



Report - overview of comments received from the EU institutions, bodies, agencies and offices in response to the invitation to comment on the Ombudsman's draft short guide for the EU administration on 'the use of official languages when communicating with the public' (SI/98/2018/DDJ)

Correspondence - 26/03/2020

Case SI/98/2018/DDJ - Opened on 23/07/2018 - Decision on 26/03/2020 - Institution concerned European Commission |

1. Introduction

The commitment to respecting and safeguarding linguistic diversity in the European Union is of paramount importance for the relations between the EU and its citizens. The increase in the number of official languages to 24 presents a challenge to implementing the principle of multilingualism for the EU administration.

In most circumstances, EU institutions have discretion regarding the use of the official EU languages. How that discretion is exercised is a question of good administration. Increased translation costs, slower decision making and discrepancies between language versions are among the most frequently cited practical difficulties that arise. Linguistic diversity and language equality have to be reconciled with administrative efficiency and budgetary constraints.

In July 2018, the Ombudsman launched a public consultation on the use of languages in the EU institutions, bodies, agencies and offices seeking to promote discussion on these matters. [1] As a result of this consultation, the Ombudsman's Office in July 2019 proposed a draft short guide on 'the use of EU official languages when communicating with the public' to all EU institutions, bodies, agencies, and offices, inviting them to comment. The Ombudsman received 43 replies. [2] The purpose of this report is to summarise the main points in the responses, as well as how the Ombudsman will address them.

2. Summary of the responses General comments

Support for the initiative

All respondents stressed their commitment to the principle of multilingualism in their communication with the public, as well as their support for the Ombudsman's initiative to reflect on and address this important issue.

Title



- Some respondents contended that the term 'EU official languages', as used in the proposed title, has no legal definition, and that using it may therefore cause confusion. As an alternative, they suggested to use the terminology in the applicable EU regulation on languages (Regulation 1/58), namely 'official languages and working languages of the institutions.'

European Ombudsman (EO) position

- The Ombudsman considers the wording 'official languages and working languages of the institutions' excessively legalistic for the purpose of the document in question which covers communication with the public [3].

- As the term 'official EU languages' is used in the language policies of most institutions, the Ombudsman considers this to be the more appropriate term to use for the purposes of this initiative.

Scope of the practical recommendations

-Some respondents argued that policies concerning the use of languages could be interpreted as having a "political dimension" rather than being a purely administrative issue. To this end, the Ombudsman's practical recommendations could be presented as indicative only and not mandatory for EU bodies.

- Others expressed concern about raising unrealistic expectations among the public by publishing such detailed recommendations.

EO position

- These recommendations are intended to serve as guidance, and are not binding rules. The purpose of the Ombudsman's initiative is to set out good administrative practices in relation to multilingualism for the ultimate benefit of EU citizens. - The term 'practical recommendations' will be used, as was the case in a previous Ombudsman publication of a similar nature.

Practical recommendations vs. specific rules and practices

- Many respondents stressed that a one-size-fits-all approach to this matter could not take account of the wide variety of EU institutions, agencies, and offices. Some drew attention to specific rules and practices that are not mentioned in these practical recommendations.

- There was broad support for the principle of balancing linguistic diversity with administrative and budgetary constraints.

EO position



- The Ombudsman agrees. These practical recommendations are meant to promote reflection and discussion on an important topic within the EU administration, and are not intended to constitute new rules. The Ombudsman considers that this is clearly expressed.

- Specific rules governing the work of an EU institution, office, agency or body, which diverge from these practical recommendations, should naturally take precedence. The Ombudsman considers that nothing in the practical recommendations suggests anything else.

Social media

- Some respondents expressed the view that, especially when it comes to communicating with the public, a social media presence is increasingly important, and that it should be clear how these practical recommendations apply to social media.

EO position

- The Ombudsman now includes social media as an example of a type of situation that could be clarified in the language policy that is referred to under practical recommendation 1.

Comments on the draft practical recommendations:

1. Establish a clear policy on the use of EU official languages, setting out which languages are used in which situation (for example, in public consultations, administrative procedures or press relations).

Comments

- Some respondents proposed to remove explicit references to a language 'policy', or other terms that could be understood as referring to binding rules.

- One respondent proposed to change the wording 'in which situation' to 'in which types of situation'.

EO position

- The Ombudsman considers that, against the background of the EU's commitment to multilingualism, it is good administrative practice for EU institutions, bodies, agencies or offices to have a language policy in place. The content of that language policy is clearly at the discretion of each organisation.

- The Ombudsman agrees with the proposal to adapt the wording.

2. Publish this policy on its website in all official languages.

Comments

- All respondents agreed with this recommendation, or, indicated that they have already implemented it.



- One respondent proposed to add the phrase “in an easily accessible manner”.

EO position

- The Ombudsman agrees with the purpose of the proposed addition, but will instead add the phrase ‘in an easily accessible format’, which better encapsulates this purpose.

