



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

1 June 2004

ACFC/INF(2004)001

**ADVISORY COMMITTEE OF THE FRAMEWORK CONVENTION
FOR THE PROTECTION OF NATIONAL MINORITIES**

FOURTH ACTIVITY REPORT
covering the period from 1 June 2002
to 31 May 2004

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I. INTRODUCTION

1. The Advisory Committee of 18 independent experts was set up in 1998 to monitor, together with the Committee of Ministers, the implementation of the Council of Europe's unique legal tool for minority protection, the Framework Convention for the Protection of National Minorities. The Advisory Committee has since then aimed to contribute to improved implementation of the Framework Convention through direct dialogue with the authorities and civil society in all 35 State Parties.
2. The present report describes, to the Committee of Ministers¹ and others involved in the minority protection in Europe, how this approach has been put into practice. The report concentrates on the results achieved in the last two years up until the end of the term of the current composition of the Advisory Committee, but it also contains a number of more general conclusions on the functioning of the monitoring mechanism that should be taken into account as the Advisory Committee commences the second monitoring cycle in a new composition in June 2004. In doing so, the report draws on the conclusions of the Conference "Filling the Frame", organised by the Council of Europe in Strasbourg in October 2003 to mark the 5th anniversary of the entry into force of the Framework Convention.
3. In section II, the report gives an overview of the monitoring activities of the Advisory Committee. It details progress achieved, and challenges encountered by the Advisory Committee in its regular country-visits and in the drafting of detailed Opinions. The section also gives an overview of the launching of follow-up activities and of the emerging thematic work.
4. The Advisory Committee has from the outset recognised that, in order to have an impact, it should not work in isolation. Section III of the present report shows that the Advisory Committee has not only co-operated closely with the Committee of Ministers – its institutional partner in the monitoring of the Framework Convention – but it has also successfully sought contacts and synergies with other bodies, both governmental and non-governmental, working in the field of minority protection.
5. Finally, section IV of the report addresses the main organisational issues pertaining to the Advisory Committee, notably developments in the membership of this body and the resources allocated to its work.

¹ According to rule 38 of Committee of Ministers' Resolution (97)10, the Advisory Committee "shall periodically inform the Committee of Ministers on the state of its work".

II. MONITORING ACTIVITIES

1) Adoption of the Opinions

6. The main activity of the Advisory Committee continued to be the adoption of country-specific Opinions. In the course of the two years covered by the present report, the Advisory Committee held 5 plenary meetings² and adopted Opinions on the following 16 States: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Ireland, Lithuania, Norway, Poland, the Russian Federation, Serbia and Montenegro, Slovenia, Spain, Sweden, Switzerland, “the former Yugoslav Republic of Macedonia”. This brings the total number of Opinions adopted between September 2000 and May 2004 to 34, Portugal being the only State Party on which an Opinion is yet to be adopted in the first cycle³.

7. The Advisory Committee considers that the near completion of the first cycle can be considered a satisfactory achievement, bearing in mind that the delays in the submission of state reports persisted throughout the first cycle. Indeed, only one State (the Czech Republic) submitted its first report by the dead-line foreseen in the Framework Convention. Whereas in some cases the submission delays were not significant, a number of delays were so lengthy that they harmed the planning and implementation of monitoring activities. The Advisory Committee was therefore pleased that its proposal to make it possible to commence monitoring without a state report in the cases of persistent delays was accepted by the Committee of Ministers in March 2003. This appeared to have helped to speed up the submission of certain reports⁴. The Advisory Committee understands that in some countries the officials concerned are faced with various reporting obligations and experience a certain “reporting fatigue”, but it hopes that, with the streamlined procedure established for the second cycle (see below chapter 4), new reports will be submitted without significant delays. At the same time, it is important that the practice of consulting civil society in the preparation of the reports continues to expand.

8. At the same time, the Advisory Committee recognises that the consideration of the first reports by the Advisory Committee also involved certain, sometimes significant, delays. Therefore the Advisory Committee kept its working methods under constant review so as to increase efficiency. This was partially achieved – and some of the

² The meetings were held as follows: 15th meeting: 9-13 September 2002, 16th meeting: 17-21 February 2003, 17th meeting: 20-23 May 2003, 18th meeting: 24-28 November 2003, 19th meeting: 24-28 May 2004.

³ The state report of Portugal was due on 1 September 2003, but had not yet been submitted to the Council of Europe at the time of the adoption of the present activity report.

⁴ In their decision of 15 March 2003, the Deputies “authorised the Advisory Committee to submit a proposal regarding the commencement of the monitoring of the Framework Convention without a state report when a state is more than 24 months behind in submitting a state report, together with the information received from this state concerning the reasons for the delay. In so doing, the Advisory Committee 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.” Subsequently, Bosnia and Herzegovina, Bulgaria and “the former Yugoslav Republic of Macedonia” submitted their reports that were more than two years late.

Opinions were adopted within one year from the submission of the corresponding state report – but further progress is essential in the second monitoring cycle. At the same time, the Advisory Committee is determined to ensure that new working methods and speeding-up of the drafting process are introduced in a manner that does not sacrifice the quality of the Opinions.

9. Indeed, during the present reporting period, the Opinions became increasingly substantial and detailed as the Advisory Committee and others involved in the monitoring procedure gained further experience. More detailed examination of country situations also meant that the average length of the Opinions increased markedly, a development which clearly cannot be taken too far without risking the accessibility and digestibility of the texts.

10. The Advisory Committee believes that a key factor in ensuring the quality of Opinions is the practice of conducting country visits, through which the Advisory Committee gained insight and improved understanding of the development and challenges of minority protection in practice and of the views of both the authorities and civil society in this sphere. During the reporting period, the Advisory Committee visited the following 10 States before adopting Opinions on them: Azerbaijan, Bosnia and Herzegovina, Bulgaria, Ireland, Lithuania, Poland, Serbia and Montenegro, Sweden, Switzerland, “the former Yugoslav Republic of Macedonia” (for the dates of the visit, see Appendix II). Indeed, in nearly all cases where the Advisory Committee considered a visit to be useful, the authorities extended an invitation to the Committee. The only exception was Spain, whose authorities did not invite, within the period of the 5-year cycle, the Advisory Committee to pay a visit in connection with the preparation of the first Opinion. This meant that the dialogue was not as comprehensive as in other cases, which in turn complicated the Advisory Committee’s attempts fully to comprehend the minority situation in the country and caused delays in the process of adopting of the Opinion. It is to be hoped that a visit to Spain can be organised in the forthcoming stages of the monitoring, as has been indicated by the authorities of that country.

