European Ombudsman

Multilingualism
in the EU institutions

Report on public consultation

Note: The views in this report reflect contributions to the public consultation and should not be regarded as stating the European Ombudsman's position.

February 2019

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1. Introduction

In July 2018, the Ombudsman launched a public consultation on the use of languages in the EU institutions, bodies, offices and agencies (the 'EU bodies').

The consultation seeks to promote discussion on the matter, bearing in mind the need to reconcile respect and support for linguistic diversity with administrative and budgetary constraints. It covered four main issues:

    I.   Rules and practices;

    II.   Language use on websites;

    III.   Language use in public consultations; and

    IV.   Need for new legislation, translation costs and the potential of machine translations.

The Ombudsman received **286 responses**. Some respondents dealt with just some of the questions raised.

Three responses were submitted by Member States, two by EU agencies, one by a regional authority, 33 by non-governmental organisations or associations and 247 by individuals (see Annex).

The Ombudsman received replies **in 19 EU official languages**, namely in French (95), English (57), Italian (32), Spanish (25), German (21), Dutch (18), Slovakian (14), Hungarian (3), Polish (3), Portuguese (3), Irish (2), Swedish (2), Czech (2), Bulgarian (1), Croatian (1), Danish (1), Finnish (1), Greek (1) and Romanian (1). One reply was submitted in Latin, one in Esperanto and one in Catalan.

2. Summary

- There is broad support for multilingualism.

- Language restrictions may be permitted, under certain circumstances, but should be justified in a language policy published on each of the EU bodies' websites. The policy should be in all EU official languages.

- A policy on 'translations on request' is a useful safeguard.

- EU bodies' websites should, at least to some extent, be available in all EU official languages.

- Summaries of key issues published in all or many official languages are generally considered a good compromise where full multilingualism is not considered feasible.

- Public consultations should, in view of their nature and as a general rule, be available in as many EU official languages as possible.

- It would be useful to harness the potential of machine translations, at least as an aid to human translators.

3. Responses

I. Rules and practices on language restrictions

Lack of transparency (Question 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?

The vast majority of respondents find the current lack of transparency **undesirable** as it leads to arbitrariness, inconsistencies and discrimination. **Rules should be introduced** to fill the gaps. Different opinions exist on the content of those rules (Question 2) and their form (Question 8).

Many respondents refer to the principles of **linguistic diversity and language equality**. They note that language constitutes a crucial part of citizens' identity. Language barriers impede citizen participation in debates and decision-making at EU level. There is concern that language restrictions give privileged access to certain Member States, citizens and economic actors and reduce the overall legitimacy of the EU.

Many respondents note that access to information in a language citizens understand is crucial to **ensure trust and faith in the EU civil service** and to **counter suspicion, disinterest and Euroscepticism**.

Three language policy models

Respondents put forward three broad models of a language policy for EU bodies:

1. **Restricted multilingualism**

Most respondents who replied to this question (102) support a form of restricted multilingualism. They contend that information must always be available in **at least three to five commonly used official languages** (English, French and German, and possibly Italian and Spanish). Other official languages should be used only where certain criteria are fulfilled. The following **information should always be available in all official languages**:

- Documents/information with an important financial impact for citizens and SMEs, such as Erasmus+, vacancy notices, calls for tender or guidelines for EU projects;

- Information that particularly affects citizens' lives, such as on education, health, citizens' rights and social security;

- Documents creating rights and obligations for citizens;

- Public consultations;

- Certain press communications.

The following **additional criteria** are mentioned:

- If certain Member States or citizens are specifically concerned or addressed, information/documents should be available in the official language(s) of the Member States or citizens concerned;

- For certain specialised fields, such as scientific research, language restrictions may be justified;

- The urgency and political importance of information should be considered;

- In the case of decentralised EU bodies, the language of the host Member State should be taken into account.

2. **Unrestricted multilingualism**

Eighteen respondents want absolute multilingualism, where all EU official languages would have to be used all the time with all translations available simultaneously.

3. **Towards a 'Lingua Franca'**

Forty-six respondents call for a common language spoken by all EU citizens. There are two approaches: four respondents consider one of the current working languages (English) as the ideal choice. Forty-one respondents strongly advocate the use of a common but *neutral* language, such as Esperanto.

