

LINGUISTIC DIVERSITY, MINORITY LANGUAGES AND MINORITIES IN THE NEW EU CONSTITUTIONAL TREATY

The article brings an analysis of all the aspects of the EU Constitutional Treaty regarding languages and minorities. The analysis is divided into four parts. The first part concerns constitutional languages of the EU, the rights of the EU citizens and obligations on the part of European institutions as to the use of these languages. The second part brings provisions on the prohibition of discrimination together with an analysis of the EU's competencies in the field of prevention and elimination of discrimination. The third part deals with the topic of cultural and linguistic diversity as a principle, which first appeared in the EU Charter on the basic rights; this principle is supposed to be one of the aims of the EU according to the Constitutional Treaty. The fourth part, finally, deals with the aspects which are specifically related to minorities and minority languages, and represent absolute novelty, regarding the previous European treaties. In each of the four parts the author points at the possible positive and negative effects.

Keywords: EU, Constitutional treaty, minority languages, linguistic diversity

JEZIKOVNA RAZNOLIKOST, MANJŠINSKI JEZIKI IN MANJŠINE V NOVI USTAVNI POGODBI EVROPSKE UNIJE
Prispevek vsebuje analizo vseh aspektov Ustavne pogodbe Evropske unije, ki zadevajo jezike oziroma manjšine. Avtor je analizo razdelil na štiri vsebinske dele. Prvi del zadeva ustavne jezike Evropske unije, pravice državljanov EU in obveznosti vseh evropskih institucij glede njihove rabe. Drugi del vsebuje določila o prepovedi diskriminacije in analizo, katere pristojnosti ima Evropska unija na področju preprečevanja oziroma odpravljanja diskriminacije. Tretji del obravnava temo kulturne in jezikovne različnosti kot načela, ki se je prvič pojavilo v Listini EU o temeljnih pravicah in ki ga ustavna pogodba vključuje med cilje Evropske unije. Četrти del pa obravnava aspekte, ki so specifično vezani na manjšine in na manjšinske jezike in ki predstavljajo, glede na vse dosedanje evropske pogodbe, absolutno novost. Pri vsakem od štirih delov avtor nakazuje možne pozitivne in negativne učinke.

Ključne besede: EU, Ustavna pogodba, manjšinski jeziki, jezikovna raznolikost

INTRODUCTORY REMARKS

On October 29th 2004 in Rome 25 chiefs of Governments and States of the European Union signed the first European Union's Constitutional Treaty. The long document, consisting of 4 parts and several appendices contains the general statements on Constitutional principles, the EU Charter of Fundamental Rights, adopted in Nice in December 2000 and the revised texts of the European Union Treaties. The text is the result of long work of the Convention for the future of Europe, composed by Members of European Parliament, Members of Parliaments and representatives of Governments of 28 Member and Applicant States, and it has been slightly amended by the Intergovernmental conference, started in 2003 under Italian presidency, and completed in 2004 under Irish presidency.

The European Union has no tradition in problems related to minorities or minority languages. The only serious linguistic issue has since ever been related to official or working languages, while other issues have been left to the Member States.

The European Parliament several times, since 1981 (Resolution Arfè) raised the question and requested some activities to promote and protect minority languages as well, and the European Commission adopted some initiatives in this domain, but the results have been marginal in respect of the overall problem. Later on in spite of several pressures, the Intergovernmental Conference never adopted text which could be, in a way considered any European standard in this domain. The word minorities has never been mentioned in the EU Treaties.

This paper does not contain any historical overview of the development of the EU approach towards the minorities. These few remarks have been just the introduction to the topic, the European Union Constitutional Treaty. Within this important document there are several articles referring to this topic: they will be listed and commented.

The argument has been divided into four groups which will be treated separately: the Constitution languages, the Prohibition of discrimination, the Cultural and linguistic diversity and the Minorities and minority languages.

