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LEGAL-LINGUISTIC PROFILING IN INSTITUTIONAL CONTEXTS: THE CASE OF EU STAFF REPRESENTATION BODIES

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Abstract: This paper applies a structured legal-linguistic profiling approach to EU “staff representation bodies” as a way to access domains that lie behind the public face of EU institutions and their texts concerning translation, language and terminology. The study commences with a legal-linguistic analysis of EU texts for references to “staff”, “staff representation” and “employment” in order to identify specific texts and bodies of relevance to the study. This approach leads to two broad categories: staff committees and trade unions. Information is sought from EU institutions about these bodies

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and their translation and language arrangements, and a list is made of websites available to the general public. These sites are then examined as part of the legal-linguistic profiling approach.

Keywords: EU language; Staff Regulations; staff representation; translation; terminology; staff committee; trade union; multilingualism.

PROFILOWANIE PRAWNO-JĘZYKOWE W OSADZENIU INSTYTUCJONALNYM – NA PRZYKŁADZIE PRACOWNICZYCH ORGANÓW PRZEDSTAWICIELSKICH W UE

Abstrakt: W niniejszym artykule zastosowano ustrukturyzowane podejście do profilowania prawno-językowego do „unijnych organów reprezentujących pracowników” jako sposobu dostępu do obszarów poza oficjalnym obliczem instytucji UE oraz ich tekstów dotyczących tłumaczeń, języka i terminologii. Badanie rozpoczyna się od analizy prawno-językowej tekstów UE pod kątem odniesień do „pracowników”, „reprezentacji pracowników” i „zatrudnienia” w celu zidentyfikowania konkretnych tekstów i organów mających znaczenie dla badania. Takie podejście prowadzi do dwóch kategorii, ujmowanych szeroko: komitetów pracowniczych i związków zawodowych. Instytucje UE poszukują informacji na temat tych organów oraz ich tłumaczeń i ustaleń językowych. Sporządzono także listę stron internetowych dostępnych dla ogółu społeczeństwa, które następnie są badane w ramach profilowania prawno-językowego.

Słowa kluczowe: język(i) Unii Europejskiej; przepisy pracownicze; przedstawiciele pracowników; przekład; terminologia; komitet pracowniczy; związek zawodowy; wielojęzyczność.

Introduction

There is a growing literature on multilingual institutional language and translation. Robertson (2016) offers a broad introduction in respect of multilingual law and legal language and Albi and Prieto Ramos (2013) and Prieto Ramos (2018) explore translation issues in international institutional contexts which both include and go beyond the EU environment. At the same time the field of Translation Studies has been developing as we learn, among others from Munday (2016). EU institutions are the principal authors of EU

legal texts and they have translation departments to enable them to publish in 24 official languages pursuant to Article 55 of the Treaty on European Union (TEU),² Article 342 of the Treaty on the Functioning of the European Union (TFEU),³ and EEC Council: Regulation No 1 determining the languages to be used by the European Economic Community, as amended.⁴ However, suppose we ask ourselves a question: what is the linguistic reality for staff and employees of EU institutions as regards languages, translation, forms of discourse and terminology? The question posed in this paper concerns the ways in which the internal dimensions behind the official façade may be accessed. What are the methods of access, and what sort of information might we learn? Topics that first come to mind include: the languages in daily use, the internal translation arrangements, the different forms and genres of discourse in daily operation. If we can access such linguistic information, we may also be able to learn more about the practical working life of staff, including translation staff. This last information could also assist in the preparation of future EU translators. For each of these topics we refer to the available literature in respect of the different research fields, whether it be EU language and law (Šarčević 2015), EU multilingualism and translation (Cosmai 2014), genres and discourse analysis (Bhatia 2004, Paltridge 2006), corpus analysis (Biel 2010 and 2018), quality aspects (Svoboda, Biel and Ľoboda 2017) or translator training, just to mention some items and references. We learn a great deal from the literature, but it tends to be oriented towards the more public side of EU language and translation. How can one go behind the official face towards the internal language and life of officials? This question is important also because it provides glimpses into how multicultural and multilingual cooperation functions on a daily basis, and that is information that is relevant for the wider society. The purpose of this paper is to propose an avenue of enquiry that

² https://eur-lex.europa.eu/legal_content/EN/TXT/?uri=celex%3A12012M%2FTXT (accessed on 28 May 2019).

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT> (accessed on 28 May 2019).

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31958R0001> (accessed on 28 May 2019).

draws on legal-linguistic techniques that embrace both legal and linguistic viewpoints, and to see where they lead.

The starting point is that EU institutions largely implement their obligation to publish in the 24 EU official languages, but the official documents do not necessarily provide a complete picture of the whole EU institutional linguistic and translation environment. In order to go “behind the scenes” to access language and translation contexts that arise in the everyday life of EU staff and employees in the course of their activities and working life, one needs to find alternative strategies. We can pose some initial questions. Which languages are used on a daily basis, and what are the internal translation arrangements for passing on information in a multicultural and multilingual environment? Which domains and registers arise in such translation contexts? These, and other, questions are pertinent to the work, careers and life of the linguistic and translation staff of the institutions and have an incidental bearing on recruitment and training. A clearer understanding of the internal translation context can help to enhance the quality of the translation product. This is the pragmatic operational dimension.

One approach is to mount formal research studies and interview and observe staff at work. An alternative approach is to seek materials that draw on the everyday work, career and lives of EU staff. The purpose of this paper is to explore this latter approach, working from the texts of staff-representation bodies who are in continuous contact with staff and exist to defend their interests. These bodies have close contact and understanding of staff and their language.

