INSTITUTIONAL MULTILINGUALISM IN THE EUROPEAN UNION – POLICY, RULES AND PRACTICE

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Abstract: This paper examines the rules and working practices of main institutions of European Union in relation to EU policy multilingualism. The institutions analysed in this research include the Commission, the Council of the European Union, the Court of Justice of the European Union, and the European Parliament. After presenting the legal basis of EU multilingualism, the study identifies the achievements and difficulties met by EU institutions in the process of its realisation.
Topic highlighted in this study include:
- Problems resulting from the status and number of official EU languages.
- The distinction made between EU institutions obliged to observe citizens' language rights and other bodies that can seemingly make their own rules.
- Inconsistencies between the practice of internal and external communication of the EU institutions, presenting examples from individual institutions, as well as from judicial practice of the Court of Justice of the European Union.

Finally, the article presents an evaluation of the solutions to the observed problems presented in the literature, along with the author's own conclusions.

Key words: institutional multilingualism, linguistic diversity

WIELOJĘZYCZNOŚĆ INSTYTUCJONALNA W UNII EUROPEJSKIEJ – POLITYKA, REGULACJE PRAWNE I PRAKTYKA

Abstrakt: Niniejszy artykuł przedstawia regulacje prawne oraz praktyki najważniejszych instytucji Unii Europejskiej (Komisji Europejskiej, Rady Unii Europejskiej, Trybunału Sprawiedliwości oraz Parlamentu Europejskiego), dotyczące wielojęzyczności. Po omówieniu podstaw prawnych, strategii i zasad dotyczących wielojęzyczności w Unii Europejskiej oraz politycznych deklaracji z nią związanych, opracowanie wskazuje osiągnięcia oraz trudności poszczególnych instytucji w ich realizacji.
Praca koncentruje się wokół następujących zagadnień:
- problemy związane ze statusem i liczbą języków oficjalnych;
- rozróżnienie instytucji UE, jako adresatów konkretnych obowiązków wynikających z wielojęzyczności oraz innych jednostek organizacyjnych, które mają swobodę w kształtowaniu własnych zasad i praktyk językowych;

- różnice związane z wewnętrzną i zewnętrzną komunikacją instytucji UE, omówione na przykładach poszczególnych instytucji, z uwzględnieniem orzecznictwa TSUE.

W artykule omówiono ponadto rozwiązania opisanych problemów proponowanych w literaturze oraz dokonano ich oceny.

Słowa kluczowe: wielojęzyczność instytucjonalna w UE, różnorodność językowa

Multilingualism in the EU and its legal framework

Linguistic diversity has been recognized as a fundamental value of the EU. Comprising 24 languages, EU multilingualism constitutes an international precedent. Other international bodies and organisations operate only a limited number of official and working languages[14]. From the beginning, the EU has underlined the importance of language for its culture. Multilingualism and linguistic diversity have been said to be: "an asset for Europe and shared commitment"[15], a "genetic code of the European project"[16], "the heart of Europe's DNA"[17], "a real opportunity that raises many challenges"[18], a "rewarding challenge for Europe" (Maalouf 2008), "part and parcel of the European identity"[19], and "a bridge to mutual understanding"[20]. As a value and a fundamental right, linguistic diversity also has its legal dimension.

First of all, the linguistic diversity is protected by the law of the treaties. The Treaty on the European Union states in Article 3 that "It [the EU] shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced". Moreover, equality between all official languages, as well as the authentic character of all 24 language versions,

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[14]For instance the United Nations has 6 official languages, two of them being used as working languages of the UN Secretariat. http://www.un.org/en/aboutun/languages.shtml

[15]Title of European Commission's communication COM/2008/0566 final

[16]L. Orban in the interview prepared by EurActiv.sk's editor in Bratislava, during Multilingualism Commissioner Leonard Orban's visit to Slovakia, http://www.euractiv.com/culture/orban-multilingualism-cost-democracy-eu/article-177107, (accessed February 26, 2016)

[17]A. Vassiliou, Member of the European Commission for Education, Culture, Multilingualism and Youth, Speech from 24 June 2014, Brussels, International Annual Meeting on Language Arrangements, Documentation and Publications, http://europa.eu/rapid/press-release_SPEECH-14-492_en.htm (accessed February 26, 2016)

[18]L. Orban in the interview prepared by EurActiv.sk's editor in Bratislava, during Multilingualism Commissioner Leonard Orban's visit to Slovakia, http://www.euractiv.com/culture/orban-multilingualism-cost-democracy-eu/article-177107, (accessed February 26, 2016)

[19]Council Resolution of 21 November 2008 on a European strategy for multilingualism (2008/C 320/01)

[20]Title of a publication by the European Commission and Directorate-General for Education and Culture, 2009

is emphasized in Article 55. The Treaty on the Functioning of the European Union [TFEU] foresees the right of any citizen to send a petition to the European Parliament, to apply to the Ombudsman, and to address any of the EU institutions and advisory bodies, as well as receive an answer, in any official EU language.

Accordingly, the first Council Regulation from 1958 was devoted to the language system of the EU[21]. The Regulation names the official and working languages (Article 1) and provides that all of them should serve as possible languages of communication between the institutions and persons subject to the jurisdiction of Member States (Articles 2-3). It also specifies the languages in which the legal acts should be drafted and published (Articles 4-5), and gives EU institutions the competence to stipulate the language of their proceedings (Articles 6-7). The statute of the Court of Justice of the European Union, as a part of the TFEU, as well as the Rules of Procedures of individual institutions, often refer directly to the Regulation.

