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REPORT

on amendment of Rule 139 of Parliament's Rules of Procedure, Transitional
Rules on Languages
(2006/2244(REG))

Committee on Constitutional Affairs

Rapporteur: Ingo Friedrich

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PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on amendment of Rule 139 of Parliament's Rules of Procedure, Transitional Rules on Languages (2006/2244(REG))

The European Parliament,

- having regard to the letter from its President of 20 July 2006,
 - having regard to Rules 201 and 202 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A6-0391/2006),
- A. whereas on 1 April 2004 Parliament incorporated into its Rules of Procedure a provision which, in applying Parliament's rules on languages to the nine new languages added in May 2004, allows, until 31 December 2006, 'exceptionally, ... account to be taken ... of the availability in real terms and sufficient numbers of the requisite interpreters and translators',
- B. whereas, however, the progress made in these languages does not allow this provisional arrangement to be discontinued without replacement at the end of this year, and whereas, on the contrary, the possibility of extending it should be used,
- C. whereas the same difficulties will be experienced for a certain period in the case of Bulgarian and Romanian, the languages to be added on 1 January 2007, and whereas the Irish language, which is also to become an official language on the same date, poses particular practical problems,
- D. whereas the present transitional arrangements should be reworded and extended until the end of the current parliamentary term in order to take account of this state of affairs,
- E. whereas the achievement of full multilingualism, as defined in Rule 138 of Parliament's Rules of Procedure, remains the ultimate goal,
1. Decides to amend its Rules of Procedure as shown below;
 2. Decides that this amendment will enter into force on 1 January 2007;
 3. Instructs its President to forward this decision to the Council and Commission, for information.

Amendment 1
Rule 139

1. Exceptionally, in applying Rule 138, account shall be taken, with regard to the official languages of the Member States which acceded 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 each quarter submit a detailed report to the Bureau on the progress made towards full application of Rule 138, and shall send a copy thereof 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.

1. During a transitional period extending until the end of the sixth parliamentary term, derogations from the provisions of Rule 138 shall be permissible if and to the extent that, despite adequate precautions, interpreters or translators for an official language are not available in sufficient numbers.

2. The Bureau, on a proposal from the Secretary-General, shall ascertain with respect to each of the official languages concerned whether the conditions set out in paragraph 1 are fulfilled, and shall review its decision at six-monthly intervals on the basis of a progress report from the Secretary-General. The Bureau shall adopt the necessary implementing rules.

2a. The temporary special arrangements adopted by the Council on the basis of the Treaties concerning the drafting of legal acts, with the exception of regulations adopted jointly by the European Parliament and the Council, shall apply.

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 new wording is intended to clarify how the transitional arrangements are to be handled by the Bureau in order gradually to achieve the application of Parliament's language arrangements to all the official languages. It is language-neutral, that is to say, it makes no distinction between 'old' and 'new' languages.

Paragraph 1 limits the applicability of the transitional arrangements to the current parliamentary term. As in the current version of the Rule, the transitional arrangements can be repealed or extended before the end of this period by a decision of Parliament.

Paragraph 1 makes it clear that insufficient numbers of interpreters and translators do not alone justify a derogation from the normal arrangements laid down in Rule 138, but that this can only be contemplated where, despite 'adequate precautions' having been taken in the form of recruitment and training of staff, it cannot be avoided.

Paragraph 2 requires the administration and the Bureau to examine individually, in the case of every language concerned, whether and to what extent a derogation must be made from the full multilingualism arrangements, and to review this situation every six months. The administration is not given a 'blank cheque'. The Bureau's power to adopt implementing rules, which it has already made use of in the past, is now expressly mentioned.

These provisions would cater for the eventuality of extreme difficulty in recruiting interpreters, which should only in fact be experienced in the case of Irish and Maltese, by allowing Members the right to have interpretation of their language of choice available in plenary only if they have made their intention known sufficiently far in advance of the sittings.

Paragraph 2a makes it clear that Parliament will make use in the transitional period of the special arrangements set out in on Council Regulation (EC) No 930/2004 on temporary derogation measures relating to the drafting in Maltese of the acts of the institutions of the European Union and Council Regulation (EC) No 920/2005, which makes similar arrangements for the Irish language.

EXPLANATORY STATEMENT

1. The proposed changes to the Rules of Procedure

According to the administration, even after the expiry of the transitional period relative to the nine new official languages added in 2004 that runs until 31.12.2006, it will not be possible to apply the principle of full multilingualism set out in Rule 138 of the Rules of Procedure to its full extent. There is therefore a need for the Rule 139 transitional period, which applies only to these 'new languages', to be extended.

