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European Charter for Regional and Minority Languages

1. Introductory remarks

The European Charter for Regional and Minority Languages (ECRML)¹ was prepared within the framework of the Council of Europe and opened for signature in Strasbourg on 5 November 1992. The Charter came into force 21 years ago on 1 March 1998, after five member states of the Council of Europe ratified this convention. So far 25 European states have ratified the Charter.²

The Charter is not the only instrument of the Council of Europe which is relevant for the protection of regional and minority languages. The European Charter of Local Self-Government,³ which also covers the use of regional and minority languages in connection with local authorities, is of importance. That Charter, which was opened for signature on 15 October 1985 and which came into force on 1 September 1988,⁴ played an important role in the preparation of the ECRML. The predecessor to the current Congress of Local and Regional Authorities, the Standing Conference of Local and Regional Authorities of Europe, was involved in the preparation of the ECRML because the involvement of local and regional government in language matters is essential for good governance.

Another Council of Europe treaty relevant to the protection of regional and minority languages is the Framework Convention for the Protection of National Minorities (FCNM),⁵ which was opened for signature on 1 February 1995 and has been in effect since 1998.⁶

The preamble to the ECRML states that one of the objectives of this convention is the maintenance and development of regional and minority languages as a desir-

¹ Council Of Europe European Treaty Series (CETS) 148, Strasbourg 1992.

² The following countries are Contracting States: Armenia, Austria, Bosnia and Herzegovina, Croatia, the Czech Republic, Denmark, Finland, Germany, Hungary, Liechtenstein, Luxembourg, Montenegro, the Netherlands, Norway, Poland, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom (including the Isle of Man).

³ Council Of Europe European Treaty Series (CETS) 122, Strasbourg 1985.

⁴ The European Charter of Local Self-Government has been ratified by all 47 member states of the Council of Europe.

⁵ Council Of Europe European Treaty Series (CETS) 157, Strasbourg 1995.

⁶ Ratified by 39 member states of the Council of Europe. The following countries of the Council of Europe are not party to this Convention: Andorra, Belgium, France, Greece, Iceland, Luxembourg, Monaco and Turkey.

able manifestation of cultural wealth. It underpins the use of a regional or minority language as an inalienable right. Furthermore, it stresses that the provisions laid down in the Charter are based on the principles of democracy and cultural diversity. However, the preamble also underlines that the protection of regional and minority languages should not happen to the detriment of the official language(s) of the state and the need to learn it (them).

It is remarkable that those who drafted the Charter avoided the use of human rights terminology. However, the Charter does include personal rights with an obvious collective dimension (relating to the group of speakers of the regional or minority language).

The ratification of the ECRML and the Framework Convention is one of the Copenhagen Criteria for accession to the European Union.⁷ However, it is striking that more than one third of the 28 member states have not yet ratified the Charter, including three long-time EU members, namely Belgium, France and Italy. It is evident that language issues are controversial in Belgium, while France has difficulties recognising that minority languages exist in the country and in Italy there is an ongoing discussion concerning the conditions under which the Charter should be ratified, which is also the case in Portugal. The fact that Ireland and Malta have not yet ratified the Charter is obviously related to the position of Irish Gaelic and Maltese respectively as official languages alongside English. It is likely that the non-ratification by Greece – and Bulgaria too – is related to the position of Turkish-speaking minorities in both countries. The three Baltic countries have not ratified the Charter either; it is not difficult to guess that this has to do with the position of Russian speakers in those countries.

The overall goal of the ECRML is to protect and promote *historical* regional and minority languages in Europe; in other words the Charter only applies to languages traditionally (> 100 years) used by nationals of a particular state (thus excluding languages used by more recent immigrants) (Article 1(a)(i)). Language varieties of the official national language(s)/dialects are also excluded (Article 1(a)(ii)).

Admittedly, the distinction between languages and dialects is not clear.⁸ Neither is the definition of a variety of an official national language. In fact, clarification of both issues can often be qualified as a political statement. However, once a state has granted a language protection under the Charter, this status is irreversible!

The Charter provides for two levels of protection: basic and advanced. Basic protection has to be granted to all regional and minority languages traditionally present on the territory of a state (Article 2(1)). The basic protection accorded to these languages is enshrined in Part II of the Charter (Article 7). A state may

⁷ http://www.europarl.europa.eu/enlargement/ec/pdf/cop_en.pdf.