CONSTITUTION LANGUAGES

The first group of problems, this article refers to, regards languages. On difference of former EU Treaties the denomination now has been changed. The so-called official or working languages of the EU are not defined any more as Treaty Languages, but they seem to be called Constitution languages. The paragraph 1 of the Article IV-10, referred to this issue, reads as follows:

"1. The Treaty establishing the Constitution, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish, Swedish, Czech, Estonian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Slovak and Slovenian languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States."

The use of all these languages is assured to all citizens and it is included in the Article I-8 referred to the Citizenship of the Union. All citizens should have, among other:

"- the right to petition the European Parliament, to apply to the Union Ombudsman, and to write to the Institutions and advisory bodies of the Union in any of the Union's languages and to obtain a reply in the same language."

Same right appears in the part II of the constitution, which includes the EU Charter of Fundamental rights. In the Article IIII-41, referred to right of good administration, the Paragraph 4 specifically includes linguistic rights, as follows:

"4. Every person may write to the institutions of the Union in one of the official languages of the Treaties Union and must have an answer in the same language."

The legal basis, referred to the use of languages of the citizens, has been completed by the so-called implementation formula in the Article III-12:

"The languages in which every citizen of the Union has the right to address the institutions or advisory bodies under Article I-8, and to have an answer, are those listed in Article IV. The institutions and advisory bodies referred to in this Article are those listed in Articles I-18(2), I-30 and I-31 and also the European Ombudsman."

More complicated seem to be the rules of the internal organisation of the Union's Institutions. There are few references in the constitution: the first one regards the internal market, specifically *"measures for the introduction of*

European instruments to provide uniform intellectual-property rights protection throughout the Union and for the setting up of centralised Union-wide authorisation, coordination and supervision arrangements shall be established in European laws or framework laws." The Paragraph 2 of the Article III-68 reads as follows:

"A European law of the Council of Ministers shall establish language arrangements for the European instruments. The Council of Ministers shall act unanimously after consulting the European Parliament."

The last reference contains the general provision on languages, contained in the Article III-339:

"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."

POSITIVE ASPECTS

Since the establishment of the European Union the principle of equality of official languages of all Member States has been included in the Treaties. The decision to use all the languages in the EU activities has never been put seriously in doubt, and it seems that there will be no substantial changes neither in the future, when further enlargement is expected. Insofar we can affirm that there will be no linguistic standardisation in the EU institutions.

According to this principle the new Constitutional Treaty has built up a really multilingual environment. The list of Constitution Languages can be changed by unanimity only, and all other references to languages are subjected to unanimity vote.

Certainly, it appears clear that not all the EU institutions function multilingually. In the European Commission there are some working languages, in most cases English or French, and only the output has been translated in other languages. This should not be considered negative approach: it seems clear that at day-to-day working certain standards have to be adopted.

The articles referred to citizenship and to good administration assure all the EU citizens basic linguistic right to approach any of the EU institutions in the main official language of their states and to receive answer in the same language. It includes the right for minorities, speaking a language which is official in another EU Member State, to use their mother tongue in relations with the EU institutions as well, as stated by the European Court of Justice (Case C 274-96, Bickel and Franz).

Finally, it has to be stressed that the unanimity requested for any changes of such a linguistic arrangement is a guarantee that multilingual environment will be kept on long term. It does not seem possible that in the future any State would accept to skip its official language from the list, even if the language is not widely spoken.

NEGATIVE ASPECTS

The requested unanimity could be considered from the negative point of view as well. It will be very difficult indeed to add new languages to the list; with the exception of future enlargement, when the official language of new Member States will be certainly included in the list at the Art. IV-10, it is not envisageable that minority language, even if spoken by millions of EU citizens (as Catalan) would be included in the list of Constitution languages. Insofar any dynamic changes of the linguistic arrangement will be extremely difficult, not to say impossible.

It has to be stressed as well that the principle of equality of languages seems to face strong difficulties in the implementation. The EU web site, which should be a showroom of multilingual policy, has been only partially translated in all languages, and some languages are present at quite low level. Front page and main pages have been translated, but for many other issues the system automatically transfers to English version.

PROHIBITION OF DISCRIMINATION

The Constitutional text clearly includes non-discrimination among the Union's values, as it has been stated at the very beginning, in the Article I-2:

"The Union is founded on the values of respect for human dignity, liberty, democracy, 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 of pluralism, tolerance, justice, equality, solidarity and non-discrimination."

