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Some comments on the establishment of the European police college

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I. Introduction

At the Tampere Summit on 15 and 16 October 1999, the European Council decided that a European Police College should be established for the training of senior law enforcement officials. It was explicitly stated that this college would initially consist of a network of existing training institutes. It was additionally indicated that it should be open to authorities from applicant countries. Just over a year later, at least on paper, this College is a fact. On 22 December 2000 the European Council formally took the decision for its establishment. Before explaining precisely what this decision entails and making some remarks on its contents, it is appropriate not just to look at how it came about but also to briefly examine its previous history. A historical retrospective of this kind offers more opportunities to assess the value of this initiative.

II. The previous history of this initiative

The debate on the need to do something at the level of the European Community about the training of police officers from the Member States and/or the development of scientific research relating to the police system began back in the eighties.

C. Fijnaut in 1985, during a lecture delivered on the occasion of the fifteenth anniversary of police cooperation in the Aachen, Maastricht and Verviers triangle, drew attention to the need to establish a European institute for police research. He argued for this not just with a view to the continued development of police cooperation in the border regions of the Member States but also in particular with a view to the increasing significance of internal security issues in the European Community. An institute of this kind in his view would have to be concerned in particular with international comparative studies of the police system in Europe, in the broad sense of the term, that is to say including the regulatory agencies and the private security sector.

A few years later, in 1989, the directors of the senior police training courses in the Member States of the European Community at a meeting in Copenhagen expressed the wish that initiatives should be taken to promote the cooperation between their training courses. The latter meeting in particular has had a clear effect in the Member States. A short time later proposals were published both in

the Netherlands and in Germany on the way in which this cooperation might be given shape within a European Police Institute or a European Police Academy.

A. The Dutch proposal

The Dutch proposal was drawn up by a ministerial project group led by Dr P. van Reenen (Onderzoek, 1990). On the basis of the need for both higher training and scientific research in the European Community, this project group developed three possible forms of cooperation.

Firstly it should be possible to concentrate all training initiatives at one and the same place in a European Police Institute. The benefits of this would be that police personnel from widely differing countries would have an ample opportunity to get to know each other, that a large quantity of information could be transferred in a short time and that the management of the institute would be relatively simple. The drawbacks seen for this formula included the fact that the opportunities for experiencing varying practical situations would be limited, that it would be difficult to bring about sufficient involvement by the national police forces and that spending a prolonged period of time at such an institute would have an adverse effect on willingness to take part.

Secondly it was considered feasible to split courses: one half would be given at the European Police Institute, the other half at institutes in one or more Member States. This approach to some extent offers the same benefits as the first variant, but to a significant effect also suffered from its drawbacks. There would be a greater level of support for the Institute in the Member States, the courses could more easily have been tied in with police practice and there would be a greater willingness to take part in it. Drawbacks of this formula were considered to be that the opportunities to make contacts with fellow students would be more limited, that the Institute from the organizational point of view would be dependent on other bodies and that more guidance and support would be necessary.

Thirdly the proposal was drawn up in which the European Police Institute would actually be no more than the secretariat of a network of national institutes which would each separately, but in joint consultation, organize a number of courses. The advantage of a formula of this kind would be both that the costs of the Institute would remain low and that many police officers would frequently come into contact with their colleagues throughout Europe. The great drawback would be that the European Police Institute would not acquire a 'face', either towards the police or towards the public at large. Another perceived drawback was that a great deal of effort would have to be put into setting up and maintaining the network.

The project group had a clear preference for a European Police Institute in the first variant.

B. The German proposal

In the autumn of 1992, the director of the Polizeiführungsakademie in Münster, R. Schulte, published his ideas on what would have to and what could be done (Schulte, 1992). Like Van Reenen, he was convinced that there would have to be a European Police Academy. But unlike Van Reenen, he felt that it was not possible to create a fully fledged Academy anywhere in the European Community overnight. For this reason he developed a phased plan for the establishment of such an institute, wisely omitting to consider the total amount of time which would have been spent on implementing this plan.

In the first phase an attempt would have to be made to coordinate the internationally oriented courses which were already given at the various institutes – obviously the *Polizeiführungsakademie*, but also the Dutch Police Academy and the *Police Staff College* at Bramshill – and to give police officers from the Member States reciprocal access to these courses.

In the second phase international courses would be organized by various institutes. They would not only jointly specify the program but would, for example, exchange lecturers to give them at particular places.

The third phase would involve the establishment of a joint secretariat in order to organize the courses referred to. This would have to coordinate the various initiatives, bear the administrative burdens of their organization, develop proposals for new training programs and so on. It had to be assumed that this secretariat would represent the kernel of the later European Police Academy and that Germany would also be willing to take on the establishment of a secretariat of this kind.