In order to facilitate and structure the study, recourse is had to a tool for analysis proposed in Robertson (2018) which involves a set of headings to use as starting points for legal-linguistic analysis of a multilingual organisation. The tool, as conceived, starts with a particular organisation to study from legal, linguistic, translation and terminology viewpoints. That implies that one starts with an organisation that one wishes to study, however in the present context that is not the case. The starting point instead is with an abstract concept. The hypothesis is that access to texts of staff-representation bodies may provide material for translation and linguistic research that can bring one closer to the life and language inside EU institutions. We need as a first step to identify some specific bodies that come within the scope of the concept.

To do that, we can use legal method to search for entities as the subjects for study. Matching up facts against abstract concepts is a routine legal task.

On the basis of the foregoing, the initial task is accordingly to identify bodies that come within the category of representing EU staff, so that their texts can be studied, provided that we can access the information. The method proposed in Robertson (2018) must thus be adapted by adding this initial abstract dimension of a concept, represented linguistically as a term, that is taken as the basis for a search for organisations that come within the scope, or definition, of the term. Pragmatically, the study needs to begin with document research, a form of corpus analysis. We are searching for staff representation bodies, but it helps to take a broad approach as different terminology may be used from that which we expect. The search environment is EU which is constructed on a foundation of treaties, notably TEU and TFEU, with implementing provisions in Regulations, Directives and Decisions. The treaties provide a framework and it is possible we may find our information only at a secondary implementing legal level. This is legal method, it builds on intertextuality.

Staff Representation as Concept, Term and Specific Body

A search in the TEU and TFEU for the terms “staff”, “representation”, and “employment” leads to Article 336 TFEU which states:

“The European Parliament and the Council shall, acting by means of regulations in accordance with the ordinary legislative procedure and after consulting the other institutions concerned, lay down the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the Union.” (title underlined for emphasis, and hereinafter referred to as the “Staff Regulations”⁵).

⁵ *Regulation No 31 (EEC), 11 (EAEC) laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic*

The Staff Regulations constitute the primary text governing EU staff employment conditions. The document has been frequently amended and is highly complex; we need not concern ourselves with its contents beyond the present purpose.

Article 9(1) of the Staff Regulations states:

“... there shall be set up within each institution (...) a Staff Committee, which may be organised in sections for the different places of employment (...) which shall perform the functions assigned to (it) by these Staff Regulations.”

Article 9(3) sets out the role and tasks:

“The Staff Committee shall represent the interests of the staff vis-à-vis their institution and maintain continuous contact between the institution and the staff. It shall contribute to the smooth running of the service by providing a channel for the expression of opinion by the staff.”

This role includes bringing to notice of difficulties “concerning the interpretation and application” of the Staff Regulations, together with a right of consultation. In addition, the staff committee submits “suggestions concerning the organisation and operation of the service and proposals for the improvement of staff working conditions or general living conditions.” We learn that the staff committee participates in the management and supervision of social welfare bodies set up by the institution in the interests of its staff and may itself set up such welfare services. Lastly, it is consulted by the “*appointing authority*”⁶ on questions of a general nature.

The initial search has led to the Staff Regulations and staff committees as representative bodies, but more information is required, and for that Annex II of the Staff Regulations is relevant. Section 1 thereof provides for the composition and procedure of the Staff Committee. According to Article 1, the Staff Committee comprises

Community and the European Atomic Energy Community. O.J. 45, 14.6.1962, P. 1385. Available online in an updated consolidated version including all amendments at: <https://publications.europa.eu/en/publication-detail/-/publication/b7628429-0855-4b54-b452-af676bc5427a> (accessed on 28 May 2019).

⁶ Technical term for the employer administration.

its members, with alternates if any, for a period of office of three years, or less if an institution so decides.

The conditions for election are laid down by a general meeting of officials of the institution at the relevant place of employment. Membership is such as to ensure the representation of the different function groups, or categories of staff. Further:

“The duties undertaken by members of the Staff Committee and by officials appointed by the Committee to organs set up under the Staff Regulations or by the institution shall be deemed to be part of their normal service in their institution. The fact of performing such duties shall in no way be prejudicial to the person concerned.”

We have thus identified staff committees as bodies that represent staff and so come within the scope of the enquiry. However, this is not the full picture. A search of the Staff Regulations reveals other provisions that are also relevant.

Article 24b of the Staff Regulations states that

“Officials shall be entitled to exercise the right of association; they may in particular be members of trade unions or staff associations of European officials”.

Further, Article 10b says that the trade unions and staff associations referred to in Article 24b are to act in the general interest of the staff, without prejudice to the statutory powers of the staff committees. Thirdly, Article 10c says that “Each institution may conclude agreements concerning its staff with its representative trade unions and staff associations...”. From these provisions at least two categories of representative body are identified: staff committees and trade unions, and we can take these as our basis for study. We have identified conceptual categories, and now it is necessary to “put flesh” on them and identify the real-life bodies that can be the object of analysis. In principle each EU institution has a staff committee and can be asked about it. Similarly, one can seek information about the trade unions.

