

## Opinion on Plain Language

(95/C 256/03)

The Economic and Social Committee decided on 29 March 1995 in accordance with Article 23(3) of its Rules of Procedure, to draw up an Opinion on Plain Language.

The Section for Social, Family, Educational and Cultural Affairs, which was responsible for the preparatory work, adopted its Opinion on 15 June 1995. The Rapporteur was Mrs Guillaume.

At its 327th Plenary Session (meeting of 5 July 1995) the Economic and Social Committee adopted the following Opinion unanimously.

### 1. Introduction

1.1. The debate over the Maastricht Treaty showed that the people of Europe no longer unreservedly accept the EU.

1.1.1. Effective communication is essential if Europe is to match people's aspirations. This includes avoidance of jargon. Although DG X has overall responsibility, the College of Commissioners is responsible for the definition of political priorities in information and communication policy; a steering committee of senior representatives from all DG's ensures an integrated approach to information strategy.

1.2. Reorganization is needed. The Commission's position needs to be expressed clearly and quickly. Plain language is essential to a more open Community.

### 2. Comments

2.1. *Would it be better to use plain language in official documents?*

2.1.1. People would understand official documents more easily. Translation would be easier, quicker and cheaper. Above all, hostility to European ideals and principles would be reduced because the people of Europe would feel more at ease with European institutions, rules and the people in charge of European matters. European documents would become an influence towards harmony and cohesion in Europe. In this context, differentiation can be made between 'legal' and 'political' texts. The former may be complex not nonetheless require precise definition; the latter have a message that must be clear to every citizen. The Maastricht 'Treaty on European Union' failed on both counts. It is vital that any future revision to the Treaty be comprehensible legally and politically.

2.2. *Is it possible for official documents to be written in plain language?*

2.2.1. It is. But it is difficult for officials and others to shed the habit of using jargon, legal language and insensitive terminology (e.g. the misuse of the word 'migrants'). A long tradition of using official language, together with a powerful urge to conform and follow precedent, has created an instinct to use long words and long sentences. It is not necessary to do so. Examples of how official documents could be written in plain language are annexed to this Opinion.

2.3. *Is it official policy to use plain language as much as possible?*

2.3.1. It is. Jacques Delors, then President of the Commission, spoke to the European Parliament on 10 June 1992 and said: '... we must be inventors of simplicity which must lead to a collective examination of conscience, firstly within the Commission, for whom the pen must be lighter and the texts plainer....; the quest for compromise at Council level results in texts which are too complicated, even incomprehensible'.

2.3.2. The Declaration of the Birmingham Summit of 16 October 1992 said: 'We want Community legislation to become simpler and clearer'.

2.3.3. On 8 June 1993 the Council passed a resolution on the quality of drafting of Community legislation, with 'the general objective of making Community legislation more accessible'. However, the Council did not succeed in drafting that resolution in plain language. Appendix A to this report is the text of the Council resolution of 8 June 1993 as it was passed. Appendix B is the text of the resolution redrafted using plain language.

2.4. The Committee can provide many examples of how plain language might be used in EU texts. The

following example is a Council definition of 'financial institution':

2.4.1. 'Financial institution' means an undertaking other than a credit institution whose principal activity is to carry out one or more of the operations included in numbers 2 to 12 and number 14 of the list annexed to Directive 89/646/EEC, or an insurance company duly authorized in accordance with Directive 79/267/EEC, as last amended by Directive 90/619/EEC, in so far as it carries out activities covered by that Directive; this definition includes branches located in the Community of financial institutions whose head offices are outside the Community <sup>(1)</sup>.

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<sup>(1)</sup> OJ No L 166/79 — 91/308/EEC — 28. 6. 1991.

Done at Brussels, 5 July 1995.

## Translation

2.4.2. If not 'armed' with the other three Directives referred to, the ordinary citizen is completely unable to understand the above definition.

## 3. Conclusion

3.1. The Commission should take positive steps to do what the 1993 Council resolution has said ought to be done. The Committee has shown that it is official policy to use plain language. It has shown that it is possible to use plain language in official documents and in legislation. All that is now required is that it should actually happen. The people of Europe are yearning for clear and simple language in European documents. Let us give it to them.

*The Chairman*  
*of the Economic and Social Committee*  
Carlos FERRER

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## APPENDIX A

to the opinion of the Economic and Social Committee

## COUNCIL

## COUNCIL RESOLUTION

of 8 June 1993

on the quality of drafting of Community legislation

(93/C 166/01)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaties establishing the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community,

Having regard to the conclusions of the Presidency of the European Council meeting in Edinburgh on 11 and 12 December 1992 to the effect that practical steps should be taken to make Community legislation clearer and simpler,

Whereas guidelines should be adopted containing criteria against which the quality of drafting of Community legislation would have to be checked,

Whereas although such guidelines would be neither binding nor exhaustive they would aim to make Community legislation as clear, simple, concise and understandable as possible,

Whereas these guidelines are intended to serve as a reference for all bodies involved in the process of drawing up acts for the Council, not only in the Council itself but also in the Permanent Representatives Committee and particularly in the working parties; whereas the Council Legal Service is asked to use these guidelines to formulate drafting suggestions for the attention of the Council and its subsidiary bodies,

HAS ADOPTED THIS RESOLUTION:

The general objective of making Community legislation more accessible should be pursued, not only by making systematic use of consolidation but also by implementing the following guidelines as criteria against which Council texts should be checked as they are drafted:

1. the wording of the act should be clear, simple, concise and unambiguous; unnecessary abbreviations, 'Community jargon' and excessively long sentences should be avoided;
2. imprecise references to other texts should be avoided as should too many cross-references which make the text difficult to understand;
3. the various provisions of the acts should be consistent with each other; the same term should be used throughout to express a given concept;
4. the rights and obligations of those to whom the act is to apply should be clearly defined;
5. the act should be laid out according to the standard structure (chapters, sections, articles, paragraphs);
6. the preamble should justify the enacting provisions in simple terms;
7. provisions without legislative character should be avoided (wishes, political statements);
8. inconsistency with existing legislation should be avoided as should pointless repetition of existing provisions. Any amendment, extension or repeal of an act should be clearly set out;
9. an act amending an earlier act should not contain autonomous substantive provisions but only provisions to be directly incorporated into the act to be amended;
10. the date of entry into force of the act and any transitional provisions which might be necessary should be clearly stated.

## APPENDIX B

to the opinion of the Economic and Social Committee

'Translation' into plain language

THE COUNCIL OF THE EUROPEAN COMMUNITIES

COUNCIL RESOLUTION

of 8 June 1993

on the quality of drafting of Community legislation

(93/C 166/01)

## THE COUNCIL RESOLVES:

1. that Community law be drafted so that, as far as possible, it can be understood by everyone;
2. that Community law should be restated systematically and often, so that all the law on one subject be brought together;
3. that the Drafting Guidelines set out below should be used for drafting Community texts; and
4. that Community texts should always be checked to see that they follow the guidelines.

## DRAFTING GUIDELINES:

1. the wording should be clear and simple. Jargon should not be used. Words, sentences and paragraphs should be short;
  2. references should be precise. Cross-references should only be used where necessary;
  3. laws should be consistent: the same term should be used to express the same idea, both within a new law and in keeping with existing laws;
  - 4.
  5. a standard way of laying out texts should be used;
  - 6.
  7. laws should be used only for making law. Wishes and political statements should be left out, but objectives may be included;
  - 8.
  9. where possible, amendment of an existing law should be done by providing a complete new text, not by providing a text which has to be read side by side with an old one;
  10. the date when a new law comes into force should be clearly stated in it.
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