11. The Advisory Committee improved the impact of the visits by extending their coverage. When it introduced the practice of visits, the Advisory Committee had meetings mainly in the capitals of the countries concerned. This did not always prove sufficient to gain a comprehensive picture of the actual implementation of the Framework Convention. Therefore, during the present reporting period a substantial proportion of each visit was devoted to travel to the regions where national minorities reside in substantial numbers. This enhanced access of persons belonging to national minorities to the monitoring mechanism and increased contacts between the Advisory Committee and local and regional authorities, who are often in a key position to implement the Framework Convention. Based on these positive experiences, the Advisory Committee finds it important that such visits to the regions are regularly carried out also in the forthcoming monitoring cycles.

12. In order for the Opinions to have the desired impact, it is essential that they are made public without undue delays. In the spirit of the Framework Convention, whose

explanatory report underlines the transparency of the monitoring mechanism, the Advisory Committee encouraged countries to make the Opinions public even prior to their publication with the Committee of Ministers' Resolution. A majority of the States agreed to take this step upon submission of their comments on the Opinion (see appendix II). Furthermore, Serbia and Montenegro became, in March 2004, the first country to agree to make the Opinion public even before submitting their comments on the Opinion. The Advisory Committee encourages other States to follow this example, allowing a domestic dialogue on the Opinion which can then feed into the comments.

13. In its second activity report, the Advisory Committee stressed that Opinions should be made available also in minority languages. During the present reporting period, some countries did this, including Moldova, Romania and Switzerland. However, in most cases the Opinions were translated only into the relevant official languages, and it appears that some authorities even failed to do that. The Advisory Committee underlines that the availability of adequate translations of the Opinions is essential for the accessibility and inclusive ownership of the Framework Convention and its monitoring process and should be consistently ensured.

2) Co-operation with the Committee of Ministers

14. The Advisory Committee continued to enjoy good co-operation with the Committee of Ministers, including at the level of the Ministers' Deputies and at the Rapporteur Group on Human Rights (GR-H). This was recognised also by independent commentators. For example, Professor Patrick Thornberry, in his conclusions of the Conference "Filling the Frame", noted that *"the relationship between the Advisory Committee and the Committee of Ministers appears potentially a very delicate one. I am not in a position to comprehend fully what this relationship implies, but sense that it can work if both bodies engage in dialogue and enjoy mutual respect, with the balance, if I may say so, to be tilted in favour of the human rights dimension as it is a human rights instrument, rather than political control. As far as we can judge, the relationship appears to work, and for that we must be grateful."*

15. During the period covered by the present report, the Committee of Ministers adopted 14 Resolutions (see appendix II for details) on the implementation of the Framework Convention. These Resolutions consistently reflected the main message of the corresponding Opinions of the Advisory Committee. The Advisory Committee considers this to be a sign of the confidence that prevails in the relations between the two bodies involved in the monitoring of the Framework Convention.

16. This spirit of confidence and co-operation also prevailed in the regular oral exchanges that the representatives of the Advisory Committee had with delegations, notably in the framework of the GR-H. In these contacts, general issues often prompted wide and useful discussions, during which delegations provided useful commentary on the work of the Advisory Committee, while respecting the Advisory Committee's independent role. At the same time, the discussions on country-specific Opinions, introduced by representatives of the Advisory Committee, at times attracted more limited

participation. In this regard, the Advisory Committee considers it important that discussions leading to the country-specific Resolutions on the implementation of the Framework Convention are not to be restricted only to the State Party directly concerned and the “kin states”, but that also other delegations take active part in them. Wider participation would reflect the Framework Convention’s nature as a human rights instrument and the central role given to the Committee of Ministers, as a whole, in the monitoring of the implementation of the Framework Convention under its Articles 24 - 26. The Advisory Committee believes that wider input could also help to unblock the lengthy delays that have occurred in the adoption of certain resolutions. This is indeed needed, bearing in mind that some draft resolutions have been pending before the Ministers’ Deputies for almost two years⁵. Such delays regularly prompt questions and criticism from the interlocutors of the Advisory Committee in the countries concerned. When such delays occur, it is all the more important to ensure that the Government concerned agrees to publish the Opinion and comments thereon before the adoption of the Resolution. The Committee of Ministers has recognised “the need to speed up, at all levels, the monitoring procedures relating to the Framework Convention”⁶, and the Advisory Committee believes that this issue needs to be addressed resolutely.

17. In addition to generally supporting the findings of the Advisory Committee, the Committee of Ministers took a number of procedural decisions that helped the Advisory Committee to operate effectively. Of particular importance is the mandate, given on 8 April 2003, enabling the Advisory Committee to increase further its contacts with civil society by organising meetings with NGOs and other independent sources also outside country visits. The Advisory Committee also appreciates the above-mentioned decision to authorise the commencement of monitoring in the cases of persistent delays as well as the fact that the outline for the second state reports proposed by the Advisory Committee was approved by the Deputies on 15 January 2003 without any changes (see also chapter 4 below). Finally, the Advisory Committee notes with satisfaction that many of the positions taken by the Deputies in its reply of 13 June 2002 to the Parliamentary Assembly Recommendation 1492(2001) on the rights of national minorities, reflect to an extent the earlier comments made by the Advisory Committee on the said Recommendation. The Advisory Committee expresses the hope that the Committee of Ministers’ forthcoming reply to the most recent Parliamentary Assembly Recommendation on the rights of national minorities, adopted on 29 September 2003, will also demonstrate support for the work of the Advisory Committee (see also section III of the present report).

⁵ The Opinions on Albania and Slovenia were adopted by the Advisory Committee on 12 September 2002, but the Committee of Ministers has still not adopted the corresponding Resolutions. Furthermore, the Advisory Committee’s Opinion on Austria was adopted on 16 May 2002 but the Committee of Ministers adopted its Resolution on this country only on 4 February 2004.