EU Staff Representative Bodies: Staff Committees

In order to obtain specific information, an electronic communication was sent to contact points of principal EU institutions and bodies with an enquiry about staff-representation bodies and their translation and linguistic contexts. In summary, the following questions were asked:

- (1) Can you provide information about the staff committee? Does it have a website open to the public? (Particular interest: languages used, themes, translation and terminology)
- (2) Which trade unions are recognized as partners? How do they become recognized as such? Does each have a public website?
- (3) Which bodies represent retired staff? Do they have a website? Do they have translation needs?
- (4) What other forms of staff representation exist?
- (5) Is translation undertaken for the staff committee? If so, which languages?
- (6) Is translation undertaken for trade unions? If so, which languages?

Replies were received, and information provided which is incorporated below.⁷ This included information in respect of both staff committees and trade unions, as well as a separate association for retired staff. We will first consider the case of institutional staff committees and the information received in connection with them. We will then turn to consider trade unions. Lastly, we will mention retired staff. At the outset it must be stated that the replies were contained in personal email communications and contained express disclaimers that the information does not bind the institution. The information given is primarily to inform and assist and strictly speaking it is subject to independent verification in each case. That said, one is able to obtain a broad picture and identify some websites for direct study. Each institution or body is taken in turn, and the text is drawn directly from the replies furnished.

⁷ All the replies received are acknowledged with gratitude.

The *European Parliament*⁸ has a Staff Committee with a website on the internal “intranet” open to other institutions but not on Parliament’s public “extranet”. The EU linguistic regime applies, but in practice, French and English are the most commonly used languages, both orally and written. The Staff Committee is elected for a period of three years. All officials of the institution, and other servants holding a contract of more than one year, are entitled to vote and to stand for election. The Staff Committee maintains relations with the staff committees of other institutions of the European Union, and with trade union organisations - a number of which run lists of candidates for the staff committee elections. However, there is no system of recognition of trade unions as “partners” by the staff committee. Retired staff are not represented on or by the staff committee. From the reply we learn about the Staff Committee languages but are not permitted to access its website.

The *European Council and Council of the EU*⁹ has a staff committee with an intranet site not open to the public. This intranet site, like all staff committee communication is bilingual EN/FR (as much as possible). Translations are done in-house, either by staff committee members themselves or by the Council Translation Service. The Staff Committee is a statutory body of the Council, composed of 30 members of staff elected, for a 2-year-mandate, by the entire staff. It helps ensure the proper implementation of the Staff Regulations, general implementing provisions (GIP), decisions of the appointing authority as well as protocols and agreements concluded between the unions and the appointing authority.¹⁰ It issues opinions on staff policy, working conditions, security, etc. It designates the staff representatives within joint bodies, promotion boards, competition juries, selection committees, etc. It organizes the elections of Service Representatives (RdS). It manages the Staff Library, the Sports and Leisure Centre, small Ads, and supervises the DIY workshop. It manages an annual budget which allows it to contribute towards the cost of holiday camps, subsidize sports clubs and cultural associations, organize social events

⁸ On multilingualism in the European Parliament, see: <http://www.europarl.europa.eu/about-parliament/en/organisation-and-rules/multilingualism> (accessed on 4 June 2019).

⁹ They are organised as a unified structure.

¹⁰ *Appointing authority*: technical term for the employer.

(welcome cocktails, Staff Party, Children's Party, meeting with pensioners, etc.), fund the Staff Library.¹¹ From the reply we learn that the public is refused access to the staff committee website, but extensive information is furnished as to the tasks undertaken and, taken together with the governing provisions in the Staff Regulations, this enables one to make inferences about the domains of administrative discourse involved.

The *European Commission* context is more complex, and the information received reflects that situation. Its staff committee is composed of 8 local sections representing the main places of employment of the EC's staff (Brussels, Luxembourg, Ispra, Sevilla, Geel, Petten, Karlsruhe, France, and outside the EU). The Central Staff Committee is composed of representatives of each local section. The Central Staff Committee has a website and some local sections have one as well.¹² Staff representation exists through participation in joint committees. No translation is undertaken on behalf of the staff committee. It is considered as an internal service. "*DGT refuses to translate the Staff committee's documents.*" The translations are made by members of the staff committee on a voluntary basis.

The *Court of Justice of the European Union* has a staff committee which represents the interests of the staff vis-à-vis their institution and maintains continuous contact between the institution and the staff. It contributes to the smooth running of the service by providing a channel for the expression of opinion by the staff. It brings to the notice of the competent bodies of the institution any difficulty having general implications concerning the interpretation and application of the Staff Regulations. It may be consulted on any difficulty of this kind. It submits to the competent bodies of the institution suggestions concerning the organisation and operation of the service and proposals for the improvement of staff working conditions or general living conditions. It participates in the management and supervision of social welfare bodies set up by the institution in the interests of its staff. It may, with the consent of the institution, set up such welfare services. The legal

¹¹ Information received subject to a disclaimer that the information does not constitute an official position of the Council.

¹² They can only be accessed with passwords.

base and the rules for the functioning of the Staff Committee are provided in the Staff Regulations of Officials of the European Union (Article 9 and others). The Staff Committee of the Court of Justice does not have a website open to the public. The Staff Committee publishes its documents in French, sometimes documents can be published in English and / or German. Translations are done by the Staff Committee itself.

The *European Central Bank* has a Staff Committee which represents the general interests of its staff members and is elected for a two-year term by ECB staff. There is no public website of the ECB's Staff Committee. It communicates in English.

