

RULES OF PROCEDURE OF THE ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES (ADOPTED BY THE ADVISORY COMMITTEE ON 29 OCTOBER 1998)

The Advisory Committee,

Having regard to the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the framework Convention”);

Pursuant to Rule 37 of the Resolution (97) 10 adopted by the Committee of Ministers on the Monitoring Arrangements under Articles 24-26 of the framework Convention;

Adopts the present Rules of Procedure, which have been approved by the Committee of Ministers on 16 December 1998 at the 653rd meeting of the Ministers' Deputies.

ORGANISATION OF THE COMMITTEE Presidency of the Committee

Rule 1

The Advisory Committee (hereinafter referred to as “the Committee”) shall elect from among its ordinary members a President and a first and second Vice-President.

Rule 2

The President and Vice-Presidents shall be elected for a term of 2 years, provided that such period shall not exceed the duration of their term of office as ordinary members of the Committee. They may be re-elected.

Rule 3

If the President or a Vice-President, before the normal expiry of his or her term of office, ceases to be an ordinary member of the Committee or resigns his or her office of President or Vice-President, the Committee shall elect a successor for the remainder of the term of that office.

Rule 4

The elections of the President and Vice-Presidents shall be held separately and by secret ballot. Elections shall be by a majority of the ordinary members present.

Rule 5

If no ordinary member receives such a majority, a second ballot shall take place between the two candidates who have received most votes. In the case of equal voting, the longest serving ordinary member shall be elected. If the ordinary members concerned have served the same length of time in the Committee, the oldest of them shall be elected.

Rule 6

The President shall chair the meetings of the Committee, and perform all other functions conferred upon him or her by these Rules of Procedure or by the Committee.

Rule 7

The first Vice-President shall take the place of the President if the latter is unable to carry out his or her duties or if the office of the President is vacant. The second Vice-President shall replace the first Vice-President if the latter is unable to carry out his or her duties or if the office of first Vice-President is vacant. If the President and the Vice-Presidents are at the same time unable to carry out their duties or if their offices are at the same time vacant, the duties of the President shall be carried out by the longest serving ordinary member. If two or more ordinary members concerned have served the same length of time in the Committee, the oldest of them shall carry out the duties of the President.

Rule 8

No member of the Committee shall preside when the report of a Party in respect of which he or she was elected is being considered.

Bureau of the Committee

Rule 9

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

Rule 10

The Bureau shall direct the work of the Committee and perform all other functions conferred upon it by these Rules of Procedure or by the Committee.

When the Committee is not in session, the Bureau may, in urgent cases, decide on the Committee's behalf. Bureau shall inform the Committee at its next meeting of any decisions which it has taken under this paragraph.

Secretariat of the Committee

Rule 11

The Secretary General shall provide the Committee with the necessary staff, including a Secretary, as well as with the administrative and other services it may require.

FUNCTIONING OF THE COMMITTEE

Rule 12

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

Rule 13

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

Rule 14

The Committee meetings shall be convened at dates decided by the Committee. The Committee shall meet at other times by decisions of the Bureau or if at least one third of its ordinary members so request.

Rule 15

The Secretary shall notify the members of the Committee of the date, time and place of each Committee meeting.

Rule 16

Following consultations with the President, the Secretary shall transmit to the members a draft agenda simultaneously with the notification of the meeting. The agenda shall be adopted by the Committee at the beginning of each meeting.

Rule 17

The Secretary shall transmit to the members of the Committee the working documents for each meeting.

Rule 18

The Committee shall meet in camera, unless the Committee decides otherwise. Apart from the members of the Committee, only the designated members of the Secretariat of the Council of Europe, interpreters and persons providing technical assistance may be present at meetings held in camera, unless the Committee decides otherwise.

Rule 19

Subject to Resolution (97) 10, members of the Committee, members of the Secretariat and other persons assisting the Committee are required to maintain the confidentiality of the documents of the Committee and of the information of which they have become aware at meetings held in camera, unless the Committee decides otherwise.

Rule 20

The quorum of the Committee shall be the majority of its ordinary members.

Rule 21

The decisions of the Committee shall be taken by a majority of the ordinary members present, except when otherwise provided by the present Rules of Procedure.

Rule 22

Subject to Rule 23, each ordinary member shall have one vote.

