



Decision in case 649/2019/TE on the Council's failure to make available a German translation of a press release

Decision

Case 649/2019/TE - Opened on 16/07/2019 - Decision on 16/07/2019 - Institution concerned Council of the European Union (No maladministration found) |

The complaint concerned the fact that a press release containing remarks made by European Council President Donald Tusk on 6 February 2019 was made available in English, French and Irish only. The remarks were made following a meeting with the Irish Prime Minister.

The complainant had asked the Council to make available a German version of the press release. The Council replied that the press release would eventually be translated into all EU official languages.

The Ombudsman understands that it is the Council's current practice to make remarks by the European Council President available in all EU official languages only in certain circumstances, for example when speaking after meetings of the European Council. Remarks made by the President following meetings with individual heads of state or government are generally made available either in English only, or in English and French, or in English, French and one additional official language. Thus, contrary to what the complainant was initially told by the Council, the press release in question was not translated into all official languages.

The Ombudsman acknowledges the need to strike an appropriate balance between linguistic diversity and administrative and budgetary constraints when translating documents. She also acknowledges that the EU institutions have some discretion in striking this balance. She considers that it was not manifestly wrong of the Council to make available the press release in question in English, French and Irish. At the same time, she considers that the Council should be transparent and clear about its translation policy and inform citizens accordingly. In this case, it provided misleading information to the complainant. This was regrettable.

The complaint against the Council of the EU

1. On 6 February 2019, the President of the European Council Donald Tusk spoke to the press after his meeting with the Irish Prime Minister (Taoiseach) Leo Varadkar. After the press conference, the Council of the European Union (the Council) published a press release containing the remarks made by Mr Tusk. [1]
2. The complainant, a Dutch journalist accredited in Germany, requested German and French translations of the press release. After receiving the French version, the complainant



wrote again to the Council to question the absence of a German translation.

3. The Council responded that all language versions will be published eventually, but that English and French are the first ones to be made available. It added that the Council prioritises legislative acts when translating documents.

4. Not satisfied with the reply, the complainant turned to the Ombudsman on 8 February 2019.

Arguments presented to the Ombudsman

5. According to the complainant, the remarks of the European Council President were politically sensitive and liable to give rise to strong reactions. For this reason, they should be translated into a range of languages, and at least into German, a widely spoken language.

6. More generally, the complainant would like to see a review of the Council's translation policy.

The European Ombudsman's findings

7. The Council informed the complainant that all language versions would be published, but that English and French were the first ones to be translated. The Council added that, when it comes to translating documents, legislative acts take priority.

8. The Ombudsman understands [2] that it is the Council's current practice to make remarks by the European Council President available in all EU official languages only in certain circumstances, for example when speaking after meetings of the European Council. Remarks made by the President following meetings with individual heads of state or government are generally made available either in English only, or in English and French, or in English, French and one additional official language.

9. In line with this practice, the Council made available the President's remarks following his meeting with the Irish Prime Minister in English, French and Irish.

10. It is regrettable that the Council wrongly informed the complainant that all official language versions would eventually be made available.

11. The Ombudsman acknowledges, however, the need for EU institutions, bodies, offices and agencies to strike an appropriate balance between linguistic diversity and administrative and budgetary constraints when translating documents. She also acknowledges that the EU administration has some discretion in striking that balance. The Ombudsman should call an institution to account only where it has manifestly exceeded its margin of discretion. The Ombudsman considers that, in this case, it was not manifestly wrong of the Council to make the press release available in English, French and Irish.

12. At the same time, the Ombudsman considers that the Council should be clear and transparent about its use of EU official languages. The Council could do this by establishing, in a clear policy, which languages it uses in which situation (for example, in press relations), and informing citizens accordingly. The adoption of such a policy could help to avoid raising false expectations in the future.



13. Lastly, in relation to its translation policy, the Ombudsman invites the Council to review the recent report on her public consultation on the use of languages by the EU institutions, bodies, offices and agencies. [3] The Ombudsman expects to follow up on this report in the near future by issuing practical guidelines on the use of EU official languages by the EU institutions, bodies, offices and agencies when communicating with the public.

Conclusion

Based on the above considerations, the Ombudsman closes this case with the following conclusion:

There was no maladministration by the Council when making available the remarks by President Tusk in English, French and Irish.

The Ombudsman will shortly invite the Council, and the other institutions, bodies, offices and agencies, for feedback on her draft practical guidelines on the use of EU official languages when communicating with the public.

The complainant and the Council will be informed of this decision .

Fergal Ó Regan

Coordination of Public Interest Inquiries - Unit 2

Strasbourg, 16/07/2019

[1] Available here:

<https://www.consilium.europa.eu/nl/press/press-releases/2019/02/06/remarks-by-president-donald-tusk>

[2] The Ombudsman's inquiry team reviewed the published remarks made by European Council President Tusk between 6 February 2019 (the date of the remarks subject to this inquiry) and 30 June 2019. In total, 18 remarks were published during this time period. Six of those remarks are available in all EU official languages, six in English only, three in English and French, two in English, French and a third language, and one in 13 official languages.

[3] The European Ombudsman's report on public consultation "Multilingualism in the EU institutions", available at:

<https://www.ombudsman.europa.eu/en/correspondence/en/110044>