



Strasbourg, 18 March 2019

MIN-LANG (2019) 7

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), on 17 June 2016 (54th meeting) and on 18 March 2019 (62nd meeting).¹

¹ Previous versions: Documents MIN-LANG (2001) 2, MIN-LANG (2004) 8, MIN-LANG (2014) 36 and MIN-LANG (2016) 30

**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

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

2. The Committee and its Bureau may also be consulted using information technologies.

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. When sitting in plenary meetings, the Committee can take decisions only when an absolute majority of its members is present.
2. The Committee can also take decisions by using information technologies.

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 Information from States Parties

1. The Committee may appoint a Rapporteur and a Working Group for the examination of 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 shall base its evaluation report on the written information received from the State Party (periodical report and supplements thereto, replies to questionnaires or other information requests), written communications received pursuant to Article 16 (2) of the Charter, information from other sources, including other

official documents from the State Party, information received during the on-the-spot visit and facts generally known from public sources.

6. The Committee shall examine the information on the implementation of the recommendations for immediate action submitted by the State Party. Paragraphs 1-5 shall apply *mutatis mutandis*. The Committee's evaluation shall be made public following its transmission to the State Party and transmitted to the Committee of Ministers for information.

7. The Secretariat shall keep the Committee informed of delays in the submission of periodical reports and of the information on the implementation of the recommendations for immediate action by State Parties. Following the sending of two reminders by the Secretariat and of a reminder by the Chair of the Ministers' Deputies, when a State Party is more than twelve months behind in submitting a periodical report, the Committee shall submit to the Committee of Ministers a proposal for the commencement of the monitoring of the Charter without a periodical report, together with the information received from this State Party concerning the reasons for the delay.

8. The Committee shall take into consideration relevant transversal perspectives into all areas of its work.

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

1. The evaluation reports and the evaluation of the implementation of the recommendations for immediate action 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 Party concerned the opportunity to react to the evaluation report within a time limit of two months.

4. In its comments, the State Party may ask for a confidential dialogue. The confidential dialogue shall be requested expressly in written form and the comments provided shall comprise information of a factual nature.

5. The Working Group which prepared the evaluation report shall examine the comments, assisted by the Secretariat. In so doing, it may also consult bodies or associations relevant under Articles 7 (4) and 16 (2) of the Charter. The Working Group shall submit its conclusions to the Bureau for approval.

6. If a comment concerns a factual error in the evaluation report whose correction would not result in a revised conclusion on the fulfillment of a Charter provision or recommendation, the Secretariat may correct it accordingly and inform the Committee. If the correction of a factual error would also result in a revised conclusion on the fulfillment of a Charter provision or recommendation, these changes shall be adopted by the Committee. If the following plenary meeting is scheduled more than three weeks after the date when the draft changes are ready for adoption, in order to expedite the progress of the work, they may be submitted using information technologies to all the members of the Committee for tacit approval, within a two-week deadline.

7. Information related to a confidential dialogue shall not be published.

Rule 19 Rapid Reaction Capacity and Ad hoc Missions

1. The Committee may:

a. adopt opinions on relevant recommendations by the Parliamentary Assembly or the Congress of Local and Regional Authorities of the Council of Europe or on documents by any other body or authority;

b. adopt statements on matters relating to regional or minority languages, including on current developments having an effect on the promotion or protection of such languages, which it may make public.

c. appoint rapporteurs to examine specific matters or documents.

2. At the request of the Committee of Ministers, the Secretary General or a State, one or more members of the Committee and/or the Secretariat may participate in 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 an effect on the promotion or protection of regional or minority languages. In the case of such significant changes, the Committee may also propose such activities to the Committee of Ministers, the Secretary General or a State.

3. The Committee may address questionnaires and other requests for information to authorities and make the replies to them public.

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.