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

COUNCIL DECISION (EU) 2020/430

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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

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

(1) Since the outbreak of the epidemiological crisis caused by the coronavirus SARS-CoV-2, the disease associated with it, COVID-19, has been spreading fast across the world, reaching also the Union's territory. Due to the rapid increase in the number of cases, on 11 March 2020 the Director-General of the World Health Organization (WHO) characterised COVID-19 as a pandemic. On 12 March 2020, in view of the rapid escalation in the WHO European Region, with more than 20 000 confirmed cases and almost 1 000 deaths, the WHO Regional Director for Europe indicated that Europe had become the epicentre of this pandemic.

(2) As a consequence, Member States have taken a number of extraordinary preventive and containment measures such as quarantine, closures of non-essential shops, schools and universities, implementation of remote working policies as well as movement and travel restrictions or bans. Those measures make it impossible or very difficult for certain Council members to travel with a view to being physically present at Council meetings held at the Council's seat. This in turn makes it difficult to reach the quorum required by Article 11(4) of the Council's Rules of Procedure[(1)], and consequently makes it difficult for the Council to hold formal meetings.

(3) In view of these exceptional circumstances, and with a view to ensuring institutional continuity in the decision-making of the Council, it is necessary to temporarily derogate from the first subparagraph of Article 12(1) of the Council's Rules of Procedure as regards decisions to use the ordinary written procedure. During the period of application of this Decision, and only during this period, a decision to use the ordinary written procedure that is taken by the Committee of the Permanent Representatives of the Governments of the Member States (Coreper) should be taken in accordance with the voting rule applicable for the adoption of the Council act concerned. This derogation should apply for a duration of one month, renewable.

(4) The use of the ordinary written procedure as an alternative to the adoption of Council acts at meetings of the Council should be preceded by a thorough preparation in Coreper, and the Council act concerned should, where possible and relevant, be subject to

Changes to legislation: *Council Decision (EU) 2020/430 is up to date with all changes known to be in force on or before 19 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

prior political discussion by ministers, for example by informal videoconference, 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,

HAS ADOPTED THIS DECISION:

Article 1

By derogation from the first subparagraph of Article 12(1) of the Council's Rules of Procedure, a decision to use the ordinary written procedure, where that decision is taken by Coreper, shall be taken in accordance with the voting rule applicable for the adoption of the Council act concerned.

Article 2

This Decision shall apply for a period of one month from the date of its adoption.

If justified by continued exceptional circumstances, the Council may renew this Decision.

Article 3

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 Brussels, 23 March 2020.

For the Council

The President

A. METELKO-ZGOMBIĆ