



Public consultation - The use of languages in the EU institutions, bodies, offices and agencies

Public consultation - 23/07/2018

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Background

Language is the essential component in how we communicate. The European Union - with 28 Member States, 24 official languages and more than 500 million citizens - is committed to respecting and safeguarding linguistic diversity, as part of our cultural heritage. This commitment is specifically set out in the EU Treaties [2] and in the EU Charter of Fundamental Rights [3].

The languages used by EU institutions, in communicating with the public, are therefore of great importance. Some specific language rights have been created in this area. EU citizens may write to any of the EU institutions in the official language of their choice and are entitled to receive an answer in the same language [4]. All EU laws must be published in all of the official languages so that the public is more likely to understand the laws by which they are governed. Outside of these specific instances, EU institutions have some discretion about the languages to use in specific situations. How they exercise that discretion is a question of good administration.

The number of official languages has increased from four (in 1958) to 24 today. This poses many challenges for the EU public administration. Increased translation costs, slower decision-making and discrepancies between language versions are among the most frequently quoted practical difficulties that arise. It is argued that linguistic diversity and language equality should not be absolute and must be reconciled with administrative efficiency and budgetary constraints.

Since many EU citizens speak only one official language (or a limited number of official languages) [5], limitations on the use of official languages reduce citizens' ability to interact with the EU's institutions. It is important to ensure that any limitations on the use of languages are proportionate and fair. EU institutions and bodies should, for example, carefully consider the situations in which it is acceptable to communicate, or conduct business, in just one or in a small number of official languages.

The Ombudsman in recent years has inquired into the language policies of some individual EU institutions. One of the conclusions reached was that EU institutions may legitimately restrict the use of languages in internal communications and documents [6]. Another conclusion was that language restrictions may legitimately be applied in administrative



procedures with outside stakeholders, such as in public tenders and calls for proposals, where the EU interacts with a limited group of stakeholders. However, the Ombudsman notes that there is significant inconsistency across the institutions: at present, language restrictions and their rules, where they exist, vary from one EU institution to another. In the absence of clear rules and proper justification for applying restricted language regimes, it is not surprising that the public may be confused.

A particular area of concern relates to the use of languages on the websites of the institutions, which are among the first sources of information for people interested in EU policies and programmes. It appears that each EU institution makes its own decision on whether (and, if so, which parts of and into which languages) its EU website will be translated. If websites are not available in all official languages, accessing information is likely to be difficult or impossible for a significant part of the public.

Another area of concern relates to public consultations aimed at gathering the views of the public on new policies or possible legislative proposals. Language restrictions in these public consultations are likely to significantly limit the capacity of ordinary members of the public to contribute to such consultations.

Invitation to submit comments

The Ombudsman would like to promote discussion on how the EU institutions can best communicate with the public in a manner which reflects an acceptable balance between the need to respect and support linguistic diversity, on the one hand, and administrative and budgetary constraints, on the other hand.

To launch this discussion, the Ombudsman invites the public to reply to the following questions:

I. Rules and practices on language restrictions

- 1.** There is a lack of transparency (and few formal rules) regarding how the different sections of the EU administration make information available in the different official languages of the EU. This includes, for instance, the criteria used in deciding which language(s) to use in particular contexts. How can these gaps be addressed? What additional criteria, if any, should apply?
- 2.** Should each EU institution have a language policy and, if so, what should be included in a language policy? Should such language policies be published on the institutions' websites? How detailed should such a policy be regarding specific cases in which the choice of language(s) is restricted?
- 3.** Should each institution have a policy on the circumstances under which it may provide translations of information or of documents on request? If so, how can that policy be framed in order to avoid disproportionate costs?



II. EU websites

4. What general language principles should apply to the websites of EU institutions? Which parts of EU websites, in particular, do you think should be available in all or many EU languages?
5. Would it be helpful to have summaries of key issues published in all or many official languages?
6. Is it acceptable in certain circumstances to provide material in a small number of languages, rather than in all the official languages? If so, what criteria should be used to determine how these languages are chosen (for example, population size of those speaking the language in question, level of linguistic diversity in the population ...)?

III. Public consultations

7. In April 2017, the European Commission adopted new internal rules that require documents relating to public consultations concerning “priority initiatives” in the Commission’s annual Work Programme to be published in all EU official languages. All other public consultations need to be made available at least in English, French and German. Public consultations of “broad public interest” should be made available in additional languages. Furthermore, “consultation pages or a summary thereof need to be translated into all EU official languages”.

Does this policy, in your view, strike the right balance between the need to respect and support linguistic diversity, on the one hand, and administrative and budgetary constraints, on the other hand? Is this the type of policy which might reasonably be adopted by other EU institutions?

IV. Other

8. The only specific legislation on language use by the EU administration dates from 1958 [7] when there were six Member States and four official languages. Do you think that, in the present circumstances, new legislation would be helpful? Or do you think that dealing with language issues is best done outside of a detailed legal framework?
9. Any increase in the volume of information and documents published in all EU languages will involve additional translation costs. How do you suggest that these additional costs be met? From elsewhere in the EU budget? By way of earmarked additional funding from the individual Member States involved? By some other means?
10. To what extent can technology be used to provide translations between the various EU languages? To the extent that “machine” translations may not always be fully accurate, is this an acceptable price to pay for having documents made available in translation more speedily



and economically than would otherwise be the case?

How to contribute

The deadline for submitting comments is **30 September 2018** .

Our preference is that contributors should use the on-line form . If this is not possible, contributions may be made by email through our contact form or by post to :

European Ombudsman, 1 avenue du Président Robert Schuman, CS 30403, F - 67001
Strasbourg Cedex, France

Please clearly indicate 'language consultation - SI/98/2018/TE' at the start of your contribution.

Contributions may be submitted in any of the 24 official languages of the EU.

The Ombudsman intends to make these contributions available on her website. Physical persons who consider that, in accordance with Regulation 45/2001 on the protection of personal data [8] , their name should not be published should inform the Ombudsman.

Should you require any further information, please contact Ms Tanja Ehnert, Case handler at the Ombudsman (Tel: +32 2 284 67 68).

[1] Referred to simply as “EU institutions” in what follows.

[2] Article 3(3) Treaty on European Union.

[3] Article 21 and 22 of the EU Charter of Fundamental Rights.

[4] Articles 20(2) and 24 of the Treaty on the Functioning of the European Union, Article 41(4) of the EU Charter of Fundamental Rights.

[5] For an overview of foreign language skills of EU citizens, see European Parliament, *European Strategy for Multilingualism: benefits and costs* (2016), p. 8. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/573460/IPOL_STU\(2016\)573460_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/573460/IPOL_STU(2016)573460_EN.pdf)

[6] Article 6 of Regulation 1/1958 determining the languages to be used by the European Economic Community, OJ 1958 017, p. 385 (Regulation1/1958).

[7] Regulation 1/1958.

[8] Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, OJ 2001 L 8, p. 1. See also:



<http://www.ombudsman.europa.eu/en/resources/dataprotection/home.faces>.