Moreover, linguistic diversity has found its place in the European Charter of Fundamental Rights. In Article 22, the respect for linguistic diversity has been repeated from Article 3 of the Treaty on the European Union. According to Article 21, language constitutes one of the grounds of prohibited discrimination. The right to communicate with EU institutions in any of the Treaty languages forms part of the right to good administration. As noted by C.J. Baaij (2012: 4.2.2), the inclusion of language rights in the Charter is important: it has the same legal status as EU Treaties, expresses the fundamental principle of multilingualism in the EU, and is binding upon EU institutions. This strong legal framework is further supported by the rhetoric of EU politicians[22] and their policy documents, where weighty language is used to underline the importance and value of multilingualism in the EU. The most important documents issued by EU institutions to promote and develop multilingualism include "*Communications from the Commission: New Framework Strategy for Multilingualism from 2005*"[23], and "*Multilingualism: an Asset for Europe and a*

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[21]REGULATION No 1 determining the languages to be used by the European Economic Community (OJ P 017, 6.10.1958, p.385)

[22]Speeches given by L. Orban and A. Vassiliou, the subsequent EU Commissioners for Multilingualism

[23]Communication from the Commission of 22 November 2005 - A new framework strategy for multilingualism [COM(2005) 596 final - Not published in the Official Journal].

Shared Commitment from 2008"[24], along with the *Council Resolution of 21 November 2008 on a European strategy for multilingualism*[25].

Nevertheless, the institutional practice of the main EU institutions is not consistent with the EU's invoked principles and political declarations. Several sensitive issues concerning institutional multilingualism have been observed in the literature.

The status of EU official and working languages

First of all, the number of official EU languages and the manner of granting this status to new languages is questionable. Only 24 languages have been recognized as official and working languages of the EU. According to Federal Union of European Nationalities (FUEN), there are more than 60 another regional or minority languages that are being spoken by around 40 million people in the European Union.[26] The European Commission also states that there are more than 175 migrant languages spoken in the EU.[27]

An official language of any Member State can be granted the status of an official EU language. Usually, each state seeking EU Membership asks for recognition of its language as official. The necessary measures (such as translation of EU legislation, employment of translators and interpreters, etc.) are carried out as a part of the preparation for the accession of a new Member State. However, there is no obstacle for EU Member States to apply for their language to be recognised as an EU official language after they have already joined the EU.

The possibility of any language official in a Member State being recognised as an official and working language of the EU seems compatible with its rhetoric of equality, non-discrimination, and respect for linguistic diversity. However, as Creech (2005: 151) points out, the possibility of becoming an official and working language, along with all benefits that brings to native and other speakers (such as access to EU legislation and institutions, job opportunities, etc.), concerns only the official languages of Member States. All other languages, even those recognized as official in the parts of Member States, as well as other regional or minority languages, are left outside the system. It does not matter how many inhabitants of Member

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[24]Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Multilingualism: an asset for Europe and a shared commitment {SEC(2008) 2443} {SEC(2008) 2444} {SEC(2008) 2445} /* COM/2008/0566 final *

[25]Council Resolution of 21 November 2008 on a European strategy for multilingualism (2008/C 320/01)

[26]https://www.fuen.org/european-minorities/general/ (accessed February 26, 2016)

[27]http://europa.eu/rapid/press-release_MEMO-12-703_en.htm?locale=en (accessed February 26, 2016)

State speak a particular language, even though many of them enjoy the status of EU citizens. The EU's lack of consideration for the number of native speakers of a language, as well as EU's strict adherence to the formal criterion of a language having state official status, has been criticized by C.J. Baaij (2012: 3.1). Examples can be given both for official EU languages that spoken only by the small number of people in a Member State and for languages that are spoken by large number of EU citizens, (often as their sole language) that are not recognised as official by the EU.

The Irish language belongs to the first group. Interestingly, it was the co-official language (along with English) when Ireland joined the EU in 1973, but it was not granted the status of an official and working language of the EU until 2007. The reason, as reported by Seán Ó Riain (2010: 66), was a lack of initiative on the side of Ireland at the time of accession due to "certain practical difficulties" resulting from the potential recognition of Irish as an EU official and working language. The official request was made in 2004. However, immediately after granting Irish the status of official EU language, the Council suspended it – by means of Council Regulation (EC) No 920/2005 of 13 June 2005 (OJ L 156, 18.6.2005, p. 3). The reason given was that they did enough specialists to translate and interpret from and into Irish. During the time of derogation, only the Regulations adopted jointly by the Council and the Parliament had to be drafted and published in Irish. The status of Irish is revised every 5 years; the derogation was extended in 2010 for the period 2012 to 2017. Two other state official languages, namely Luxembourgish and Turkish, remain outside the list of official EU languages.

Apart from the large number of official languages spoken by proportionally few EU citizens (Maltese, Lithuanian, Latvian, Slovene, Finnish, etc.), there are also languages spoken by large numbers of people that cannot be given official EU status because they are not state official languages. These include regional languages, like Catalan in Spain, as well as minority and immigrant languages such as Russian, Arabic, and the various Romani languages. An interesting example is Turkish, the – language of Turks living in many Member States, as well as being the co-official language in Cyprus (an EU Member State). At present, Turkey has a status of a candidate state and the future accession of Turkey would most likely result in recognition of Turkish as official and working language of the EU.