⁶ See Committee of Ministers’ Reply, adopted on 13 June 2002, to the Parliamentary Assembly Recommendation 1492(2001) on the rights of national minorities.

3) Follow-up activities

18. The Advisory Committee welcomes the fact that the Committee of Ministers continued to ask, in all its country-specific resolutions, the State concerned to keep the Advisory Committee regularly informed of the measures taken in response to the conclusions and recommendations of the Committee of Ministers. Furthermore, the Committee of Ministers regularly invited the Advisory Committee to take note of these resolutions, in particular as regards the follow-up to the adopted conclusions and recommendations. On the basis of these requests, the Advisory Committee encouraged each State to engage in dialogue on the implementation of the findings of the monitoring mechanism between the reporting cycles. This possibility was welcomed by almost all States Parties.

19. The main tool to advance such dialogue was so-called “follow-up seminars”, which brought together the authorities, civil society as well as representatives of the Advisory Committee to discuss, *in situ*, how to put the recommendations of the Framework Convention’s monitoring bodies to practice. During the reporting period, such follow-up activities were organised in 12 States (see appendix II), and they were generally excellent occasions to discuss, in a constructive and inclusive atmosphere, the implementation of the Framework Convention. However, in certain cases, these follow-up seminars also revealed that the value of the Framework Convention and its monitoring is not yet fully embraced by all sectors of the public administration and that additional awareness-raising activities are needed.

20. Despite the usefulness of the follow-up seminars, the Advisory Committee believes that there is a need to develop new ways of ensuring follow-up and continuous dialogue between the Advisory Committee and the States Parties, in line with the Committee of Ministers’ recommendations. The Advisory Committee encourages the States Parties to be innovative in this respect. Some countries, such as Hungary, usefully supplemented follow-up seminars with regular submission of legislative and other news pertaining to their minority situation and other ideas have also been floated.

4) Preparation for the second monitoring cycle

21. During the period covered by the present report, the Advisory Committee took a number of steps to prepare for the commencement of the second reporting cycle in 2004. First of all, the Advisory Committee drafted an outline for state report, which was then approved by the Committee of Ministers on 15 January 2003. According to the outline, the second reports are to be closely linked to the first results of the monitoring. Furthermore, the new outline envisages the submission of questions by the Advisory Committee to States before they draw up their second reports.⁷ This possibility was

⁷ See outline, section 3: “Please give the details requested in the specific questions submitted separately by the Advisory Committee as part of the continuing dialogue with the Advisory Committee.”

proposed by the Advisory Committee in order to limit the need to draw up lengthy questionnaires following the submission of the report – practice followed in the first cycle – and to speed up the monitoring procedure.

22. In order to make sure that the State Parties have enough time to address the specific questions and to carry out necessary consultations, the Advisory Committee decided that the questionnaires should be sent to the Party concerned at least eight months before the second state report at issue is due. Accordingly, the Advisory Committee submitted, in the course of 2003, specific questions to all 23 States Parties due to report in 2004, and it is currently preparing questionnaires for those States that are to report in 2005. In order to make sure that also minority organisations and other non-governmental actors have a possibility effectively to take part in the reporting process, the Advisory Committee decided, at its 18th meeting in November 2003, to seek information from them on similar questions.

23. During its 18th meeting in November 2003 and 19th meeting in May 2004, the Advisory Committee held preliminary exchanges of view on the conduct of state visits and on the structure of the Opinions in the second cycle. It agreed to focus state visits increasingly on specific issues, identified prior to the visit, rather than repeating the general approach followed in the first monitoring cycle. As regards the structure of the Opinions, it was concluded that, while maintaining its article-by-article approach, the Committee should develop further the concluding remarks contained in the Opinions. At the same time, the Advisory Committee underlined that these are only preliminary conclusions, to be revisited by the Advisory Committee in its new composition later in 2004.

24. Finally, the Advisory Committee regrets that the commencement of the second cycle was delayed due to the fact none of the 13 States due to report by 1 February 2004 submitted their report by that date. By 31 May 2004, the Advisory Committee had received only 6 reports (Croatia, Denmark, Hungary, Italy, Liechtenstein and Moldova) out of the 18 state reports that were due before that date (see appendix III). It is to be hoped that a more timely submission of state reports will become a practice as the second cycle advances.

5) Thematic work

25. Despite the achievements, it is obvious that the monitoring of the Framework Convention is still a work in progress and that the Advisory Committee has not fully explored some possible areas of work. One of them is the question of thematic work. During its first years of activity, the Advisory Committee limited itself to country-specific opinions. It was not in a position to produce thematic analyses that would have explained in general terms the committee's approach on, or interpretation of, different issues covered by the Framework Convention.

26. The need for such thematic work was, however, underlined repeatedly by various commentators. This message was sent particular forcefully at the Conference "Filling the

Frame”, where many participants called for a clarification of, or guidelines on, some of the key issues of interpretation which come up repeatedly in the dialogue concerning the implementation of the Framework Convention. The reports of independent experts produced for the said conference – concerning, respectively, minority rights in the fields of participation, media and education – also underlined the need to solidify and clarify the Advisory Committee’s approach in these domains in order to ensure the effectiveness and the consistency of its work and to strengthen the Framework Convention’s role as an integral part of the human rights treaty network.

27. The Advisory Committee has taken account of these requests and it is at present formulating its approach to the issue of thematic work. It has decided to examine in more detail the themes treated at the conference (minority rights in the fields of participation, media and education) with a view to formulating an approach that would yield practical results and have significant added value in relation to the important work already carried out by other relevant bodies, including the OSCE High Commissioner on National Minorities. The reports and discussions of the conference, together with other pertinent academic work, will undoubtedly contribute to the Advisory Committee’s efforts in this sphere.

28. The aim of the Advisory Committee is to produce first concrete results of its thematic reflections in the course of 2004. At the same time, the Advisory Committee is aware that it should not over-stretch itself, bearing in mind that the continuing lack of adequate resources already harms the regular country-specific monitoring, which should remain the Committee’s main task (see section IV of the present report).

