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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

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in accordance with Article 15 of the Charter**

SPAIN

**REPORT ON THE APPLICATION IN SPAIN OF THE EUROPEAN CHARTER
FOR REGIONAL OR MINORITY LANGUAGES
2002**

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I. INTRODUCTION

1. General information

1. Historical development

Until 1978, the territorial organisation of Spain was strongly centralised as a result both of the authoritarian political system that had governed the country from 1939 to 1975 and of the tradition initiated in 1700 with the establishment of the Bourbon dynasty and the imitation of the absolutist model that prevailed in most European countries at that time.

The centralisation process was consolidated in the 19th century, on the basis of the postulates of the French Revolution, when the idea of the Nation-State asserted itself in accordance with the French model. The structuring of the Nation-State in Spain began with the first Spanish Constitution in 1812 and continued throughout the 19th century with the development of the Liberal State.

This process, however, ran parallel to a new and different process that began in 1868. In the wake of cultural, and particularly literary, Romanticism, specific regionalist movements appeared in various regions of Spain: Catalonia, the Basque Country, Galicia and, to a lesser extent, the Community of Valencia and the Balearic Islands. The movements were at first cultural, but began to become political from about 1890. They demanded both the social and cultural recognition of the regional language and a new and different territorial organisation: autonomy for the regions concerned, without, however, calling into question the unity of Spain. In short, they wanted a change in the structure of the State, which had entered a deep crisis with the loss of the colonies in 1898.

Political conflict, and above all the civil wars of the 19th and 20th centuries, prevented the peaceful convergence of the two antagonistic positions: centralist Spain and the alternative model of a decentralised Spain. In 1978, the conflict was still awaiting resolution, which was one of the major objectives of the constituent power. At that time, Spain was organised into 50 provinces which were heavily dependent on the State both politically and administratively, and there was no recognition of regions.

With respect to languages, the only official language was Castilian, or Spanish, regional languages not being recognised for public use outside a limited family and social context. Despite this, the public use of those languages was clearly on the increase from the beginning of the 1970s onwards.

This situation was the result of a historical development which began in the early 16th century when Castilian became the principal language of the unified Kingdom and gradually one of the symbols of unity. It was then that it began to be referred to as "the Spanish language"; in the 18th century, the Royal Academy of the Spanish Language¹ was founded.

The first free elections in Spain since 1936 were held on 15 June 1977. The election results showed the strength of the nationalist and regionalist parties, especially in Catalonia and the

¹ Miguel Siguan, *España Plurilingüe*, Madrid, 1992

Basque Country, and the will for regionalisation of those elected from all political parties who immediately formed Assemblies of those elected in the different regions.

The effect was to initiate the regional structuring of Spain, at the same time as the constitutional debate was going on, so that the actions of political players anticipated and often prejudged the decisions the constituent power adopted.

This political behaviour was accompanied by, and was the result of, significant social pressure in favour of speedy regional recognition, especially in Catalonia and the Basque Country, leading to the recognition of Government-regulated pre-autonomous systems, through various legislative decrees published in 1977 and 1978 that were the first stage in making the regional languages official.

In short, when the Constitution was finally approved in 1978, the regional map was to a large extent already drawn and the pre-autonomous regional entities had already been given a number of powers; in other words, the regions were already in the process of being established and the march towards making regional languages official had begun.

This trend and aspiration to organise the country's territory on a regional basis, which reflected the will of society as much as that of elected representatives, was crystallised in the Spanish Constitution of 1978, Article 2 of which states that *"The Constitution is based on the indissoluble unity of the Spanish nation, the common and indivisible homeland of all Spaniards, and recognises and guarantees the right to autonomy of the nationalities and regions which make it up and solidarity among all of them"*.

The 17 Statutes of Autonomy at present in force were drafted and approved on the basis of this constitutional provision. The Statutes of Autonomy are the basic institutional law of each Autonomous Community and were drafted by the elected representatives in each region and then approved by Parliament through State Authorities Acts.