⁸ Compare the remark of Max Weinreich (1894-1969) “Eine Sprache ist ein Dialekt mit einer Armee und einer Marine” (A language is a dialect with an army and a navy). For more about Weinreich see: https://www.jewishvirtuallibrary.org/weinreich-max_

then decide to grant advanced protection (Article 2(2)), which is regulated in Articles 8-13. These different types of protection are described in sections 2 and 5 below.

The correct application of the Charter is monitored by a Committee of Experts (COMEX) (Article 17). This committee consists of 25 members (one for each contracting state) and has its own secretariat. The plenary sessions of the COMEX take place at least three times a year in Strasbourg for a period of four to five days while the presidium meets as often as necessary. The COMEX also has a number of working groups.

The monitoring procedure is regulated by Article 15 of the Charter: every three years, member states have to submit a periodical report to the Council of Europe. However, the first report after accession has to be submitted within one year. On receipt of the periodical report, the COMEX organises an on-the-spot visit (OSV) by a delegation (three members plus secretary, one of them being the COMEX member from the member state involved). The complexity of the situation in the country determines how many days this OSV takes.⁹ During the OSV the delegation meets up with regional and national authorities but also with organisations representing the speakers of the protected regional and minority languages. Furthermore, Article 16 provides that “[b]odies or associations legally established in a [State] Party” may request that attention is paid to problems, also regarding the general policy of the state regarding regional and minority languages. The delegation, therefore, frequently receives several “shadow reports” relating to the protection of certain regional or minority languages. After the OSV, the delegation meets in Strasbourg to prepare an assessment report on the implementation of the Charter in the member state concerned. This report is then discussed in a plenary session, after which the COMEX adopts the report and the member state concerned has the possibility to react to the assessment and the draft recommendations. This reaction is submitted to the committee of ministers of the Council of Europe together with the COMEX report and draft recommendations. After discussion in the committee (in which all 47 member states participate, not only the 25 contracting states), a final version is adopted and published on the website of the Council of Europe.

As already mentioned, the COMEX consists of 25 independent members (Article 17). In other words, one member of the COMEX comes from each of the 25 contracting states but does not represent this state and does not receive instructions from this state. In the case of a vacancy, the contracting state involved submits a list of potential candidates to the Council of Europe. In principle this list should contain the names and CVs of three candidates. The choice/appointment is made by the committee of ministers of the Council of Europe. The appointment is for a term of six years with the possibility of renewal if the candidate is again proposed by her/his member state.

⁹ For Spain and the United Kingdom, the OSV lasted five days.

2. The basic protection to be granted to all traditional regional and minority languages on the territory of a state

Part II of the Charter obliges a member to grant protection to a regional or minority language which consists of:

- a) Recognition of the regional or minority language as an expression of cultural wealth. Mentioning a certain regional or minority language in the instrument of ratification of the ECRML confirms this, unless there are indications to the contrary.
- b) Respect for the geographical area of each regional or minority language. This implies that member states have to be careful when modifying territorial districts as new administrative divisions should not create obstacles to the promotion of a regional or minority language.
- c) Resolute action to promote a regional or minority language.
- d) Facilitation and/or encouragement of the use of such languages in speech and writing as well as in public and private life.
- e) Maintenance of ties with other groups speaking the same or similar regional or minority languages.
- f) The provision of appropriate forms and means for the teaching and study of such languages at all appropriate stages (preschool, primary school, secondary school, vocational training, university).
- g) Facilities enabling adult non-speakers living in the area where a certain regional or minority language is spoken to learn it.
- h) Study and research at universities or equivalent institutions.
- i) The promotion of relevant transnational exchanges with speakers of the same or similar languages abroad.
- j) The elimination of all forms of unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger its maintenance or development.
- k) The promotion by the state of mutual understanding between all the country's linguistic groups.
- l) Consideration of the needs and wishes of the speakers of regional or minority languages, i.e. by establishing bodies (including speakers) to advise authorities.

These obligations (called *undertakings*) as defined in part II focus mainly on *regional* minority languages, but have to be applied as far as possible *mutatis mutandis* to *non-territorial* minority languages as well (Article 7(5)). For many contracting states, Yiddish and/or Roma/Sinti languages are recognised as non-territorial minority languages.

3. The enhanced protection of regional and minority languages

Enhanced protection of a regional or minority is covered by part III of the Charter. This level of protection requires an explicit declaration by the state concerned and a detailed indication as to which kind of protections will be granted to the language concerned. The state has to choose from various spheres of life as defined in Articles 8 to 14.