It is questionable whether equalization of the status of Irish with other official EU languages has any practical importance, either as means of communication with EU institutions or to familiarize Irish citizens with EU legislation. There are not even enough specialists to produce the necessary translations, and Irish people themselves declare that Irish is not their mother

tongue. On the other hand, failure to acknowledge the number of people speaking Catalan, Russian, or Arabic, for example, simply on the grounds of lack of formal recognition for their languages in the Member States puts the realization of the fundamental principles of equality, democracy and non-discrimination into question.

However, the EU has started to recognize the problems caused for speakers of minority and regional languages. They have introduced a new category for languages recognized by the Constitution of a Member State. These are used in some formal EU meetings, as well as in EU documents, by virtue of agreements between EU institutions and the government of the relevant Member State. Up to now, concluded agreements have been made for Basque, Catalan, Galician, Welsh and Scottish Gaelic. As the result of these agreements, the aforementioned languages are considered as "co-official"[28] EU languages, enjoying a better position than other regional languages, but still not as important as official EU languages. Unlike official state languages, the onus for the initiative, along with the costs of translations and interpretations for "semi-official" languages, are borne by the Member State.[29]

Institutions and other bodies

One of the very important limitations of institutional multilingualism, overlooked by a large number of EU citizens, is connected to the legal meaning of "EU institution". All legal provisions concerning obligations resulting from the principle of multilingualism are addressed to the EU institutions (the Treaty provisions concerning the language requirements of communication with the public, and the provisions of Council Regulation no 1/1958). Article 13 of the Treaty on the European Union names all the institutions and advisory bodies[30], leaving no doubt that the catalogue is closed. The Treaty on the Functioning of

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[28]http://ec.europa.eu/languages/policy/linguistic-diversity/official-languages-eu_en.htm (accessed February 28,2016)

[29]http://europa.eu/rapid/press-release_MEMO-12-703_en.htm?locale=en

[30]Article 13 TEU: 1. […] The Union's institutions shall be:

    — the European Parliament,
    — the European Council,
    — the Council,
    — the European Commission (hereinafter referred to as 'the Commission'),
    — the Court of Justice of the European Union,
    — the European Central Bank,
    — the Court of Auditors. […]

4. The European Parliament, the Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions acting in an advisory capacity.

the European Union [TFEU] refers directly to this Article when stipulating the bodies that are obliged to observe the right of citizens to communicate in any of the official EU languages.

European politicians often evoke the importance of multilingualism and the EU's respect for it[31] without mentioning the practical consequences of this limitation. Many agencies and other bodies of the EU are left outside the umbrella of language rights' protection. These are not just internal bodies that are unlikely to have direct contact with citizens. On the contrary, some have been designed to perform activities that involve external communications and the realization of initiatives. For example, the European Data Protection Supervisor does not have the whole of his official internet site translated into all official EU languages. One of the most important documents from the perspective of a citizen seeking rightful protection, namely the complaint submission form, is available only in English, French and German[32]. Not even the links to the relevant forms have been translated into other official languages.[33]

The best known example of this type of problem is the dispute between a Dutch national, Christina Kik, and the Office of Harmonization of the Internal Market (OHIM). Christina Kik was a Dutch lawyer and trademark agent in Netherlands. She was seeking for registration of the word KIK as a Community trademark. OHIM is one of the EU agencies not listed among the EU institutions and advisory bodies in the Treaty on the European Union. Among the formal requirements for a Community trademark registration application is an obligation for the applicant to indicate a second language chosen from English, French, German, Italian or Spanish. The 'second language' is one that the applicant accepts as a possible language for some proceedings and written communications with the OHIM. The provocative Kik application was made in Dutch, with Dutch also quoted as a second language, so not meeting the procedural requirements. After dismissal of the application, followed by an appeals by the applicant, the case was considered by the General Court[34], and

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[31]Androulla Vassiliou, http://ec.europa.eu/commission_2010-2014/vassiliou/about/priorities/index_en.htm (accessed February 28, 2016)

[32]https://secure.edps.europa.eu/EDPSWEB/edps/Supervision/Complaints (accessed February 28, 2016)

[33]The EDPS introduced lately new version of his official internet site. However, in comparison to the previous one, nothing changed in discussed matter. For example, Polish language version contains only short information on EDPS, and the submission form can be found under "complaints" (not translated link).

htps://secure.edps.europa.eu/EDPSWEB/edps/lang/pl/EDPS/cache/offonce (accessed February 28, 2016)

[34]Judgment from 12 July 2001, Case T-120/99 Christina Kik v Office for Harmonisation in the Internal Market [2001] ECR II-2235

finally by the Court of Justice[35]. The applicant challenged the legality of the rule that required the indication of a 'second language' from only five official EU languages. She claimed the language regime of the OHIM to be contrary to the fundamental right of linguistic equality and that it resulted in an competitive disadvantage for her as a professional trademark agent on the grounds that she was unable to work in her mother tongue. She argued that she had been discriminated against. Both Courts dismissed her actions. The CJEU held that, whereas "the Treaty contains several references to the use of languages in the European Union, those references cannot be regarded as evidencing a general principle of Community law that confers a right on every citizen to have a version of anything that might affect his interests drawn up in his language in all circumstances".

