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THE EU AND ITS LANGUAGE SCHEME: BEFORE AND AFTER ENLARGEMENT

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Note: full references to legal texts, case law, and so on, are gathered together at the end of the paper

I. INTRODUCTION

While ‘language’ was not at all a purpose for the foundation of the (then) European Economic Community (EEC; now ‘European Community’ or EC), it is a basic truth that the EC simply could not work without language, or more precisely language rules.

This paper will first set out a basic overview of the language arrangements that enable the functioning and administration of the European Union (EU) or, more properly perhaps, its institutions. A number of problems will then be outlined, however – some of these difficulties could be described as very practical problems, others are more in the vein of principle. Finally, some thoughts on EU language reform will be presented. Where relevant, the specific consequences of recent EU enlargement – given that the number of EU Member States increased from 15 to 25 on 1 May 2004 – will be highlighted. Some key legal provisions, and references to other official texts and judgments, are included in an Appendix attached at the end of the paper.

II. THE EU AND ITS LANGUAGE SCHEME: WHICH LANGUAGES ARE INCLUDED?

The EU (now) has twenty official languages – Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish (although translation in respect of Maltese has been temporarily suspended, see Regulation 930/2004, OJ 2004 L169/1). The implications of classification as an ‘official’ EU language will be set out in Section III below. Irish is not a fully fledged official language but, uniquely, it does have more limited status as a Treaty language. In essence, this means that while the EU and EC Treaties are required to be translated into Irish (and have full legal effect in consequence – see Article 314 EC), secondary legislation (or any other official EU documentation) is not; Irish may also be used in proceedings before the Court of Justice.

Finally, it should be acknowledged, of course, that this list of (in total) 21 languages does not include any other languages (*e.g.* Basque, Breton, Catalan or Welsh) spoken in the Member States (the legal status of which can, domestically, vary considerably). Thus, we have a language scheme grounded on something of a tripartite divide from the EU perspective – 20 official languages, one Treaty language and several non-official languages.

III. AN OVERVIEW OF EU LANGUAGE FUNCTIONS

Turning from languages to language rules and language functions, a very basic division can be established at the outset – sometimes, they impact only on the EC, or more properly its institutions, in an internal sense; but we also have rules of external application and/or effect. In other words, language rules affect a variety of actors in the EC context – essentially, institutions, States, companies and individuals, and many combinations of those groupings also – generating, in the process, a series of language effects and a range of language relationships.

To illustrate these concepts, a number of different language functions can be identified.

1. Official languages – legislative

Thinking about official languages in a legislative sense stems from the original Treaty of Rome and a very basic question which would have faced the original six Member States – in what language should the Treaty be drafted? And if more than one language is selected, will there be one ‘legal’ original version, any others being translations? Or, should a basic presumption of equality be adopted?

The decision taken in this context has in fact shaped the EC language rules more generally ever since. It is a decision captured in Article 314 of the EC Treaty – that there were four original versions of the Treaty of Rome, all considered to be equally – legally – authentic. And from the present text of the provision, we can see that, in effect, each time a new Member State has joined the Union, at least one of its official languages have been specified, thus joining the EC official language family.

Irish, as noted, has ended up in a slightly different position. And through its inclusion in Article 314, it has acquired some ‘accidental’ status also, of which more below.

More generally, Article 290 EC gives competence to the Council of the European Union to develop more detailed rules for the institutions. This was realised through Regulation 1/58, and throughout that measure, we see this notion of ‘linguistic equality’ governing most EC language functions. Of course, that means linguistic equality only, then, in respect of languages in the EC system. We will also see that this principle has been eroded both practically and legally.

But for now, in terms of legislative functions beyond Treaty texts, all secondary EC legislation (directives, regulations, and so on), and thus also the EU *Official Journal*, must be published in 20 languages; and all language versions of these texts have equal legal effect. Decisions of the EU courts are also published in 20 languages (but here, only the judgment in the ‘language of the case’ is legally authoritative).

Given the direct impact that EC legislation and Court decisions can have not just on the Member States but also on both natural and legal persons, the external value of publishing these materials in at least one language which will be readily understood in all of the Member States is considerable, bound up with the fundamental principle of legal certainty – of being able to discern how and why your legal rights and obligations are affected by an EC regulation, for example, or by a judgment of the Court of Justice.

