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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

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

(As amended by the Committee of Experts on 24 March 2004)

*Secretariat Memorandum
prepared by the
Secretariat of the European Charter for Regional or Minority Languages
DG I - Legal Affairs*

Introduction

This document contains the revised text of the Rules of Procedure of the Committee of Experts of the European Charter for Regional or Minority Languages (Document MIN-LANG (2001) 2). The Committee of Experts proposed and adopted modifications to the rules at its 17th meeting in Strasbourg on 24 March 2004.

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

Article 1

Membership of the Committee and responsibilities

The membership of the Committee and its responsibilities are covered by articles 15 to 17 of the European Charter for Regional or Minority Languages.

Article 2

Elections of President and Vice-Presidents

1. The Committee shall elect amongst its members, a President, a Vice-President and, if appropriate, a second Vice-President.
2. The President and Vice-Presidents shall be elected for a period of two years. They are eligible for re-election.
3. If the President or Vice-Presidents withdraw from the Committee or cease to hold the office of President or Vice-President, the Committee shall elect a successor for the remainder of that term.
4. The elections shall be held by a secret ballot. The member who has obtained an absolute majority of the votes shall be elected. If none of the candidates receive an absolute majority of the votes cast, a second ballot shall take place. 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.

Article 3

Functions of President and Vice-Presidents

1. The President shall chair the meetings of the Committee and shall perform all other functions conferred upon him by these Rules of Procedures.
2. The President may delegate certain of his functions to either Vice-President.
3. The first Vice President shall take the place of the President if the latter is unable to carry out his functions or if the office of President is vacant. The second Vice-President shall replace the first Vice -President if the latter is unable to carry out his functions or if the office of first Vice-President is vacant.
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 or she was elected.

Article 4

The Bureau of the Committee

The Bureau of the Committee shall consist of the President and the Vice-Presidents.

Article 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.

Article 6

Seat of Committee

The seat of the Committee shall be at the headquarters of the Council of Europe, Strasbourg, France, where it shall hold its meetings except when otherwise decided by a two-thirds majority of the votes cast.

Article 7

Working Languages

The official working languages of the Committee shall be English and French.

Article 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 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.

Article 9

Agenda

1. Following consultation with the Bureau, the Secretary shall prepare and transmit to the members a draft agenda simultaneously with notification of the meeting.
2. The agenda shall be adopted by the Committee at the beginning of the meeting.

Article 10

Meeting Documentation

The Secretary shall transmit to the members of the Committee the working documents relating to the different agenda items, whenever possible at least one month before the opening of the meeting.

Article 11

Privacy of meetings

Subject to the provisions of Article 12, the Committee meetings shall be held in private.

Article 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.

Article 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.

Article 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'.
3. 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.

Article 15

Decisions

1. At the request of the Committee the Secretariat shall at the end of a meeting submit to it a list of decisions adopted during the meeting for its approval.

2. The Committee can take decisions only when a simple majority of its members are present.

Article 16

Meeting reports

1. The Secretary shall prepare a draft summary report of the Committee's deliberations at each meeting. The draft report shall be circulated as soon as possible to the members of the Committee, who will be given the opportunity to submit amendments within a prescribed time limit.
2. If no amendments are submitted, the meeting report shall be deemed to be adopted. If amendments are submitted, they shall be consolidated in a single document and circulated to all members. In this latter case, the adoption of the meeting report shall be taken up at the next meeting of the Committee.
3. The summary report and other working documents of the Committee, with the exception of the decisions mentioned in Article 15, shall have a confidential character, unless otherwise decided by a two thirds majority of the votes cast.

Article 17

Examination of National Reports

1. The Committee shall by simple majority appoint one or more rapporteurs for each national report.
2. The Committee may decide to ask in written form for additional information in relation to a national report.
3. The Secretary 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 Secretary shall send an acknowledgement of receipt to the authors of such communications.
4. The Committee may decide, by a simple majority, to send one or more of its members to a country in order to carry out an on-the-spot evaluation of any situation which might be relevant to the implementation of the Charter.
5. The Committee will base its examination of a national report on the information delivered by the State concerned 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 missions and facts generally known from public sources.

Article 18

Reports to be submitted to the Committee of Ministers

1. The Committee shall give the State concerned the opportunity to react to the draft of the report referred to in Article 16(3) of the Charter within a time limit fixed by the Committee.
2. The report referred to in Article 16 (3) of the Charter shall normally 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 contain both the majority and the minority views.

Article 19

Budget

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

Article 20

Amendments to the Rules of Procedure

1. These rules of procedure may be amended at the request of a member of the Committee. The amendment must be accepted by a simple majority of the votes cast.
2. Notice of such a proposal must be delivered to the Secretariat and Committee members at least six weeks before the session where it is to be discussed.