Monitoring multilingualism

Several respondents propose mechanisms to monitor EU bodies' compliance with multilingualism. Suggestions include:

- The creation of a 'multilingualism observatory' that permanently monitors the issue;

- The creation of an 'advocate of multilingualism', like an Ombudsman specialised in multilingualism or an audit body with the power to impose penalties in case of non-compliance;

- Statistics on the use of languages in EU bodies to enhance transparency.

Language policy (Question 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?

Desirability of a language policy

Most respondents (175) are in favour of a language policy. Opinions diverge as to whether the policy should cover all EU bodies or be specific to each body. Three main options emerge:

1. **One common policy:** Fifty-two respondents consider that one common policy would foster transparency and clarity on language use across EU bodies. Opinions differ as to whether EU agencies should be covered.

2. **One common policy, adapted to each EU body:** A second option (17 respondents) is a common policy, setting out the basic principles on the use of languages applicable to all EU bodies. This common policy would then be adapted to the specific tasks and role of each EU body.

3. **Separate policies:** Due to the significant differences, as regards roles and functions, across EU bodies, a common language policy would not be practical (7 respondents).

Publication of a language policy

Respondents agree that a language policy should be published on EU bodies' websites and should be available in all EU official languages. Twenty respondents consider it useful to have a comment function for the language policy on the website, which would allow the public to give feedback on the policy's content and implementation.

Level of detail of a language policy

Respondents generally agree that a language policy should establish which languages are used by EU bodies in which situations. Citizens should find it easy to understand.

As regards the level of detail:

- Some respondents prefer **a (very) detailed language policy**, in which restrictions are justified based on clear criteria. This is **to avoid arbitrariness**.

- Some respondents prefer **a more general and flexible language policy**, which sets out **basic principles** for when and why the use of languages can

be restricted. The language policy should be concise, consistent and logical. However, in order to be **workable**, it should allow for flexibility and case-by-case assessments.

Translations on request (Question 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?

Yes or No?

Yes: One hundred and fourteen respondents say that there should be a policy on providing translations on request to ensure citizens' access to information. Such a policy should be part of a (common) language policy.

No: Thirty-one respondents say that EU bodies should not have a policy on providing translations on request, for diverse reasons:

- Translations on request are unnecessary, if language restrictions are duly justified in a detailed language policy.

- Risk of exploitation by abusive requesters.

- Too costly.

- One respondent, the European Chemicals Agency, is concerned that the right to receive translations on request might prevent the agency from meeting its regulatory deadlines.

Avoiding disproportionate costs

A group of respondents disagrees that a policy of translations on request would involve 'disproportionate costs'. One respondent summarises this view as follows: "*[t]hose are the costs of democracy. The cost of democracy is never too high*".

Other respondents suggest the following **measures to avoid disproportionate costs** (see also replies to Question 9):

- Provide translations on request only for **important documents** (such as those concerning citizens' rights) or **documents that remain valid for at least one year**;

- Provide translations on request only **if the requester can prove necessity**[1];

- Provide (edited) **machine translations**, possibly with a disclaimer;

[1] Necessity should be assessed on a case-by-case basis. Respondents put forward different variants of this requirement: requesters should (i) provide a reason, (ii) prove a "legitimate interest", or (iii) show that they are somehow affected by the document.

- Rationalise resources by creating a **common pool of resources for all EU bodies**, such as in the form of a central translation service;

- Minimise the potential for **abuse**, for example by allowing EU bodies to reject certain types of request;

- Have a **specific budget** for translations on request;

- Provide translations **in digital form** only;

- Use a **neutral common language** to reduce translation costs;

- Introduce a **'petition model'**, in which a document is translated only if a significant number of people asks for translation;

- Entrust the task of translating on request to the **representations of the EU in the different EU Member States**;

- Charge costs to **relevant EU Member States**;

- **Check whether a translation is already available in a Member State**, for example by putting in place "*a common translation platform*" to better exchange information between national translation centres;

- **Reduce the length** of documents and information on the Internet.