The EU Charter of Fundamental rights (in the Constitutional text Art. II-21) specifies the meaning of non-discrimination, including all the grounds on which any discrimination is prohibited:

1. *Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or*

any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

2. Within the scope of application of the Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.

It should be reminded that the Constitutional treaty includes the Council of Europe's European Convention for human rights and fundamental freedoms among the principles of Union law. Just to stress the fact, that the Art. 14 on Prohibition of discrimination includes languages and association with a national minority among the grounds.

On the other side, the implementation of these principles seems more problematic. In the articles conferring to the Commission the capability to adopt specific measures language does not appear, and neither membership of national minorities appears. The Article III-3 contains some basic statements:

"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."

The Article III-8 gives some specific competences to the European Commission:

1. *Without prejudice to the other provisions of the Constitution and within the limits of the powers conferred by it upon the Union, a European law or framework law of the Council may establish the measures needed to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Council shall act unanimously after consulting the European Parliament.*
2. European laws or framework laws may establish basic principles for Union incentive measures and define such incentive measures, to support action taken by Member States, excluding any harmonisation of their laws and regulations.

POSITIVE ASPECTS

The Constitutional treaty includes non-discrimination among the Union's values. It is a principle rather than a legal basis, but it completes the already existing article of the Charter of Fundamental rights on prohibition of discrimination. Insofar discrimination will be prohibited in the EU and non-discrimination is among the conditions of membership in the Union.

Further on it has to be underlined that in the already mentioned article of the Charter of Fundamental Rights non-discrimination on ground of Language and of Association with National minority has been included: the discrimination based on language or on association with a national minority is not allowed in the EU.

Finally, it has to be noticed that the Union shall seek accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Among others this will enable EU citizens to adhere to the European Court of Human Rights against the EU institutions as well, ad not only against the signatory states.

NEGATIVE ASPECTS

The Article III-8 of the Constitutional treaty related to the instruments to combat discrimination does not include the ground of languages; it is not a mistake or a simplification, as the European Commission in formal interpretation stated that in the Article 13 of the EC Treaty (which has been now included in the Constitutional Treaty under the number III-8) discrimination based on language is not covered by the notion of discrimination based on ethnic origin (Answer to the written question E-3479/01 given by Ms Diamantopoulou in the name of the Commission on February 1st 2002). Insofar it can be said that, even if discrimination based on Language or on Association with a National Minority in the EU is prohibited, the Commission was not given any instrument to prevent or to combat such discrimination. In addition, any harmonisation of national legislation is not allowed, which will make impossible any EU overview on the situation in the Member States.

CULTURAL AND LINGUISTIC DIVERSITY

Cultural diversity has been included in the EU Treaties since the Maastricht Treaty; there has been a clear reference to the respect of cultural diversity, including the regional level. But the implementation was quite impossible, since the unanimity of all Member States was requested. In no case any harmonisation of state legislation has been allowed.

The Constitutional Treaty developed and enhanced this principle. Linguistic diversity, which for the first time already appeared in the EU Charter of fundamental rights, has been added to the cultural diversity, both has been kept into

the Fundamental rights charter and both have been included among the Union's objectives, last paragraph of the Art. I-2:

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

The relevant article of the EU Charter of Fundamental rights has been incorporated in the Constitutional treaty under Art. II-22:

"The Union shall respect cultural, religious and linguistic diversity".

In the Article on culture (Art. III-176) two paragraphs can be referred to cultural and linguistic diversity:

"1. The Union 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.

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

It has to be added that decisions related to this Article can be taken by qualified majority, which could make easier to take any decision. Finally, cultural and linguistic diversity have been mentioned in the Art. III-177, related to education, vocational training, youth and sport. In the first paragraph the following sentence has been included:

"The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action. It shall fully respect the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity."