III. CO-OPERATION WITH OTHER BODIES

1) Co-operation with other Council of Europe bodies

29. The Advisory Committee continued to strengthen its co-operation with other Council of Europe mechanisms dealing with issues pertaining to the protection of national minorities. Its representatives met with representatives of other relevant Council of Europe bodies in order to coordinate, *inter alia*, schedules of visits so as to avoid overlap in so far as this is possible in the light of the reporting schedule. The Advisory Committee also increasingly often included in its Opinions references to the pertinent findings of other Council of Europe bodies – including to the reports by ECRI, the Commissioner for Human Rights and other relevant human rights mechanisms but also to the findings of the Committee of Experts of the Charter for Regional or Minority Languages – with a view to promoting coherence and synergies in the Council of Europe’s work in this domain and to strengthening its overall impact.

30. The Advisory Committee followed with great interest new minority-related initiatives that were launched within the Council of Europe. The Advisory Committee lent its support to the process of setting up a European Roma Forum within the framework of the Council of Europe, and the President of the Advisory Committee

participated in June 2003 in a meeting of the Deputies' Working Party with the task of examining the question of a possible forum for Roma. Another pending initiative, the possible re-establishment of the Inter-Governmental expert group on national minorities (DH-MIN), was also discussed within the Advisory Committee. The Advisory Committee welcomed added emphasis on inter-governmental work on minority issues. At the same time, the Advisory Committee stressed that care must be taken to avoid any overlap of competences and to ensure that there be no interference in the monitoring work carried out by the Advisory Committee and that the re-establishment of the DH-MIN must not take place at the expense of long awaited resources to strengthen the Secretariat in its monitoring work under the Framework Convention.

31. At the same time, the Advisory Committee highly appreciated the support it received from other Council of Europe bodies. In addition to the support from the Committee of Ministers (discussed above), the Advisory Committee was particularly pleased with the strong backing and endorsement its work received from the Parliamentary Assembly of the Council of Europe, forcefully expressed in Recommendation 1623(2003) on the rights of national minorities, adopted by the Assembly on 29 September 2003. The said Recommendation and the report of the Committee on Legal Affairs and Human Rights by rapporteur Boris Tschilevich contain excellent insight into the work of the monitoring mechanism of the Framework Convention and put forth a number of valuable ideas for its future development that merit being followed up by the Committee of Ministers and others involved.

32. One important role that the Parliamentary Assembly continued to play is that of a catalyst for further ratifications of the Framework Convention. While the Framework Convention has become an increasingly pan-European instrument, there are still significant gaps in its reach. Therefore, the Advisory Committee welcomed the call by the Parliamentary Assembly, contained Recommendation 1623(2003), for member states that have not already done so, to swiftly sign and ratify the Framework Convention. Regrettably, there was no marked progress in this respect: During the two years covered by the present report no new signatures or ratifications were achieved. The Advisory Committee continued to support practical efforts in this sphere. For example, the President of the Advisory Committee took part in February 2004 in a seminar in Riga to discuss ratification of the Framework Convention with Latvian parliamentarians.

2) Co-operation with other organisations

33. The Advisory Committee pursued contacts and cooperation with international organisations and NGOs dealing with national minorities in the course of the reporting period. This work culminated in the conference organised in October 2003 to mark the 5th anniversary of the entry into force of the Framework Convention, which brought together representatives of various governmental and non-governmental experts as well as international and regional organisations - including the OSCE High Commissioner on National Minorities, the United Nations, the European Commission and the Commissioner for Baltic Sea States and the Central European Initiative - to discuss the

implementation of this Council of Europe treaty. The Advisory Committee is grateful for the positive feedback it received from the participants.

a) International organisations

34. Contacts with other international organisations were also a regular element of the monitoring process of the Framework Convention, with representatives of the OSCE, UNHCR, EU and other relevant organisations meeting with Advisory Committee delegations during their country-visits and taking part in the follow-up seminars on the implementation of the findings of the monitoring bodies. Of particular relevance was the practical co-operation with the Office of the High Commissioner on National Minorities on issues and countries of common concern.

35. Furthermore, the Framework Convention and the findings of its monitoring bodies were a major reference in many activities organised on national minorities by other international organisations during the reporting period. For example, The European Commission devoted particular attention to the Framework Convention in assessing progress made by the candidate countries with regard to the membership criterion on the protection of minorities. This was reflected, *inter alia*, in the Commission's Regular Reports which included extensive references to the opinions of the Advisory Committee on the Framework Convention and the corresponding resolutions of the Committee of Ministers. There were also valuable contacts with the European Parliament during the reporting period. For example, the President of the Advisory Committee on the Framework Convention was a keynote speaker at the Inter-parliamentary Colloquy on minority protection in Europe, organised by the European Parliament in Brussels on 5 December 2003. At the same time, the Advisory Committee considers that the Framework Convention's monitoring process and its results could be followed and used more consistently by the European Commission and other relevant EU structures, including by new bodies. In this respect, the Advisory Committee welcomes the fact that the EU Network of Independent Expert on Fundamental Rights, set up by the European Commission in September 2002, included in its report on the situation of fundamental rights in the EU in 2003 extensive references to the Framework Convention and Opinions of the Advisory Committee.

36. During the reporting period, the Advisory Committee's co-operation with other organisations was not restricted to Europe. The Advisory Committee's work was also referred to in the United Nations' work on minorities and on indigenous peoples. Such synergies were facilitated further by the fact that certain members of the Advisory Committee simultaneously held important positions within the relevant UN bodies, including Mr Asbjørn Eide as the Chair of the UN Working Group on Minorities. The Advisory Committee's expertise was also sought by international bodies that do not regularly deal with minority issues. For example, the President of the Advisory Committee was invited to address the NATO Parliamentary Assembly's Committee on the Civil Dimension of Security when it considered the protection of national minorities in the Baltic States at its meeting in Orlando on 8-9 November 2003.

b) Non-governmental organisations

37. Throughout the reporting period, the Advisory Committee continued to benefit from excellent cooperation and input of NGOs, minority associations and civil society in general, without which the Advisory Committee could not have fulfilled its monitoring tasks effectively. Many national NGOs, usually with extremely limited resources, produced in-depth materials, hosted meetings and kept the Advisory Committee informed about the state of implementation of the Framework Convention before and after the adoption of the Opinion at issue. This work was supported by international NGOs such as the Minority Rights Group (MRG), which organised with the Secretariat of the Framework Convention its annual NGO trainings on the use of the Framework Convention in Strasbourg in February 2003 and in May 2004. These trainings, in which members of the Advisory Committee took part, were highly successful and will hopefully continue during the second monitoring cycle.

