

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 24 June 2016

MIN-LANG (2016) 30

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

RULES OF PROCEDURE OF THE COMMITTEE OF EXPERTS OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Introduction

The Committee of Experts of the European Charter for Regional or Minority Languages (ECRML) adopted its Rules of Procedure in 2001 and modifications thereto on 24 March 2004 (17th meeting), on 25 September 2014 (48th meeting) and on 17 June 2016 (54th meeting).¹

¹ Previous versions: Documents MIN-LANG (2001) 2, MIN-LANG (2004) 8 and MIN-LANG (2014) 36

**RULES OF PROCEDURE
OF THE COMMITTEE OF EXPERTS
OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

Rule 1 Membership of the Committee and responsibilities

The membership of the Committee of Experts (hereafter referred to as “the Committee”) and its responsibilities are covered by articles 16 to 17 of the European Charter for Regional or Minority Languages.

Rule 2 Elections of Chair and Vice-Chairs

1. The Committee shall elect from among its members a Chair, and a first and second Vice-Chair.
2. The Chair and Vice-Chairs shall be elected for a term of two years. They are eligible for re-election. Terms of office shall run for calendar years. Elections shall take place at the last plenary committee meeting at the end of the respective calendar year.
3. The Committee shall strive to achieve gender balance and geographical balance while electing its Chair and Vice-Chairs.
4. If the Chair or Vice-Chairs, before the regular expiry of their terms of office, withdraw from the Committee or cease to hold the office of Chair or Vice-Chair, the Committee shall elect as soon as possible a successor for the remainder of that term.
5. The elections shall be held by secret ballot. The member who has obtained an absolute majority of the votes cast shall be elected. If none of the candidates receive an absolute majority of the cast votes, a second ballot shall take place between the two candidates having obtained the highest number of votes. The candidate who receives the most votes in such a ballot shall then be elected. If more than one candidate receives the highest number of votes the longest serving member among them shall be elected. If the members concerned have the same length of time in office, the oldest of them shall be elected.

Rule 3 Functions of Chair and Vice-Chairs

1. The Chair shall lead the meetings of the Committee, conduct its proceedings, represent the Committee, and perform all other functions conferred upon him/her by these Rules of Procedures.
2. The Chair may delegate certain of his/her functions to other members of the Committee.
3. The first Vice-Chair shall take the place of the Chair if the latter is unable to carry out his/her functions or if the office of Chair is vacant. The second Vice-Chair shall replace the first Vice-Chair if the latter is unable to carry out his/her functions or if the office of first Vice-Chair is vacant. If the Chair and the Vice-Chairs are at the same time unable to carry out their duties or their offices are at the same time vacant, the duties of the Chair shall be carried out by the longest serving Committee member.
4. A member of the Committee of Experts shall not chair a meeting of the Committee when it is evaluating the situation in the State Party in respect of which he/she was elected.

Rule 4 Bureau of the Committee

1. The Bureau of the Committee shall consist of the Chair and two Vice-Chairs.
2. The Bureau shall assist the Chair in conducting the Committee’s business.
3. The Bureau shall assist in the preparation and follow-up of plenary meetings by making proposals to the Committee on the draft agenda and draft meeting report. Following consultation with the Secretariat, the Bureau shall also propose to the Committee the composition of working groups and other issues that it considers should be decided by the Committee.

4. The Bureau shall ensure continuity between plenary Committee meetings, as necessary. In urgent cases, it may decide on the need and the manner in which to respond to developments in States Parties related to serious issues concerning the protection and promotion of regional or minority languages. The Bureau shall inform the Committee of any urgent actions/decisions taken under this paragraph.

5. The Bureau shall perform any other function conferred upon it by the Committee.

Rule 5 Secretariat of the Committee

1. The Secretary General shall provide the Committee with the necessary staff, including the Committee Secretary, as well as with the administrative and other services required for the fulfilment of its duties.

2. The representative of the Secretary General may make a statement on any of the items of the Agenda.

3. The Secretariat makes available information material about the Charter, when and as needed, also in official languages of the State Parties and in regional or minority languages.

Rule 6 Seat of the Committee

The seat of the Committee shall be at the headquarters of the Council of Europe, Strasbourg, France. The Committee can decide to hold a meeting elsewhere by a two-thirds majority, in line with Council of Europe regulations.

Rule 7 Working Languages

The official and working languages of the Committee shall be the official and working languages chosen by the Council of Europe.

Rule 8 Holding of meetings

The Committee and its Bureau shall hold their meetings as required for the exercise of their functions.

Rule 9 Convocation and Agenda

1. Following consultation with the Bureau, the Secretary shall prepare and transmit to the members a draft agenda simultaneously with convening the meeting.

2. The Committee meetings shall be convened by the Secretariat at dates decided by the Committee. The convocation letter shall be sent four weeks in advance of the meeting date.