Alongside the more general political value of a linguistic equality principle, legislative multilingualism thus seems critical in the EC project, and it is the different effects of EC law which justify its more intense language regime compared to thinner linguistic schemes in international organisations more generally.

2. Official languages – administrative

Here, we see much more of a breakdown between the internal and external implications of language rules.

It is simply a fact that in their day-to-day communications, the EC institutions do not work through twenty languages – increasingly, internal work is executed through English, French and, to a lesser extent, German. In general, the institutions do provide for translation and interpretation as needed, but the reality is that people who work within the EC environment must be able to communicate with one another effectively but also pragmatically. In the Court, for example, there has to be just one internal working language, since judicial deliberations are utterly confidential – up to 25 judges (and various smaller combinations because of the Court’s chamber system) must sit in a room, and be able to communicate with and understand each other.

However, the administrative actions of the institutions, like legislative actions, can impact on both states and individuals also. So what happens in these circumstances? Again, the basic rules here are set down in Regulation 1/58, and the basic principle is that choice of language rests with the state or individual rather than with the institution. When a Member State initiates communication with an institution, they have choice of any of the eleven languages. This applies also to natural and legal persons resident in the Member States. And the institution must respond in that language. Similarly, the

applicant in court proceedings chooses the language of the case (unless the defendant is a State or individual – then choice rests with them). When an EC institution initiates the communication, then they must select the official language of the Member State in question.

Even for states and companies, we see a clear ethos of language rights and language choice here. And for individuals, we actually have confirmation that this is a ‘right’ – Article 21 EC links this to EU citizenship and provides that ‘[e]very citizen of the Union may write to any of the institutions or bodies referred to in this Article or in Article 7 in one of the languages mentioned in Article 314 and have an answer in the same language.’

Because this provision refers to Article 314 rather than to official languages, we see why Irish has been almost accidentally elevated in status. And it is an ‘intermediate’ status only now being tapped into by other states – a point returned to below.

There are some problems, however, beyond this very specific commitment to language rights:

1. First, not all EC bodies are included – the institutions and advisory bodies are; but the numerous other EC offices and bodies are not. In the series of *Kik* cases referred to at the end of the paper, the EC body which deals with patent and trade-mark applications, for example, was found not to be bound by the language rules, its working through just five language was found to be acceptable and non-discriminatory – notwithstanding the direct, external, administrative impact on patent agents; moreover, the Court found that the practice of linguistic equality was not a constitutional principle of EC law, and so the door is left open to further language restrictions in the future.
2. Second, only EU citizens benefit from Article 21 EC; third country nationals resident in the Member States can benefit from the more general rules in Regulation 1/58, but given the decisions in *Kik*, it cannot be taken for granted that this notion of linguistic equality will prevail indefinitely, and the strain of working with 20 official languages might well provoke a rethink of EC language rules more generally.
3. Third, of course, the right covers the official EC languages only, a point addressed further below.

In general, then – we see that the language rules with internal application are, in everyday practice, much restricted; but perhaps this is practical. Administrative functions with external application are generally governed on the basis of language choice, elevated to a language right for EU citizens. But even here, as outlined above, there are problems.

3. Official languages – movement

When people or goods cross borders within the EC, then they are likely to cross language borders also. Turning first to the free movement of goods, products were originally not required to be labelled in the official language or languages of a Member State but, instead, in a ‘language easily understood’. The logic behind this strives to facilitate less restrictive movement of goods throughout the EU Member States, while including also a basic level of consumer protection; but there is no real consideration of language diversity or language choice. The Member States have succeeded in passing legislation which leaves the choice of language for the labelling of food products with the Member State in which the products are being sold. This may seem like a step towards linguistic pluralism but two points should be noted – first, there is no guarantee that this legislation would survive review by the Court (a strong advocate in the past of the ‘easily understood’ formula) and, second, once again, only official EC languages are included.

For ‘people’ movement – workers, service providers, persons moving to another Member State to establish themselves, tourists, and so on – the basic rule can be stated as follows: whether a Member State, professional body or private employer within a Member State, all are free to impose linguistic requirements which can be related to the nature of the job actually being carried out, but these requirements must be imposed in a non-discriminatory fashion, and they must be proportionate. So in *Angonese*, for example, the Court confirmed that while requiring competence in Italian and German was a legitimate practice in Bolzano, language qualifications acquired in a Member State other than the state of employment had to be taken into account.