3. See to it that the policy is complied with and applied consistently throughout the organisation, for example, by appointing a designated ‘language officer’ or by producing a regular report.

Comments

- Many respondents expressed the view that it should be at the discretion of each institution, body, agency or office to appoint a designated ‘language officer’.
- Some respondents described different options for monitoring the application of a language policy, for example a dedicated section in an annual report or assigning this task to a unit within the organisation.

EO position

- The Ombudsman stresses that the examples given in this recommendation merely serve to illustrate the need for organisational structures to support good practice. That said, how each EU institution, body, agency, or office ensures good practice in line with this practical recommendation is at its discretion.
- The Ombudsman will add more examples as suggested in the comments, namely: “by assigning the task to a unit or team within the organisation, appointing a designated ‘language officer’ or through a dedicated section in the annual report”.

4. Ensure that any restrictions on the use of languages are objective, proportionate and transparent, and take into account the impact and relevance of the information for specific stakeholder groups and the public. Language restrictions should not be imposed exclusively based on cost or time constraints.

Comments

- Some respondents found that the first sentence sufficiently conveyed the need for a proportionate approach, and proposed deleting the second sentence.
- Some respondents proposed deleting the word ‘exclusively’ from the second sentence.
- Other respondents requested more detailed examples of situations in which possible language restrictions could be justified.



EO position

- With this recommendation, the Ombudsman wants to make clear that, although language restrictions may be imposed taking into account the factors of costs or time, such restrictions should not be based solely on those factors. This example is meant to specify how the underlying objective of this recommendation should be implemented in practice.
- The Ombudsman is not inclined to provide more detailed examples, as the need to apply restrictions depends on each individual circumstance, and can be assessed only by the respective EU institution, body, agency or office.

5. Publish summaries of key issues in all or as many official languages as possible, if language restrictions are applied.

Comments

- All respondents agree with this recommendation. Some gave examples of their practice in this regard, such as 'brief explainers', or summaries of annual reports.
- One respondent proposed to add the phrase "where appropriate" before the recommendation.

EO position

The Ombudsman is of the opinion that the wording 'as possible' already reflects that this is not an absolute requirement, and that there is no need to change this recommendation.

6. Make available in all official languages those parts of its websites that are of particular interest to the public. This should include, at least, the homepage and pages giving information about its role.

Comments

- Respondents generally agreed with this recommendation.
- One respondent proposed to replace the wording 'homepage' with 'contact information'.
- One respondent emphasised that this recommendation can apply practically only in respect of 'static' parts of a website as opposed to 'dynamic' pages of the website, which could be better reflected by this recommendation.

EO position

- The Ombudsman agrees that it is useful to mention the need to publish pages giving information about contact details in all official EU languages, and will add this to the



recommendation.

7. Ensure that citizens, who write to the EU administration in the official language of their choice, receive a reply in the same language within a reasonable time frame.

Comments

- This point was undisputed by all respondents.

EO position

- The recommendation can remain unchanged.

8. Aim to make public consultations available in all official languages at the beginning of the consultation process. If it is not possible to publish all consultation documents in all official languages, make clear that contributions are accepted in all official languages.

Comments

- Several respondents made clear that it is not cost-efficient to translate public consultations on specialised subjects in all official EU languages.

- In general, all respondents supported the proposal to make clear that contributions in all official EU languages will be accepted.

EO position

- The recommendation can remain unchanged.

9. Pool translation resources, where possible, to reduce costs and ensure that citizens receive more information in more languages.

Comments

- Several respondents pointed out that how they deal with translations is set out in the rules governing their work and needs to be done via the Translation Centre of the EU (CdT).

- Some respondents made the point that their own in-house translation services are suitable only for their specific translation needs.

- Some respondents drew attention to the possibilities to pool translation resources that are under discussion or already available, for example in the inter-institutional Executive Committee on Translation, the 'Justice and Home Affairs' Agencies network, between the European Economic and Social Committee and the Committee of the Regions, and the use of the CdT.



EO position

- The recommendation can remain unchanged.

10. Use, or expand the use of, machine translations, at least as an aid to human translators.

Comments:

- Many respondents indicated that they are following developments in machine translations, and are looking forward to opportunities to use these technologies, should the rules governing their work allow it.

- One respondent proposed to rephrase the recommendation to “Make maximum use of all IT tools and technology available”.

EO position

- The Ombudsman notes that, overall, EU institutions, bodies, agencies and offices are willing to explore these options, and agrees that a rephrasing of “Make maximum use of all available translation tools and technologies” captures better the intention of this recommendation.

3. Conclusion & next steps

The draft practical recommendations elicited a wide response from EU institutions, bodies, agencies and offices. This indicates not only the relevance of this reflection exercise, but also the importance that the EU administration attaches to the subject of multilingualism. The Ombudsman would like to thank all responding EU institutions, bodies agencies, and offices for their constructive comments and cooperation.