The Kik argumentation found support in other cases adjudicated by the CJEU. In the case of Spain v. Eurojust[36], the advocate general, Maduro, made a distinction between the communication between EU institutions and its citizens where the respect of linguistic diversity should have the highest protection (most importantly, the communication of legal acts), and contacts relating to administrative procedures, where the linguistic rights of a person are subject to restrictions based on administrative requirements (Maduro 2005, Opinion, 43-44). Finally, he argued that "a system of all-embracing linguistic pluralism is in practice unworkable and economically intolerable" (Maduro 2005, Opinion, 47).

The Kik-OHIM judgments have been commented on in the literature (Creech. 2005; Baaij. 2012, Athanassiou. 2006). Creech points out the factual inequality of official languages. He even presents a rank of importance of particular languages in the EU (Creech, 2005: 44). Baaij criticizes the CJEU argumentation in Kik v. OHIM for its negation of policy rhetoric. The principle of language equality is treated as a relative, not absolute, principle, so diminishing the importance of multilingualism in the internal operations of EU institutions. He also argues that, by virtue of the Charter of Fundamental Rights, fundamental language rights given direct protection in the EU Treaty, denial of the importance of the principle of multilingualism by the Court in this case was outdated (Baaij. 2012: 4.2.2).

From the examples presented above, it is clear that the distinction between EU bodies that are required to obey the principle of multilingualism and those that are not is artificial. It does not have any justification with the functions

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[35]Judgment from 9 September 2003, Case C-361/01 P, Christina Kik v. Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), [2003] ECR I-08283
[36]Judgment from of 15 March 2005. Case C-160/03 Kingdom of Spain v Eurojust., [2005] ECR I-02077

of the body or the likeliness of their direct contact with citizens. From the perspective of democracy and equal access to EU bodies by an individual wishing tor to enforce their rights (such as registration of a trademark or filing a complaint to the European Data Protection Supervisor), this distinction make no sense at all.

Internal procedures vs. external communication

Another limitation of institutional multilingualism is the distinction made between internal procedures of particular institutions and rules governing their external communications. The latter are in accordance with invoked principles, respecting the principle of institutional multilingualism, whereas, for internal procedures institutions operate in only a few selected official languages. Officially published documents concerning this matter remain very general. For example, in 2005 the Commission issued a Communication to other institutions, entitled "*A new Framework Strategy for Multilingualism*"[37]. It was issued to "complement the Commission's initiative to improve communication between European citizens and the institutions that serve them. It reaffirmed the Commission's commitment to multilingualism in the European Union and set out the Commission's strategy for promoting multilingualism in European society, the economy and the Commission itself. The communicate describes many aspects of European multilingualism and the initiatives undertaken to develop it (for example, promotion of language learning and linguistic diversity, scientific issues, studies, publications and informative actions). It declared that the Commission: "will: ensure, through an internal network, that all departments apply its multilingualism policy in a coherent way." However, it does not contain any provision concerning the internal working languages. The idea of a strategy towards multilingualism was continued in the next Communication, issued in 2008[38]. But again, the document is very general and does not cover the use of languages for internal work.

As noted in the literature, institutions rarely have any formal rules limiting the number of languages used in their internal work, but such limitations are commonly applied in practice (Gazzola, 2006: 397). The rules of procedure regulate only those situations where institutional multilingualism is respected.

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[37]Communication from the Commission of 22 November 2005 - A new framework strategy for multilingualism [COM(2005) 596 final – Not published in the Official Journal].

[38]Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Multilingualism: an asset for Europe and a shared commitment {SEC(2008 2443} {SEC(2008) 2444} {SEC(2008) 2445} /* COM/2008/0566 final *

The language used in the day-to-day work of internal operations remains officially unregulated. The rules governing language policy are very general, underlining the equality of all official languages. Article 18 of The Rules of Procedure of the European Commission[39] states that adopted documents should be attached in "authentic language or languages". This means "the official languages of the Communities in the case of instruments of general application, and the language or languages of those to whom they are addressed in other cases". In regards to the Commission's meetings, "the agenda and the necessary working documents shall be circulated to the Members of the Commission within the time limit and in the working languages prescribed by the Commission in accordance with Article 25" (Article 6). The same applies to the language of proposals that require the agreement of the Commission (Article 12). Conclusively, all language rules stipulated by the Rules of Procedure concerning the internal work of the Commission refer to the competence of the Commission to prescribe the working languages as provided in Article 25. The invoked Article is very general. It states: "The Commission shall, as necessary, lay down rules to give effect to these Rules of Procedure". The Commission may adopt supplementary measures relating to the functioning of the Commission and of its departments, which shall be annexed to these Rules of Procedure. However, the Annex to the Rules of Procedure contains only one rule related to language regime. According to point 4 of the Annex, entitled "*Code of good administrative behaviour for staff of the European Commission in their relations with the public*", replies to letters are to be prepared in the language of the initial letter, provided that it was written in one of the official languages of the Community. No other rules concerning language procedures can be found in any of the official legal documents currently available.

Similar provisions can be observed in the Rules of Procedure of the European Council (2009)[40]. According to Article 14, 1. "Except as otherwise decided unanimously by the Council on grounds of urgency, the Council shall deliberate and take decisions only on the basis of documents and drafts drawn up in the languages specified in the rules in force governing languages". Similarly, both the Rules of Procedure of the Commission and the Rules of Procedure of the Council refer to "languages specified in the rules in force governing languages." However, Annex IV to the Rules of Procedure contains a statement

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[39]Rules of Procedure of the Commission [C(2000) 3614] available at: http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32000Q3614, (accessed February 28, 2016).