The Court has given quite a wide discretion to states here – in the *Groener* case, for example, a Dutch national was required to pass an Irish language competence test in order to take up a teaching position in Dublin, even though she had been carrying out the work already on a temporary contract and was never required to teach through Irish – the Court wove her influential status as a teacher together with Ireland’s constitutional language policy to find the Irish requirements compatible with Community law.

But treatment of language within ‘movement’ is essentially incidental – the primary rights of movement and non-discrimination may indirectly generate respect for language choices; but recognition of language rights is not a Community policy aim in itself.

4. Official languages – promotion

This general heading covers a wide range of activities supported by the Community which impact both directly and indirectly on language issues. The culture and education provisions of the EC Treaty, Articles 151 and 149 EC respectively, do not really generate a strong basis for Community action in these fields, but both explicitly require respect for cultural, and in the case of education, linguistic

diversity. The Community funds a number of language education programmes; moreover, with the Council of Europe, it was jointly responsible for the 2001 'European Year of Languages' initiative. And the Culture 2000 programme includes funding possibilities for publishing and translation. It is not intended here to go into any detail – but merely to highlight that the EC institutions both coordinate and contribute financially (and otherwise) to a number of cultural initiatives which impact on language, thus promoting the reality of linguistic diversity. The vast majority of these projects include or cover the official EC languages only, but this is changing (slowly) somewhat in recent times.

5. Non-official languages – Administrative? Legislative?

Turning, then, to non-official languages, we see quite a different picture. I noted these functions as questions, because it is doubtful if any real action of any real value can come under this heading. As noted already, and Irish apart, the non-official languages are not included in the Treaty, or in Regulation 1/58. Thus there are no legally binding measures in non-official languages, no publication of European court decisions; no general system in respect of using non-official languages for communicating with the institutions – apart from very narrow exceptions in respect of presenting evidence in the Court when unable to understand or express yourself in one of the official EC languages, and a possibility also of using a non-official language in the European Parliament provided advance notice is given. But there is certainly no right for individuals to write to any of the institutions in a non-official language. In terms of the formal EC language rules, the non-official languages are virtually invisible.

6. Non-official languages – movement

As noted above, the rules on the free movement of goods relate to the official languages only.

Things have been a bit more hopeful in the context of the free movement of persons. Protection of, in the Court's words, an 'ethno-cultural minority' has been accepted as a legitimate aim for a Member State to pursue (see the statements to this effect in *Bickel and Franz*, in particular); but the Court's primary concern is not the substance of the language rules *per se* – rather, the Court seeks to ensure only that whatever language rights a State recognises in respect of its own nationals should also be available for the advantage of nationals of other Member States. This was long established in the field of workers (see *Mutsch*), but in the more recent *Bickel and Franz* case, minority language rights available for residents of Bolzano were extended also to Austrian and German nationals who were present only temporarily in Italy – the Court used the Community-protected freedom to receive services and the status of EU citizenship to extend coverage here.

Again, however, we can probably describe any language rights here as indirect or secondary, the promotion of movement and non-discrimination remaining the core or primary concern of the Court.

7. Non-official languages – promotion

This is again an area of mixed success for EC involvement with non-official languages. At a most basic level, non-official languages are not included in the vast majority of EC language promotion projects, which hardly seems promising.

On the other hand, however, the series of European Parliament resolutions listed at the end of the paper, for example, called consistently on both the Member States and the EC institutions to respect cultural and linguistic diversity. But the Parliament recognised the very different responsibilities of states and the EC here – Member States, for example, were urged to respect, recognise, implement and enforce language rights regimes for speakers of regional and minority languages; while the institutions were called upon to assist, to coordinate, to encourage and to support these objectives from their external position.

Resolutions are not legally binding; but nonetheless, some concrete results can be traced directly to the work of the Parliament – the European Bureau for Lesser Used Languages (EBLUL) was founded in 1981; an Intergroup for Minority Languages – still active – was established in 1983; and a budget line with funding dedicated to minority language projects was established in 1982. It was not, however, authorised by a legislative act – the EC Treaty provision on culture was inserted by the Treaty of Maastricht in 1993, and so there was no suitable legal basis available. The security of this arrangement was never taken for granted; the budget line was reduced for the first time in 1997, for example. But the most serious threat to its continued existence was brought about by the decision in *United Kingdom and others v Commission*, where the Court held that every ‘significant’ EC expenditure must be grounded in the prior adoption of a legislative act. As a direct consequence of that decision, minority language funding was no longer provided via a dedicated budget line and continues to be provided on an *ad hoc* basis only.

