



**Brussels, 5 October 2020  
(OR. en)**

**11314/20**

**CMPT 4  
INST 226  
AG 44  
FIN 672**

### **COVER NOTE**

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From:	Klaus-Heiner Lehne, President of the European Court of Auditors
date of receipt:	14 September 2020
To:	Michael Roth, President of the <b>General Affairs Council</b>
Subject:	Draft Decision regarding the amendment of Article 19 of the Rules of Procedure of the European Court of Auditors

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The Court of Auditors sent to the Council a proposal for a revision of the Rules of Procedure of the Court of Auditors, adopted by the Court on 7 September 2020. The fifth sub-paragraph of Article 287(4) of the Treaty on the Functioning of the European Union requires the approval of the Council.

The cover letter as well as an explanatory memorandum are published in ADD1 to this document.

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Encl.

- Draft Decision regarding the amendment of Article 19 of the Rules of Procedure of the European Court of Auditors



**Draft Decision № XX-2020 regarding the amendment of Article 19 of the Rules of Procedure of the European Court of Auditors**

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**AMENDMENT OF ARTICLE 19 OF THE RULES OF PROCEDURE OF THE EUROPEAN COURT OF AUDITORS, KLAUS-HEINER LEHNE, PRESIDENT**

- HAVING REGARD TO the Treaty on the functioning of the European Union, and in particular the fifth subparagraph of Article 287(4) thereof;
- HAVING REGARD TO the approval of the Council given on XXX;
- WHEREAS the Rules of Procedure do not provide for the possibility for the Court to adopt its decisions remotely by means of video or telephone conference, even in extraordinary circumstances, constituting *force majeure*;
- WHEREAS it is necessary to amend the Rules of Procedure in order to enable the Court to adopt its decisions remotely in extraordinary circumstances, constituting *force majeure*, and to ensure the continuity of decision-making by the Court in such circumstances;

**HAS DECIDED:**

Article 1

Article 19 of the Rules of Procedure of the European Court of Auditors is amended as follows:

- its current text is numbered as paragraph 1,
- the following paragraph 2 is inserted:

“In duly justified and exceptional circumstances, constituting *force majeure*, such as in particular, major public health crises, natural disasters or acts of terrorism, determined by the President, the Court may make its decisions remotely by video or telephone conference, without all, or any, of the Members being physically present at the same location. The President shall call and chair such meetings and be responsible for the proper conduct of the sessions. The written procedure laid down in Article 25(5) shall apply accordingly.”

- the following paragraph 3 is inserted:

“Paragraph 2 shall apply accordingly to meetings of the Chambers and Committees. The tasks of the President shall be performed by Deans and Chairmen of the respective Chambers and Committees.”

- the following paragraph 4 is inserted:

“Decisions provided for in Articles 4(4), 7(2) and 13(1) of these Rules of Procedure which are taken by secret ballot may be adopted by the Court in remote sessions under paragraph 2, provided that the secrecy of vote is ensured.”

Done at Luxembourg, XX XX 2020

For the Court of Auditors

Klaus-Heiner Lehne  
*President*

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