IV. ORGANISATIONAL ISSUES

1) Membership

38. The Advisory Committee's membership remained unchanged throughout the reporting period, with the exception of Mr Giorgio Malinverni, expert elected in respect of Switzerland, who resigned due to other commitments and was replaced by Mr Mathias-Charles Krafft on 7 May 2003.

39. During the reporting period, the Committee of Ministers also elected a number of experts to the list of experts elected to serve on the Advisory Committee and appointed on 21 April 2004, in accordance with the rules 14-16 of Resolution (97)10, 9 experts from the said list to the Advisory Committee to replace those Advisory Committee members whose terms came to an end on 31 May 2004. The composition of the Advisory Committee before and after this rotation is found in Appendix I to the present report.

40. The Advisory Committee welcomes the fact that the Committee of Ministers has, during the election process, underlined the independence and impartiality of members. The Advisory Committee also finds it essential that within the Advisory Committee membership there is expertise on all key fields covered by the Framework Convention. While this is largely the case, the Advisory Committee would benefit from additional expertise in certain areas. It would, for example, welcome members with particular experience and expertise in the field of *education* of persons belonging to national minorities. In addition, the gender balance of the Committee should be given constant attention in the election process, bearing in mind that during the period covered by the present report only 6 out of 18 members of the Advisory Committee were women and that as from 1 June 2004 the number of women stands at 7. The Advisory Committee stands ready to provide further information on the profile of the Advisory Committee and its experts during the election procedure of new members if so required by the Committee of Ministers.

41. At its 15th meeting on 9-13 September 2002, the Advisory Committee elected the members of its Bureau. Mr Rainer Hofmann (Professor of International Law at the University of Kiel, Germany) was re-elected President up until the end of his mandate on 31 May 2004. Ms Athanasia Spiliopoulou Åkermark (Associate Professor, Faculty of Law, Uppsala University, Sweden) was elected First Vice-President for a term of two years and Mr Gáspár Bíró (Lecturer at Eötvös Loránd University in Budapest, Hungary) was re-elected Second Vice-President up until the end of his mandate on 31 May 2004. Following the resignation of Ms Spiliopoulou Åkermark from the Bureau, the Advisory Committee elected, at its 19th meeting on 24-29 May 2004, Mr Asbjørn Eide (Senior Expert, Norwegian Institute of Human Rights) the First Vice-President of the Committee for the remainder of the term of Ms Spiliopoulou Åkermark.

42. In the course the reporting period, the Committee of Ministers discussed a proposal, put forth by the Russian Federation, to enlarge the Advisory Committee so that the number of its members would be equal to the number of State Parties. Upon a request by the Ministers' Deputies Rapporteur Group on Human Rights (GR-H), the Advisory Committee adopted at its 16th meeting in February 2003 an opinion on the matter, concluding that such an enlargement should not be pursued at this stage as it could put at risks the smooth functioning of the Advisory Committee, the pace of its work and the quality of its opinion. Subsequently, the GR-H agreed to postpone the examination of this proposal and to return to it after the completion of the second cycle of the monitoring of the Framework Convention.

2) Resources

43. One area where the Advisory Committee, regrettably, did not witness any progress in the reporting period is the issue of resources. The Advisory Committee has repeatedly stressed to the Committee of Ministers and others concerned that, despite concerted efforts by the Secretariat of the Framework Convention, lack of adequate resources are harming the work of the Advisory Committee and causing unacceptable delays in the monitoring procedure. The situation has become increasingly acute now that the Advisory Committee is expected, simultaneously, to launch the second monitoring cycle, to conduct follow-up activities and to provide clarification of its approaches through thematic work.

44. The difficulty of the resource situation was underlined by the Parliamentary Assembly in its Recommendation 1623(2003), which urges the Committee of Ministers to "reinforce as a matter of priority the financial and human resources at the disposal of the Secretariat of the Advisory Committee". The Committee of Ministers has also in its statements recognised the importance of ensuring that sufficient resources are made available to the monitoring of the Framework Convention.⁸ However, during the two years covered by the present report no additional staff or operational resources were

⁸ See the Committee of Ministers Reply, adopted on 13 June 2002, to the Parliamentary Assembly Recommendation 1492(2001) on the rights of national minorities.

allocated to the Advisory Committee. The Advisory Committee finds it imperative that progress on this issue be finally achieved as the second monitoring cycle commences.

V. CONCLUDING REMARKS

45. At the time of the launching of the work of the Advisory Committee, some critics argued that an impressive rate of ratification could be merely a reflection of the weakness of the standards and the monitoring mechanism of the Framework Convention. The Advisory Committee is pleased to conclude that the monitoring mechanism has rapidly developed well beyond such small expectations. Country visits and other progressive working methods of the Advisory Committee have resulted in detailed Opinions, which have received valuable political backing in the Committee of Ministers' Resolutions. These monitoring results have demonstrated the value of the Framework Convention and helped to determine the limits of the inherent flexibility of its substantive provisions.

46. However, the real test of the effectiveness of the monitoring mechanism is how the findings of the monitoring bodies are put into practice in the Members States. This will be a key issue in the second monitoring cycle commencing in 2004. Many States have already shown through follow-up seminars and other methods that they are ready to open a genuine, inclusive dialogue on the implementation of the Framework Convention. This is a promising sign for the forthcoming stages of the monitoring, and the Advisory Committee hopes that the remaining challenges, including the persistent lack of resources and the related problem of delays in the monitoring process, can be overcome so that the unique potential of the Framework Convention can be explored fully for the benefit of Europe and its national minorities.