It is ironic that, now, we have a legal basis in the Treaty for provision of a minority language budget line, but we have a political rather than legal hurdle – all decisions taken under Article 151 EC must be taken unanimously. And thus far, at least, it has not been possible to secure the political support of the all Member States. It should be noted, however, that the draft Constitution would remove the requirement of unanimity here. A changing mood within the Commission appears also to be emerging, thinking in particular of the 2004-2006 Action Plan (*Promoting Language Learning and Linguistic Diversity: An Action Plan 2004-2006*, COM (2003) 449 final), which does include non-official EC languages.

IV. SOME PROBLEMS (PRACTICAL and OTHERWISE)

Having outlined a framework of EU language functions, some more thematic questions – or, in reality, problems – will now be addressed. Because lack of will or interest is not really an accusation that best explains many of the concerns already introduced.

1. Policy Foundations

Do we have a basic, guiding principle which can underpin the development and execution of EU language action, a fundamental or foundational principle against which any proposals and decisions could be tested and measured? It might be presumed, looking again to Article 314 EC, that the equality of (at least the official) EU languages can be pointed to here (which of course leaves all other EU languages out in the cold, but that is still another question).

Any presumption of this kind was, however, called into question, and quite probably dispelled, by the decisions in *Kik* – the only ‘constitutional’ EU language principle appears to be that contained in Article 21 EC which itself is of limited practical import and is limited also to a very narrow reading of ‘citizens’, appearing to exclude legal persons, or natural persons acting a capacity as ‘economic operators’ (in contrast, as already noted, to Regulation 1/58).

A foundational principle on EU language policy is not just of theoretical or abstract importance; because if the foundations are weak, how can anything of durability and substance possibly develop?

2. Size and Scale

In the context of the institutions and EU administration, the sheer size and complexity of the EU language scheme simply has to be considered – the number of language combinations, the demands for interpretation and translation, the cost, trying to balance efficiency with translation delays, and so on.

One of the problems with the overall (in)coherence of EU language policy is the lack of balance often seen when such ‘practical’ issues are raised – either one/two languages only are proposed in the interests of efficiency, or practical complexity and difficulties are virtually dismissed in the interests of promoting diversity. But practical concerns *do* have their place in the discussion on EU language policy; the challenge is to find the right place. And this is all the more critical since EU – and thus EU language scheme – enlargement.

3. Varied Interests (and Interest Groups)

Even if, for example, the preservation and promotion of linguistic diversity might be considered as an aim or objective for EU language policy, several questions immediately follow –

- Which languages? Official in the EU sense? Or official in the Member State understanding? Or wider still, to include languages without official status in the Member States?
- Quite apart from concerns about legal basis – of which more below – how much should the focus be on preservation? How much on promotion? What is the extent of EU duties? Is it primarily to develop a framework for language learning? Or should the EU play a role in developing and implementing a framework of language rights?

The preservation and promotion of linguistic diversity, even if settled as an ambition in itself, would also come into conflict with other aims and objectives that could reasonably be attributed to EU language action – most notably, securing efficient administration in the EU institutions without disproportionate financial costs.

Different interest groups will necessarily fight for and promote their own specific corner of EU language policy – which is of course to be expected. But this generates, in turn, an absence of awareness of the ‘bigger EU language picture’ – which would seek to develop EU language policy more holistically, taking different interests and the needs of different interest groups more coherently into account. Even looking to the Member States, there are very different views on how EU language policy should develop – we might assume a willingness in favour of language equality, but the silence of the majority of Member States in *Kik* tells quite a different story

4. Misunderstanding the EU (and its Competences)

Article 5 EC makes it very clear that the Community can only act when the Treaty gives it the power so to do. So a very ambitious language policy wish-list will remain just that, unless its objectives can fit within one or more Treaty provisions.

Essentially, just two broad areas are covered by the Treaty in a direct sense (as opposed to an indirect sense *e.g.* language rules as element of the free movement of workers, as already discussed): institutional language rule prescription, and cultural policy.

We have already seen that institutional language rule-setting is beset with difficulties. And in respect of cultural policy, it has to be pointed out that, in general, EC capacity here is actually very narrow. Any possibilities for action are very much confined by the strict criteria set down in Article 151 EC – a complementary role only envisaged, which suggests that the Community is essentially a coordinator

and a source of funds. All of this is compounded by legal basis problems (unless, as noted above, the provision is amended by the draft Constitution).