The *Translation Centre for Bodies of the EU* complies with Article 24b of the Staff Regulations and the Conditions of Employment of Other Servants of the European Union which stipulates that staff members enjoy the right of association. They may in particular be members of trade unions or professional organisations of the European officials. However, in line with Article 10c of the Staff Regulations there is no obligation to conclude a framework agreement with the representative trade unions and staff associations. It is up to each institution to decide whether to conclude agreements concerning its staff with its representative trade unions and staff associations. Such agreements may not entail amendment of the Staff Regulations or any budgetary commitments, nor may they affect the working of the institution concerned. The representative trade unions and staff associations which are signatories operate in each institution subject to the statutory powers of the staff committee. As regards the social dialogue, at the Translation Centre this is guaranteed by the Staff Committee, which is the only recognised statutory body according to Article 9(3) of the Staff Regulations. The Staff Committee represents the interests of the staff at the Centre and ensures permanent contact between the management and the staff. The Staff Committee also cooperates with different services by providing an advisory opinion on any difficulties of general scope relating to the interpretation and application of the Staff Regulations and CEOS.¹³ The link to the public information of the staff committee on the Translation Centre's internet

¹³ Conditions of Employment of Other Servants; part of the Staff Regulations.

page is: <http://www.cdt.europa.eu/en/staff-committee>.¹⁴ It is in the 24 EU official languages.

It may be observed by way of conclusion that in the case of the Translation Centre, like all the EU institutions consulted, the detailed day-to-day work and discourse of the staff committee is not accessible to the public. This circumstance places a limitation on the extent to which information about the internal linguistic dimension of EU institutions may be accessed through staff committee texts. For practical purposes, without special access permissions, the staff committee websites are not available for access and study. So, one must turn to other sources.

EU Staff Representative Bodies: Trade Unions¹⁵

We turn now to the second category of staff-representation bodies identified, namely EU trade unions. How many are there and who are they, so they can be studied? Accessing this information externally is difficult. Internet searches reveal some names. Questions to institutions provide more names. There is no certainty that there are not more, and the situation can change over time. It has not been possible to draw up a definitive list, and not all bodies necessarily have a website for study. That said, the replies from EU institutions revealed certain information and this should be set out, again using the contents of each response provided.¹⁶

The *European Council and Council of the EU* commented that Union Syndicale (US), Renouveau & Démocratie Conseil (R&D), and FFPE¹⁷ Conseil were recognised in the Council. An Agreement was signed on 28 March 2006: Agreement between the Council of the European Union and the Trade Union or Professional

¹⁴ This is part of the Translation Centre's website: <https://cdt.europa.eu>. (accessed on 28 May 2019).

¹⁵ For some background on what trade unions do, see inter alia: Bennett and Kaufman (2017) and University and College Union (UCU).

¹⁶ Again, all the replies received are acknowledged with gratitude. The information received has been allocated under the headings. The European Parliament reply did not mention any trade union names and so is not included in the headings.

¹⁷ European Civil Service Federation

Organisations of the Staff¹⁸ of the General Secretariat of the Council. This is a public document, currently in the process of renegotiation.¹⁹ A union fulfilling a certain number of requirements, especially a minimum number of paying staff members, is recognised by the Council. US has a public website. The FFPE also has a public website under construction. R&D Council has only a website on Domus (i.e. the internal website), not accessible from outside. Translation is undertaken by US in all official languages. The FFPE uses English and French in its communications. R&D uses English and French in its communications as well.

The *European Commission* recognises a number of trade unions as representative. Some of these are confederations of trade unions. They are composed of several recognised trade unions. The list includes: Alliance,²⁰ Union syndicale fédérale (USF),²¹ Save Europe,²² Regroupement syndical (RS)²³, FFPE,²⁴ and Generation 2004.²⁵ In addition, there are recognised OSP's which are not components of a representative OSP, and these include: Solidarity Independence and Democracy (SID),²⁶ Ispra - contract agents (ISCA),²⁷ Union Générale Europa (UGE).²⁸ For the purpose of trade union activities, the Administration may authorise the recognised organisations to use the Commission's translation, reproduction and communication facilities, in return for payment against invoices. Usually the documents of the trade unions are translated by members of the trade unions on a voluntary basis.

The information from the Commission noted that there was a Framework agreement governing the relations between

¹⁸ Generally referred to as „OSPs”.

¹⁹ Not found on the internet at the time of writing.

²⁰ See below under *Alliance*.

²¹ <https://www.unionsyndicale.eu> (accessed on 28 May 2019).

²² <http://save-europe.net> (accessed on 28 May 2019).

²³ Also called U4U. <https://u4unity.eu> (accessed on 28 May 2019).

²⁴ <http://www.ffpe-bxl.eu> (accessed on 3 June 2019).

²⁵ <https://generation2004.eu> (accessed on 28 May 2019).

²⁶ <https://sidtu.org/tiki-index.php> (accessed on 28 May 2019. Subsequent verification suggested site expiry).

²⁷ <https://www.facebook.com/ISCA-Ispra-Seville-Contract-Agent-299217090227966/> (accessed on 4 June 2019).

²⁸ On-line search did not reveal information at time of writing.

the EC and trade unions.²⁹ Article 6 provides for official recognition of the trade unions and staff associations of European Commission personnel, and acceptance as a social dialogue partner. Article 7 provides for trade unions and staff associations to be recognised if they declare that their statutory aim is to defend the interests of all members of staff without any discrimination based on any ground set out in an extensive list, and if they confirm they have been legally constituted. Article 8 provides for the possibility of “groupings” of recognised trade unions and staff associations. Article 9 deals with representativeness and places two restrictions for recognition: representation of at least 6% of European Commission staff at central level and 5% at local level (in a single place of employment), and at least 400 fully paid-up members who are officials, other servants or retired officials of the European Commission. If they meet these conditions the organisation may sign the Framework Agreement as a signatory representative organisation.