APPENDIX I

Composition of the Advisory Committee until 31 May 2004

President/Président

Mr Rainer HOFMANN (Germany/Allemagne)

First Vice-President/Premier vice-président

Ms Athanasia SPILIOPOULOU ÅKERMARK (Sweden/Suède)

Second Vice-President/Second vice-président

Mr Gáspár BÍRÓ (Hungary/Hongrie)

Ms Lidija BASTA FLEINER (Serbia and Montenegro/Serbie-Monténégro)

Mr Mihai CERNENCO (Moldova/Moldova)

Ms Anastasia CRICKLEY (Ireland/Irlande)

Mr Asbjørn EIDE (Norway/Norvège)

Mr Tonio ELLUL (Malta/Malte)

Mr Zdzisław W. GALICKI (Poland/Pologne)

Mr Dimitar GELEV ('The former Yugoslav Republic of Macedonia'/'l'ex-République yougoslave de Macédoine')

Mr Ferenc HAJOS (Slovenia/Slovénie)

Mr Mathias-Charles KRAFFT (Switzerland/Suisse)

Mr Vsevolod MITSIK (Ukraine/Ukraine)

Ms Iulia MOTOC (Romania/Roumanie)

Ms Sara NUÑEZ de PRADO y CLAVEL (Spain/Espagne)

Mr Vladas SIRUTAVIČIUS (Lithuania/Lituanie)

Ms Eva SMITH-ASMUSSEN (Denmark/Danemark)

Mr Ahmed ŽILIC (Bosnia and Herzegovina/Bosnie-Herzégovine)

Composition of the Advisory Committee as from 1 June 2004

Ms Lidija BASTA FLEINER (Serbia and Montenegro/Serbie-Monténégro)

Mr Mihai CERNENCO (Moldova/Moldova)

Mr Stanislav CHERNICHENKO (Russian Federation/Fédération de Russie)

Ms Anastasia CRICKLEY (Ireland/Irlande)

Ms Mirjana DOMINI (Croatia/Croatie)

Mr Asbjørn EIDE (Norway/Norvège)

Mr Zdzisław W. GALICKI (Poland/Pologne)

Mr Ivan GARVALOV (Bulgaria/Bulgarie)

Mr Gunnar JANSSON (Finland/Finlande)

Mr Mathias-Charles KRAFFT (Switzerland/Suisse)

Mr Vigen KOCHARYAN (Armenia/Arménie)

Ms Marju LAURISTIN (Estonia/Estonie)

Mr Gjergj SINANI (Albania/Albanie)

Mr Vladas SIRUTAVIČIUS (Lithuania/Lituanie)

Ms Athanasia SPILIOPOULOU ÅKERMARK (Sweden/Suède)

Ms Regina TAVARES DA SILVA (Portugal/Portugal)

Ms Arzu YOLCHUYEVA (Azerbaijan/Azerbaïdjan)

Mr Ahmed ŽILIĆ (Bosnia and Herzegovina/Bosnie-Herzégovine)

Appendix II

COUNCIL OF EUROPE
 FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES
 (CHART OF SIGNATURES AND RATIFICATIONS AND STATUS OF MONITORING WORK IN THE FIRST CYCLE)

CONSEIL DE L'EUROPE
 CONVENTION-CADRE POUR LA PROTECTION DES MINORITES NATIONALES
 (ETAT DES SIGNATURES ET RATIFICATIONS ET LA SITUATION DU SUIVI PENDANT LE PREMIER CYCLE)
 Updated 31 May 2004 / Mis à jour le 31 mai 2004

MEMBER STATES / ETATS MEMBRES	Date of signature / Date de signature	Date of ratification / Date de ratification	Date of entry into force / Date d'entrée en vigueur	First report due / Premier rapport attendu	First report received / Premier rapport reçu *	ACFC country visit / ACFC visite de pays	First ACFC ⁹ opinion adopted / Premier avis du ACFC adopté le	CM ¹⁰ Resolution adopted / Résolution du CM adoptée le	Follow-up Seminar / Séminaire de suivi	MEMBER STATES / ETATS MEMBRES
	42 signatures / accessions	35 ratifications / accessions			34 reports	30 visits	34 opinions adopted, of which 28 public	25 resolutions adopted	15 follow-up visits	
ALBANIA / ALBANIE	29/06/95	28/09/99	01/01/2000	01/01/2001	26/07/2001	29/04 - 3/05/2002	12/09/2002 (published on / rendu public le 18/02/2003)**			ALBANIA / ALBANIE
ANDORRA / ANDORRE										ANDORRA / ANDORRE
ARMENIA / ARMENIE	25/07/97	20/07/98	01/11/1998	01/11/1999	11/06/2001	10 - 14/12/2001	16/05/2002 (published on / rendu public le 15/01/2003)	15/01/2003	03/06/2003	ARMENIA / ARMENIE

⁹ Advisory Committee of the Framework Convention for the Protection of National Minorities

¹⁰ Committee of Ministers

AUSTRIA / AUTRICHE	01/02/95	31/03/98	01/07/1998	01/07/1999	15/11/2000	18 - 21/12/2001	16/05/2002 (published on / rendu public le 07/11/2002) **	04/02/2004		AUSTRIA / AUTRICHE
AZERBAIJAN / AZERBAIDJAN	Accession / adhésion 26/06/2000		01/10/2000	01/10/2001	04/06/2002	30/03 - 04/04/2003	22/05/2003 (published on / rendu public le 26/01/2004) **			AZERBAIJAN / AZERBAIDJAN
BELGIUM / BELGIQUE	31/07/2001									BELGIUM / BELGIQUE
BOSNIA AND HERZEGOVINA / BOSNIE- HERZEGOVINE	Accession / adhésion 24/02/2000		01/06/2000	01/06/2001	20/02/2004	23 - 27/02/2004	27/05/2004 (not yet public / pas encore rendu public)			BOSNIA AND HERZEGOVINA / BOSNIE- HERZEGOVINE
BULGARIA / BULGARIE	09/10/97	07/05/99	01/09/1999	01/09/2000	09/04/2003	10 - 13/11/2003	27/05/2004 (not yet public / pas encore rendu public)			BULGARIA / BULGARIE
CROATIA / CROATIE	06/11/96	11/10/97	01/02/1998	01/02/1999	16/03/1999	23 - 26/10/2000	06/04/2001 (published on / rendu public le 06/02/2002)	06/02/2002	21/03/2002	CROATIA / CROATIE
CYPRUS / CHYPRE	01/02/95	04/06/96	01/02/1998	01/02/1999	01/03/1999	06 - 08/11/2000	06/04/2001 (published on / rendu public le 21/02/2002)	21/02/2002	28/01/2004	CYPRUS / CHYPRE
MEMBER STATES / ETATS MEMBRES	Date of signature / Date de signature	Date of ratification / Date de ratification	Date of entry into force / Date d'entrée en vigueur	First report due/ Premier rapport attendu	First report received/ Premier rapport reçu *	ACFC country visit / ACFC visite de pays	First ACFC opinion adopted / Premier avis du ACFC adopté le	CM Resolution adopted / Résolution du CM adoptée le	Follow- up Seminar / Séminaire de suivi	MEMBER STATES / ETATS MEMBRES