V. CONCLUDING REMARKS

At the time of the Linguapax Congress, four key language stories were dominating the EU language agenda:

1. Shortcomings in respect of fundamental rights standards of in Turkey, with a key language rights dimension.
2. Delayed adoption of key banking legislation because of the time needed for translation.
3. A campaign in Ireland to have Irish recognised as a ‘full’ official EU language.
4. Spain’s proposal for recognition at EU level of the official languages in Spain other than Spanish, that is Basque, Catalan and Galician. The aim was to give these languages a similar status to Irish (in effect – that that the Constitutional treaty would be translated into Catalan, Galician and Basque, and that citizens would have the right to address the institutions, and receive information from them, in these languages); a new provision in the draft Constitution paves the way for at least partial, though admittedly limited, success here (see below, the text of Article IV-448(2)).

These stories demonstrate the varied language concerns, priorities and associated language groups already mentioned. What was also striking, however, was how late in the EU constitutional negotiations that most of them emerged. And so we see, yet again, the absence of a more systematic consideration and awareness of language issues as an EU priority.

It is difficult to prescribe ‘definitive’ suggestions for EU language policy development and execution, because our starting point – what we currently have – is problematic on so many levels, from, as argued above, its constitutional foundations, right across the spectrum of its varied functional outputs – legislative, administrative, movement and promotion. There is not much coherence, but neither is there a complete understanding of the EU and its (in this context, quite limited) capacities.

And so this paper concludes not so much with a ‘recipe’ for success, but with a call to action. Language planning in the EU context – planning in respect of both internal and external language functions – is a huge enterprise. And it needs to be treated as such. The EU should take this very seriously and, ideally, convene a focused working group systematically to assess the range of EU language activity and make

proposals for a more comprehensive and encompassing EU language policy. The range of concerns identified here should be taken into account – economics as well as emotion; rights as well as efficiency; internal needs and external effects. And perhaps we might end up with a policy more broad-ranging, more balanced, and hence more effective, than what any one language actor could develop individually. This is not just what the languages of Europe deserve; it is that to which their speakers are utterly entitled.

APPENDIX: LEGAL PROVISIONS AND REFERENCES

A. LANGUAGE AND THE EC TREATY

Article 5

The Community shall act within the limits of the powers conferred upon it by this Treaty and of the objectives assigned to it therein.

Article 12

Within the scope of application of this Treaty, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited.
The Council ... may adopt rules designed to prohibit such discrimination.

Article 13

1. Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.
...

Article 21

...
Every citizen of the Union may write to any of the institutions or bodies referred to in this Article or in Article 7 in one of the languages mentioned in Article 314 and have an answer in the same language.

Article 149

1. The Community 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.

2. Community action shall be aimed at:

- developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States ...

Article 151

1. The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.

2. Action by the Community shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas:

- improvement of the knowledge and dissemination of the culture and history of the European peoples;
- conservation and safeguarding of cultural heritage of European significance;
- non-commercial cultural exchanges;
- artistic and literary creation, including in the audiovisual sector.

3. The Community and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture, in particular the Council of Europe.

4. The Community shall take cultural aspects into account in its action under other provisions of this Treaty, in particular in order to respect and to promote the diversity of its cultures.

5. In order to contribute to the achievement of the objectives referred to in this Article, the Council:

- acting in accordance with the procedure referred to in Article 251 and after consulting the Committee of the Regions, shall adopt incentive measures, excluding any harmonisation of the laws and regulations of the Member States. The Council shall act unanimously throughout the procedure referred to in Article 251;
- acting unanimously on a proposal from the Commission, shall adopt recommendations.

Article 290

The rules governing the languages of the institutions of the Community shall, without prejudice to the provisions contained in the Statute of the Court of Justice, be determined by the Council, acting unanimously.

Article 314

This Treaty, drawn up in a single original in the Dutch, French, German, and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which shall transmit a certified copy to each of the Governments of the other signatory States.

Pursuant to the Accession Treaties, the Czech, Danish, English, Estonian, Finnish, Greek, Hungarian, Irish, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish versions of this Treaty shall also be authentic.

