



**COUNCIL OF
THE EUROPEAN UNION**

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**CAB 69
POLGEN 56**

COVER NOTE

From : The Spanish government

Date : 13 Decembre 2004

To : The Council

Subject : Official recognition in the European Union of all languages with official status in Spain

Delegations will find attached a copy of a memorandum from the Spanish government to the Council which was presented at the General Affairs Council on 13 December 2004.

MEMORANDUM BY THE SPANISH GOVERNMENT

REQUEST FOR OFFICIAL RECOGNITION IN THE EUROPEAN UNION OF ALL LANGUAGES WITH OFFICIAL STATUS IN SPAIN

Introduction

Spain has, throughout its history, been marked by rich linguistic and cultural diversity. This reality is reflected in legal form in the 1978 Spanish Constitution and in the Autonomy Statutes of the seventeen Communities into which power is distributed territorially in Spain, particularly in those Autonomous Communities which have, and in some cases share, an official language of their own in addition to Castilian (Spanish).

It is explicitly recognised in Article 3 of the Spanish Constitution that the Spanish languages apart from Castilian are also official in the respective Autonomous Communities in accordance with their Statutes.

These are living languages in the fullest sense of the term, widely used by several million citizens (a quarter of Spaniards employ them regularly in their daily lives). They are the official languages of the Public Authorities (state, regional and local) in their dealings between themselves and with individuals, and have full legal validity and effect. They likewise are the vehicle for teaching in schools and universities in a large part of Spain. Moreover, they have a great literary tradition which in recent decades has enjoyed moments of particular splendour. Finally, they are used habitually in media such as radio, television or the written press.

The Spanish Government considers that the European Union cannot ignore this reality. In this new stage of European construction, symbolised by the Treaty establishing a Constitution for Europe, the Union and its institutions must be brought closer to its citizens: the men and women of Europe must feel themselves part of the process of integration. Driven by this conviction, and in application of Article IV-448 of the Treaty, on 4 November 2004 the Spanish Government delivered to the

Secretary-General of the Council the official translations of the Treaty into the three language versions made available by the Autonomous Communities concerned (the Basque Country, Galicia and the Valencian Community and Catalonia – the latter also on behalf of the Balearic Islands).

Mother tongues, to the extent that they are from infancy the channel for expressing thoughts and emotions, are undoubtedly one of the essential factors that contribute to defining the identity of human beings. In turn, the possibility of using these languages in contacts with institutions is a significant factor that contributes to enhancing the identification of people, of citizens, with given political projects.

For all these reasons, the Final Act of the Intergovernmental Conference that drafted the Treaty establishing a European Constitution, which was solemnly signed on 29 October last in Rome, proclaims the Union's commitment to Europe's cultural diversity and the particular attention that it will continue to pay to its different languages.

Proposal

On the basis of these considerations, the Spanish Government seeks official recognition in the European Union of the Spanish languages, apart from Castilian (Spanish), that have official status in Spain. These have already received initial recognition through the three language versions of the Treaty delivered on 4 November in Basque, Galician and the language called Catalan in the Autonomous Community of Catalonia and in that of the Balearic Islands and Valencian in the Valencian Community. To attain this objective, the Government proposes an amendment to the current Regulation No. 1/1958 which establishes the language regime for the Union's institutions.

This amendment must allow:

- the use by citizens of any of the languages, without distinction, with official status in Spain in their written communications to the institutions - the European Parliament, the Council, the Commission and the Court of Justice (except for communications related to the exercise of its jurisdictional function) and the Court of Audit - and the Union's consultative bodies (the Committee of the Regions and the the Economic and Social Committee) as well as the Ombudsman;

- the possibility of using these languages, following a request made reasonably in advance, in speeches (passive interpretation) to plenary sessions of the European Parliament and the Committee of the Regions and, as the case may be, during formal ministerial meetings of the Council (in particular when a representative of the Autonomous Communities is a member of the Spanish Delegation);
- the official publication in these languages of the final legal texts adopted under the co-decision procedure between the European Parliament and the Council.

The Spanish Government will underwrite the costs arising from the practical implementation of the changes sought in the language regime.

Moreover, the Spanish Government considers that the aforementioned languages must be fully incorporated into the Union's Lingua Program on the same footing as the other European languages whose use and teaching is currently being promoted by the Programme, not all of which, furthermore, are recognised as official languages within the European Union.

**Proposed amendment to Regulation 1/1958
(consolidated text for information purposes)**

REGULATION No. 1

determining the languages to be used by the European Economic Community ^(*)

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to Article 290 of the Treaty which provides that the rules governing the languages of the institutions of the Community shall, without prejudice to the provisions contained in the rules of procedure of the Court of Justice, be determined by the Council, acting unanimously,

Whereas each of the twenty languages in which the Treaty is drafted is recognised as an official language in one or more of the Member States of the Community,

Whereas, moreover, the European Union and its institutions need to be brought closer to the citizens as a whole, and it must therefore be borne in mind that there are Member States whose Constitutions recognise other languages with full official status,

HAS ADOPTED THIS REGULATION:

Article 1

The official languages and the working languages of the institutions of the Union shall be Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish.

Basque, Galician, and the language called Catalan in the Autonomous Community of Catalonia and in that of the Balearic Islands and Valencian in the Valencian Community shall also be official and working languages of Union institutions, in the terms of and for the purposes established in the Annex to this Regulation, as languages which pursuant to the constitutional rules of a Member State have the status of an official language in its territory.