If a state decides to give enhanced protection to a specific regional or minority language, this language should be given protection in relation to at least 35 *undertakings* (Article 2(2)). At least three have to be chosen from both Articles 8 and 12, and one from each of Articles 9, 10, 11 and 13.

The main fields of protection in Part III are:

Article 8: Education,

Article 9: Judicial authorities,

Article 10: Administrative authorities and public services,

Article 11: Media,

Article 12: Cultural activities and facilities,

Article 13: Economic and social life,

Article 14: Transfrontier exchanges.

As already mentioned, states must select at least thirty-five of the *undertakings* for each Part III language in addition to the basic protection accorded by Part II (Article 7). If a state decides to protect several regional or minority languages in accordance with Part III, the precise undertakings may differ from language to language but ideally in conformity with the wishes of its speakers.

Many provisions in part III contain several options with varying degrees of stringency, one of which has to be chosen “according to the situation of each language”. If a state chooses a strong and a lighter obligation in the same category, the COMEX only assesses the stronger obligation, which also covers the lighter one.

4. Languages covered by the Charter

In principle contracting states mention the languages covered by the ECRML in the ratification instrument. As already mentioned above, the decision of a state to protect a language as a minority language and, therefore, to recognise this language as one traditionally spoken on its territory is irreversible. After ratification, downgrading a protected language to a dialect is not allowed. Neither is it possible to downgrade a language protected under Part III to the status of a Part II language.

Mentioning a specific language as a protected regional or minority language is absolutely necessary for a Part III protection while protection under part II is available for all regional and minority languages which exist on the territory of a member state, even if not listed in the ratification instrument. Nevertheless, the irreversibility principle has, as a consequence, that no discussion is possible any longer on whether a language mentioned in a ratification instrument is a variation of the official national language, e.g. Low Saxon and Limburgish in the Netherlands. If authorities in the Netherlands started a discussion on the language qualification of these languages, arguing, for example, that they are a variety of the national language, this would imply a violation of the obligations accepted by the Netherlands on ratifying the ECRML.

Conversely it could be argued that a certain regional or minority language exists on the territory of a member state which has not yet been recognised for protection under part II. This possibility is illustrated very nicely by the current discussion on the possible protection of Papiamento as a regional or minority language in the Netherlands.

It is also very relevant to pay due attention to the territorial scope of ratification as indicated in the ratification instrument. The United Kingdom did not include the Channel Islands in their instrument of ratification but they did include the Isle of Man. In 1996 the Netherlands ratified the ECRML for the *Kingdom in Europe*, which did not include Aruba and the Netherlands Antilles in the West Indies. However, in 2010 the Netherlands Antilles were dissolved and “Bonaire, Saba and Sint Eustatius” legally obtained the status of being part of the *Kingdom in Europe*. Consequently, the question can be raised and has to be answered as to whether this has consequences under international law for the scope of application of the Charter. It can be argued that the Charter is now applicable for regional or minority languages traditionally spoken on those islands, which would be Papiamento for Aruba and English for Saba and Sint Eustatius. In the last monitoring round (December 2016), the Council of Europe asked for further clarification from the Dutch authorities on this issue.

5. The different fields of protection under Part III of the Charter

5.1 Article 8: Education

In the field of education, Article 8 provides for different types of protection depending on which obligations are chosen from the menu card for the different levels of education. A distinction is made between 1) pre-school education, 2) primary school, 3) secondary school, 4) technical and vocational education and 5) university. Additionally attention is paid to adult and continuing education courses.

For the first four levels of education (pre-school to technical/vocational training), the state can choose between different levels of facilitation: 1) providing teaching in the regional/minority language, 2) providing a substantial part of teaching in the regional/minority language, 3) teaching the regional minority language as an integral part of the curriculum, 4) teaching the regional/minority language on request if the number of students is sufficient. The ratification instrument has to indicate the level of facilitation.

Further possible obligations under Article 8 include teaching history and culture as reflected by the regional or minority language (Article 8(1)(g)), providing teacher education (Article 8(1)(h)) and teaching the regional/minority language at all appropriate stages of education outside the territories where the language involved is traditionally spoken (Article 8(2)).

With respect to these undertakings in the field of education, the following issues should be paid particular attention:

If a state only took on the obligation to teach the regional/minority language as an integral part of the curriculum (or, alternatively, to do so on request if the number of students is sufficient), how many hours of teaching suffice for this obligation? And how relevant is it that the teaching happens at/in the different levels/classes of a particular type of school? It is essential, namely, that there is a certain guarantee of continuity for learning the language.