[40]Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure, available at: http://europa.eu/legislation_summaries/institutional_affairs/institutions_bodies_and_agencies/l14576_en.htm (accessed February 28,2016)

recognizing the institutional multilingualism principle. It says: "The Council confirms that present practice, whereby the texts serving as a basis for its deliberations are drawn up in all the languages, will continue to apply."

Unlike the Rules presented above, the Rules of Procedure of the Court of Justice of the European Union (CJEU)[41] contain more detailed provisions concerning language (the whole Chapter 8, Articles 36-42 of the Rules). First of all, it names all official EU languages, allowing the use of any one of them as the language of the case (Article 37). The following Articles stipulate rules for determining the language of the case for a particular dispute. The language of the case automatically becomes the authentic language of the documents, unless another language has been authorised. Translations or interpretations into other official EU languages may also be prepared at the request of a judge, advocate general, or a party. Publications of the CJEU are also issued in official EU languages – however, it has not been categorically stated that they have to be issued in all official languages. Although the Rules of Procedure of the CJEU are more detailed than those of other institutions, they refer only to the official procedures before the Court; its judicial activity, publications, and Court language services. The Rules do not cover the use of languages within the administrative activity of the Court.

The European Parliament is often referred to as the most multilingual EU institution. It has more detailed rules and procedures concerning languages than any other institution. These rules are documented in *Title VII (Sessions) Chapter 3: "general rules for the conduct of sittings", rule 158 of Parliament's Rules of Procedure*[42]. They apply only to core of parliamentary work, namely its legislative activities, not to the Parliament's administration. Underlining the right of all members to speak in Parliament in the official language of their choice, there are specific rules concerning interpretation, which is generally provided into and from the official languages used and other official languages requested (158.3-4). Accordingly, there is a very important rule concerning discrepancies between language versions discovered after voting. In such cases "*the President decides whether the result announced is valid pursuant to Rule 184(5). If he declares the result valid, he must decide which version is to be*

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[41]Rules of Procedure of the Court of Justice of the European Union of 29 September 2012 [Official Journal L 265 of 29.9.2012]
http://europa.eu/legislation_summaries/institutional_affairs/institutions_bodies_and_agencies/ai0049_en.ht m (accessed February 28,2016)
[42]Rules of Procedure of the European Parliament, 8th parliamentary term, available at:
http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+RULES-
EP+20140701+TOC+DOC+XML+V0//EN&language=EN, (accessed February 28, 2016)

regarded as having been adopted. However, the original version cannot be taken as the official text as a general rule, since a situation may arise in which all the other languages differ from the original text" (158), It should be noted that this very rule highlights the sensitivity of Parliament to the principle of multilingualism and its awareness of the difficulties resulting from the application of this principle. What also distinguishes the Parliament from other EU institutions is that it has its own "*Code of Conduct on Multilingualism*"[43]. The first version, adopted in 2004[44], followed the previously issued resolutions and decisions concerning the Multi-annual Plan on preparing for Parliament for an enlarged European Union. The concept of "controlled full multilingualism" was developed in the aforementioned document. As declared by Parliament, 'controlled full multilingualism' represents the only means of keeping the costs of multilingualism within acceptable budgetary limits, whilst maintaining equality among Members and citizens". The development of this concept was said to serve "the more practical proposals concerning the more effective use of resources. The latest version of the Code, adopted in 2014, changed the name of the concept into 'resource efficient full multilingualism'[45] consequently, declaring to "lay down the implementing arrangements (of the language-related rights contained in Parliament's Rules of Procedure), and, in particular, the priorities to be observed in cases where language resources are not sufficient to provide all the facilities requested". The Code further explains that the control of language resources is to be carried out in respect of the users' real needs. These measures were introduced "to make users more aware of their responsibilities and [to enable] more effective planning of requests for language facilities" (Article 1 point 2 of the Code). The Code sets out orders of priority, both for interpretation (Article 2) and translation (Article 13), and provides rules for governing requests for interpretation and translation, their scheduling and processing, and document circulation, as well as the necessary deadlines for requests for language services and their cancellation. Articles 2 and 13 of Code list the Parliamentary bodies entitled to request language and interpretation services (referred to as "users"). These include Parliamentary governing bodies, committees, and delegations. Priority is also given to situations where language

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[43]Bureau of the European Parliament. 2014. Code of conduct on multilingualism from 16 June 2014, available at: http://www.europarl.europa.eu/pdf/multilinguisme/coc2014_en.pdf (accessed February 28, 2016)

[44]Bureau of the European Parliament. 2004. Code of conduct on multilingualism from 19 April 2004, available at: http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/budg20040727/code%20en.pdf (accessed February 28, 2016)

[45]http://www.europarl.europa.eu/pdf/multilinguisme/coc2014_pl.pdf (accessed February 28, 2016)

services need to be provided, such as interpreting meetings and translating documents.