^(*) An identical reform is proposed for Regulation 1/1958 establishing the language regime for the European Community for Atomic Energy.

Article 2

Documents which a Member State or a person subject to the jurisdiction of a Member State sends to institutions of the Community may be drafted in any one of the official languages selected by the sender. The reply shall be drafted in the same language.

Article 3

Documents which an institution of the Community sends to a Member State or to a person subject to the jurisdiction of a Member State shall be drafted *in one of the official languages of said State, pursuant to the provisions of Article 8 and the Annex to this Regulation.*

Article 4

Regulations and other documents of general application shall be drafted in the twenty official languages *listed in the first paragraph of Article 1.*

Article 5

The Official Journal of the European Union shall be published in the official languages listed in Article 1 of this Regulation. *In so far as the languages mentioned in the second paragraph of Article 1 are concerned, they shall be governed by the provisions of the Annex to this Regulation.*

Article 6

The institutions of the Community may stipulate in their rules of procedure which of the languages are to be used in specific cases.

Article 7

The languages to be used in the proceedings of the Court of Justice shall be laid down in its rules of procedure.

Article 8

If a Member State has more than one official language, the language to be used shall, at the request of such State, be governed by the general rules of its law. *In so far as the languages mentioned in the second paragraph of Article 1 are concerned, the provisions of the Annex to this Regulation shall be applicable.*

Article 9

The Annex to this Regulation shall form an integral part thereof.

This regulation shall be binding in its entirety, and directly applicable in all Member States.

1.1. ANNEX (to Regulation 1/1958)

1. The languages mentioned in the second paragraph of Article 1 of this Regulation shall be used in the European Union for the following purposes:

- a) the communications of texts provided under Articles 2 and 3 of this Regulation with regard to the institutions listed in paragraph 1 of Article 7 of the European Community Treaty and those that may take place with the consultative bodies referred to in paragraph 2 of said Article 7, as well as with the Ombudsman.*

In the event that the aforementioned institutions and bodies of the European Community should be legally obliged to reply within a specific deadline to a communication, the time till the deadline shall start to be counted at the moment that the institution or body concerned receives from the competent Spanish authorities, if it has so requested, a translation into Castilian (Spanish) of the document in question; otherwise the time till the deadline expires shall start to be counted in accordance with the general rules applicable. The time till the deadline shall stop being counted either when the institution or body concerned sends a reply to the original sender in the language used by the latter, or at when the institution or body concerned sends the competent Spanish authorities the reply in Castilian (Spanish); it shall be the responsibility of these authorities, in this second case, to subsequently send the reply to the original sender accompanied by a translation in the language used by the latter.

- b) the publication in the Official Journal of the European Union of the final version (LEX) of the legal texts adopted pursuant to the provisions of Article 251 of the European Community Treaty.*

In the event of discrepancies regarding the interpretation of a legal text published in one of the languages referred to in this Annex and the text of the same provision published in one of the twenty official languages listed in the first paragraph of Article 1 of this Regulation, the latter shall prevail.

2. *The languages referred to in point 1 may also be used, following a request made with seven workings days' notice, in the speeches (passive interpretation) in plenary sessions of the European Parliament and the Committee of the Regions as well as, if applicable, in ministerial meetings of the Council.*

- 3 *Any administrative costs arising for European Community institutions and other bodies from use of the languages referred to in this Annex shall be met by Spain.*

The Spanish authorities and the Secretaries-General of the institutions and consultative bodies of the European Community referred to in this Annex, as well as the administrative head of the office of the Ombudsman, shall enter into a general administrative agreement or separate administrative agreements on budgetary and practical matters arising from the application of the terms of this Annex. In the agreement or agreements special attention shall be paid to the need for the competent authorities to ensure respect at all times for the deadlines legally established in respect of communications.

Details of the Practical Measures Proposed

- With regard to the sending of documents between, on the one hand, the institutions and other bodies of the European Union and, on the other, natural or legal persons subject to Spanish jurisdiction, if one of the three languages referred to in this Memorandum is used the Spanish Government is willing to take one or several of the following steps:
 - o to provide the institutions and bodies of the Union who so require with translators (¹) with the status of *Expert National Détaché*, for which the Spanish Government will bear all the costs;
 - o to send the translations of documents required by e-mail, for which Spain will provide the resources;
 - o to accompany, when applicable, documents addressed to the Union institutions and bodies concerned with a courtesy translation into Castilian (Spanish).

- With regard to the interpretation of speeches (passive interpretation) at sessions of the European Parliament, of the Committee of the Regions and, occasionally, at formal ministerial meetings of the Council, the Spanish Government commits itself to:
 - o notify seven days ahead of time the intention to use one of the three languages referred to in this memorandum;
 - o to provide interpreters on an *ad hoc* basis for the institutions and bodies concerned which so require, for which the Spanish Government will pay the corresponding costs.

- With regard to the publication in the *Official Journal of the European Union* of the legal texts adopted under the co-decision procedure, the Spanish Government is willing to:
 - o make available to the corresponding services of the Secretariats-General of the European Council and European Parliament the necessary translations of the final texts (LEX) of the legal provisions concerned;

¹ These translators will be appointed by the Spanish Government on the basis of a proposal coming from all concerned Autonomous Communities, following recommendations from the relevant academic institutions.

- make available to both Secretariats-General, if necessary, the translators required in order that they may, in their capacity of *Expert National Détaché*, do the work of “jurist-linguists” and revise the texts prior to their publication in the Official Journal of the European Union.
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