3. The agenda shall be adopted by the Committee at the beginning of the meeting.

Rule 10 Meeting Documentation

The Secretariat shall transmit to the members of the Committee the working documents relating to the different agenda items, whenever possible at least two weeks before the opening of the meeting. The Committee may decide by simple majority to deal with documents submitted later.

Rule 11 Privacy of Committee meetings and hearings

Subject to the provisions of Rule 12, the Committee meetings and hearings shall be held *in camera* unless the Committee decides otherwise. Discussions relating to periodical and evaluation reports are always held *in camera*.

Rule 12 Hearings

The Committee may consult and hear any person, organisation or government representative whom it considers to be in a position to assist it in the performance of its functions under the Charter.

Rule 13 Co-operation

The Committee may, where appropriate, co-operate and exchange information with the Advisory Committee on the Framework Convention for the Protection of National Minorities and other bodies of the Council of Europe with relevant expertise.

Rule 14 Voting

1. Each member of the Committee shall have one vote. Decisions of the Committee are to be taken by a two-thirds majority of the votes cast. Questions relating to procedure will be decided by simple majority.
2. The Committee shall normally vote by a show of hands. However, any member may request that a vote be taken by roll-call; in this event, the roll shall be called in alphabetical order of the names of the Committee's members, beginning with the letter 'A'.

Rule 15 Decisions

1. The Committee can take decisions only when an absolute majority of its members is present.
2. Decisions are taken by simple majority of the votes cast.

Rule 16 Meeting Reports

The Secretary shall prepare a draft summary report of the Committee's deliberations at each meeting. The draft report shall be circulated, not later than three weeks after the meeting, to the members of the Bureau for approval. The draft report, as approved by the Bureau, shall be sent to the Committee, for formal adoption at the next plenary meeting.

Rule 17 Examination of Periodical Reports

1. The Committee may appoint a Rapporteur and a Working Group for each periodical report.
2. The Working Group shall consist of the Rapporteur, the member of the Committee of Experts in respect of the State Party concerned, and a third member of the Committee. The Working Group, accompanied by at least one member of the Secretariat, may carry out an on-the-spot visit to the State Party concerned. The Working Group will prepare a draft evaluation report to be submitted to the Committee for examination, assisted by the Secretariat. The Rapporteur shall report to the Committee.
3. The Secretariat shall bring to the Committee's attention communications received by virtue of Article 16 (2) of the Charter containing information submitted for the Committee's consideration, unless the information in question relates to matters which manifestly fall outside its field of competence. Any relevant communication received by individual members of the Committee shall be forwarded to the Secretariat. The Secretariat shall send an acknowledgement of receipt to the authors of such communications.
4. The Committee or the Working Group may ask for additional written information in relation to a periodical report.
5. The Committee will base its examination of periodical reports on the information delivered by States Parties and on communications received under Article 16 (2) of the Charter. It may also consider information from other sources, such as official documents from the State concerned, information received through on-the-spot visits and facts generally known from public sources.
6. The Committee may appoint rapporteurs to consider specific questions.

7. The Committee shall take into consideration relevant transversal perspectives into all areas of its work.
8. The Secretariat shall keep the Committee informed of delays in the submission of periodical reports by state parties to the Charter. The Committee may decide on measures to be taken.

Rule 18 Evaluation Reports to be submitted to the Committee of Ministers

1. The report referred to in Article 16 (3) of the Charter shall be adopted by a two-thirds majority of the votes cast. Whenever appropriate, or if a two-thirds majority cannot be obtained, the report shall be adopted by simple majority and shall contain both the majority and the minority views.
2. A member of the Committee of Experts shall not have the right to take part in a vote when the report of the State Party in respect of which he or she was elected is being considered.
3. The Committee shall give the State concerned the opportunity to react to the report referred to in Article 16 (3) of the Charter within a time limit of two months.

Rule 19 Rapid Reaction Capacity and Ad hoc Missions

1. Statements

The Committee may adopt opinions on relevant recommendations by the Parliamentary Assembly or the Congress of Local and Regional Authorities of the Council of Europe or any other body. It may also adopt statements on current developments which might have an adverse effect on the promotion or protection of regional or minority languages.

2. Ad hoc missions

At the request of the Committee of Ministers, the Secretariat or a State, one or more members of the Committee of Experts and/or the Secretariat may at any time carry out or participate in activities which assist States in implementing or ratifying the Charter or generally promote policies, legislation or practice in the fields covered by the Charter. The same applies to activities carried out by the Council of Europe as a rapid reaction to significant changes in the policies, legislation or practice of a State which might have a negative effect on the promotion or protection of regional or minority languages.

Rule 20 Budget

For the purpose of drawing up the annual budget, the Committee of Experts shall make its needs known to the Secretary General.

Rule 21 Amendments to the Rules of Procedure

1. These rules of procedure may be amended at the request of the Bureau or any member of the Committee.
2. Notice of such a proposal must be delivered to the Secretariat and Committee members at least three weeks before the session where it is to be discussed.
3. The amendments must be accepted by a simple majority of the votes cast and will be applicable as of the date of their approval.