Finally, in the fourth phase the actual Academy would be established, naturally with its own budget, buildings and administration.

C. The Treaty of Maastricht and the Treaty of Amsterdam

In the light of the above, it is not surprising that the problem of European police training also came up for discussion in the negotiations on the Treaty of Maastricht. This problem is not explicitly mentioned in the treaty. However, in the appended *Declaration concerning police cooperation* it is explicitly stated that measures must be taken concerning supplementary training and research. However, no systematic elaboration of this item has taken place in the years since. This does not mean that no attention at all has been given to the subject. In the Europol Convention of 1995, for example, this European police institution is explicitly given responsibility for the training of law enforcement officers within the framework of their general task (Articles 2 and 3).

To judge from the Treaty of Amsterdam, the governments of the various Member States had evidently also understood in the meantime that it was not sufficient to express a pious wish in a declaration for something to actually happen. In Article 30 (1) c) there is emphasis on 'cooperation and joint initiatives in relation to training'. This treaty-based *upgrading* of the question of training obviously has to be viewed against the background of the willingness of the Member States to further expand police cooperation and also organize it more and more operationally, because a development of this kind can only take place successfully if the staff of the national police forces are not just at home in the structures and mechanisms of the European Union but in the legal systems of the Member States too.

D. Developments in the intervening period

However, time has not stood still between the Treaty of Maastricht and the Treaty of Amsterdam. All kinds of developments have occurred in the intervening years which are certainly relevant to the expansion of the European Police College over the next few years (Schulte and Morié, 1998).

These developments firstly include the establishment of various institutes which are concerned, or are also concerned, with the initial and continuing training of law enforcement officials. In 1993 the *Mitteleuropäische Polizeiakademie* (MEPA), in which the participants, apart from Austria, are Germany, Poland, Hungary, the Czech Republic and Switzerland, was founded in Vienna. Two years later, in 1995, the *European Law Enforcement College* was established in Brussels with the support of the Belgian, Dutch and British governments. And in the same year, the FBI founded an *International Law Enforcement Academy* (ILEA) in Budapest.

Secondly, in 1996 the national police academies of the Member States established the Association of European Police Academies (VEP), the secretariat of which is in Dutch hands. Attempts are firstly made within this association both to survey the provision of training in the Member States and to streamline it in annual programmes, and secondly the association is involved in setting up seminars for police officers from applicant countries.

III. The background to the Decision

In the light of the previous history, it is not surprising that immediately after the Tampere Summit attempts were made by various Member States to gain control over the initiative of the Council to set up a European Police College. Nor will it come as a surprise that the attempts with equal vigor were parried by the other Member States. In order to streamline decision-making on the creation of the college, a choice was eventually made in favor of directing D. Neumann, on detachment at the secretariat-general of the Council, to conduct a preliminary

study. The results of this preliminary study, which was completed in February 2000, will first be reproduced in brief (Council, CATS 14/ENFOPOL 15). The reactions will then be briefly discussed.

A. The proposals in the Neumann report

This report is based partly on a questionnaire answered by the Member States. Some institutes in the Member States were also visited. And finally Neumann spoke to some experts.

To begin with, the objectives of the European Police College were discussed. They are all in the area of training: increasing knowledge relating to EU legislation and the legal systems in the Member States, promoting the application of this knowledge, optimizing cooperation and coordination between the training institutes in Europe and providing training courses for applicant countries. In order to be able to put these objectives into effect, the College must in any case take on a particular number of tasks. These relate among other things to providing training courses for senior police officers in the field of European and international cooperation, setting up harmonized teaching programs for middle-ranking police officers, offering advanced training courses for police officers and facilitating exchange and detachment of police officers in the context of their training. In particular there would have to be work on a 'course on European police work'.

As far as the structure of the College is concerned, the view that it is not necessary at this time to 'physically' set up a central training institute anywhere in the European Union is defended in this report. The structure of the College, on the contrary, must be based on cooperation between the national training institutions. It would have to be directed by a governing board which principally consists of heads of these institutions and which is chaired by a director and deputy director. Execution of the decisions of the board could either be entrusted to an executive committee, possibly supplemented by working groups, or to bureaus of the College at the national teaching institutes. The director and deputy director could be supported by a small secretariat which could be accommodated at a national training institute. The seat of the secretariat if appropriate could be moved to a different institute after a period of a few years.

The College would be financed partly by the Member States and partly by the Community.

The views of the Member States on the relationship between the European Police College and existing institutes such as the ELEC and the VEP diverge considerably. This relationship cannot therefore be fixed until the role of the College has been established. Because the VEP is regarded by most of the Member States as the forerunner of the European Police College, this association could be accommodated if appropriate in the College. Any partnership

agreements could be entered into with ELEC, ultimately a private organization. It would also have to be discussed in a later stage how the applicant countries must be involved in the activities of the College.