Respondents have **conflicting views as to whether fees should be charged** for translations on request. Proponents of charging argue that fees would not only cover the costs of translation, they would also deter people from making abusive requests. Opponents reason that it would be discriminatory to take fees from citizens, if other citizens have access to the same information in their native language.

II. EU websites

General language principles (Question 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?

Respondents are split between unrestricted and restricted multilingualism for EU websites. One group of respondents (81) takes the view that all parts of EU websites should be available in all official languages to ensure democratic legitimacy and language equality. A smaller group considers that all EU websites should be available in at least English, German, French, plus potentially other languages. A further group wants everything in one common, neutral language.

Seventy respondents consider that those parts of EU websites which are of interest to the 'general public' should be available in all EU official languages, for example:

- The 'about…' sections describing an EU body's functioning and purpose, with contact details;

- Sections containing news, press communications and recent developments;

- Websites

    o covering public health, education, economy, passengers' rights, food safety, safety at work, or citizens' rights;

    o with information about grants, calls for tenders and other procurement or funding programmes;

    o relating to major policy initiatives, legal issues and guidance on how to comply with obligations under EU law;

    o with job vacancies;

    o of EU presidencies.

For other parts of EU websites, which are addressed to a more specialised audience, a more restricted language regime may be justified[2].

Summaries in all or many official languages (Question 5)

Would it be helpful to have summaries of key issues published in all or many official languages?

About two thirds of respondents consider summaries of key issues published in all or many official languages helpful.

Many respondents in favour of summaries consider them a good compromise. Sixty-two respondents take the view that summaries should be available in all EU official languages. Some respondents consider summaries in the 3, 4 or 5 most spoken languages sufficient. Other respondents contend that summarising

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[2] One variant of this idea is to set in place a language regime that is based on a distinction between main EU websites (so-called level-1 websites) and more detailed or technical EU websites (level-2 websites). Within this group of respondents, differences emerge as to how many official languages should be used for each type of website. There are two main approaches, namely:
- to use all EU official languages for the main EU websites and a minimum number of languages for the other, more detailed or technical websites (English, French, German, plus potentially Italian, plus potentially Spanish) or to have these websites translated into all official languages via machine translation.
- to use a restricted number of EU official languages for the main websites (English, French, German, plus potentially Italian, plus potentially Spanish) and fewer languages (such as English, French and German or English only) for the more detailed, technical websites.

information risks distorting it and discriminates against people who have access to the summarised text only.

Language restrictions (Question 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 ...)?

Yes or No?

Yes: The majority (119) of respondents who replied to that question find it acceptable, under certain circumstances and for pragmatic reasons, to provide material in a small number of languages only. Some respondents attach conditions, for instance, that clear justifications are given or that restrictions are combined with the possibility to provide translations on request.

No: Eighty-four respondents follow the model of an unrestricted multilingualism, in which any kind of language restriction is **discriminatory** and, thus, unacceptable.

Criteria for selecting languages

Respondents have different views when it comes to the criteria that should be used to select official languages.

Many respondents consider the **impact, relevance or interest of information for a certain group of citizens, Member States or the general public** the most important criterion. In their view, languages should be chosen on the basis that everyone affected is able to understand the information. This would imply that certain very specific content, often addressed to experts, could be available in a limited number of languages only.

Some respondents consider that the **population size of those speaking the chosen languages** is a suitable criterion, either based on a minimum percentage of the European population[3] covered by the selected official languages or based on the most spoken official languages. Other respondents are strictly against population size as a criterion, as it would necessarily discriminate against smaller populations and their languages.

Some respondents take the view that priority should be given to the working languages of the EU civil service (for some EU bodies, that is English, French and German) or to languages that are official languages in more than one Member State.

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[3] Respondents refer to 60, 75, 80 or 90% of the European population.

III. Public consultations

Commission's policy (Question 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?

Around half of the respondents (124) says that the Commission's policy **does not strike the right balance**. The vast majority of these respondents considers the Commission's current policy **insufficient**, for the following reasons:

- Many respondents (50) regret the **vague definition of certain key terms**, such as "*broad public interest*", "*additional languages*" and "*priority initiatives*". This gives the Commission a broad discretion and might result in an arbitrary application of the policy.