POSITIVE ASPECTS

In former EU treaties cultural diversity has been mentioned in the article on Culture only, while with the Constitutional Treaty the linguistic diversity becomes one of the Union's objectives Furthermore the article related to it in part II of the Treaty includes cultural and linguistic diversity among the fundamental rights. These two articles are the basis for future actions of the European union in this domain. It has to be stressed that no distinction between Constitution Languages and other languages has been made; it is basic the definition of the Educational Council that all European languages are equal in value and dignity from the cultural point of view (Resolution adopted on February 14th 2002). Up to now the

Commission has been unable to propose any specific program related to the linguistic diversity, due to the fact that unanimity of Member States was requested. The Constitutional Treaty has not maintained the unanimity and in the article on Culture stressed the respect of regional diversity. The combination of principles in the parts I and II of the Constitutional treaty and the article on Culture contains the legal base needed for adoption of specific programmes to promote linguistic diversity with no discrimination of any language, being official, regional or minority language.

NEGATIVE ASPECTS

The most negative aspect seems to be that harmonisation of national legislations is not allowed; this mean that any state could be forced to respect and promote linguistic diversity within the State itself. It is possible that the difference between States which fully respect linguistic diversity and those which do not recognise it at all could grow up and the Union will not be allowed to interfere, unless real discrimination could be proved. In the article related to education full respect of linguistic diversity of the states means no interference in internal organisation of educational system. It can be concluded that there is a danger that the statements are not strong enough to assure equal development of linguistic diversity all over Europe.

MINORITIES AND MINORITY LANGUAGES

Since the foundation of the European union the word minorities has never appeared in the treaties. Even if in some states the level of protection of minorities has been quite satisfactory, the states never accepted to give any competence on this topic to the Union. Insofar, the reference to so-called European standards of protection of minorities, very often claimed by minority communities, does not refer to the European union but rather to other European institutions, as Council of Europe and the OSCE.

Within the EU the minorities appeared first in the document establishing in 1991, after the collapse of Jugoslavia, the so-called Badinter committee, which was given the task to verify whether in newly established States the principles of democracy, among them protection of minorities, have been established. Later on the EU adopted the Copenhagen criteria on accession of Central and Eastern Europe to the Union; among these criteria respect for and protection of minorities

ties have been included. Finally, in the Laeken document on the Future of the Union, adopted in December 2001 as the basic document leading to the enlargement of the Union, respect for others' languages, cultures and traditions and respect for minorities have been included.

Inspite such clear statements the first draft text of the constitutional treaty, adopted by the Convention for the Future of Europe, have not contained any reference to minorities but the Fundamental Rights article on prohibition of discrimination.

Later on Hungary and some other states raised the question, proposing the inclusion protection of minorities in the Constitutional treaty. There was no agreement on this point and, at the Naples working meeting of the Foreign ministers the so-called Italian presidency compromise was adopted, including the reference to minorities in the already mentioned Art. I-2, referred to the Union's values:

"The Union is founded on the values of respect for human dignity, liberty, democracy, 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 of pluralism, tolerance, justice, equality and non-discrimination."

During the election campaign in Spain (elections held on March 14th 2004) the leader of the socialist party Mr. Zapatero, pressed by the socialist president of Catalonia Mr. Maragall, promised to support the role of Catalan language in the European union. Socialists won the election and Mr. Zapatero found himself in quite a delicate situation, having promised the support for making Catalan EU official languages, while the EU rules requested the unanimity on such topic and most of the Member States did not seem to support such a request.

The Irish presidency in the first half of 2004 found itself pressed by the Irish public opinion, supported by a resolution of the parliament, to grant Irish language the status of EU official language. Due to such requests, in the final summit on the Constitutional treaty under Irish presidency the States agreed on the fact, that the Constitutional Treaty could be translated in languages other than the Constitution languages and the list would be notified to the Union. A second paragraph was added to the article IV-10 on Languages:

"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."

POSITIVE ASPECTS

The fact that the word minorities appears in the Constitutional treaty is certainly the main positive aspect related to this topic. As minorities have not been considered ever before, it is an important step ahead and it opens possibilities of future development. The fact that the relevant sentence in the Article I-2 has been included on proposal of Hungarian government, referred specifically to national minorities, makes the statement even stronger. It will in any case allow the EU to check protection of minorities in applicant states before further enlargements.