Interpretation services are generally reserved for meetings of Parliamentary bodies (Article 2). They can only be granted for administrative meetings in exceptional circumstances, which must fulfil additional requirements. All users (with the exception of plenary sittings) are required to have a language profile containing the languages they actually use (Article 4). The Code sets limits on the number of languages that can be interpreted for meetings outside the workplace (Article 5), limits to the number of meetings with simultaneous interpretation into several languages (Article 7), as well as limits on the length of documents that can be translated (Article 14 specifies maximum lengths for different types of documents). The general deadline for requests for interpretation services is three weeks before the date of a workplace meeting or six weeks before an external meeting (Article 8). The Code also requires an internal computer system to have been set to manage the document circulation (Article 9). Finally, Article 15 contains provisions for evaluating language services in respect of the Code along with budgetary guidelines.

The idea of such regulations has been criticised in the literature. As Baaij (2012) argues: "cost-cutting measures actually facilitate a limited internal institutional multilingualism". He further maintains that need-based budgeting strategies end up rationalizing the predominant use of English (a preferred language within many institutions), so undermining the fundamental EU principle of equal democratic representation.

Nevertheless, the official acknowledgement of practical limitations to multilingualism should be seen as positive. Apart from its cost-cutting importance, it introduces measures aimed at better timekeeping and organisation. In my view, the idea of adopting a set of rules concerning practical language arrangements can be seen as possible means to fill the gap between the very general Rules of Procedure of individual institutions, and their largely unregulated day-to-day reality. Parliament's *Code of Conduct on Multilingualism*, and its announcement to the public, exemplifies the efforts to organize internal work in respect of the general principle, and with regards to requirements of efficiency and economy. Of course, the possibility of arguing with this particular solutions remains open.

As stated before, other EU institutions do not have any legal basis for the restrictions on multilingualism that they apply to their day-to-day work. They operate under very general provisions, declaring respect for multilingualism, but also stating that special language arrangements can be prescribed in certain situations (Rules of Procedure of the Commission).

Nevertheless, no rules about special language arrangements have ever been published. Consequently, this does not stop them restricting the number of languages they actually use in their internal work without the need for justification. Moreover, the institutions themselves often refer to working or procedural languages, which are limited to a small number of official EU languages, in their official statements and other non-legal documents. Many examples of such practice can be found in documents related to job and traineeship offers. For example, the traineeship application form for the Court of Justice of the European Union is available only in English and French (the English version was added only recently). The Court advises candidates that: "in view of the nature of the working environment, a good knowledge of French is desirable"[46]. On the official internet page of the Commission's Traineeship Office, the FAQs advise would-be trainees that: "The working languages of the European Commission are English, French and German"[47]. In the FAQs on multilingualism and language learning, an EU Commission Memo from 2012, referred to these three languages as "procedural languages"[48.]. This terminological inconsistency is not surprising when you take into account the lack of detailed rules concerning multilingualism within the internal activities of the Commission.

External communications of EU institutions, generally protected by the Treaties, the Charter, Regulation 1/1958, as well as in the Rules of Procedure of particular institutions, also have a sensitive aspect. The protection refers only to written communication with citizens. It does not cover internet pages, press

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[46]Court of Justice of the European Union, official information on traineeships, published at: http://curia.europa.eu/jcms/jcms/Jo2_7008/ (accessed February 28, 2016)

[47]http://ec.europa.eu/stages/information/faq_en.htm (accessed February 28, 2016)

[48]http://europa.eu/rapid/press-release_MEMO-12-703_en.htm?locale=en (accessed February 28, 2016). Moreover, the former (2014) Commission's internet page concerning language policy described English, French and German as the three core languages of the European Union "In order to reduce the cost to the European taxpayer, the European Commission is increasingly endeavouring to operate in the three core languages of the European Union; English, French, and German, while developing responsive language policies to serve the remaining 21 official language groups" (http://ec.europa.eu/languages/policy/language-policy/index_en.htm, accessed August 16, 2014). Surprisingly, in the latest version of this site the information disappeared, but a new one concerning internet policy was added: "In order to reduce the cost to the tax payer, the European Commission aims to provide visitors with web content either in their own language or in one they can understand, depending on their real needs. This language policy will be applied as consistently as possible across the new web presence. An evidence-based, user-focused approach will be used to decide whether many language versions are required or not." http://ec.europa.eu/languages/policy/linguistic-diversity/official-languages-eu_en.htm (accessed February 28, 2016).

releases, or other means of communication. These issues have been raised in many questions filed by the Members of the European Parliament. For example, Georgios Papanikolaou (Papanikolaou 2012) requested information on language versions for the Commission's press releases. He asked about the criteria used for determining of the number and choice of the languages for the translation of press releases along with the percentage of press releases available in all languages, and, in particular, Greek. He also asked whether the Commission was endeavouring to increase the number of documents translated into all official languages. The Commission answered that, in first half of 2012, out of a total of 2951 press releases, 89% were published only in English, French and German, and only 11% in more than 22 official languages. There was no direct answer to the question whether the Commission plans to increase the percentage of press releases available in all official languages. Instead, they stated that: "when deciding on the translation of a given press release, the Commission considers its relevance for particular countries and the translation costs. The press release is then translated on an *ad hoc* basis according to this assessment."[49] Other questions, raised by Axel Voss (Voss 2011), Karl-Heinz Florenz (Florenz 2011), Daciana Octavia Sârbu (Sârbu 2011) and Nathalie Griesbeck (Griesbeck 2011), concerned language versions of the EU institutions' official internet pages. In answer, the Commission openly admitted the dominant of usage of English in documents that are not legally binding[50]. It stated that (as of 2011) "24.2% of pages on the Europa EU and European Commission websites were available in 22 or 23 languages. 96.7% of those pages were available in English, 39.9% in French and 34.7% in German"[51]. The Commission also repeatedly explained its efforts to ensure multilingualism on its internet pages while, at the same time, making the following reservations. "The choice of languages on a site depends on its target audience, the nature of the content, the amount of information, and its lifetime. […] For reasons of cost-effectiveness, highly-specialised sites addressing a relatively small target group are available in fewer languages. As for urgent information with a short lifespan, such as news, the Commission aims

