/2017
Russian Federation	Working arrangement	In force	28/11/2013
Serbia (Republic of)	Working arrangement	In force	01/09/2017
Switzerland	Cooperation agreement	In force	27/01/2022
Tunisia	Working arrangement	Preparatory phase	n/a
Turkey	Cooperation agreement	In force	07/12/2010
Ukraine	Working arrangement	In force	05/02/2020

Organisations	Type of cooperation	Status	Date
Association of European Police Colleges (AEPC)	Memorandum of understanding	In force	13/02/2002
European Judicial Training Network (EJTN)	Working arrangement	In force	15/02/2017
European Network of Forensic Science Institutes (ENFSI)	Working arrangement	In force	09/10/2018
European Security and Defence College (ESDC)	Working arrangement	In force	11/07/2017
European Crime Prevention Network (EUCPN)	Working arrangement	In force	23/06/2020
European Union Intellectual Property Office (EUIPO)	Memorandum of understanding	In force	08/12/2017
European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA)	Working arrangement	In force	20/11/2013
European Union Agency for Criminal Justice Cooperation (Eurojust)	Cooperation agreement	In force	07/12/2009

Organisations	Type of cooperation	Status	Date
European Union Agency for Law Enforcement Cooperation (Europol)	Cooperation agreement	In force	19/10/2007
European Union Agency for Fundamental Rights (FRA)	Working arrangement	In force	24/08/2021
European Border and Coast Guard Agency (Frontex)	Cooperation agreement	In force	21/10/2020
International Criminal Police Organization (INTERPOL)	Cooperation agreement	In force	06/12/2017
Organization for Security and Co-operation in Europe (OSCE)	Working arrangement	In force	03/07/2017
Police Cooperation Convention for Southeast Europe (PCC-SEE)	Informal cooperation	In force	n/a
United Nations Office on Drugs and Crime (UNODC)	Working arrangement	In force	21/11/2018

*The designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

Note: URL3 and URL4.

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Online Links in This Article

URL1: *The Stockholm Programme - An open and secure Europe serving and protecting the citizens*. https://ec.europa.eu/anti-trafficking/stockholm-programme-open-and-secure-europe-serving-and-protecting-citizens-0_en

URL2: *Communication from the European 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*. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0172:FIN:EN:PDF>

URL3: *Commission: New EU Security Union Strategy*. <https://eucrim.eu/news/commission-new-eu-security-union-strategy/>

URL4: *External Partners*. <https://www.cepola.europa.eu/who-we-are/partners-and-stakeholders/external-partners>

URL5: *Decision 2021/11/MB of the CEPOL Management Board*. <https://www.cepola.europa.eu/sites/default/files/11-2021-MB.pdf>

URL6: *International Cooperation*. <https://www.cepola.europa.eu/international-cooperation>

Laws and Regulations

Council Decision of 22 December 2000 establishing a European Police College (CEPOL) (2000/820/JHA)

Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA

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

Reference of the article according to APA regulation

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