Attention paid to the regional/minority language in the pre-school setting is particularly important as this is where the initial language embedding of a child is affirmed and established. If this obligation is not chosen under Article 8, this point will, nevertheless, be assessed by the COMEX under Article 7(1)(f) (basic protection).

The presence of regional and minority languages in technical and vocational training is also of great importance. Students undergoing this type of training will have contact with speakers of their regional or minority language on a daily basis in their professional future and will therefore play an important role in the trans-generational survival of their languages. For that reason it is paramount to pay special attention to the vocabulary of craftsmen.

5.2 Article 9: Judicial authorities

Article 9 focusses on obligations regarding the use of regional and minority languages in judicial procedures and regarding some other issues related to legal language.

Separate obligations (*undertakings*) relate to criminal procedures, civil procedures and administrative procedures. For these three types of procedures, a state can decide to choose between three different types of facilitation. The strongest undertaking is to allow the procedure to take place in the regional or minority language. Another possibility is to allow the use of the regional or minority language. The lowest level of facilitation is to promise that evidence will be accepted in regional and minority languages.

If necessary, the facilitation involved will be provided by guaranteeing a translation into or out of the official language. In criminal proceedings the use of interpreters and translations should not involve extra expense for the persons concerned (Article 9(1)(a)). For civil and administrative procedures, a state can also take on the obligation that interpreters and translations will be provided free of charge (Article 9(1)(d)).

One of the possible undertakings in Article 9 is to make the most important statutes available in regional or minority languages (Article 9(3)).

5.3 Article 10: Communication with(in) administrative authorities and public services

Article 10 makes a distinction between three different levels of authorities: the state authorities within a territory where a regional and minority language is spoken, regional authorities and local authorities. Furthermore, the article contains possible obligations for communications with(in) public services.

Article 10(1) starts with the phrase:

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible: [...].

A difficult question is, of course, when the number of regional or minority language speakers justifies facilitations. Some states use a numerical threshold. The general policy of the COMEX is that these thresholds should not be too high and if a threshold exists, a flexible application is necessary. The facilitation should not depend on a majority decision of a regional or local government.

According to Article 10(1)(a), communication with administrative authorities of the state can be facilitated by making a choice between the following five levels of protection:

- i to ensure that the administrative authorities use the regional or minority languages; or
- ii to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; or
- iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or
- iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or
- v to ensure that users of regional or minority languages may validly submit a document in these languages.

A state can furthermore promise to make widely used administrative texts and forms available for the population in the regional or minority languages or in bilingual versions (Article 10(1)(b)), or to allow the administrative authorities to draft documents in a regional or minority language (Article 10(1)(c)).

Article 10(2) deals with communication with and within the local and regional authorities. The provision again starts with the phrase: “In respect of the local and regional authorities *on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures* specified below, the Parties undertake to allow and/or encourage [...]” (emphasis added by the author). Some of the undertakings mirror the possible obligations in relation to the state authorities, but other go beyond and focus on the use of regional or minority languages in regional and local assemblies:

- a the use of regional or minority languages within the framework of the regional or local authority;
- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;
- c the publication by regional authorities of their official documents also in the relevant regional or minority languages;
- d the publication by local authorities of their official documents also in the relevant regional or minority languages;
- e the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
- f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State. (Article 10(2))

A very interesting possible obligation is to allow “g: the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages” (Article 10(2)(g)).

Article 10(3) deals with communication with regard to public services, which includes public services provided by the administrative authorities or by other persons acting on their behalf. A state can promise “within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible”:

- a to ensure that the regional or minority languages are used in the provision of the service;
- b to allow users of regional or minority languages to submit a request and receive a reply in these languages;
- c to allow users of regional or minority languages to submit a request in these languages. (Article 10(3))

Some additional provisions are mentioned in Article 10(4) and (5):

- 4 With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:
 - a translation or interpretation as may be required;
 - b recruitment and, where necessary, training of the officials and other public service employees required;
 - c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used. (*ibid.*)

States may also promise to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned (Article 10(5)).

5.4 Article 11:Media

Article 11 deals with the presence of regional or minority languages in the media. Separate attention can be paid to newspapers, private and/or public radio as well as private and/or public television. In recent years, one main challenge is caused by the fact that the media landscape is changing rapidly due to the increasing importance of digital communication via the internet. It is also evident that huge differences exist between the generations in connection with using certain means of communication.