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[49]Answer given by Mrs Reding on behalf of the Commission on 28 August 2012, E-007013/2012, OJ C 219 E, 31/07/2013
[50]Answer given by Mrs Reding on behalf of the Commission, on 10 May 2011, E-002764/2011, OJ C 309 E, 21/10/2011
[51]Answer given by Mrs Reding on behalf of the Commission, on 10 May 2011, E-002764/2011, OJ C 309 E, 21/10/2011

to provide it without any delay. So such documents are often not published in all languages."[52]

With regard to internet communication, the Commission has now launched the *Information Providers Guide – EU Internet Handbook*, which contains a separate section devoted to language coverage. It makes a distinction between general and specialised content, based on the character of information and its target audience. Contents of a general character (in response to a legal obligation, online public consultations, when the general public is the target audience, access to funding, or any stable content with a wide audience) is to be published in all official EU languages (at the same time or subsequently), whereas the specialised content can be published in limited number of languages, depending on the users' needs.

In practice, many internet pages of EU institutions have only been available in limited number of languages for a long time, often with a kind notice saying "other language versions will be added shortly". For example, the European Commission's internet page on language policy, containing very basic information on the matter, was available only in English as of June 2014.[53]

The issue of the Handbook and the formulation of a policy on language-related matters concerning internet pages is a step in the right direction. Maybe there should be a published schedule to make the public aware of when translations will be available, as well as providing an initiative for information providers to really make the language versions available as soon as possible. It should be noted that, at the date of writing, the *EU Internet Handbook* itself is available only in English and still needs to be translated into the remaining 23 official languages.

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[52]Answer given by Mrs Reding on behalf of the Commission, on 29 April 2011, P-003280/2011, , OJ C 309 E, 21/10/2011

[53]http://ec.europa.eu/languages/policy/language-policy/index_en.htm (accessed June 26, 2014). In current version of this site, the other language versions has been added http://ec.europa.eu/languages/policy /linguistic-diversity/official-languages-eu_en.htm (lately accessed February 28, 2016)

Other highlighted challenges

Amongst the other issues raised as problems for institutional multilingualism, efficiency, time, and cost are the most important. First of all, it is obvious that daily operation in 24 languages would be extremely costly time-consuming. According to the Commission, the total cost of translation and interpretation in all the EU institutions[54] is around €1 billion per year. This represents less than 1% of the EU budget or just over €2 per citizen.[55] European Politicians often refer to the low cost of EU multilingualism as the price of a cup of coffee per citizen (Orban 2007). Various EU institutions[56]underline the importance of linguistic variety for the EU, its cultural heritage and democracy, but at the same time boast about keeping the costs down. As C.J Baaij notes, "if the aim is as important as the fundamental rights, values, the democracy itself, then there is no problem for us to pay more than one cup of coffee" (Baaij, 2012: 4.1). According to Baaij "cost should not be raised as a reason for limiting multilingualism in the EU".

Multilingualism raises a huge challenge for the organisation of institutional work. Efficiency and time are considered to be the most difficult to reconcile within the ideal of multilingual administration. In this regard, the measures regulated in the European Parliament's *Code of Conduct on Multilingualism* – such as rules concerning deadlines, procedures for document circulation and orders of priority – appear to be responsible institutional reaction to the present challenges, even if they do not represent the whole solution.

Possible solutions

In his article, C.J. Baaij presented and analysed three proposals for the elimination of inconsistencies between the general principle of institutional multilingualism and the reality of internal practices:

- Increasing the budget for multilingualism
- Relegating the principles of multilingualism

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[54] including the European Commission, European Parliament, Council, Court of Justice of the European Union, European Court of Auditors, European Economic and Social Committee, Committee of Regions

[55]Source: official Commission's internet site (accessed August 20, 2014)
http://europa.eu/rapid/press-release_MEMO-13-825_en.htm

[56]e.g. Parliament in its Code of Conduct of Multilingualism, Commission on its Communications and the internet site concerning the language policy, EU Commissioners for Multilingualism

- The language learning and Possible Value of a European *Lingua Franca* (Baaij, 2012: 4.1-4.3).

Baaij found the first and the second solutions insufficient. He stated, that "there seems to be a strong economic and practical argument in favour of a limited number of official EU languages, and for a slimmed-down multilingualism for the EU institutions' internal operations" (Baaij, 2012: 4.1). In this regard, it is worth adding that an increase in financial resources for multilingualism can be seen as a natural consequence of increasing number of EU official languages. If the EU continues to add new official languages (even if only as a result of its enlargement), it has to spend more money to guarantee the same level of institutional multilingualism. This has already been proved to be inconsistent with EU policy on the matter. Baaij points out that the huge increase in EU official languages may potentially prove to be "unmanageable and detrimental to the quality of everyday communication" (Baaij 2012: 4.1). Therefore, in my view it is not the amount of money but the way it is allocated that could help to solve the described problems. The allocation of current and additional financial resources for the current number of EU official languages should be reconsidered and better used to manage linguistic variety. The EU should continue its research on tools and computer programmes for assisting translation and interpretation, as well as improving mechanisms for the management of multilingual work (such as those foreseen by the EU Parliament).

