

**Opinion of the European Economic and Social Committee on ‘The EU’s multilingualism policy’
(additional opinion)**

(2011/C 48/18)

Rapporteur: **Ms LE NOUAIL MARLIÈRE**

On 14 July 2009, the European Economic and Social Committee, acting under Rule 29(a) of the Implementing Provisions of the Rules of Procedure, decided to draw up an additional opinion on

‘The EU’s multilingualism policy’.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 9 July 2010.

At its 465th plenary session, held on 15 and 16 September 2010 (meeting of 15 September 2010), the European Economic and Social Committee adopted the following opinion by 145 votes to 2, with 5 abstentions.

1. Introduction

1.1 In recent years, the European Economic and Social Committee has drawn up two opinions for the European institutions on Europe’s multilingualism strategy:

1) The first, *A new framework strategy for multilingualism*, related to the framing of a new strategy presented by the European Commission in 2005 ⁽¹⁾;

2) The second came in response to a request from Commissioner Orban on 4 February 2008 to help the Commission draft a communication on *Multilingualism: an asset for Europe and a shared commitment* ⁽²⁾.

1.2 Multilingualism policy is part of the EESC’s political priorities and its presidency’s programme for 2008-2010, since it helps improve the economy’s competitiveness, achieve the Lisbon strategy goals and strengthen European integration through intercultural dialogue (‘unity in diversity’).

1.3 The multilingualism policy drawn up in 2006 is now in its implementation and development phase. This additional opinion therefore aims to monitor developments in this area as well as the measures adopted by the Commission, more specifically by DG EAC, and to complement and update the EESC’s recommendations, particularly on life-long learning, training for adults, employment and the sustainable economic, cultural and social impact of multilingualism.

2. Multilingualism in Europe: inventory

2.1 The (Education, Youth and Culture) Council of 21 November 2008 published its conclusions on encouraging cultural diversity and intercultural dialogue in the Member States’ and Union’s external relations, together with a resolution on a European strategy for multilingualism ⁽³⁾.

2.2 The Commission and the Council had previously adopted a number of the proposals tabled by the Economic and Social Committee:

- encouraging diversity in the way education is taken up and made available;
- encouraging interculturalism and the use of migrants’ languages;
- spreading European languages through cultural relations with third countries;
- encouraging life-long learning and diversity in the economic sphere and in business; and
- support for translation and interpretation.

2.3 The Commission has since set up two consultation platforms: one for associations and NGOs active in the education and culture sector and another for economic interests, which brings together the social partners and universities ⁽⁴⁾, with the EESC as an observer.

⁽¹⁾ COM(2005) 596, 22 November 2005; JO C 324, 30.12.2006, p. 68.

⁽²⁾ COM(2008) 566, 18 September 2008; JO C 77, 31.3.2009, p. 109.

⁽³⁾ OJ C 320, 16.12.2008, p.1.

⁽⁴⁾ ‘The business platform for multilingualism’.

2.4 The unions, for their part, have organised or taken part in a number of initiatives since 2006: conferences on the use of languages at work, steps to obtain court rulings enforcing the right to work in one's own language and countering discrimination, and cooperation with other French-speaking countries (the launch of a French language portal with workers in the aeronautics sector in Quebec).

2.5 The Commission has taken advantage of several replies from local and professional trades unions (8) to its public consultation exercises, but until 2009 had never formally consulted the European Trades Union Confederation (ETUC/CES).

2.6 The EESC attended the European Conference on Plurilingualism organised in Berlin in June 2009 by the 'European Observatory for Plurilingualism', a network of associations bringing together businesses and universities. The ETUC and sectoral social partners also took part in this conference.

2.7 At national level, a report on the use of the French language is submitted to Parliament every year by the French Minister of Culture and Communication under Law 94-665 (9) which provides for a stock-taking exercise setting out how French is being used in France and the extent to which it is used in international organisations. The 2009 report details the use of French in the EU institutions and in international organisations based in Africa. It also covers the use of French and Plurilingualism in the public services, the working environment and corporate language strategies, the social environment and the scientific community. It addresses illiteracy and the integration of migrants and provides a breakdown of figures for staff training in the public and private sectors.