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CZECH REPUBLIC / REPUBLIQUE TCHEQUE	28/04/95	18/12/97	01/04/1998	01/04/1999	01/04/1999	16 – 18/10/2000	06/04/2001 (published on / rendu public le 25/01/2002)**	06/02/2002	01/12/2003	CZECH REPUBLIC / REPUBLIQUE TCHEQUE
DENMARK / DANEMARK	01/02/95	22/09/97	01/02/1998	01/02/1999	06/05/1999	22 – 24/05/2000	22/09/2000 (published on / rendu public le 31/10/2001)	31/10/2001		DENMARK / DANEMARK
ESTONIA / ESTONIE	02/02/95	06/01/97	01/02/1998	01/02/1999	22/12/1999	28/05 – 01/06/2001	14/09/2001 (published on / rendu public le 12/04/2002)**	13/06/2002	26/09/2002	ESTONIA / ESTONIE
FINLAND / FINLANDE	01/02/95	03/10/97	01/02/1998	01/02/1999	16/02/1999	23 – 25/08/1999	22/09/2000 (published on / rendu public le 06/07/2001)**	31/10/2001	01/02/2002	FINLAND / FINLANDE
FRANCE										FRANCE
GEORGIA / GEORGIE	21/01/2000									GEORGIA / GEORGIE
GERMANY / ALLEMAGNE	11/05/95	10/09/97	01/02/1998	01/02/1999	24/02/2000	26 – 29/06/2001	01/03/2002 (published on / rendu public le 12/09/2002)**	15/01/2003	25- 26/06/2003	GERMANY / ALLEMAGNE
GREECE / GRECE	22/09/97									GREECE / GRECE
HUNGARY / HONGRIE	01/02/95	25/09/95	01/02/1998	01/02/1999	21/05/1999	29/11 – 1/12/1999	22/09/2000 (published on / rendu public le 14/09/2001)**	21/11/2001	02- 03/12/2002	HUNGARY / HONGRIE
ICELAND / ISLANDE	01/02/95									ICELAND / ISLANDE
IRELAND / IRLANDE	01/02/95	07/05/99	01/09/1999	01/09/2000	13/11/2001	17 – 21/03/2003	22/05/2003 (published on / rendu public le 05/05/2004)	05/05/2004		IRELAND / IRLANDE

ITALY / ITALIE	01/02/95	03/11/97	01/03/1998	01/03/1999	03/05/1999	11 - 13/12/2000	14/09/2001 (published on / rendu public le 03/07/2002)	03/07/2002	16/03/2004	ITALY / ITALIE
LATVIA / LETONIE	11/05/95									LATVIA / LETONIE
LIECHTENS TEIN	01/02/95	18/11/97	01/03/1998	01/03/1999	03/03/1999		30/11/2000 (published on / rendu public le 04/09/2001)**	27/11/2001		LIECHTENS TEIN
LITHUANIA / LITUANIE	01/02/95	23/03/2000	01/07/2000	01/07/2001	31/10/2001	25 - 29/11/2002	21/02/2003 (published on / rendu public le 25/09/2003)**	10/12/2003		LITHUANIA / LITUANIE
LUXEMBOU RG	20/07/95									LUXEMBO URG
MALTA / MALTE	11/05/95	10/02/98	01/06/1998	01/06/1999	27/07/1999		30/11/2000 (published on / rendu public le 27/11/2001)	27/11/2001		MALTA / MALTE
MEMBER STATES / ETATS MEMBRES	Date of signature / Date de signature	Date of ratification / Date de ratification	Date of entry into force / Date d'entrée en vigueur	First report due/ Premier rapport attendu	First report received/ Premier rapport reçu *	ACFC country visit / ACFC visite de pays	First ACFC opinion adopted / Premier avis du ACFC adopté le	CM Resolution adopted / Résolution du CM adoptée le	Follow- up Seminar / Séminaire de suivi	MEMBER STATES / ETATS MEMBRES
MOLDOVA	13/07/95	20/11/96	01/02/1998	01/02/1999	29/06/2000	31/10 - 5/11/2001	01/03/2002 (published on / rendu public le 15/01/2003)	15/01/2003	25- 26/09/2003	MOLDOVA
NETHERLA NDS / PAYS-BAS	01/02/95									NETHERLA NDS / PAYS-BAS

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NORWAY / NORVEGE	01/02/95	17/03/99	01/07/1999	01/07/2000	02/03/2001	22 - 26/04/2002	12/09/2002 (published on / rendu public le 13/02/2003)**	08/04/2003	14/05/2004	NORWAY / NORVEGE
POLAND / POLOGNE	01/02/95	20/12/2000	01/04/2001	01/04/2002	10/07/2002	13 - 17/04/2003	27/11/2003 (not yet public / pas encore rendu public)			POLAND / POLOGNE
PORTUGAL	01/02/95	07/05/2002	01/09/2002	01/09/2003						PORTUGAL
ROMANIA / ROUMANIE	01/02/95	11/05/95	01/02/1998	01/02/1999	24/06/1999	19 - 21/06/2000	06/04/2001 (published on / rendu public le 10/01/2002)**	13/03/2002	28-29/10/2002	ROMANIA / ROUMANIE
RUSSIAN FEDERATION / FEDERATION DE RUSSIE	28/02/96	21/08/98	01/12/1998	01/12/1999	08/03/2000	11-15/02/2002	13/09/2002 (published on / rendu public le 10/07/2003)	10/07/2003	24/03/2004	RUSSIAN FEDERATION / FEDERATION DE RUSSIE
SAN MARINO / SAINT-MARIN	11/05/95	05/12/96	01/02/1998	01/02/1999	03/02/1999		30/11/2000 (published on / rendu public le 27/11/2001)	27/11/2001		SAN MARINO / SAINT-MARIN
SERBIA AND MONTENEGRO / SERBIE-MONTENEGRO	Accession / adhésion 11/05/2001		01/09/2001	01/09/2002	16/10/2002	27/09-03/10/2003	27/11/2003 (published on / rendu public le 02/03/2004)**			SERBIA AND MONTENEGRO / SERBIE-MONTENEGRO

