



Brussels, 13 July 2022  
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POLGEN 109  
INST 275  
JUR 499

#### 'A' ITEM NOTE

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From: Permanent Representatives Committee (Part 2)  
To: Council  
Subject: Council Decision amending the Council's Rules of Procedure

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1. With a view to ensuring continuity of Council decision-making in the exceptional circumstances caused by the COVID-19 pandemic where the Council could not hold regular meetings, the Council adopted Decision 2020/430<sup>1</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 that Decision, 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 several times. The most recent extension, introduced by Council decision 2022/321<sup>2</sup>, expired on 30 June 2022.

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<sup>1</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>2</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).

2. Notwithstanding the improvement of the overall situation related to the COVID-19 pandemic, the use that was made of this derogation 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.
3. 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 suggested to modify the Council's Rules of Procedure and 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.
4. On 13 July 2022, the Permanent Representatives Committee confirmed its agreement on the text of the Council Decision amending the Council's Rules of Procedure.
5. In view of the above, the Council is invited to adopt the Decision amending the Council's Rules of Procedure, set out in document [10548/22](#).

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