2.8 The ETUC is going to launch an initiative to finance an assessment study and at that point will set up a task force to look into 'languages and working conditions', focusing on several aspects of language use at work:

- bringing together knowledge workers, teachers and those engaged in adult education, together with interpreters, translators and scientists, to set out their specific needs as well as those of more general interest;
- upholding the use of national languages at work and promoting proportional, non-discriminatory compliance with criteria on knowledge of foreign languages in the working environment;

(9) Law of 4.8.1994 concerning the use of the French language.

- examining in greater depth the economic advantage derived by states whose language is one of those most used trans-nationally;

- extending the rights of bodies such as European Works Councils which currently have only twenty or so hours annually for language training;

- focusing on safety aspects for workers and users in respect of the resources made available to them and the requirements imposed by employers as regards recognition of qualifications, language skills and corresponding salary levels.

2.9 The Commission (DG EAC) has published a restricted call for proposals to participants in the consultation platforms it has set up, with a view to:

- supporting projects for service provision to companies;

- identifying the training courses needed to boost language skills, extending good practices and drafting concrete proposals;

- working on initiatives to better integrate 'disadvantaged' groups such as migrants, early school leavers and senior citizens;

- disseminating learning methods and models based on new technologies; and

- generally implementing the measures adopted in its strategy and in recommendations to the Council.

2.10 It is regrettable that all the *consultative platforms' working documents* and the *call for proposals to encourage multilingualism* have been published in just one language. **Recommendation No 1 to the Commission: The Commission should set a good example, operate efficiently and show some consistency in its strategy for defending and encouraging multilingualism for as many people as possible, by respecting the fundamental rights of participants in the consultative platforms it has set up, which comprise representatives of civil society and/or the social partners - in other words by allowing them to speak, listen, write and read in their own languages or in one of the languages of the Union (10), allowing for at least three or four pivot languages, including at least one language of a Member State that joined the EU in 2004 and 2007.**

(10) Article 22 of the Charter of Fundamental Rights, in particular 'The Union shall respect cultural, religious and linguistic diversity'.

2.11 The Commission has also published the 2010 guide to the 'Lifelong Learning Programme' (7); whose seventh objective is specifically to encourage language learning and linguistic diversity. This programme combines four sectoral programmes: COMENIUS, for schools; ERASMUS, for higher education; LEONARDO DA VINCI, for vocational training; and GRUNDTVIG for adult education, with a number of cross-cutting elements where the second 'key activity' involves languages. In addition to EU Member States, the programme is open to the EEA, Turkey, overseas countries and territories, the Republic of Croatia and FYROM as part of the activities in the preparatory measures phase, and to third country partners either under the ENP or which are a specific priority in the development of a strategic dialogue policy in education and training or multilingualism. The Committee attaches great importance to a European integrated reference framework that ensures the quality of lifelong learning and it would encourage civil society organisations to consult the first part of the guide which has been issued on this. It awaits the second part with interest to see the share allocated to multilingualism, both proportionally and in absolute terms. **Recommendation No 2:** The Committee would point out yet again to the Commission that, **despite clear improvements over previous programmes, a comprehensive approach would make it easier to understand the steps to take for accessing programmes and procedures**, which are still complicated and do little to encourage the involvement of bodies less adept at dealing with red tape, whose experience and innovative input, regardless of their size and administrative capability, could be of interest to those parties targeted here. Some public teaching establishments have also expressed criticism at procedural and organisational shortcomings which mean they are poorly adapted to the inadequate administrative resources they have to manage with and the paucity of the amounts allocated by programmes which could help with training young interpreters (mobility, immersion) or those who train them.

2.12 The annual report by the European Court of Auditors (8) for the 2008 financial year shows EUR 1060 million allocated from European funds for education and culture, including multilingualism, with centralised (European agency) and decentralised (national agencies) management, together with the various direct and secondary controls carried out because of the large number of direct beneficiary operators, without, however giving details of the share earmarked for multilingualism. It is therefore difficult, if not impossible, to ascertain the respective European and national shares or the funding granted overall for the various facets of the European multilingualism strategy. As a result, the strategy can be assessed neither beforehand nor afterwards, **and this is a shortcoming that the Commission could already be thinking of rectifying. Recommendation No 3: Draw up a clear picture of the situation showing the funds set aside**

(7) http://ec.europa.eu/education/lifelong-learning-programme/doc78_en.htm - 'Lifelong learning programme'.