- Many respondents (49) take the view that public consultations should be **available in all EU official languages**. The argument is that, due to the nature of public consultations, EU bodies must ensure that all citizens are able to participate on an equal basis. Limitations should be the exception and not the other way around.

- Many respondents (46) do not understand why **English, French and German** should have a privileged status in public consultations. This status creates **language inequality**.

- Some respondents (9) consider that **further official languages (including Spanish and Italian) should be added** to the minimum three languages.

- A few respondents (6) are concerned about the practicalities: To what extent is the Commission's 2017 policy **applied in practice**? At which point in the consultation period are the different **translations available**?

Sixty-four respondents find that the Commission's 2017 language policy for public consultations **is appropriate**. Some call the policy an important first step and even suggest that it should be adopted by other EU bodies. On this point, one respondent, the European Chemicals Agency, notes that it is difficult to adopt the exact same policy in other bodies, as public consultations organised by the Commission may differ from those organised by other EU bodies and may have a different target audience.

A few respondents (5) consider the Commission's 2017 policy **too costly** and consider that publication in English only, or in English, French and German, is sufficient.

IV. Other

New EU legislation (Question 8)

The only specific legislation on language use by the EU administration dates from 1958 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?

Most respondents (126) to this question consider that new legislation or a review of the existing Regulation 1/1958 would be helpful. Some replies specify that such revised legislation should reinforce multilingualism by setting out in detail citizens' language rights. Some respondents qualify their statement by saying that, while new legislation would be desirable, revising Regulation 1/1958 risks opening a "*Pandora's Box*".

Respondents put forward the following proposals to amend Regulation 1/1958:

- **require** EU institutions, instead of granting them the possibility, to adopt internal rules on the use of languages (Article 6);

- include a right to receive translations on request;

- update Regulation 1/1958 to reflect Article 11 of the Treaty on the Functioning of the EU, which requires the Commission to carry out broad public consultations and EU institutions to maintain an open, transparent and regular dialogue with civil society;

- introduce a neutral common language.

Thirty-four respondents oppose new legislation or a revision of Regulation 1/1958. They consider that Regulation 1/1958 is sufficient, up-to-date and that the equality of all 24 official languages should be maintained. Rather, the challenge is to **implement** the existing legislation properly.

Some respondents propose to deal with language issues **outside a detailed legislative framework**. There are several suggestions:

- (Common) guidelines adopted by EU bodies;

- Update of the Commission communication on translation as part of the Commission's decision-making process (2016);

- A code of conduct on multilingualism;

- An interinstitutional agreement on the basis of which each EU body adopts its own language policy; and

- Recommendations by the European Ombudsman.

Translation costs (Question 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?

Responses to this question vary depending on the model of a language policy that respondents advocate.

According to some respondents, the costs of translation are not excessive and the question should be reversed: "*What are the costs of non-translation?*" Specifically: "*Translation, that is to say information and the ability of every citizen to understand what is happening, does not seem to me to be a secondary expense, but a democratic imperative, in a context where the Union is often misunderstood and rejected*" (response submitted in French).

Respondents put forward **various suggestions** on how to meet the (additional) costs of translation:

- Sixty-two respondents say translation costs should be paid **from the general EU budget**. Otherwise, smaller Member States would end up paying more for translations than bigger Member States.

- Some respondents (22) go further by demanding that **Member States which have one of the 'privileged languages' should pay more** to compensate for this advantage.

- On the contrary, some respondents (24) take the view that **Member States wishing to have additional translations in their official language should cover the associated costs**.

- Many respondents put forward suggestions on how to **reduce the costs of translation**:
  - by pooling the translation resources of all EU bodies;
  - by relying more on machine translation (see also Question 10);
  - by reducing the quantity of texts;
  - by enhancing the quality of texts;
  - by outsourcing translations to external translators;
  - by fostering competition between translation agencies through transparent tenders;
  - by reducing the translation rates of the Translation Centre for the Bodies of the EU to bring them in line with rates in the private language translation sector;

- o by avoiding revising documents already translated;
- o by avoiding urgency;
- o by cooperating with national translation services, for instance by creating a common translation platform to avoid double work.

