

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0153/2004

17 March 2004

REPORT

on amendments to Parliament's Rules of Procedure relating to precautionary measures for the application of the general arrangements on multilingualism (2003/2227(REG))

Committee on Constitutional Affairs

Rapporteur: Gianfranco Dell'Alba

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PROCEDURAL PAGE

By letter of 6 November 2003 the President of Parliament referred the question of possible amendments to the Rules of Procedure relating to precautionary measures for the application of the general arrangements on multilingualism (provided for mainly in Rules 117 and 139 of the Rules of Procedure) to the Committee on Constitutional Affairs, pursuant to Rule 180(1) of Regulation (2003/2227(REG)).

At its meeting of 6 November 2003 the committee had decided to draw up a report and appointed Gianfranco Dell'Alba rapporteur.

It considered a working document at its meeting of 19 January 2004.

It considered the draft report at its meetings of 16 February and 16 March 2004.

At the latter meeting it adopted the proposal for a decision unopposed, with 1 abstention.

The following were present for the vote: Giorgio Napolitano (chairman), Jo Leinen (vice-chairman), Gianfranco Dell'Alba (rapporteur), Enrique Barón Crespo, Jean-Pierre Bebear (for Cees Bremmer pursuant to Rule 153(2)), Georges Berthu, Jens-Peter Bonde, Giorgio Calò, Richard Corbett, Jean-Maurice Dehousse, Giorgos Dimitrakopoulos, Andrew Nicholas Duff, José María Gil-Robles Gil-Delgado, Anne-Karin Glase (for Luigi Ciriaco De Mita pursuant to Rule 153(2)), Sylvia-Yvonne Kaufmann, Sir Neil McCormick (for Monica Frassoni), Hans-Peter Martin, Iñigo Méndez de Vigo, Ana Miranda de Lage (for Carlos Carnero González), Camilo Nogueira Román (for Gérard Onesta), Reinhard Rack (for Teresa Almeida Garrett), José Ignacio Salafranca Sánchez-Neyra (for Daniel J. Hannan pursuant to Rule 153(2)), Konrad K. Schwaiger (for Lord Inglewood), Helle Thorning-Schmidt (for Olivier Duhamel), Françoise Veyrinas (for Jean-Louis Boursanges) and Johannes Voggenhuber.

The report was tabled on 17 March 2004.

PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on amendments to Parliament's Rules of Procedure relating to precautionary measures for the application of the general arrangements on multilingualism (2003/2227(REG))

The European Parliament,

- having regard to the letter from its President dated 6 November 2003,
 - having regard to Rules 180 and 181 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A5-0153/2004),
- A. whereas it is the only institution in the world to work simultaneously in such a large number of languages with all of them on an equal footing,
- B. whereas it is necessary, given the challenge represented by the virtual doubling of the number of official languages on 1 May 2004 as a result of the enlargement of the European Union on that date, to introduce precautionary measures on a transitional basis,
- C. whereas these measures must enable it to provide a service of equivalent quality to all its Members and to rationalise its operations by using its existing human and budgetary resources to the best advantage,
- D. whereas the debate on the best way of preserving Europe's diversity and rich cultural and linguistic heritage must continue,
1. Decides to amend its Rules of Procedure as shown below;
 2. Decides that the amendments will enter into force on 1 May 2004, when 10 new Member States will accede to the European Union;
 3. Instructs its President to forward this decision to the Council and Commission, for information.

Present text

Amendments

Amendment 1
Rule 22(8), subparagraphs 1 a and b (new)

When such meetings are authorised, the language arrangements shall be determined on the basis of the official languages used and requested by the full and substitute members of the committee concerned.

The same shall apply in the case of the delegations, except where agreed otherwise with the full and substitute members concerned.

Justification

A relaxation of the multilingualism obligation established by the Treaties is acceptable only by explicit or implicit agreement with the Members concerned.

Amendment 2
Rule 117(3)

3. Interpretation shall be provided in committee meetings from and into the official languages used and requested by the members and substitutes of that committee.

3. Interpretation shall be provided in committee ***and delegation*** meetings from and into the official languages used and requested by the members and substitutes of that committee ***or delegation***.

3a. At committee and delegation meetings away from the usual places of work interpretation shall be provided from and into the languages of those members who have confirmed that they will attend the meeting. By way of exception, these arrangements may be made more flexible by agreement with the members of the committee or delegation.

Justification

It is sufficient to make the same arrangements possible for the delegations as for the committees and to introduce, by way of exception, the possibility of greater flexibility at meetings away from the places of work.

Amendment 3
Rule 117 a (new)

Rule 117 a

Transitional arrangement

1. Exceptionally, in applying Rule 117, account shall be taken, with regard to the official languages of the countries which will accede to the European Union on 1 May 2004, as of that date and until

31 December 2006, of the availability in real terms and sufficient numbers of the requisite interpreters and translators.