In conclusion, Neumann recommends involving officers from the Member States who are expert in the field of the training of police officers in the continued preparation of the establishment of the European Police College.

B. Reactions to the Neumann report

Shortly after the report was published, France made its view known. It stressed in its reaction that a European Police Academy would also have to carry out research. It also urged that the Council take a decision on the establishment of the Academy by the end of 2000. In the meantime France was prepared to start in the autumn of 2000 with an opening colloquium and five multi-day study meetings, concerned among other things with the organization and operation of the security services in the Member States and the fight against organized crime (Council, ENFOPOL 17).

The other Member States were evidently not so keen on this French initiative. They wanted first, via the existing consultation circuits of the Third Pillar, to subject the Neumann proposals – and the variants on them which had also been submitted by him – to closer consideration (Council, CATS 25/ENFOPOL 25). This discussion took place at the beginning of May and was completed on 15 May with a number of conclusions which would form the basis of a Council Decision which would be adopted in December 2000.

The most salient points discussed in the document concerned are as follows (Council, ENFOPOL 33):

- that the objectives and tasks of the Academy must continue to be directed solely towards education;
- that a kind of general course on 'European police work' must be developed;
- that the Academy must indeed be given the structure of a network which consists of special departments at the actual central training institutes in the Member States;
- and that the Academy as far as possible must be paid for by the Member States themselves and not by the Community.

France immediately seized on these conclusions to formulate a draft Council Decision on the provisional establishment of a European Police Academy (Council, SN 2891/00). This draft, dated 18 May 2000, was naturally in line with the consultation which has just been summarized. On the other hand, there were a few points which had not been brought up or had not been brought up so explicitly in the discussion concerned. Examples are the cautious introduction of research into the package of tasks of the Academy, harmonization of curricula for the training of junior police personnel in the area of cross-border police

cooperation, the production of training courses relating to collective non-military response by the Member States to crisis situations in third countries and the important role of the board in the establishment of the action program of the Academy.

A few weeks later Portugal too was unable to remain patient and, in June 2000, took the initiative to launch a proposal for a decision by the Council relating to the establishment of the European Police Academy (Council, ENFOPOL 44). It is not totally clear why Portugal considered this necessary, because the proposal was entirely in line with what had been agreed on 15 May and therefore with the French proposal.

For the European Parliament, the Portuguese proposal was nevertheless a good opportunity to have its voice heard in the debate. The Committee on Citizens' Freedoms and Rights in the report which it issued on 25 October 2000 proposed minor and major adjustments to the proposal on numerous points (European Parliament, 2000). A number of its remarks were mainly editorial in nature. Some were entirely concerned with the institutional division of power in the European Union and in particular with the role which the Parliament plays in the context of the Third Pillar. The committee considered that the Parliament must also be able to send an observer to the meetings of the Board and that it must also be involved in consultation on the future structure and seat of the Academy. The committee additionally urged that in the itemization of the tasks of the Academy more explicit attention should be given to both the general development of the European Union and to the role of its bodies in controlling crime and maintaining order. It also wanted to see the evolution of judicial cooperation put more clearly on the agenda of the Academy. The committee was in favor of greater involvement for Europol in the formulation of its policy. And finally it proposed that a decision on the future of the Academy should be taken not after three years but within two years.

The draft Decision on the establishment of the European Police Academy which the Council announced on 24 November 2000 already showed that on a large number of points it did not plan to adopt the proposals of the European Parliament. Examples of this are the detailed description of the tasks of the Academy and the close involvement of the European Parliament in the development of its policy. There was no mention in the draft of sending an observer to the meetings of the board. On the other hand, the Council had evidently been won over for a greater role for Europol, both in the administration of the Academy and in its program (Council, ENFOPOL, 81).

IV. The contents of the Decision of 22 December 2000

What are the salient features of the Decision which the Council has eventually taken?

Firstly the fact that the institute will bear the name of the European Police College and will initially consist of a network of the national training institutes for the training of senior law enforcement officers in the Member States. The governing board of the College will consist of the directors of the institutes and be chaired by the director of the institute in the Member State which holds the Presidency of the European Union. Representatives of the secretariat-general of the Council, the European Commission and Europol may attend the meetings of the board as observers. The board will be supported by a permanent secretariat which may be set up in one of the national police academies. Which this will be has yet to be decided by the Council. The Member States themselves will in principle be responsible for the financing of the College (Articles 1 – 5).

