



30.11.2018

NOTICE TO MEMBERS

Subject: Petition No 0378/2018 by K. K. (German), bearing 34 000 signatures, on protecting and retaining the Sorbian language in the Lausitz region (Brandenburg State)

1. Summary of petition

The petitioner takes issue with plans by the Brandenburg State Government for curriculum changes in state schools, which would seriously jeopardise the use of Lower Sorbian / Wendish as a teaching language. She states that Lower Sorbian / Wendish is one of the languages most at risk of disappearance in Europe. The petitioner is seeking support in establishing whether the Brandenburg State Government plans are in accordance with the Charter of Fundamental Rights of the European Union and with the ban on discrimination. She further states that there is no viable plan for the future of the Lausitz region when lignite mining activities become phased-out, with the result that job prospects for young people are limited, making it hard for them to contribute actively to the retention and preservation of the Sorbian language and identity.

2. Admissibility

Declared admissible on 24 September 2018. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 30 November 2018

The Commission's observations

Respect for cultural and linguistic diversity is one of the fundamental principles of the Union, enshrined in Article 3 of the Treaty on the European Union. It is also a fundamental right under Article 22 of the Charter of Fundamental Rights of the European Union. Within the remit of its competences, the Commission ensures the respect of fundamental rights. However, according to Article 51(1) of the Charter, its provisions are addressed to Member

States only when they implement Union law, which is not the case in the present situation.

In fact, Article 165 Treaty on the Functioning of the European Union provides that the Union must fully respect the responsibility of the Member States for the content of teaching and the organisation of education systems, and their cultural and linguistic diversity. It follows that changes in school curricula or the legal provisions governing the use of certain teaching languages fall within the exclusive responsibility of Member States, in this case Germany, and must therefore be addressed at national level.

The Commission finally notes that Germany is a Party to the Council of Europe's European Charter for Regional or Minority Languages, and that Lower Sorbian is one of the languages covered by the Charter¹. Within the context of the Charter, a Committee of Experts is entrusted with the task of monitoring the application of the Charter². The Commission would therefore invite the petitioner to contact the Secretariat of the Charter³ and channel her concerns through them.

Conclusion

Since the situation at hand falls within the exclusive responsibility of Germany, the Commission cannot take action in this matter.

¹ <https://rm.coe.int/states-parties-to-the-european-charter-for-regional-or-minority-langua/168077098c>

² <https://www.coe.int/en/web/european-charter-regional-or-minority-languages/committee-of-experts>

³ <https://www.coe.int/en/web/european-charter-regional-or-minority-languages/contacts>