



Council of the  
European Union

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Eingelangt am 13/07/22

Brussels, 13 July 2022  
(OR. en)

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POLGEN 97  
INST 250  
JUR 444

## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION amending the Council's Rules of Procedure

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**COUNCIL DECISION (EU) 2022/...**

**of ...**

**amending the Council's Rules of Procedure**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 240(3) thereof,

Whereas:

- (1) The first subparagraph of Article 12(1) of the Council's Rules of Procedure<sup>1</sup> provides that acts of the Council on an urgent matter may be adopted by a written vote where the Council or the Committee of the Permanent Representatives of the Governments of the Member States (Coreper) unanimously decides to use that procedure.
- (2) With a view to ensuring continuity of Council decision-making in the exceptional circumstances caused by the COVID-19 pandemic whereby Council meetings could not be held regularly, the Council adopted Decision (EU) 2020/430<sup>2</sup> which introduced a temporary renewable derogation from the first subparagraph of Article 12(1) of the Council's Rules of Procedure as regards decisions to use the ordinary written procedure, where those decisions are taken by Coreper. During the period of application of Decision (EU) 2020/430, a decision by Coreper to use the ordinary written procedure was to be taken in accordance with the voting rule applicable for the adoption of the Council act concerned. That derogation was extended by the Council twelve times, justified by the continuation of the exceptional circumstances caused by the COVID-19 pandemic. The most recent extension, introduced by Council Decision (EU) 2022/321<sup>3</sup>, expired on 30 June 2022.

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<sup>1</sup> Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

<sup>2</sup> Council Decision (EU) 2020/430 of 23 March 2020 on a temporary derogation from the Council's Rules of Procedure in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 88I, 24.3.2020, p. 1).

<sup>3</sup> Council Decision (EU) 2022/321 of 24 February 2022 further extending the temporary derogation from the Council's Rules of Procedure introduced by Decision (EU) 2020/430, in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 55, 28.2.2022, p. 45).

- (3) Notwithstanding the improvement of the overall situation related to the COVID-19 pandemic, the use that was made of the derogation from the first subparagraph of Article 12(1) of the Council's Rules of Procedure during the two last years, and the recent international events that have required urgent action, demonstrate that it is important for the Council to be able to continue to use such a tool in the future.
- (4) Therefore, building on the experience gained in successfully ensuring the continuity of Council decision-making during the COVID-19 pandemic in an efficient manner, considering the high probability of situations requiring urgent action occurring in the future, and consistent with the role of Coreper in preparing the work in the Council and ensuring consistency of the Union's policies and actions, it is appropriate to provide that decisions to use the ordinary written procedure, where those decisions are taken by Coreper, should be taken in accordance with the voting rule applicable for the adoption of the Council act concerned.

- (5) The ordinary written procedure decided by Coreper should only be used in circumstances that require urgent action and should always be preceded by a thorough preparation in Coreper, in order to ensure to the maximum extent possible, among others, national coordination, public transparency, and the involvement of national parliaments in accordance with the practices of Member States.
- (6) The Council's Rules of Procedure should therefore be amended, in accordance with Article 240(3) of the Treaty on the Functioning of the European Union (TFEU).
- (7) In accordance with Article 106a of the Treaty establishing the European Atomic Energy Community, Article 240 TFEU applies to the European Atomic Energy Community,

HAS ADOPTED THIS DECISION:

### *Article 1*

In Article 12(1) of the Council's Rules of Procedure, the first subparagraph is replaced by the following:

‘Acts of the Council on an urgent matter may be adopted by a written vote where the Council unanimously decides to use that procedure or where Coreper decides to use that procedure in accordance with the voting rule applicable for the adoption of the Council acts concerned. In special circumstances, the President may also propose the use of that procedure; in such a case, written votes may be used where all members of the Council agree to that procedure.’.

### *Article 2*

This Decision shall take effect on the date of its adoption.

It shall be published in the *Official Journal of the European Union*.

Done at ...,

*For the Council*

*The President*

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