The Ombudsman has updated the practical recommendations to take account of the changes outlined above (see Annex II - Final version), and will publish this document, and share the results within the EU administration.

ANNEX I

List of respondents

1. European Parliament
2. Council of the European Union
3. European Commission



4. Court of Justice of the European Union
5. European Central Bank (ECB)
6. European Court of Auditors (ECA)
7. European External Action Service (EEAS)
8. European Economic and Social Committee (EESC)
9. Committee of the Regions (CoR)
10. European Investment Bank (EIB)
11. European Data Protection Supervisor (EDPS)
12. European Data Protection Board (EDPB)
13. European Anti-Fraud Office (OLAF)
14. Publications Office of the European Union (PO)
15. European Banking Authority (EBA)
16. European Border and Coast Guard Agency (FRONTEX)
17. European Centre for Disease Prevention and Control (ECDC)
18. European Centre for the Development of Vocational Training (CEDEFOP)
19. European Chemicals Agency (ECHA)
20. European Food Safety Authority (EFSA)
21. European Environment Agency (EEA)
22. European Fisheries Control Agency (EFCA)
23. European Foundation for the improvement of Living and Working Conditions (Eurofound)
24. European Insurance and Occupational Pensions Authority (EIOPA)
25. European Maritime Safety Agency (EMSA)
26. European Medicines Agency (EMA)



27. European Securities and Markets Authority (ESMA)
28. European Training Foundation (ETF)
29. European Union Agency for Criminal Justice Cooperation (Eurojust)
30. European Union Agency for Law Enforcement Training (CEPOL)
31. European Union Agency for the Cooperation of Energy Regulators (ACER)
32. European Union Agency for the operational management of large-scale information systems in the area of freedom, security and justice (eu-LISA)
33. European Aviation Safety Agency (EASA)
34. European Union Intellectual Property Office (EUIPO)
35. Single Resolution Board (SRB)
36. European Defence Agency (EDA)
37. European Union Satellite Centre (SATCEN)
38. Consumers, Health and Food Executive Agency (CHAFEA)
39. European Research Council Executive Agency (ERCEA)
40. Executive Agency for small and Medium-sized Enterprises (EASME)
41. Innovation and Networks Executive Agency (INEA)
42. Research Executive Agency (REA)
43. Clean Sky 2 Joint Undertaking

ANNEX II

- Final version -

The use of official EU languages when communicating with the public

- Practical recommendations for the EU administration -



These practical recommendations serve to guide the EU administration on the use of the 24 official EU languages when communicating with the public. They result from a public consultation carried out by the European Ombudsman and reflect comments received from EU institutions, bodies, offices and agencies on a draft of the recommendations.

Each EU institution, body, office and agency should :

- 1. Establish a clear policy on the use of official EU languages, setting out which languages are used in which type of situation (for example, in public consultations, administrative procedures, press relations, or the use of social media).**
- 2. Publish this policy on its website in all official languages in an easily accessible format.**
- 3. See to it that the policy is complied with and applied consistently throughout the organisation, for example, by assigning this task to a unit or team, creating a designated 'language officer' or through a dedicated section in the annual report.**
- 4. Ensure that any restrictions on the use of official languages are objective, proportionate and transparent. Language restrictions should not be imposed *exclusively* due to cost or time issues, but primarily following an assessment of the impact and relevance of the information for specific stakeholder groups and the public.**
- 5. Publish summaries of key issues in all or as many official languages as possible, if language restrictions are applied.**
- 6. Make available in all official languages those parts of its websites that are of particular interest to the public. This should include, at least, the homepage and pages giving information about its role and contact details.**
- 7. Ensure that citizens, who write to the EU administration in the official language of their choice, receive a reply in the same language within a reasonable time frame.**
- 8. Aim to make public consultations available in all official languages at the beginning of the consultation process. If it is not possible to publish all consultation documents in all official languages, make clear that contributions are accepted in all official languages.**
- 9. Pool translation resources, where possible, to reduce costs and ensure that citizens receive more information in more languages.**
- 10. Make maximum use of all available translation tools and technologies.**

Should you wish to obtain a translation of this report in any of the other official EU



languages, please contact: eo@ombudsman.europa.eu

[1] A report on this public consultation is available here:
<https://www.ombudsman.europa.eu/nl/report/en/110044> .

[2] See annex I for a list of respondents.

[3] Article 1 of Reg. 1/58 reads: "*The official languages and the working languages of the institutions of the Union shall be Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish .*" Regulation 1/58 does not refer to "*EU official languages*" or to "*official languages of the EU*" (italic added). It states that the "*official languages and the working languages **of the institutions of the Union** shall be*" (emphasis added). It could be understood that one should use the term "official language", without any prefix, or "official language *of the institutions of the Union*". It is noted, however, that Protocol 2 of the TEU makes a reference to official languages *of the Union*.