Rule 23

In accordance with Rule 34 of Resolution (97) 10, additional members shall sit in an advisory capacity; they shall not have the right to take part in a possible vote. The same shall apply to an ordinary member when the report of the Party in respect of which he or she was elected is being considered.

Rule 24

A proposal must be submitted in writing if an ordinary member of the Committee so requests. In that case the proposal shall not be discussed until it has been circulated.

Rule 25

If two or more proposals relate to the same subject, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. In case of doubt as to the order, the President shall decide.

Rule 26

When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed from the original proposal and so on until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. In case of doubt as to the order, the President shall decide.

Rule 27

A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 28

During the discussion of any matter, an ordinary member may at any time raise a point of order, and the point of order shall immediately be decided upon by the President. Any appeal against the ruling of the President shall immediately be put to the vote. An ordinary member may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 29

Subject to Rule 28 of the present Rules of Procedure, procedural motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) suspension of the meeting;
- (b) adjournment of the meeting;
- (c) adjournment of the discussion on the item in hand;
- (d) closure of the discussion on the item in hand.

Rule 30

Subject to Rule 4, the Committee shall normally vote by show of hands. Upon a request of any ordinary member of the Committee, a roll-call shall be taken. It shall be called in the alphabetical order of the names of the ordinary members of the Committee, beginning with the letter 'A'. A vote shall be held by secret ballot when a request to that effect is supported by one-third of the ordinary members of the Committee.

Rule 31

At the end of each meeting the Secretary shall submit to the Committee for its approval a list of the decisions adopted during the meeting.

Rule 32

A draft report of the meetings of the Committee shall be prepared by the Secretary. The draft report shall be submitted to the Committee for approval.

Rule 33

If there are grounds to believe that an ordinary member no longer meets the requirements under Rule 6 of Resolution (97) 10, the Committee may, after the person in question has had an opportunity to state his or her views, decide to inform the Committee of Ministers of the matter. Such a decision shall be taken by a two-thirds majority of the ordinary members of the Committee.

PROCEDURE CONCERNING THE CONSIDERATION OF STATE REPORTS

Rule 34

In accordance with Article 25 of the framework Convention and Rule 23 of Resolution (97) 10, the Committee shall consider state reports transmitted to it by the Committee of Ministers and transmit its opinions to the Committee of Ministers. Such opinions shall be adopted by a majority of the ordinary members of the Committee.

Rule 35

The Committee may set up working parties and other subsidiary bodies to consider specific questions, including state reports. The composition of subsidiary bodies and their terms of reference shall be fixed by the Committee. The Committee may also appoint rapporteurs to consider specific questions, including state reports. Subsidiary bodies and rapporteurs shall report to the Committee.

Rule 36

The Committee may seek the assistance of outside experts or consultants.

Rule 37

In accordance with Rule 32 of Resolution (97) 10, the Committee may hold meetings with representatives of the government whose report is being considered and shall hold a meeting if the government concerned so request.

Rule 38

When the Committee requests, in accordance with Rule 29 of Resolution (97) 10, additional information from a Party, the Committee shall indicate in which manner and by what time limit the said information should be submitted.

Rule 39

The Committee may, where appropriate, co-operate and exchange information with the Committee of Experts established under the European Charter for Regional or Minority Languages and other bodies of the Council of Europe with relevant expertise.

Rule 40

At each session, the Secretariat shall notify the Committee of all cases of non-submission of state reports. In such cases the Committee may make proposals for measures to be taken.

Rule 41

The outline for initial state reports may, when necessary, be considered by the Committee with a view to making suggestions for its improvement to the Committee of Ministers. The Committee may also suggest to the Committee of Ministers an outline for subsequent state reports to be submitted under Article 25, paragraph 3, of the framework Convention.

Rule 42

When instructed by the Committee of Ministers, in accordance with Rule 36 of Resolution (97) 10, to participate in the monitoring of the follow-up to conclusions and recommendations, the Committee shall apply *mutatis mutandis* the procedure concerning the consideration of state reports.

AMENDMENTS

Rule 43

These rules may be amended by a decision taken by a majority of the ordinary members of the Committee. Such amendments are subject to the approval of the Committee of Ministers. Prior to the approval of the Committee of Ministers, amendments to these rules may be provisionally applied by the Committee.

[Quelle: European Center for Minority Issues, Report Nr. 3, August 1999, S.103-109.]