The same problem arises in relation to Bulgarian and Romanian, which will be added on 1.1.2007. So these languages must also be included in a new transitional arrangement.

Finally, on 1.1.2007 Irish will become, with restrictions, an official and working languages of the Community institutions, and hence of Parliament.

2. The current situation

In his most recent progress report to the Bureau, dated 10 May 2006,¹ the Secretary-General gives, in summary, the following picture in terms of the three areas of translation, verification of texts by lawyer-linguists, and interpretation:

2.1 Translation

Full multilingualism has almost been achieved:

At the beginning of the year a very high proportion of translated texts² was available in the new official languages, with the exception of Maltese. All texts voted on in plenary, as well as certain other documents of general importance, are available in Maltese.

90% of all translations are now available in time for the meetings for which they are requested.

About a third of translations are still done externally and do not always meet the quality requirements.

Additional staff will not be ready for recruitment until the second half of 2007.³ It will still not be possible to cover Maltese fully.

¹ Under Rule 139(2) of the Rules of Procedure, the Secretary-General must each quarter submit a detailed report to the Bureau on the progress made towards full multilingualism in the nine new official languages. A copy of the report must be sent to all Members.

² Draft and final reports, draft and final opinions, amendments in committee and plenary, motions for resolutions for plenary, committee and plenary agendas and minutes, and certain internal Bureau and administrative texts.

³ Parliament currently has 252 translators for the new languages.

2.2 Verification by lawyer-linguists

All texts adopted under codecision are verified before being signed by the President. Bulgarian and Romanian lawyer-linguists have already been recruited and are currently undergoing training.

2.3 Interpretation

There are continuing difficulties with recruitment of interpreters for Polish, Hungarian and Czech, and ‘serious difficulties’ in the case of Latvian, Lithuanian, Slovakian and Slovene. The chances of improvement via recruitment of additional staff are dependent on how attractive the contracts offered by Parliament seem to candidates as compared with salaries offered on the free market.¹

Coverage of Maltese continues to be ‘extremely problematic and the same is true of Irish.

3. The legal framework

3.1 Rules at Community level for all institutions

It is important to note that the founding Treaties, that is to say, the ‘primary legislation’, do not themselves regulate the use of languages in the Community institutions.²

Article 290 of the EC Treaty states that: ‘The rules governing the languages of the institutions of the Community shall, without prejudice to the provisions contained in the Rules of Procedure of the Court of Justice, be determined by the Council, acting unanimously’.³ The Council, which needs no proposal from the Commission for this purpose, acted hereupon with its Regulation No 1 of 15 April 1958, laying down the four official languages of the then six Member States as the ‘official and working languages’ of the Community institutions. At the same time it stipulated that all regulations and other documents of general application were to be drafted in the four official languages and that the Official Journal was to be published in all the official languages. However, the Council did not give any further ruling on the use of the languages in the institutions in practical terms, but instead authorised the institutions to lay down the way in which they would apply the language regime in their respective Rules of Procedure.⁴ This regulation has been applied on the occasion of every enlargement, and continues to be valid today. With the exception of Irish, the respective official languages of every acceding State have become official and working languages of the Community institutions. Irish will gain this same status, at Ireland’s request, on 1.1.2007.⁵ Bulgarian and Romanian will become official languages by virtue of the accession of these two countries on the same date.

¹ Parliament offers contracts with a starting grade of AD5.

² Under Article 7 of the EC Treaty, these are Parliament, the Council, the Commission, the Court of Justice and the Court of Auditors.

³ This arrangement also applies to the ‘second pillar’ - the common foreign and security policy - and the ‘third pillar’ - police and judicial cooperation in criminal matters: Articles 28(1) and 41(1) of the Treaty on European Union.

⁴ Articles 4 and 6 of Regulation No 1, OJ 17 of 6.10.1958, p. 385.

⁵ Council Regulation (EC) No 920/2005 of 13 June 2005, OJ L 156, 18.6.2005, p. 3.

In the case of Irish, by way of derogation from Regulation 1/58, the institutions are released from the obligation to draft all legal acts in Irish and to publish them in the Official Journal in that language. Again, however, this does not apply to regulations adopted jointly by the European Parliament and the Council. These exceptional arrangements can be ended by the Council acting unanimously every five years; otherwise they continue to apply.¹

The same special arrangement applies until 30 April 2007 in the case of Maltese.² It can be extended for one further year by the Council. Thereafter, all legal acts not yet published in the Maltese language will also be published in that language.