The *Court of Justice of the European Union* is understood to recognize the trade unions EPSU CJ³⁰ and Union Syndicale Luxembourg³¹. EPSU CJ is also representative, meaning that it is empowered to negotiate with the Court of Justice and with the institutions in general regarding conditions of work and employment. Rules about recognition and representativeness have been laid out by the Court.³² The trade unions active in the Court of Justice publish their documents in French and sometimes in English. Translations are done by the unions themselves.

The *European Central Bank* recognizes the International and European Public Services Organisation (IPSO)³³ as a trade union founded by staff of the ECB to represent the interests of their members. In order to be recognised as an ECB trade union, a threshold of having at least 10% of ECB staff holding an indefinite contract

²⁹ Not found on the internet at the time of writing.

³⁰ <http://epsu-cj.lu/en/> (accessed on 28 May 2019).

³¹ <https://www.uslux.eu/en>. (accessed on 28 May 2019).

³² *Règles relatives à la reconnaissance et à la représentativité des organisations syndicales et professionnelles (OSP)*. Available online at: <http://epsu-cj.lu/wp-content/uploads/2014/01/représentativité-critères-septembre-2013.pdf>. (accessed on 1 June 2019).

³³ www.ipso.de (accessed on 28 May 2019).

on their membership needs to be reached. IPSO maintains its own website.

EU Trade Unions and their Websites

One can draw on the foregoing information which reproduces the content and language style of the replies received. From it one learns about the context in which diverse trade unions function with respect to the institutions, and one also obtains some information about the languages and translation arrangements that are in operation. From the replies it is possible to draw up a list of the trade unions named and to make a search on internet to find out more about each of them. Where there is a website, it provides a public face for the union that addresses existing members, possible future members and a wider general public. That said, each website offers a site of engagement for study that is mainly turned towards the internal staff environment. For the present purpose, the aim is first to identify which trade unions have websites accessible to the public, second, to check on the languages used on the sites and third to make an assessment as to the role of translation for each of them. An introductory indication of focus of interest, range of activities and style of language may in addition be provided through a brief summary of information set out in the relevant home pages. The available space here does not permit a deeper linguistic analysis and comparison between the websites, which must accordingly be reserved for a subsequent study. The bodies are listed according to a neutral alphabetical ordering.

Alliance (R&D, Conf SFE, CISL, Solidarité Européenne). No formal website has been found for the Alliance as such but individual documents attesting to its existence and activities are online which can be consulted.³⁴ Individual members have

³⁴ http://www.ffpe-lux.eu/docs_tracts/2014_osp_vps_20_juin_fr.pdf (Accessed 3 June 2019), https://www.u4unity.eu/document2/FC_AC0406.pdf (Accessed 3 June 2019).

websites and are included below. It appears that CISL (*Confédération internationale des syndicats libres*) has been dissolved.³⁵

*Conf SFE (Syndicat de la Fonction Public Européenne)*³⁶ has a website with French and English pages in parallel. It is a “democrat and humanist trade union organisation” open to anyone employed by an institution or organisation with an European vocation. Its specialist terminology fields relate to conditions of work, career (promotion and reclassification), JSIS³⁷ training, social and legal help.

*FFPE (European Civil Service Federation)*³⁸ has a website with French and English pages in parallel. Its main objective consists in the defence of the interests of all staff of the European Institutions and the promotion of the independence and the excellence of the European Civil Service. In the Commission, the FFPE is established in the form of a non-profit organisation according to Belgian law (*ASBL: association sans but lucratif*). It provides personal assistance: direct advice to colleagues, legal support, training courses, books, and an insurance broker. It negotiates new rights and conducts fair negotiations with the administration with the help of its active members, who also participate in staff committees and joint committees.³⁹

*Generation 2004*⁴⁰ has a website in English. It aims at a unified European Public Service that is based on fair, just and motivating employment conditions and that is respected for its efficiency, effectiveness and the equal opportunities it offers to all employees of the EU institutions. It denounces the “systematic legal and practical discrimination of post-2004 staff vis-a-vis their pre-2004 peers”.

³⁵ Background information available at: https://fr.wikipedia.org/wiki/Confédération_internationale_des_syndicats_libres (accessed on 28 May 2019).

³⁶ <https://www.conf-sfe.org> (accessed on 3 June 2019)

³⁷ Joint Sickness Insurance Scheme of the European Institutions (JSIS). See for example: http://ec.europa.eu/pmo/info.sickinsurance_en.htm (accessed on 3 June 2019).

³⁸ <http://www.ffpe-bxl.eu> (accessed on 3 June 2019).

³⁹ The European Commission reply mentioned that *FFPE* was recognised by the Commission but had not signed an agreement with it and no translation requests had been made.

⁴⁰ <https://generation2004.eu> (accessed on 28 May 2019).

IPSO (International and European Public Services Organisation) has a website⁴¹ that is in English, though one notes some text in German. IPSO works for the interests of its members in creating and continually improving a European Civil Service devoted to and inspired by the values of the European Union, namely the respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. IPSO wishes to contribute to a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. IPSO is a staff union, founded by staff of the European Central Bank (ECB) to represent the professional interests of persons working for the ECB and other international institutions and agencies in Germany.