The Statutes successively approved were those of the Basque Country and Catalonia (1979), Galicia, Andalusia, Asturias and Cantabria (1981), Rioja, Murcia, Community of Valencia, Aragon, Castille-La Mancha, Canaries and Navarre (1982), and Extremadura, Balearic Islands, Madrid and Castille-León (1983). The Statutes of Autonomy of the Cities of Ceuta and Melilla were approved in 1995; these Cities do not have legislative capacity but enjoy wide-ranging organisational and executive autonomy for the powers that have been attributed to them.

2. Geographic and demographic data

The most important level of territorial organisation in Spain is the region; Spain is thus politically and administratively divided into 17 Autonomous Communities with the territory, population and population density indicated below²:

AUTONOMOUS COMMUNITY	AREA	POPULATION DENSITY	POPULATION	PERCENTAGE OF TOTAL
ANDALUSIA	87,599 km ²	85 /km ²	7 403 968	18.01 %
ARAGON	47,720 km ²	25 /km ²	1 199 753	2.92 %
ASTURIAS	10,604 km ²	101 /km ²	1 075 329	2.61 %
CANARIES	7,447 km ²	239 /km ²	1 781 366	4.33 %
CANTABRIA	5,321 km ²	101 /km ²	53 7606	1.30 %
CASTILLE-LA MANCHA	79,461 km ²	22 /km ²	1 755 053	4.27 %
CASTILLE-LEÓN	94,224 km ²	26 /km ²	2 479 425	6.04 %
CATALONIA	32,113 km ²	198 /km ²	6 361 365	15.48 %
ESTREMADURA	41,634 km ²	26 /km ²	1 073 381	2.61 %
GALICIA	29,575 km ²	92 /km ²	2 732 926	6.65 %
BALEARIC ISLANDS	4,992 km ²	176 /km ²	878 627	2.13 %
RIOJA	5 045 km ²	54 H/km ²	270 400	0.65 %
MADRID	8,028 km ²	669 /km ²	5 372 433	13.06 %
MURCIA	11,314 km ²	105 /km ²	1 190 378	2.89 %
NAVARRRE	10,391 km ²	54 /km ²	556 263	1.35 %
BASQUE COUNTRY	7,234 km ²	291 /km ²	2 101 478	5.12 %
COMMUNITY OF VALENCIA	23,255 km ²	181 /km ²	4 202 608	10.23 %
CITY OF CEUTA	19 km ²	3,984 /km ²	75 694	0.18 %
CITY OF MELILLA	13 km ²	4,291 /km ²	68 789	0.17 %
TOTAL	505,994 km²	81 /km²	41 116 842	100.00 %

² According to the population figures resulting from the revision of the Municipal Population Census, 1 January 2001, declared official by Royal Decree 1420/2001 of 17 December (BOE, 5 January 2002).

3. Basic economic data

3.1. Gross domestic product and per capita disposable family income

The level of absolute wealth and development and the relative position of each Autonomous Community compared to Spain as a whole and the European Community average are as follows³:

AUTONOMOUS COMMUNITY	GDP per capita 1999	EU15 = 100	FAMILY INCOME PER CAPITA	SPAIN = 100
ANDALUSIA	10,410 euros	60	9,006 euros	79
ARAGON	15,057 euros	87.00	11,946 euros	105
ASTURIAS	12,317 euros	71	10,472 euros	92
CANARIES	14,035 euros	81	11,076 euros	98
CANTABRIA	13,483 euros	78	11,452 euros	101
CASTILLE-LA MANCHA	11,279 euros	65	9,741 euros	86
CASTILLE-LEÓN	13,065 euros	75	11,605 euros	102
CATALONIA	17,461 euros	101	12,896 euros	114
ESTREMADURA	8,985 euros	52	8,698 euros	77
GALICIA	11,346 euros	65	9,748 euros	86
BALEARIC ISLANDS	17,606 euros	101	14,086 euros	124
RIOJA	16,121 euros	93	13,457 euros	119
MADRID	19,363 euros	112	13,773 euros	121
MURCIA	11,822 euros	68	9,589 euros	85
NAVARRRE	18,160 euros	105	14,495 euros	128
BASQUE COUNTRY	17,515 euros	101	11,994 euros	106
COMMUNITY OF VALENCIA	13,786 euros	79	11,671 euros	103
CITY OF CEUTA	11,345 euros	65	10,992 euros	97
CITY OF MELILLA				
TOTAL	14,270 euros	82	11,342 euros	100

³ Regional Accounts of Spain, 2000, National Institute of Statistics (INE).