Both of the special arrangements apply to States with more than one official language: in the case of Malta, Maltese and English are official languages with equal status, in the case of Ireland, Irish is, as the national language, the first official language, English the second. Regulation 1/58 provides in the case of such States that the language to be used shall, at the request of the State, be governed by the general rules of its law.³

One may say, to sum up, that the use of languages by the Community institutions is regulated only in broad terms by the Treaties and the derived law based upon them. The Treaties are equally binding, it is true, in the official languages of each of the Member States, but the institutions are entitled to make specific arrangements for their internal use in their Rules of Procedure, in so far as this is dictated by practical considerations and is consistent with their operation and with the general principles of the Community.

In so doing, Parliament must pay particular attention to its democratic function of representing the citizens of the States united in the Community and to the principle of the free mandate of its Members.

3.2 Arrangements at the level of the European Parliament

This being the case, Parliament bases itself in Rule 138 of its Rules of Procedure on the principle of full multilingualism, which means that all Parliament's documents are to be drafted in the official languages, and all its Members are entitled to use the official language of their choice in Parliament and to be translated into the other languages.⁴ In the case of committee and delegation meetings, limitation to the languages actually being used is provided for; this also applies to committees of inquiry.⁵

It became clear before the most recent enlargement to include ten new Member States on 1 May 2004, which raised the number of official languages from the previous 12 to 21, that it would be impossible to adhere to the principle of full multilingualism, at least during a transitional period. Hence the introduction of a transitional arrangement to run until the end of this year, which allows that 'exceptionally, ...account shall be taken ... of the availability in

¹ Articles 2 and 3 of Regulation 920/2005.

² Council Regulation (EC) No 930/2004 of 1 May 2004, OJ L 169, 1.5.2004, p. 1.

³ Article 8 of Regulation 1/58.

⁴ This right is now explicitly enshrined in Article 7 of the Statute for Members adopted by Parliament on 23.6.2005.

⁵ Rule 138(3) and (4) and Rule 176(7) of the Rules of Procedure.

real terms and sufficient numbers of the requisite interpreters and translators'.¹

The Bureau has made use of this option and adopted a comprehensive new code of conduct for the Secretariat, which is based on the principle of 'controlled multilingualism' and is intended to allow better use of translation and interpretation capacity while continuing to develop it.²

The imminent accession of Bulgaria and Romania, as well as the change in the status of Irish to that of an official and working language, necessitate an adjustment or review of the current transitional arrangement in the Rules of Procedure.

Your rapporteur is in favour of a complete rewording, and refers you to the relevant justification for a fuller explanation.

¹ Rule 139 of the Rules of Procedure, adopted on 1.4.2004 on the basis of the Dell'Alba report (A5-153/2004) of the Committee on Constitutional Affairs; this provision applies accordingly to voting on amendments under Rule 150.

² Code of Conduct on Multilingualism of 19 April 2004, revised by the Bureau decision of 6 September 2006.

PROCEDURE

Title	Amendment of Rule 139 of Parliament's Rules of Procedure, Transitional Rules on Languages		
Procedure number	2006/2244(REG)		
Proposal(s) for amendment considered			
Committee responsible Date announced in plenary	AFCO 13.11.2006		
Date of decision to draw up a report	4.10.2006		
Date authorisation announced in plenary	13.11.2006		
Committee(s) asked for opinion(s) Date announced in plenary			
Not delivering opinion(s) Date of decision			
Rapporteur(s) Date appointed	Ingo Friedrich 4.10.2006		
Discussed in committee	4.10.2006	24.10.2006	13.11.2006
Date adopted	13.11.2006		
Result of final vote	+: 22 -: 0: 1		
Members present for the final vote	Carlos Carnero González, Richard Corbett, Brian Crowley, Panayiotis Demetriou, Andrew Duff, Maria da Assunção Esteves, Ingo Friedrich, Bronisław Geremek, Sylvia-Yvonne Kaufmann, Jo Leinen, Íñigo Méndez de Vigo, Marie-Line Reynaud, Alexander Stubb, Johannes Voggenhuber		
Substitutes present for the final vote	Pervenche Berès, Jean-Louis Bourlanges, Elmar Brok, Klaus Hänsch, Ashley Mote, Gérard Onesta, Georgios Papastamkos, György Schöpflin, Jacques Toubon		
Substitutes present under Rule 178(2) for the final vote			
Date tabled	15.11.2006		