*Renouveau & Democratie*⁴² has a website that uses both French and English together on the same website pages. It gives reasons for joining a union: defend rights as an official, participate in institutional social dialogue, solidarity with colleagues, dignity and pride of EU officials and support the political project of a strong EU. The trade union works in two spheres, namely “political” in relation to staff working rights, representation, and negotiation of terms and conditions; and “personal”, in relation to trouble at work, promotion related problems, legal advice, insurance, training courses.

*Save Europe*⁴³ has a website in English and French on parallel pages. Its site has headings for Brussels, Ispra, Luxembourg and Outside EU. Its objectives are to participate in negotiations on constitutional changes, defend the principles of equal treatment and respect, assist in career development (evaluation reports, etc), maximise the chances of Contract Agents to become official through their trainings.

*Solidarité Européenne*⁴⁴ has a website with English and French text side by side. It deals with standard trade union matters defending members and addresses issues related to work or private life. It has conferences on wellbeing, health and parenting, including

⁴¹ <http://www.ipso.de> (accessed on 28 May 2019).

⁴² <http://www.renouveau-democratie.eu/fr/> (accessed on 28 May 2019).

⁴³ <http://save-europe.net> (accessed on 28 May 2019).

⁴⁴ <http://solidarite-europeenne.eu/index.php/contact> (accessed on 28 May 2019).

sophrology and reflexology. It provides training in a “holistic and personalised package”. It is based in Luxembourg.

*Solidarity Independence and Democracy (SID)*⁴⁵ has a home page in English. It has tracts in Spanish, German, Persian, Italian, French, Polish, English, Hungarian, Portuguese, Swedish, Arabic, Bulgarian.

*Tao AFI (Association of Independent Officials)*⁴⁶ has a website in English. It welcomes all staff categories and function groups: civil servants, contract or temporary agents, whether pre or post 2004 or 2014.

*Union for Unity (U4U) (Regroupement syndical)*⁴⁷ has a website with both French and English texts, sometimes in translation and sometimes not. It defends its profession, usefulness for society and European construction and budgetary resources allocated to it. Its fields of activity include the provision of services for training, coaching, legal assistance, giving quality information via newsletters, videos and websites. It defends the basic principles of the Staff Regulations in respect of salaries, promotions, pensions, sickness insurance, salary. It attends to crèches, child care centres and European schools.

*Union Syndicale fédérale (USF)*⁴⁸ has a website in French and English in parallel. It currently has 21 Unions Syndicales affiliated, representing a variety of locations within the European and International Public Service. Their members number thousands of people of all grades, nationalities, professions and contractual status.⁴⁹ It protects the moral, material and financial interests of its members or of staff of the institutions. It is affiliated to the trade union movement in Europe and works with it. It seeks to guarantee the people of Europe a public service for all of Europe which is stable, independent and up to the job, and mindful of how it manages the public's money. Its services cover starting at work, training, insurances, legal advice, notarial advice and medical advice.

⁴⁵ <https://sidtu.org/tiki-index.php>. (accessed on 4 June 2019. Subsequent verification suggested site expiry).

⁴⁶ <https://www.tao-afi.eu> (accessed on 28 May 2019).

⁴⁷ <https://u4unity.eu> (accessed on 28 May 2019).

⁴⁸ <https://www.unionsyndicale.eu> (accessed on 28 May 2019).

⁴⁹ For a list see <https://www.unionsyndicale.eu/en/usf/> (accessed on 28 May 2019).

It produces a magazine AGORA⁵⁰ which contains articles contributed by members.

*Union Syndicale Luxembourg*⁵¹ has a website that indicates pages in parallel in French and English. It is a union for officials in Luxembourg to defend the rights of staff and the development of public service.

Retired EU Staff

In addition to working staff, there are the staff in retirement who need representation. On retirement, staff are free to live where they wish, so they are scattered round the world. They are subject to the local conditions of life, but they remain governed by the Staff Regulations for certain matters, notably pension and medical welfare. Frequently, they are not covered by a national welfare scheme. The *Council of the EU* in its replies observed that the Council unions represent also the retired staff. The *Court of Justice of the EU* reply mentioned representation by the staff committee and trade unions of the Court, but that this was not very much. It also mentioned the *International Association of Former Officials of the European Union (AIACE)* that functions in three languages. The *Commission* reply listed two associations: first the AIACE, comprising a principle “international” entity and national sections in 15 Member States. The AIACE International website⁵² has links to national sections. Regularly, for different types of document such as general information to pensioners, vademecums, brochures, etc, translations are necessary. AIACE is currently the sole association with which the Commission has signed a partnership agreement. The second association mentioned by the Commission was the FFPE (see above). It is recognised by the Commission but has not signed an agreement with it and no translation requests had been made. The *European Central Bank* replied that the ECB’s Oversight Committee represents the interests of

⁵⁰ In paper and online, available at: <https://www.unionsyndicale.eu/publications/agora/> (accessed on 28 May 2019).

⁵¹ <https://www.uslux.eu/fr/a-propos>. (accessed on 3 June 2019).

⁵² <https://aiace-europa.eu/>. (accessed on 28 May 2019).

the beneficiaries of the ECB Retirement Plan and the ECB Retirement Scheme by monitoring the overall running of the Plan and the Scheme. There is no public website of the ECB's Oversight Committee.