(8) OJ C 269 of 10.11.2009.

solely for promoting multilingualism, budgeted for and already paid out, at both European and national levels.

3. Policy and multilingualism at the EESC

3.1 Within their joint services, the EESC and CoR have their own translation service (with 4 to 6 % outsourcing to date) and use the Commission's interinstitutional services for interpreting (SCIC), which meets 49 to 52 % of its demand by using non-staff free-lance interpreters to cope with seasonal variations and to meet the demand from each institution.

3.2 The EESC and the CoR have each signed a Service Level Agreement (SLA) that sets out the conditions for the provision of interpreters by the SCIC, the criteria for invoicing these services and the responsibilities of both parties. The pay and working conditions of free-lance interpreters are governed by an Interinstitutional Agreement negotiated between the European Institutions concerned and the International Association of Conference Interpreters (AIIC).

3.3 To cover the language requirements arising from the addition of 11 new official languages (462 possible combinations), the joint services set up a *system of pivot languages* (9) following the 2004 and 2007 enlargements. Furthermore, a *Code of Conduct for Translation* was adopted by the secretaries-general of the two Committees on 25 May 2010 to make it easier to establish priorities and deadlines, bearing in mind the specific nature of the documents produced by the respective assemblies and administrations.

3.4 A draft information brochure for members and rapporteurs has been prepared by the language service, which intends to step up cooperation on language issues between itself and the Committees' members. This brochure highlights the fact that there is a personalised language service which provides assistance to rapporteurs for drafting the original version of documents, particularly when these documents are not drafted in the rapporteur's mother tongue. This service, together with the possibility of having documents edited before being sent for translation, makes it possible to improve document quality and thus make it easier for translators to do their work properly and also to shorten deadlines.

(9) 2009-106 of 23.11.2009.

3.5 This improved cooperation, aimed at providing a better service and better conditions for rapporteurs, members and translators should, in the medium term, **bring together members or their representatives in a contact group and build on existing contacts between the translation service, administrative services and the secretaries-general in order to carry out the necessary comprehensive, transparent and more long-term assessment of the language policy which is particular to the Committees, comprising both qualitative and quantitative elements (Recommendation No 4).**

4. Specific comments

4.1 Consultation with AIIC and the European civil servants' trade union, Union Syndicale, has shown that, apart from defending the interests of staff and free-lance professionals relating to problems with staffing levels and working hours, along with material conditions (working space and booths), these organisations play a part in regulating the profession. By virtue of agreements concluded with the European institutions, free-lance interpreters and translators have the same rights and rates of pay as officials carrying out the same duties, with the difference that free-lance staff only enjoy this equality for the days they work and for the duration of each mission, which – in practice – does give rise to de facto differences. Nevertheless, the agreements also set out quality standards for services provided, and interpreters who members of AIIC tend to negotiate for the whole team when the interpreters employed by the institutions for a specific mission are AIIC members. Up to now, in their capacity as leading opinion-shapers, the European institutions have played a positive role that complements that of AIIC as regards the profession's social welfare and professional standards.

4.2 Given the wide range of demand, it would appear that some practices have evolved where certain clients are less strict about accreditation and quality criteria, even going as far as accepting the provision of 'all-in-one' booths and interpreting services, where suppliers hire out equipment (booths and sound equipment), as well as the interpreters' services, all of which is billed on the same invoice. This means that:

- staff are being hired out and commissions levied illegally (these companies are not registered as recruitment agencies and are not allowed to take commission on salaries either under European law or under international agreements);
- there is no monitoring of the quality of services claiming to be of 'European' standard, which misleadingly implies using the services of interpreters whose qualifications are recognised by the institutions.

4.3 With regard to the Institutions, AIIC had drawn the attention of the Directorate-General for Interpretation to the fact that some calls for tender issued by Commission DGs for conference services - sometimes including interpreting services - did not always comply with the terms of the Agreement. After

consulting the Legal Service, DG Interpretation informed the other Commission Directorates-General of this approach.