B. COMPONENTS OF AN EU LANGUAGE POLICY

EC Secondary Legislation

- Regulation 1/58, OJ 1952-1958 Eng. Sp. Ed. 59.
- Regulation 1612/68 (OJ 1968 Sp. Ed. L257/2, p. 475) (see Article 3(1) on language competence requirements)
- Directive 2000/13, OJ 2000 L109/29 (consolidating in a single text the much-amended and now redundant Directive 79/112, OJ 1979 L33/1; on product labelling).
- Decision No 508/2000/EC of the European Parliament and Council, establishing the Culture 2000 programme, OJ 2000 L063/1

European Parliament Resolutions

- Arfé Resolution (1981) on a Community Charter of Regional Languages and Cultures and on a Charter of Rights of Ethnic Minorities, OJ 1984 C287/106
- Arfé Resolution (2) (1983) on Measures in favour of Minority Languages and Cultures, OJ 1983 C68/103

- Kuijpers Resolution (1987) on the Languages and Cultures of Regional and Ethnic Minorities in the European Community, Doc. A 2-150/87
- Killilea Resolution (1994) on Linguistic and Cultural Minorities in the European Community, OJ 1994 C061/110
- Resolution (2001) on Regional and Lesser Used Languages, OJ 2002 C177 E/334

Commission Communications and Proposals

- *Community Action in the Cultural Sector*, EC Bulletin Supp. 6/77
- *Stronger Community Action in the Cultural Sector*, EC Bulletin Supp. 6/82
- *A Fresh Boost for Culture in the European Community*, EC Bulletin Supp. 4/87
- *New Prospects for Community Cultural Action*, COM (92) [1992]
- *Euromosaic: The Production and Reproduction of the Minority Language Groups in the European Union*, (Luxembourg: Office for Official Publications of the European Communities, 1996)
- *Proposal for a Decision of the European Parliament and of the Council amending ... the Culture 2000 Programme*, COM (2003) 187 final; COM (2004) 79 final
- *Proposal for a European Parliament and Council Decision establishing a Community action programme to promote bodies active at European Level in the field of Culture*, COM (2003) 275 final; COM (2004) 3 final
- *Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions – Promoting Language Learning and Linguistic Diversity: An Action Plan 2004-2006*, COM (2003) 449 final

Community Court's Case Law

- Case C-281/98 *Angonese v. Cassa di Risparmio di Bolzano* [2000] ECR I-4139
- Case C-274/96 *Criminal Proceedings against Bickel and Franz* [1998] ECR I-7637
- Case C-33/97 *Colim v. Bigg's* [1999] ECR I-3975
- Case C-379/87 *Groener v. Minister for Education and the Dublin Vocational Education Committee* [1989] ECR 3967
- Case C-424/97 *Haim v. Kassenzahnärztliche Vereinigung Nordrhein* [2000] ECR I-5123
- Case C-361/01P *Estate of Christina Kik deceased v. OHIM*, judgment of 9 September 2003, not yet reported
- Case 137/84 *Ministère Public v. Mutsch* [1985] ECR 2681
- Case C-106/96 *United Kingdom and others v. Commission* [1998] ECR I-2729
- Case T-107/94 *Kik v. Council and Commission* [1995] ECR II-1717; Case C-270/95, [1996] ECR I-1987; Case T-120/99 *Kik v. Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2001] ECR II-2235; Case C-361/01P *Estate of Christina Kik deceased v OHIM* [2003] ECR I-8283.

C. PROVISIONS OF THE DRAFT CONSTITUTIONAL TREATY

Note: references are to the text signed on 29 October 2004, available via <http://europa.eu.int>

Article I-2

The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and the principle of equality between women and men prevail.

Article I-3

...
3 ...

The Union shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.

Article I-47

...

2. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.

...

4. No less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the Commission to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing this Constitution.

...

Article III-118

In defining and implementing the policies and activities referred to in this Part, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Article III-128

The languages in which every citizen of the Union has the right to address the institutions or bodies ... and to have an answer, are those listed in Article IV-448(1). ...

Article III-181

[essentially – as Article 151 EC *without*, however, the requirement of unanimity]

Article III-433

The Council of Ministers shall adopt unanimously a European regulation laying down the rules governing the languages of the Union's institutions, without prejudice to the Statute of the Court of Justice of the European Union.

Article IV-448

1. The Treaty establishing the Constitution, drawn up in a single original in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish, and Swedish languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of

2. This Treaty may also be translated into 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. A certified copy of such translations shall be provided by the Member States concerned to be deposited in the archives of the Council.