The possibility to translate the Constitutional treaty in languages which are official only in part of the Member States will produce a second list of languages, which, as mentioned in the Art. IV-10 does not involve immediate rights, but certainly gives the EU the possibility to extend some future provisions to those languages.

Insofar, both the articles do not assure immediate rights but they certainly are a step forward of the European union towards specific provisions for minorities and/or minority languages.

NEGATIVE ASPECTS

Keeping into consideration the Copenhagen criteria and the Laeken declaration the reference to "protection of persons belonging to minorities" seems to be extremely poor, and, from political point of view, a step back from those two documents, unanimously included among the political basis of the Constitutional Treaty. Furthermore, the reference to minorities can be very extensive, including for example sexual or religious minorities, and the reference to persons belonging to minorities reduces the statements to individual rights, while the Laeken declaration and the Copenhagen criteria have been referred to collective rights as well. In conclusion, it can be said that the statement is extremely weak and does not involve any specific rights or provisions in favour of minorities.

Finally, the second list of languages totally depends on the States, which have to propose them to the EU. The expected result is that States, which respect linguistic diversity, will translate the Constitutional treaty into their minority languages and those language will form the so-called second list; the States which do not recognise linguistic diversity, will not propose any translation. If the second list will be the basis for any provision, such provision will be granted only to those languages which are already protected within their own State.

CONCLUSION

The scope of this paper was mainly to give an overview of the parts of the European Union's Constitutional Treaty related to linguistic issues, and to comment them while underlining the positive and the negative aspects. The ratification process will last two years and only then the implementation will start. Few more years will be certainly needed before any evaluation will be made possible.

One important final consideration can be in any case made now. In spite of many negative comments, it has to be said that the EU Constitutional Treaty represents an important step forward towards more positive and more efficient policy on Languages, minority languages and minorities. Since the Maastricht treaty, when the regional diversity has been mentioned first, Members of the European Parliament and many other politicians from different Member states have been strongly involved in raising the level of interest for these issues and the new Treaty is the result of these efforts. Certainly it is not exactly what minorities expected, but it is a step forward.

ANNEX

Articles of the draft EU Constitutional Treaty related to:

1. Languages
2. Prohibition of discrimination
3. Lingistic diversity
4. Minorities and minority languages

1. LANGUAGES

ARTICLE I-8: CITIZENSHIP OF THE UNION

1. Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to national citizenship; it shall not replace it.
2. Citizens of the Union shall enjoy the rights and be subject to the duties provided for in this Constitution. They shall have:

- the right to move and reside freely within the territory of the Member States;
- the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State;
- the right to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State;
- the right to petition the European Parliament, to apply to the Union Ombudsman, and to write to the Institutions and advisory bodies of the Union in any of the Union's languages and to obtain a reply in the same language.

3. These rights shall be exercised in accordance with the conditions and limits defined by this

Constitution and by the measures adopted to give it effect.

ARTICLE II-41: RIGHT TO GOOD ADMINISTRATION

1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, and bodies and agencies of the Union.
2. This right includes:
 - a) the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
 - b) the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;
 - c) the obligation of the administration to give reasons for its decisions.
3. Every person has the right to have the Community Union make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.
4. Every person may write to the institutions of the Union in one of the official languages of the Treaties Union and must have an answer in the same language.

ARTICLE III-12

The languages in which every citizen of the Union has the right to address the institutions or advisory bodies under Article I-8, and to have an answer, are those listed in Article IV. The institutions and advisory bodies referred to in this Article are those listed in Articles I-18(2), I-30 and I-31 and also the European Ombudsman.

ARTICLE III-68

In establishing an internal market, measures for the introduction of European instruments to provide uniform intellectual-property rights protection throughout the Union and for the setting up of centralised Union-wide authorisation, coordination and supervision arrangements shall be established in European laws or framework laws.

A European law of the Council of Ministers shall establish language arrangements for the European instruments. The Council of Ministers shall act unanimously after consulting the European Parliament.