Legal-linguistic Profiling

Following the question initially posed about accessing information on the internal linguistic and translation realities in EU institutions and selecting the texts of staff-representation bodies for study in that respect, a range of specific bodies has been identified. One can therefore turn to make a comparative analysis of them. To that end, the legal-linguistic framework of headings in Robertson (2018) will serve to reflect on features shared and those that differ. It can be observed in passing that the duties and functions set out in the Staff Regulations for staff committees provide additional information in respect of their domains of language and translation since the texts are legally binding.

The body and legal aspects of its texts

The staff committees as a class share a common background in the EU Staff Regulations. The context is explicitly EU law and EU legal language and terminology. With the trade unions, however, the situation is more complex. They are not part of the hierarchy of EU legal texts. Instead they are created by staff members. We can ask which law and legal system, and therefore terminology context, governs them? Analysis of the websites should reveal this information. For example, in the Commission the FFPE is established in the form of a non-profit organisation (ASBL) according to Belgian law. Thus, it is a Belgian-law entity, governed by Belgian law and the meaning of its constituent texts would be interpreted according to Belgian law. Yet its function is to assist EU staff in an EU legal environment. This raises the issue of hybridity and drawing demarcations between what is EU and what is Belgian.

To which we can add that staff come from, or work in, different Member States, with spouses of potentially any nationality. That in turn means that questions involving law and language may potentially arise in connection with any legal system or language. Meanings of specialised legal terminology link, intertextually, into the governing legal system for a given text and its language. For legal texts this may be clear, but what about a text that just advocates some theme in general terms? Ultimately, we may not know, and ambiguity could arise. In the case of the AIACE, as it comprises a series of nationally based organisations, we would expect them also to be created under local law.⁵³

Languages of the body and its documents

The staff committees as part of an EU institution are subject to the EU language rules providing for 24 official languages. However, the information supplied suggested that in practice the institutional staff committees may function in two languages: French and English. The European Parliament information was that in practice French and English are the most commonly used languages, both oral and written. However, the ECB staff committee communicates in English, and the Court of Justice staff committee publishes its documents in French, while sometimes publishing documents in English or German. The trade-union bodies generally work in one or two languages: French and English, sometimes with bilingual websites, sometimes with a mixture of the two languages, as evidenced from their individual websites. The AIACE website is in three languages: English, French and German.

⁵³ See for example the Spanish section registered under Spanish law: http://www.aiace-es.es/wp-content/uploads/2016/01/EstatutosSocialesAIACE_Nov2006.pdf (accessed on 28 May 2019).

Specialist terminology domains and particular terminology

With respect to terminology there seems to be overlap, insofar as staff committees and trade unions share a role in relation to employment and working conditions of all EU staff. Here the central text is the EU Staff Regulations, and therefore the primary range of terminology is to be found within it. A complex, technical and subtle document, it represents a specialist field in its own right. Here is a short list of general terms to be found in it: Rights and obligations, Career, Administrative Status, Active employment, Secondment, Leave on different grounds (personal, military service, parental, interests of the service), Reports, Advancement to a higher step and promotion, Termination of service (Resignation, retirement), Working conditions, Hours of work, Leave, Public holidays, Remuneration and expenses, Social security benefits, Pensions and invalidity allowance, Disciplinary measures, Appeals, Special and exceptional provisions applicable to officials serving in a third country.

The foregoing are generic terms, and we can list a few more specialised that occur in the Annexes to the Staff Regulations: Types of posts in each function group, Multiplication rates for guiding average career equivalence, Composition and procedure of the various committees including staff committees, Competitions, Part-time work, Leave, Compensatory leave and remuneration for overtime, Remuneration and reimbursement of expenses, Pension scheme, Disciplinary proceedings.

In addition to terms found within the Staff Regulations, staff committees and trade unions deal with matters that go beyond the strict employment arrangements. For staff committees, these include, as the Council informs us, the Staff Library, Sports and Leisure Centre, holiday camps, sports clubs, cultural associations, Staff Party and Children's Party. In the case of the trade unions, in so far as their members participate as elected members of staff committees, the foregoing also come within their ambit. However, trade unions also provide services to members that have terminological implications: training, social and legal help, insurances, legal advice, notarial advice and medical advice. One trade union R&D identifies a dichotomy between "political" (staff working rights,

representation, and negotiation of terms and conditions) and “personal” (trouble at work, promotion related problems, legal advice, insurance, training courses). All in all, the range is considerable and diverse, though weighted around employment, personal, social and family matters. In the case of AIACE which addresses retired members, there is an emphasis on pensions, medical matters, social life, entertainment and shared activities such as holidays together.

Drafting, translation and interpretation methods

The information provided does not address drafting of documents. Staff committees, trade unions and representative associations are not law-making bodies. They prepare their own documents as need arises, but they are intimately involved with legal and administrative texts, rule-making and administration. Staff committees have a role to nominate members for administrative joint committees, as does the administration side, under the chairmanship of a senior administrator. Similarly, there are obligations to consult staff committees on various matters under the Staff Regulations.

Trade unions play a role in drafting processes too. As social partners they have a role in lobbying and negotiating when changes are made to the Staff Regulations, or treaty provisions affecting staff, so they participate in the law-making processes; this is a “political” role, and we would expect “political” styles of language discourse and terminology. Likewise, they assist members with cases before the Court of Justice, generally by providing a lawyer to act to defend individuals. So, here too there is a legal role though this time in connection with court cases. Throughout these processes, interpretation is a key skill, and expert knowledge is required for this purpose. The expertise includes identifying when an issue falls within the scope of EU law and language, or the law of a national system and its language, or under international law and its language.