Secondly it must be emphasized that it is made clear in the Decision that the board must support a European approach to problems of insecurity, in particular where cross-border dimensions are concerned. The aims of the College have been attuned to this: increase knowledge of the national police systems, Europol and cross-border police cooperation, raise knowledge of the instruments which may be used in cooperation to fight crime; promote respect for democratic safeguards and in particular the rights of defence; and intensify cooperation between the College and other training institutes. It is explicitly noted that the College must also open its doors to police officers from applicant countries, Norway and Iceland (Article 6).

Thirdly the Decision indicates what activities the College may undertake. This naturally relates to the organization of general and special training programs. But in Article 7 there is also mention of the dissemination of the results of the research and of *best practice*, of the exchange of police officers in the context of training, of the development of an electronic network to support the action of the College and of the setting-up of language courses.

Fourthly in Article 8 not only is the possibility of officials from European institutions and other institutions of the European Union taking part in the programs of the College created, but the College is more or less obliged to cooperate with the national training institutes of applicant countries and with the *Nordic Baltic Police Academy* (NBPA) and with the *Mitteleuropäische Polizeiakademie* (MEPA).

Finally it is stipulated in Article 9 that during the third year the governing board will submit a report on the operation and future of the network, in accordance with the conclusions of the European Council in Tampere.

V. Some remarks on the Decision

It is clear that the goal, structure and program of the European Police College are entirely in line with the decision which was taken in Tampere and the Neumann report which elaborated it. In view both of the institutional developments which

are taking place in the Third Pillar and of the operational developments in and between the police systems of the Member States, it is good that a start is finally being made on the construction of this college. But it is necessary to be thoroughly aware that this is just the start and that the Member States are evidently unable yet to agree on much more far-reaching plans. Set against the plans which were developed as long as ten years ago in the Netherlands and Germany, the present-day College is genuinely the *minimum minimorum*. It is therefore to be hoped that evaluation of the College in its present form will not begin in two years' time but that this evaluation will be thoroughly prepared in the intervening period. On the one hand it would have to be examined in greater depth than has been done in the Neumann report what the actual situation is with regard to the training of senior police officers in Europe, and on the other there would have to be a sharper focus on what kind of 'European' training is needed in the next twenty to twenty-five years. The remarks made below must also be viewed in the light of such preparation of the evaluation of the College in 2003.

Towards that time it will obviously also be possible to answer the question of whether the European Police College needs to be more than an 'electronic network'. Partly in view of the arguments put forward at the time by Van Reenen and others, in my opinion it will not be possible to avoid building a genuine academy somewhere in Europe. This does not mean that all training therefore necessarily has to take place at one location; particular courses can best, in one way or another, to a certain extent be spread between the connected institutions. However, scarcity of really good lecturers, the need for a separate European basic library and the vital social contacts between students leave no other choice than to opt for a central European 'main establishment' if the College is to be genuinely made something which will make a mark in European police operations. There is no real need, in my opinion, for a police variant of the 'Open University'. If it is to be able to expand into a significant institute, the College will have to 'physically' acquire a face of its own.

The present College has been set up as a fully independent institution which will maintain contacts only with similar institutions in and around the European Union. The question is whether this isolation is good. Must a College of this kind not also establish relations with university institutions and important non-university research institutions which are active in the field of internal security? In my view it must, and for all kinds of reasons: to attract good lecturers, to gain access to significant scientific libraries, to keep in touch with the latest developments in scientific research. In addition, it must not be forgotten in this context that more and more senior police officers are university graduates and that in various Member States the national training institutes maintain close ties with universities nearby (Fijnaut, 1999).

The above does not mean that the College would have to be used solely for the training of senior police officers. Much police work which is very important for the implementation of European police policy is carried out by completely different categories of police officers. I am thinking here not just about police officers in the border regions of the Member States but of the members of special

investigation units. An example might be units which are involved in the application of cross-border infiltration and cross-border surveillance. It would be very good for the effectiveness and legitimacy of the European Police College if it also directed itself towards these categories of police personnel. This could be done both by setting up special courses at set times in cooperation with the existing consultation groups and by developing teaching and exercise materials for such units.

Following on from this last point, it can be argued that the College would have to be subject from the outset to a publication program. One of the greatest practical problems will prove to be the lack of adequate teaching material. This enormous problem can only be overcome by bringing together people from all the Member States at any early stage who not only know the relevant European literature inside out but who also know very well what can be bought in their own countries. The books and syllabuses which would be put together by such a group of editors would not only have to be intended for the training courses at the College but also be made available for courses at the national training institutes. A program of this kind could perhaps also be the precursor for the College's own research program. Only a program of this kind will enable the College to acquire a prominent position in police training in Europe and maintain durable contacts with the better academic educational and research institutions.

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