The second solution presented by C.J Baaij, namely the relegation of the principle of multilingualism, is presented on the basis of the CJEU judgements in Kik v. OHIM and Spain v. Eurojust. He criticized the Court's attempt to downgrade fundamental principles in order to appease practical and budgetary considerations (Baaij 2012: 4.2). His analysis revealed the difficulties of changing the rhetoric that has presented multilingualism as a core value and essential part of EU democracy. However, Baaij's criticisms of the Court in these two cases do not seem to exclude other possibilities for change. Maybe the solution requires a reformulation of existing legal principles and the adoption of new legal rules. For example, the practical limitations placed on the number of working languages used for administrative issues could be regulated and made open knowledge. In any event, it is not acceptable to publicly praise the idea of linguistic variety while unofficially adopting arbitrary limitations, about which there is no public unawareness or declared justification. If limitations are necessary and inevitable, there should be no problem in admitting their existence in legal provisions and public speeches.

C J. Baaij opts for third solution, namely the possibility of promotion and recognition of English as an European *Lingua Franca*. He suggests that: "if

the EU institutions are not able to use all languages that EU citizens speak, then it should work towards having citizens speak the language or languages that they uses" (Baaij 2012: 4.3). Aware of the difficulties and sensitivity of this solution, he argues it would increase the coherence and credibility of EU policy on multilingualism. He supports the proposal of the High Level Group on Multilingualism to continue the research on the pros and cons of this solution. Other possible candidates for a *Lingua Franca* have been discussed, including Latin and a n International Auxiliary Language (Gobbo 2005).

However, the EU officially continues to deny the idea of reducing the number of official EU languages or the introduction of an official *Lingua Franca* (European Commission 2013). The potential acceptance of the domination of English and the resignation of EU multilingualism has also been criticized by a number of researchers. Amongst these, Robert Phillipson (2003: 338) sees multilingualism as a way to prevent "linguistic imperialism" of English-speaking people and countries.

The recognition of English as European *Lingua Franca* encompasses elements of other solutions listed above. First of all, the potential acceptance of an European Lingua Franca would have to result in a reformulation of the principle of multilingualism, as well as changes in multilingual EU administration and the way financial resources are allocated. In this matter it should be considered that even if the EU will not accept such a radical solution, it will not be able to escape from taking a choice between further limitations of institutional multilingualism (due to the increasing number of official languages, resulting in financial and organisational challenges) and resignation of its current limitations in order to better realise the ideal of multilingual community (including further changes in its policy towards migrant and regional languages, increasing the costs of multilingualism).

Conclusion

The research shows that institutional practices of the main EU institutions differ from the declarations made by EU politicians. Reconciling the inconsistencies between political rhetoric invoking fundamental principles and institutional practices that often ignore them is a very difficult task. Any decision taken would involve a reformulation the principle of multilingualism and a re-evaluation of the linguistic regime and its associated rights. Needless to say, any change would have organisational and financial implications, but perhaps the hardest to achieve of all would be a change in rhetoric.

In my view, the first step to be taken is the development of clear rules concerning institutional multilingualism, its scope and limitation. We also need sincerity of on the part of EU politicians and institutions in the public debate to provide the whole story on multilingualism, not just the parts they think we want to hear.

Lately, slight changes of rhetoric can be observed. Androulla Vassiliou, the former EU Commissioner for Education, Culture, Multilingualism and Youth, admitted the domination of the English language (Vassiliou 2013). At the same time, she highlighted the importance of learning other foreign languages. "while English may be seen as a 'basic skill' today […] I am still absolutely convinced that it is more and more the knowledge of other languages that can make the difference in getting a job and progressing in one's career" (Vassiliou 2013). Surprisingly, multilingualism disappeared from the current (2014-2019) Comission's main working areas – it is no longer pointed out as working field of any particular Commissioner (the Vassiliou's successor, Tibor Navracsics, works as commissioner for Education, Culture, Youth and Sport)[57].

Nevertheless, EU institutions are also starting to inform us about their practical limitations of multilingualism by referring to "working"[58], "procedural"[59] languages or "core languages of European Union"[60]. Such statements can be treated as a "wind of change" towards a new shape for institutional multilingualism in Europe. Only the sufficient and sincere information about the present can provide the basis for better future. Nonetheless, the present challenges and observed inconsistencies require more decisive and resolute steps to be taken by competent authorities.

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[57]Official information at the internet site of the Commission http://ec.europa.eu/commission/2014-2019/navracsics_en (accessed February 28, 2016)

[58]For example the information on traineeships at the CJEU, http://curia.europa.eu/jcms/jcms/Jo2_7008/ (accessed February 28, 2016)

[59]European Commission, MEMO, Frequently asked questions on languages in Europe, from 26 September 2013, http://europa.eu/rapid/press-release_MEMO-13-825_en.htm(accessed February 28, 2016))

[60]official internet site of the European Commission from 2014 http://ec.europa.eu/languages/policy/language-policy/official_languages_en.htm (accessed June 20, 2014).

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