



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 24 November 2004

15205/04

**CAB 67
POLGEN 47**

COVER NOTE

From : The Permanent Representative of Ireland, Mrs Anne Anderson
Date : 23 November 2004
To : Deputy Secretary General, Mr. Pierre de Boissieu
Subject : Status of the Irish language in the European Union

Delegations will find attached a copy of a letter from the Permanent Representative of Ireland, Mrs Anne Anderson to the Deputy Secretary-General.

23 November, 2004

Mr. Pierre de Boissieu
Deputy Secretary General
Council Secretariat

I enclose a draft Regulation on the status of the Irish language in the European Union, which I look forward to formally presenting at our COREPER meeting tomorrow. With Thom's permission, I would also hope to have an opportunity towards the conclusion of our COREPER lunch to introduce the text in a more informal way.

As you are probably aware, the Irish language is our first official national language. Irish has a unique position in the Union in that it has "Treaty" status (it is included as one of the languages in which the Treaty texts are authentic; other rights flow from that status – for example, citizens of the Union have the right to correspond with any of the Institutions in any of the Treaty languages) but it is not included in Regulation No. 1/1958 as an official and working language of the Institutions.

The Government have now decided to seek the agreement of our EU partners to end this anomaly and to have the Irish language accorded official and working status within the Union. That is the basic purpose of the draft Regulation we are circulating. I shall explain tomorrow the background to the Government's decision, including the very significant steps being taken domestically – particularly through the Official Languages Act 2003 - to enhance the use of Irish throughout the public service.

I should also emphasise that my authorities are conscious of the challenges currently facing the translation services of the Union and we would wish to be sensitive to this in framing our request. Therefore, for practical reasons and on a transitional basis, the draft Regulation accepts that the Institutions are not to be bound to translate all acts into the Irish language at this time. You will see from the text the scope of the transitional derogation that is envisaged and I hope you will agree that our approach is indeed reasonable and realistic.

I look forward to having your support in progressing this matter.

Yours sincerely

Anne Anderson
Permanent Representative

COUNCIL REGULATION (EC, Euratom)

of

on the status of the Irish language in the acts of the institutions of the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 290 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 190 thereof,

Having regard to the Treaty on European Union, and in particular Articles 28 (1) and 41 thereof,

Having regard to Council Regulation No 12 of 15 April 1958 determining the languages to be used by the European Economic Community¹ and to Council Regulation No 1 of 1 April 1958 determining the languages to be used by the European Atomic Energy Community², which two Regulations are hereinafter referred to as 'Regulation No 1',

Having regard to the Council Rules of Procedure, and in particular Article 14(1) thereof,

Having regard to the request of 24 November, 2004 by the Irish Government,

Whereas:

- (1) The Irish language is the first official language of Ireland pursuant to Article 8 of the Constitution of Ireland.
- (2) The Irish language has been accorded a status in the EU and EC Treaties.
- (3) Article 8 of Regulation No 1 allows the Council, acting upon the request of the Member State concerned, to decide on the use of languages as regards Member States which have more than one language.
- (4) The Irish Government has requested that the Irish language be accorded the same status as that accorded to the national official languages of the other EU Member States.
- (5) It is appropriate to respond positively to the Irish Government request and to amend Regulation No. 1 accordingly.

¹ OJ 17, 6.10.1958, p 385/58. Regulation as last amended by Council Regulation (EC) No 930/2004, OJ L 169, 1.5.2004, p 1.

² OJ 17, 6.10.1958, p 401/58. Regulation as last amended by Council Regulation (EC) No 930/2004, OJ L 169, 1.5.2004, p 1.

- (6) It is however appropriate to decide that, for practical reasons and on a transitional basis, the institutions of the Union are not to be bound by the obligation concerning the drafting and translation of all acts, including judgements of the Court of Justice, in the Irish language; it is also appropriate to provide that such a derogation be partial and therefore to exclude from its scope regulations adopted jointly by the European Parliament and the Council; as well as to empower the Council to decide at five year intervals whether to put an end to that derogation.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation No. 1 is amended as follows:

- (a) Article 1 is replaced by the following

“The official languages and the working languages of the institutions of the European Union shall be Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish, and Swedish.”

- (b) Article 4 is replaced by the following

“Regulations and other documents of general application shall be drafted in the twenty-one official languages.”

- (c) Article 5 is replaced by the following:

“The Official Journal of the European Union shall be published in the twenty-one official languages.”

Article 2

By way of derogation from Regulation No. 1 and for a period of five years beginning on the day of entry into force of this Regulation, the institutions of the European Union shall not be bound by the obligation to draft all acts in Irish and to publish them in that language in the Official Journal of the European Union.

This article shall not apply to Regulations adopted jointly by the European Parliament and the Council.

Article 3

Not later than four years after its adoption, the Council shall review the operation of Article 2 of this Regulation and determine whether to put an end to that derogation.

The operation of Article 2 shall be reviewed as necessary at five year intervals thereafter.

Article 4

This Regulation shall enter into force on the day of its publication.