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE	01/02/95	14/09/95	01/02/1998	01/02/1999	04/05/1999	28/02 – 02/03/2000	22/09/2000 (published on / rendu public le 06/07/2001)**	21/11/2001	08/07/2003	SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE
SLOVENIA / SLOVENIE	01/02/95	25/03/98	01/07/1998	01/07/1999	29/11/2000	10 - 14/01/2002	12/09/2002 (not yet public / pas encore rendu public)			SLOVENIA / SLOVENIE
SPAIN / ESPAGNE	01/02/95	01/09/95	01/02/1998	01/02/1999	19/12/2000		27/11/2003 (not yet public / pas encore rendu public)			SPAIN / ESPAGNE
SWEDEN / SUEDE	01/02/95	09/02/2000	01/06/2000	01/06/2001	08/06/2001	25 - 29/11/2002	20/02/2003 (published on / rendu public le 25 août 2003)**	10/12/2003		SWEDEN / SUEDE
SWITZERLAND / SUISSE	01/02/95	21/10/98	01/02/1999	01/02/2000	16/05/2001	11 - 13/11/2002	20/02/2003 (published on / rendu public le 21 août 2003)**	10/12/2003		SWITZERLAND / SUISSE
MEMBER STATES / ETATS MEMBRES	Date of signature / Date de signature	Date of ratification / Date de ratification	Date of entry into force / Date d'entrée en vigueur	First report due/ Premier rapport attendu	First report received/ Premier rapport reçu *	ACFC country visit / ACFC visite de pays	First ACFC opinion adopted / Premier avis du ACFC adopté le	CM Resolution adopted / Résolution du CM adoptée le	Follow- up Seminar / Séminaire de suivi	MEMBER STATES / ETATS MEMBRES

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“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / “L’EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE”	25/07/96	10/04/97	01/02/1998	01/02/1999	23/09/2003	08 - 12/12/2003	27/05/2004 (not yet public / pas encore rendu public)			“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / “L’EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE”
TURKEY / TURQUIE										TURKEY / TURQUIE
UKRAINE	15/09/95	26/01/98	01/05/1998	01/05/1999	02/11/1999	04 - 06/12/2001	01/03/2002 (published on / rendu public le 27/11/2002) **	05/02/2003	16-17/09/2003	UKRAINE
UNITED KINGDOM / ROYAUME UNI	01/02/95	15/01/98	01/05/1998	01/05/1999	26/07/1999	04 - 08/06/2001	30/11/2001 (published on / rendu public le 22/05/2002)**	13/06/2002		UNITED KINGDOM / ROYAUME UNI

* The dates above refer to the submission of reports in one of the official languages of the Council of Europe. This is without prejudice to a possible earlier submission in the original language. / Les dates ci-dessous se réfèrent à la présentation des rapports dans l’une des langues officielles du Conseil de l’Europe, sans préjudice d’une présentation antérieure dans la langue originale.

** Date on which the Council of Europe received the country’s communication relating to the publication of the opinion before the adoption of the Committee of Ministers Conclusions and Recommendations. / Date à laquelle le Conseil de l’Europe a reçu la communication relative à la publication de l’avis avant l’adoption des conclusions et recommandations du Comité des Ministres

<http://www.coe.int/minorities>

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Appendix III

**LIST OF SECOND STATE REPORTS /
LISTE DES DEUXIEME RAPPORTS ETATIQUES**

Updated 31 May 2004 / Mis à jour le 31 mai 2004

(Overdue reports marked in bold / Etats en retard dans la présentation de leur rapport indiqués en gras)

MEMBER STATES / ETATS MEMBRES	SECOND REPORT DUE / DEUXIEME RAPPORT ATTENDU	Second report received / Deuxième rapport reçu
ALBANIA / ALBANIE	01/01/2006	
ARMENIA / ARMENIE	01/11/2004	
AUSTRIA / AUTRICHE	01/07/2004	
AZERBAIJAN / AZERBAIDJAN	01/10/2006	
BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE	01/06/2006	
BULGARIA / BULGARIE	01/09/2005	
CROATIA / CROATIE	01/02/2004	13/04/2004 ACFC/SR/II(2004)002
CYPRUS / CHYPRE	01/02/2004	
CZECH REPUBLIC / REPUBLIQUE TCHEQUE	01/04/2004	
DENMARK / DANEMARK	01/02/2004	14/05/2004 ACFC/SR/II(2004)004
ESTONIA / ESTONIE	01/02/2004	
FINLAND / FINLANDE	01/02/2004	
GERMANY / ALLEMAGNE	01/02/2004	
HUNGARY / HONGRIE	01/02/2004	07/05/2004 ACFC/SR/II(2004)003
IRELAND / IRLANDE	01/09/2005	
ITALY / ITALIE	01/03/2004	14/05/2004 ACFC/SR/II(2004)006

LIECHTENSTEIN	01/03/2004	25/03/2004 ACFC/SR/II(2004)001
LITHUANIA / LITUANIE	01/07/2006	
MALTA / MALTE	01/06/2004	
MOLDOVA	01/02/2004	07/05/2004 ACFC/SR/II(2004)005
NORWAY / NORVEGE	01/07/2005	
POLAND / POLOGNE	01/04/2007	
PORTUGAL	01/09/2008	
ROMANIA / ROUMANIE	01/02/2004	
RUSSIAN FEDERATION / FEDERATION DE RUSSIE	01/12/2004	
SAN MARINO / SAINT-MARIN	01/02/2004	
SERBIA AND MONTENEGRO / SERBIE-MONTENEGRO	01/09/2007	
SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE	01/02/2004	
SLOVENIA / SLOVENIE	01/07/2004	
SPAIN / ESPAGNE	01/02/2004	
SWEDEN / SUEDE	01/06/2006	
SWITZERLAND / SUISSE	01/02/2005	
“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / “L’EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE”	01/02/2004	
UKRAINE	01/05/2004	
UNITED KINGDOM / ROYAUME UNI	01/05/2004	