In the recent period of financial constraints, the COMEX took the view that budget cuts should not frustrate the implementation of undertakings chosen by the state.

The possible obligations under Article 11 include: Broadcasters have to offer programmes in the regional or minority languages (Article 11(1)(a)iii); (b)ii); states should encourage the production of audio and audiovisual works in the regional or minority languages (Article 11(1)(d)); at least one newspaper should exist in a regional or minority language (Article 11(e)(i)), or articles in regional or minority languages should be published on a regular basis in newspapers; existing measures for financial assistance should also be applied to audiovisual productions in regional and minority languages (Article 11(f)(ii)); freedom of reception of radio/television in a certain regional or minority language from other countries should be guaranteed (i.e. so-called geo-blocking, or disturbing reception, is not allowed) (Article 11(2)).

5.5 Article 12: Cultural activities and facilities

Of course, there is a close link between a regional or minority language and the culture which is manifested by this language. Article 12 therefore stipulates that a

state can – amongst others – take the obligation to foster access to works produced in the regional or minority languages (Article 12(1)(a)); to guarantee that the staff of cultural entities have full command of the regional or minority languages (Article 12(1)(e)); to enhance the direct participation of speakers in developing cultural policies and activities (Article 12(1)(f)); to finance translation and terminological research (Article 12(1)(h)) ; to foster activities in a regional or minority language outside traditional territories as well (Article 12(2)); and to pay attention to regional and minority languages in the policy of the state abroad (Article 12(3)).

5.6 Article 13: Economic and social life

Article 13 deals with possible obligations in the field of economic and social life. Alongside obligations relating to the use of languages in business, special attention is paid to the facilitation of regional or minority languages in health services and in care services for old people (Article 13(2)(c)). This obligation is particularly important for old people who grew up speaking a regional or minority language and who may have started to forget the official language of the state, which they learned later. They urgently need carers who know their regional or minority language.

5.7 Article 14: Transfrontier exchanges

Finally, Article 14 pays special attention to the use of existing international treaties, e.g. providing for exchange programmes which are beneficial for regional and minority speakers because their language is also spoken in another state, either as the official language of that state or as a protected regional or minority language (Article 14(a)). Co-operation across borders should be promoted, e.g. by twinnings/city partnerships (Article 14(b)).

6. Format of the COMEX reports

Until 2017, the COMEX prepared rather long assessment reports with much repetition of text already included in earlier reports. Sometimes it was difficult to find the remarks relevant for a particular regional or minority language.

Since 2017, more concise reports have been developed, including tables for each regional or minority language with an evaluation of the relevant undertakings.

For part III languages, an evaluation is provided of all 35+ undertakings chosen by a state from the menu card for a given regional or minority language. It is obvious that the choices made by a state in the ratification instrument are essential for the assessment by the COMEX. Furthermore, the COMEX also assesses whether the general obligations of part II (Article 7) are met.

For part II languages, an evaluation is given of the obligations under Article 7.

For each undertaking the tables indicate whether the obligations are fulfilled/partially fulfilled/formally fulfilled/not fulfilled or whether no conclusion can be drawn (e.g. if no or insufficient information is provided). The qualification “formally fulfilled” implies that policies and legislation are in conformity with the Charter but that no implementation in practice has been reported.

Furthermore, a symbol indicates whether the evaluation of the situation of an undertaking in relation to the language has improved/remain unchanged or deteriorated since the previous monitoring round (↗ improvement, ↘ deterioration, = no change). The COMEX hopes that the new format will increase the accessibility of the evaluation for the general public, in particular for the speakers of the regional or minority languages.

7. Added value of ratification of the ECRML

The most important consequence of the ratification of the Charter is that the protection granted to a certain regional or minority language is irreversible. The protection no longer depends completely on political priorities. The periodical evaluation of the protection by the Council of Europe via the COMEX helps states to improve the protection. The COMEX does not only criticise countries but also tries to indicate how the applicable objectives of the Charter can be realised.

8. Main challenges of the monitoring system of the ECRML

A disadvantage of the monitoring system of the Charter is the absence of sanctions. If a state does not fulfil a certain obligation constantly, the Council of Europe can only repeat the critical remarks already made in an earlier monitoring cycle. There is no stronger reaction than naming and shaming. An additional problem is that several states often submit their periodical reports much too late.