2. The Secretary-General shall submit a detailed quarterly report to the Bureau on the progress made towards full application of Rule 117, and shall send a copy of it to all Members.

3. On a reasoned recommendation from the Bureau, Parliament may decide at any time to repeal this Rule early or, at the end of the period indicated in paragraph 1, to extend it.

Justification

The proposed transitional arrangement is not initially intended to apply beyond the middle of the next parliamentary term.

The situation will be constantly monitored by the Secretary-General, who will report on it every three months to the Bureau and all Members, as already established by the code of conduct on multilingualism.

The wording of the transitional arrangement implies that it will cease to apply in the case of a given language as soon as the requisite human resources in terms of interpreters and translators are actually available. Furthermore, early repeal even before 31 December 2006 is possible at any time. On the other hand, an extension of the arrangement after 31 December 2006 can be adopted at that time on the basis of a detailed evaluation, which will also take account of the imminent accession of new Member States (Bulgaria, Romania, Turkey (?), etc.).

Amendment 4

Rule 139(6), subparagraph 1 a (new)

Rule 117 a shall apply mutatis mutandis to this paragraph.

Justification

The addition of a reference to Rule 117 a seeks to extend the application of the transitional arrangement contained therein to the provisions governing amendments.

Amendment 5
Rule 165(4)

4. Rules 12, 13, 14, 17, 18, **117**, 118, 119, 121(1), 123, 125, 127, 128, 130, 131(1), 132, 133, 135, 136, 138, 139, 140, 141, 142, 143, 146 and 147 shall apply mutatis mutandis to committee meetings.

4. Rules 12, 13, 14, 17, 18, 118, 119, 121(1), 123, 125, 127, 128, 130, 131(1), 132, 133, 135, 136, 138, 139, 140, 141, 142, 143, 146 and 147 shall apply mutatis mutandis to committee meetings.

Justification

The reference to Rule 117 is no longer justified in that it already applies specifically to the committees.

EXPLANATORY STATEMENT

1. The issue

Parliament's Bureau has asked the Committee on Constitutional Affairs to examine the possibility of interpreting the provisions set out in the abovementioned Rules – or, if this is not possible, to propose appropriate amendments to the Rules – with a view to introducing precautionary measures for their application.

The need for such measures stems from the fact that it is impossible in practice for any of the European institutions to implement unrestrictedly the general principle of full multilingualism set out in Regulation No 1/1958, an instrument of secondary legislation which has been adapted in line with each new wave of accessions. The accession treaty currently in the process of ratification has not provided for any exception to this system.

Article 1 of Regulation No 1 lists as 'the official languages and the working languages' all the official languages recognised as such at national level in all of the current fifteen Member States of the Union, with the notable exceptions of Irish (Gaelic) and Luxembourgish.

Article 290 of the EC Treaty, which forms the legal basis for this regulation, provides that 'the rules governing the languages of the institutions of the Community shall [...] be determined by the Council, acting unanimously'. Article III-339 of the draft treaty establishing a Constitution for Europe uses a similar wording.

Article 6 of Regulation No 1 states, however, that 'the institutions of the Community may stipulate in their rules of procedure which of the languages are to be used in specific cases'.

Rule 117 of the European Parliament's Rules of Procedure in their present form refers only to the official languages (i.e. to all of them) with regard both to written material and to speeches by Members, thus adopting the principle of full multilingualism.

Rule 139 deals with the question of amendments, stipulating that they can only be voted on if they are available in all the official languages, UNLESS Parliament decides otherwise; such a decision can, however, be opposed by a minimum of 32 Members.

2. Preliminary questions and possible options

(a) temporary or permanent arrangements?

Should the amendments to be made to the Rules of Procedure be envisaged only on a predefined temporary basis or should a permanent framework capable of absorbing any subsequent changes in the situation (further enlargements or any changes in the status of languages in the existing Member States) be laid down (which would, however, be reviewed at the end of each legislature, or perhaps even at the mid-term point)?

- (b) distinction between the plenary assembly and other Parliament bodies (including the political groups)

It must be stressed that the Rules of Procedure already include specific rules governing some parliamentary bodies, starting with the plenary itself.

Would it therefore be acceptable to envisage different language rules for Parliament sitting in plenary and for other Parliament bodies – as is already the case in other EU institutions?

- (c) distinction between the three usual places of work and other places

Should this distinction, which is already applied via the Code of Conduct on Multilingualism adopted by the Bureau, be formalised in the Rules of Procedure?

- (d) generally applicable rules or a free choice for each body?