Machine translations (Question 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?

Respondents see a challenge in striking the right balance between the potential of machine translations and the risk of inaccuracies: "*Sometimes machine translations are better than nothing, but sometimes worse than nothing*".

For almost half of the respondents (134), the balance tips in favour of machine translations. While the current issues related to its use are clearly recognised, several respondents (17) consider that more resources should be invested in **developing translation technologies**. At the same time, most respondents formulate **conditions for the current use of machine translations**; for example, machine translation should:

- only be used as an aid[4] or if revised or proofread by a human translator;

- not be used for documents that require precision, such as legal or financial documents;

- only be used with a disclaimer, making it clear that the text is machine translated and possibly not accurate;

- only be used as a transitional solution until 'proper' translation is available;

- be combined with the possibility to receive 'proper' translations on request.

Some respondents provide examples of situations in which machine translation could be used more, such as for web content, simple or short texts, internal documents, or for translations into non-official languages.

For about one quarter of respondents (73), the balance tips against the use of machine translations. Respondents (28) underline their **unreliability and insufficient quality**. Using machine translation risks **discriminating against** EU citizens, if some official languages are 'properly' translated and others are not. Some respondents warn against the circulation of 'grey' translations, which have the potential of producing '**fake news**'. If at all, machine translation may be used to assist human translators (14 respondents).

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[4] One respondent mentions the potential of computer-assisted translation (so-called 'CAT-tools'), which a human translator uses to facilitate the translation process.

4. Overview of other points raised

Use of regional or minority languages by EU bodies

Some respondents mention the importance of regional and minority languages in EU Member States, which do not have the status of an official language but which are widely spoken or a crucial part of identity. Suggestions are made on how to give such languages greater recognition at the EU level:

- By granting them a section on EU websites.
- By publishing matters affecting minorities in the relevant language(s).
- By making summaries of key issues and public consultations available in regional or minority languages.
- By amending Regulation 1/1958 so as to protect regional or minority languages.

Consequences of Brexit

A number of respondents note that, as a consequence of Brexit in March 2019, English should become less dominant and less important in the internal and external communication of the EU civil service.

Annex: List of contributions

Member States

France - Secrétariat Général des Affaires Européennes
Italy - Permanent Representation of Italy to the EU
Spain - Secretaría de Estado para la Unión Europea

EU institutions, bodies, offices and agencies

European Chemicals Agency (ECHA)
European Food Safety Authority (EFSA)

Regional public authorities

Vlaamse Overheid

Organisations

European Language Equality Network
Kotimaisten kielten keskus (Finnish Centre of Domestic Languages)
Oifig an Choimisinéara Teanga, Ireland
Conradh na Gaeilge (Gaelic League), Ireland
Europa Esperanto Unio (2 contributions)
Esperanto France
Europe-Démocratie-Esperanto (2 contributions)
Comité Pauvreté et Politique, France
DLF Bruxelles-Europe
Internacia Scienca Instituto "Ivo Lapenna"
Matris lingua, I want my language back
Observatoire européen du plurilingualisme
Panhellenic Association of Translators
Délégation des Barreux de France (au nom du Conseil national des Barreux, du Barreau de Paris et de la Conférence des Bâtonniers)
Centre d'Etudes Jacques Georgin
GEM+ "Pour une gouvernance européenne multilingue" asbl
AlumISIT
Plataforma per la Llengua
Česká esperantská mládež, z.s. (Czech Esperanto Youth)
Wirtschaftskammer Österreich
Irish Translators' and Interpreters' Association
FIT Europe, Regional Centre of the International Federation of Translators
International Certificate Conference Languages (ICC)
Cornish Language Board
Stiftung Lichterfeld
Zentralverband des Deutschen Handwerks e.V.
Exilio - Hilfe für Migranten, Flüchtlinge und Folterüberlebende e.V.
Interkultura Centro Herzberg (Esperanto-Gesellschaft Südharz)
EsperantoLand e.V.

Verein Deutsche Sprache e.V.
Budapesti Orvos-Egészségügyi Eszperantó Szakcsoport

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Individuals

234 contributions were received from individuals

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