Additional challenges of the monitoring system of the ECRML include the need to update some obligations under the Charter. This is particularly necessary in the field of Media due to the changing media landscape. However, it is an issue how to realize such an update. Could that happen via a General Comment on the interpretation of Article 11 issued by the COMEX?

It was already mentioned above that it is not allowed to downgrade obligations. However, what should the COMEX do with unrealistic undertakings ratified by states, e.g. promising to translate all statutes into a minority language with only a few speakers but failing to do so? A possible solution could be to mention the non-fulfilment of such obligations without formulating recommendations on this issue. Would that be acceptable?

A further important issue is what to do if a state starts to distinguish different languages within a Part III language. This has happened in relation to the Sami language in Norway. Does this imply that all Sami languages are protected separately by Part III (even if some of these languages are only spoken by a low number of people) or is an interpretive declaration of the ratification instrument possible? This problem is still subject to negotiations between Norway and the Council of Europe.

There are two obvious long-term challenges for the ECRML. There is an ongoing discussion on the question as to whether sign languages are covered by the ECRML. The point of view of the COMEX is that the Charter does not apply. However, would it be possible and desirable to create a kind of protection by applying the rules of the Charter by analogy? And last but certainly not least, what should be done with new minority languages spoken by migrants? Can the view be maintained in the long run that only after the presence of speakers of a certain minority language of more than one hundred years on the territory of a state can a language claim protection under the Charter?

9. A post scriptum

The reporting cycle of three years is rather short, in particular when taking into account that it often takes about a year after the submission of a periodic report by a state to formulate recommendations for this state. It should be noted that the reporting cycle of the Framework Convention is longer (five years). Furthermore, there is a certain overlap between the two reporting systems because – as already mentioned in the introduction – the Framework Convention also pays attention to the language spoken by protected minorities. In the light of these two facts, the Committee of Ministers of the Council of Europe decided on 28 November 2018 (CM/Del/Dec(2018)1330/10.4e)¹⁰ to modify the monitoring mechanism and to streamline the reporting cycle to reflect that of the Framework Convention. The new rules will operate from 1 July 2019. The following measures were adopted:

- a) the Parties shall present every five years periodical reports on the implementation of the Charter and two and a half years thereafter information on the implementation of a limited number of recommendations, if any, namely only those that have been identified by the Committee of Experts in its evaluation report as being for immediate action;
- b) while emphasising that the Charter and the Framework Convention for the Protection of National Minorities (ETS No. 157, hereafter “the Framework Convention”) have distinct aims and purposes and that they remain two separate instruments, giving rise to distinct obligations, with separate monitoring mechanisms and expert committees, the Parties to the Charter which are also

¹⁰ https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016808f22ea.

Parties to the Framework Convention shall present their periodical reports on the Charter and on the Framework Convention by the dates set out in the Appendix. During a transition period of five years starting from the date the present decisions take effect, information on recommendations for immediate action from the Committee of Experts' evaluation report shall be presented by the dates set out in the Appendix;

- c) if a Party has not presented its periodical report or, where relevant, information on the implementation of the recommendations for immediate action five months after the due date and where two reminders have been made by the Secretariat General, the Chair of the Deputies shall address a letter to the Party concerned inviting it to submit the report or information without further delay;
- d) the Committee of Experts is authorised to submit a proposal to the Deputies regarding the commencement of the monitoring of the Charter without a periodical report when a Party is more than twelve months behind in submitting a report, together with the information received from this Party concerning the reasons for the delay. In so doing, the Committee of Experts shall invite the Deputies to take a decision on the matter without a debate, unless at least one delegation requests that the matter be discussed;
- e) a Party may submit comments on the Committee of Experts' evaluation report within two months of its transmission. In these comments, the Party may ask the Committee of Experts for a confidential dialogue, which functions according to rules established by the Committee of Experts. Where the Party does not ask for a confidential dialogue, the evaluation report, together with any comments received from the Party, becomes public upon expiration of the two-month deadline where the Party does not submit comments, or upon receipt of the Party's comments, whichever is the earlier date;
- f) in the event that a confidential dialogue has taken place, the Party may submit possible further comments within two months of the transmission of the final evaluation report, which becomes public upon receipt of any such comments from the Party, or following the expiration of the two-month deadline, whichever is the earlier date. Any such comments received from the Party become public together with the evaluation report. (CM/Del/Dec(2018)1330/10.4e)

Bibliographical information

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