Is it possible to go even further along the path outlined in 2(b) and to leave each body except the plenary the freedom to decide on its own language arrangements, subject to complying with the general criteria and in accordance with rules to be defined?

- (e) different arrangements for written and spoken material?

Should the same rules apply to these two modes of expression, a question which must be considered in combination with the answers to the questions asked above? This would be on the understanding that Parliament's Secretariat would provide assistance to Members not in a position to draft a text in a language known to them.

3. Suggested approach

On the basis of the answers to these questions as they have emerged from the discussion in committee and the many meetings with Parliament's relevant services and the working parties dealing with issues surrounding the enlargement, the rapporteur suggests making the amendments to the current Rules of Procedure on the language arrangements set out in the proposal for a decision which he is submitting to the Committee on Constitutional Affairs.

- (a) These amendments seek to take account of the impact of future enlargements or any other change in the language situation in the Member States, while ensuring that the human resources available are used in the most efficient way, and by establishing transitional arrangements.
- (b) While it is clear that the principle of full multilingualism must be retained in the case of the plenary assembly, whose debates and adopted texts express Parliament's official position in its capacity as the European Union institution directly representing all

European citizens. However, a more differentiated and pragmatic approach should be possible in the case of all Parliament's other bodies, of whatever kind.

The principle applying to the plenary will only take effect gradually, however, given the shortage of conference interpreters still prevailing in the case of some of the future official languages (Maltese and Latvian in particular). As far as the other bodies are concerned, all of which, by definition, carry out preparatory work, the emphasis must be laid on meeting the real needs of their members.

- (c) Under the relevant protocol annexed to the EC treaties, Parliament's regular work is carried out in three places (Strasbourg, Brussels and Luxembourg). These must therefore be treated equally in applying the Rules of Procedure. On the other hand, the needs of any meeting taking place elsewhere must be analysed on a case-by-case basis, given the additional, and sometimes disproportionate, costs they can entail and the need to add non-Community languages on some occasions in the context of the Union's external relations.

This approach is already adopted in practice, but formalising it, in combination with the other suggested options, could give greater flexibility in interparliamentary relations in- and outside the Union.

- (d) On the basis of equal treatment for all Members, bearing in mind the resources actually available, each EP body should, when it is set up, applying the code of conduct on multilingualism adopted by the Bureau, establish its own language profile in the light of its composition, with account being taken of full and substitute members only.

It should also be possible to introduce a more rigorous system for confirming well enough in advance who will actually be present at meetings, so that language resources which could be used elsewhere are not deployed needlessly.

- (e) In the case of bodies other than the plenary assembly, a hierarchy of written material could be envisaged, with no systematic translation of documents that were preliminary in nature (e.g. working documents), served a scheduling purpose (e.g. agendas, timetables), pertained to the registry (e.g. minutes) or were otherwise administrative in nature.

Thought could also be given to the treatment of amendments, or in any case of committee amendments. The question of their admissibility and of limiting their number, particularly in plenary, lies outside the scope of this report, although it should certainly be considered on another occasion.

Whatever approach is adopted, Parliament's Secretariat, particularly the new Tabling Office, should be enabled to give all possible assistance to Members for whom no text can be produced directly in a language they understand.

4. The future

In the context of this discussion of the issue of multilingualism, and on the basis of an underlying desire to preserve the cultural and linguistic diversity of the European Union, the rapporteur would like, in conclusion, to raise once again the idea of promoting a neutral pivot language such as Esperanto. A language such as this could encourage cross-cultural communication, while offering an alternative to the ever-growing preponderance of certain of the current languages, without, however, endangering the linguistic heritage which is one of Europe's most precious assets.

**ANNEX: LETTER FROM THE PRESIDENT OF PARLIAMENT TO THE
CHAIRMAN OF THE COMMITTEE ON CONSTITUTIONAL AFFAIRS**

(Letter of 6/11/2003 - Ref. D/312816)

Mr Giorgio NAPOLITANO
Chairman of the Committee
on Constitutional Affairs

EUROPEAN PARLIAMENT

Dear Mr Napolitano,

At its meeting of 20 October 2003 the Bureau held an exchange of views on the issues raised in Mr PODESTÀ's third report on preparing Parliament for the enlargement and, in particular, the rules governing multilingualism.

In the light of the Bureau decision, and pursuant to Rules 180(2) and 181 of the Rules of Procedure, I should be grateful if the Committee on Constitutional Affairs could consider the need for precautionary measures concerning the application of the general arrangements on multilingualism laid down by Parliament's Rules of Procedure (in particular in Rules 117 and 139), or even for a revision of those arrangements. At the Bureau meeting it was suggested that, should your committee see a need to revise the Rules of Procedure, the process should be carried out in time for the new Rules to enter into force on 1 May 2004 at the latest.

Yours sincerely,

Pat COX