4.4 Interpreting as a profession is not regulated. In this connection, AIIC has pointed out that, bearing in mind the considerable diversity of demand (companies, social services sector ...), it might prove necessary to **look into promoting the profession by drafting clear criteria for using the title of interpreter (university degree, professional criteria, experience, ...)** to prevent any negative impact on the whole of the interpreting profession and to protect users or clients against improper practices (such as expensive invoices for services which do not meet promised quality levels). **The Commission could launch Europe-wide consultation of the social partners to this effect (Recommendation No 5).** Furthermore, all the institution's staff and free-lance linguists consulted – interpreters and translators – agree that there is a need to promote a positive, attractive image of both professions to be able to satisfy future needs for replacing staff in the medium and long term.

4.5 The European Parliament (EP) has its own services in both areas as well as a code of conduct⁽¹⁰⁾. It also uses professional free-lancers to cover 40 % of its needs and will have spent EUR 22 million on translation in 2010.

4.6 As part of studies on the language arrangements for the institutions, the European Court of Auditors has produced two special reports⁽¹¹⁾ on the EP, Commission and Council's spending on interpreting (RS 5/2005) and translation (RS 9/2006).

5. Language arrangements and cultural diversity in the wake of the Lisbon treaty

5.1 Apart from the number of languages and the language framework established for sending draft legislative acts to the national parliaments (Protocol No. 1, Article 4), the Lisbon Treaty has not substantially altered the language arrangements for the EU, but it does confirm the goal of respecting European cultural and linguistic diversity⁽¹²⁾.

5.2 The rules governing the language used in the institutions of the Union, without prejudice to the provisions contained in the Statute of the Court of Justice of the European Union (CJEU), are determined by the Council, acting unanimously by means of regulations (Article 342 TFEU, ex Article 290 of the TEC). The rules governing the language used in the CJEU are also determined by the Council, acting unanimously (Protocol No. 3, Article 64). Article 3 of the TEU (ex Article 2) stipulates *inter alia* that the Union 'shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.'

⁽¹⁰⁾ EP 413.599/BUR of 18.11.2008.

⁽¹¹⁾ OJ C 291, 23.11.2005 and OJ C 284, 21.11.2006.

⁽¹²⁾ See also: EP 431.591.0. Study on structural and cohesion policies after the Lisbon Treaty of 15.2.2010.

5.3 Article 55 of the TEU (ex Article 53 of the TEC) sets down the languages in which the treaty is drafted and translated. Declaration 16, which supplements Article 55(2) of the TEC, stipulates that *The Conference considers that the possibility of producing translations of the Treaties in the languages mentioned in Article 55(2) ⁽¹³⁾ contributes to fulfilling the objective of respecting the Union's rich cultural and linguistic diversity as set forth in the fourth subparagraph of Article 3(3). In this context, the Conference confirms the attachment of the Union to the cultural diversity of Europe and the special attention it will continue to pay to these and other languages*'.

5.4 In the section on non-discrimination and citizenship of the Union (second part of the TFEU), the citizens of the Union have the right to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language (Article 20 of the TFEU, ex Article 17 of the TEC).

5.5 In Title XII on Education, Vocational training, Youth and Sport, it is stated *The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity ...*' (Article 165 of the TFEU, ex Article 149 of the TEC).

5.6 On common commercial policy: Article 207(4) of the TFEU (ex Article 133 of the TEC) stipulates that *'... For the negotiation and conclusion of agreements the Council shall act by a qualified majority: (a) in the field of trade in cultural and audiovisual services, where these agreements risk prejudicing the Union's cultural and linguistic diversity; ...'*

5.7 The Charter of Fundamental Rights includes language in the list of grounds for discrimination and also prohibits *'any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation'* (Article 21) and makes clear in Article 22 that *'the Union shall respect cultural, religious and linguistic diversity.'*

5.8 In this connection, the EESC also has a duty to give content precedence over form and, before making any change to its website, to ensure that every page and document is already translated into all the languages of the EU. The money spent on presentational changes could be shared with the language services whose role, more than any other service, is one of communication (Recommendation No 6).

Brussels, 15 September 2010.

The President
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⁽¹³⁾ That is to say "any other languages as determined by Member States among those which, in accordance with their constitutional order, enjoy official status in all or part of their territory ...".