This brings us to translation contexts. The wide range of texts and terminology points towards specialised domains of texts to be translated. The EU linguistic regime indicates that texts may arise in any EU language, as well as non-EU languages

in the case of staff employed around the world. That said, the everyday practicalities of staff committee work points towards translation between French and English. In the case of the ECB the language is English. In the case of the Court of Justice, the language is mainly French. We might expect, as circumstances arise, that there is a need for translation into those languages at times from potentially any other language.

With respect to trade unions, the translation picture is also reflected in the terminology range and types of text. Some trade unions publish parallel pages bilingually in French and English, so they need translation between those languages. Others publish in English, and yet other publish together in French and English without formal translation between them.

When it comes to who does translation, the main question is whether the institution offers the assistance of its translation department, or whether it is left to the representative body to do its own translation either through voluntary work or paying for translators, though we do not have information on this last point. The picture presented varies from context to context. Nonetheless, for everyone there is a shared set of tools and materials available insofar as the EU institutions make their official texts available in the 24 languages which can be accessed through the Europa website⁵⁴ and EUR-Lex.⁵⁵ They also provide guides on how to write in each language, in particular the Interinstitutional Style Guide,⁵⁶ the Joint Practical Guide,⁵⁷ and the Manual of Precedents of the Council,⁵⁸ as well as the IATE terminology database.⁵⁹ One can pose the question as to how far do these apply to trade unions and staff associations? In answer, staff associations should be included as they are official administrative organs, but trade-unions are not subject to them as they are separately constituted. This must be nuanced, however, as if a text worked on is a draft EU text it will be subject

⁵⁴ <http://europa.eu> (accessed on 28 May 2019).

⁵⁵ <https://eur-lex.europa.eu/homepage.html?locale=en> (accessed on 28 May 2019).

⁵⁶ <http://publications.europa.eu/code/en/en-000500.htm> (accessed on 3 June 2019).

⁵⁷ <https://publications.europa.eu/en/publication-detail/-/publication/3879747d-7a3c-411b-a3a0-55c14e2ba732> (accessed on 28 May 2019).

⁵⁸ <https://publications.europa.eu/en/publication-detail/-/publication/431ccffd-00c2-491a-b423-ce709af0d6c3/language-en> (accessed on 28 May 2019).

⁵⁹ <https://iate.europa.eu/home> (accessed on 28 May 2019).

to the applicable rules, and the guides and manuals are generally aimed at enhancing good style and practice. In a word: not binding but very helpful in practice.

Conclusion

Legal-linguistic profiling of organisations, as set out in Robertson (2018), is a tool for enquiry and an aid to mapping. It has been applied here to EU staff representation bodies. However, before an analysis of the bodies can be undertaken it is first necessary to identify who they are. This process has been implemented through an analysis of EU legislative texts starting from abstract concepts represented as linguistic terms. This has been undertaken as a legal-linguistic task. Examining the legal texts setting out the roles, duties and obligations of the bodies under study also serves the purpose of mapping out relevant terminology fields and providing background information about staff committees whose documents are confidential and not accessible to the public.

In order to learn about institutional staff committees and trade unions, a set of questions was asked of institutions by email. Responses received have been presented and observations made on them in accordance with headings used for legal-linguistic profiling. Institutional staff committee websites are not accessible to the public, and so it has not been possible to access or comment on their translation and language dimensions directly. Instead, reliance has been placed on the indirect information provided in the replies to the questions. The information has shown that EU employment terminology figures prominently, but additional areas that do not fall directly within the scope of EU law and language also arise.

Staff committees are part of an institution, but trade unions are created by staff members, apparently in accordance with local law. This introduces an extra-EU legal and linguistic dimension and the potential for linguistic mixing, ambiguity and hybridity, especially if we think that writers are likely to be non-native speakers. The terminology range of staff-representation bodies is wide. They tend to limit their texts to two or a single language. They have translation needs, primarily into, and between, French and English.

Sometimes the institutions provide translator support, but sometimes they do not. Translation is largely undertaken within the staff representation bodies or by members of trade unions on a voluntary basis, it seems. There is a wide range of genres of texts, ranging from “political” to “personal” and passing through “legal”. Each has its specific challenges, and translators of staff representation texts need to be agile and to adapt to a diversity of subject matter, genres and discourse styles. Mastering this diversity is the key challenge to ensuring a quality translation product.

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- Court of Justice of the European Union:
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- European Parliament: <http://www.europarl.europa.eu/portal/en>
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- EUR-Lex: <https://eur-lex.europa.eu/homepage.html?locale=en>
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- European Central Bank:
<https://www.ecb.europa.eu/ecb/html/index.en.html> (accessed on 28 May 2019)
- European Commission: https://europa.eu/european-union/about-eu/institutions-bodies/european-commission_en (accessed on 28 May 2019)
- European Council and Council of the EU:
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- Conf SFE (Syndicat de la Fonction Public Européenne): <https://www.conf-sfe.org/home> (accessed on 28 May 2019)
- EPSU CJ: <http://epsu-cj.lu/en/> (accessed on 28 May 2019)
- FFPE (European Civil Service Federation): <http://www.ffpe-bxl.eu>
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- Generation 2004: <https://generation2004.eu> (accessed on 28 May 2019)
- IPSO (International and European Public Services Organisation): <http://www.ipso.de> (accessed on 28 May 2019)

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