ARTICLE III-339

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.

ARTICLE IV-10

LANGUAGES

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

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.

2. PROHIBITION OF DISCRIMINATION

ARTICLE I-2: THE UNION'S VALUES

The Union is founded on the values of respect for human dignity, liberty, democracy, 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 of pluralism, tolerance, justice, equality, solidarity and non-discrimination.

ARTICLE II-21 (EU CHARTER OF FUNDAMENTAL RIGHTS)

NON-DISCRIMINATION

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a

national minority, property, birth, disability, age or sexual orientation shall be prohibited.

2. Within the scope of application of the Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.

ARTICLE III-3

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-8 (EX ARTICLE 13)

1. Without prejudice to the other provisions of the Constitution and within the limits of the powers conferred by it upon the Union, a European law or framework law of the Council may establish the measures needed to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Council shall act unanimously after consulting the European Parliament.

2. European laws or framework laws may establish basic principles for Union incentive measures and define such incentive measures, to support action taken by Member States, excluding any harmonisation of their laws and regulations.

3. LINGUISTIC DIVERSITY

ARTICLE I-3: THE UNION'S OBJECTIVES

1. The Union's aim is to promote peace, its values and the well-being of its peoples.

2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, and a single market where competition is free and undistorted.

3. The Union shall work for a Europe of sustainable development based on balanced economic growth, with a social market economy aiming at full employment and social progress. It shall aim at a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.

It shall combat social exclusion and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of children's rights.

It shall promote economic, social and territorial cohesion, and solidarity among Member States.

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

ARTICLE II-22 (EU CHARTER OF FUNDAMENTAL RIGHTS)

CULTURAL, RELIGIOUS AND LINGUISTIC DIVERSITY

The Union shall respect cultural, religious and linguistic diversity.

CULTURE

ARTICLE III-176 (EX ARTICLE 151)

1. The Union 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 Union shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas:

(a) improvement of the knowledge and dissemination of the culture and history of the European peoples;

(b) conservation and safeguarding of cultural heritage of European significance;

(c) non-commercial cultural exchanges;

(d) artistic and literary creation, including in the audiovisual sector.

3. The Union 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 Union shall take cultural aspects into account in its action under other provisions of the Constitution, 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:

(a) a European law or framework law shall establish incentive actions, excluding any harmonisation of the laws and regulations of the Member States. It shall be adopted after consulting the Committee of the Regions;

(b) the Council, acting on a proposal from the Commission, shall adopt recommendations.

EDUCATION, VOCATIONAL TRAINING, YOUTH AND SPORT

ARTICLE III-177 (EX ARTICLE 149)

1. The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action. It shall fully respect the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity.

The Union shall contribute to the promotion of European sporting issues, given the social and educational function of sport.

2. Union action shall be aimed at:

(a) developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States;

- (b) encouraging mobility of students and teachers, *inter alia* by encouraging the academic recognition of diplomas and periods of study;
- (c) promoting cooperation between educational establishments;
- (d) developing exchanges of information and experience on issues common to the education systems of the Member States;
- (e) encouraging the development of youth exchanges and of exchanges of socio-educational instructors;
- (f) encouraging the development of distance education;
- (g) developing the European dimension in sport, by promoting fairness in competitions and cooperation between sporting bodies and by protecting the physical and moral integrity of sportsmen and sportswomen, especially young sportsmen and sportswomen.

3. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the field of education, in particular the Council of Europe.

4. In order to contribute to the achievement of the objectives referred to in this Article,

(a) a European law or framework law shall establish incentive actions, excluding any harmonisation of the laws and regulations of the Member States. It shall be adopted after consulting the Committee of the Regions and the Economic and Social Committee.

(b) the Council, acting on a proposal from the Commission, shall adopt recommendations.

4. MINORITIES AND MINORITY LANGUAGES

ARTICLE I-2: THE UNION'S VALUES

The Union is founded on the values of respect for human dignity, liberty, democracy, 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 of pluralism, tolerance, justice, equality, solidarity and non-discrimination.

ARTICLE IV-10

LANGUAGES

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

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.