3.2. Employment structure of the population

The employment and unemployment rates for each Autonomous Community are as follows ⁴:

AUTONOMOUS COMMUNITY	MALE EMPLOYMENT RATE	FEMALE EMPLOYMENT RATE	MALE UNEMPLOYMENT RATE	FEMALE UNEMPLOYMENT RATE
ANDALUSIA	66.41 %	38.95 %	15.93 %	30.01 %
ARAGON	63.95 %	39.15 %	4.95 %	13.87 %
ASTURIAS	58.84 %	34.26 %	11.17 %	24.24 %
CANARIES	69.03 %	43.60 %	9.12 %	16.44 %
CANTABRIA	63.40 %	40.55 %	9.45 %	21.04 %
CASTILLE-LA MANCHA	65.86 %	35.33 %	7.43 %	21.91 %
CASTILLE-LEÓN	62.09 %	37.03 %	7.85 %	21.59 %
CATALONIA	68.92 %	46.06 %	6.78 %	11.99 %
ESTREMADURA	66.25 %	39.43 %	16.41 %	35.64 %
GALICIA	63.05 %	42.71 %	10.92 %	20.92 %
BALEARIC ISLANDS	69.40 %	42.95 %	6.33 %	15.68 %
RIOJA	66.25 %	38.60 %	6.06 %	10.78 %
MADRID	69.00 %	45.02 %	7.50 %	15.44 %
MURCIA	69.67 %	39.56 %	8.54 %	19.91 %
NAVARRRE	69.16 %	43.31 %	4.03 %	11.38 %
BASQUE COUNTRY	65.79 %	43.93 %	7.76 %	17.95 %
COMMUNITY OF VALENCIA	69.42 %	43.24 %	7.46 %	15.11 %
CITY OF CEUTA	69.77 %	36.38 %	17.78 %	34.79 %
CITY OF MELILLA				
TOTAL	66.86 %	41.80 %	9.43 %	19.14 %

⁴ Survey of the Working Population, data for the first quarter of 2001, National Institute of Statistics (INE).

The distribution by sector of the working population of Spain and each Autonomous Community is as follows⁵:

AUTONOMOUS COMMUNITY	AGRICULTURE	INDUSTRY	CONSTRUCTION	SERVICES
ANDALUSIA	11.1 %	12.7 %	12.2 %	64.0 %
ARAGON	7.3 %	27.1 %	9.5 %	56.1 %
ASTURIAS	9.3 %	21.1 %	10.9 %	58.6 %
CANARIES	6.3 %	7.4 %	13.1 %	73.2 %
CANTABRIA	7.4 %	21.5 %	12.2 %	58.8 %
CASTILLE-LA MANCHA	11.1 %	19.6 %	14.5 %	54.8 %
CASTILLE-LÉON	10.2 %	19.4 %	11.9 %	58.5 %
CATALONIA	2.8 %	27.7 %	9.5 %	60.0 %
ESTREMADURA	14.5 %	10.7 %	14.9 %	59.9 %
GALICIA	18.0 %	17.8 %	11.8 %	52.4 %
BALEARIC ISLANDS	2.0 %	10.2 %	14.2 %	73.7 %
RIOJA	9.9 %	32.0 %	7.5 %	47.6 %
MADRID	0.8 %	16.5 %	9.2 %	73.5 %
MURCIA	11.3 %	17.7 %	11.7 %	59.4 %
NAVARRRE	7.1 %	30.4 %	9.3 %	53.2 %
BASQUE COUNTRY	1.7 %	29.0 %	8.9 %	60.4 %
COMMUNITY OF VALENCIA	4.9 %	24.1 %	11.0 %	60.1 %
CITY OF CEUTA	0.7 %	4.4 %	7.5 %	87.3 %
CITY OF MELILLA				
TOTAL	6.8 %	19.9 %	11.0 %	62.3 %

⁵ Survey of the Working Population, 2000, National Institute of Employment (INEM).

3.3. Data useful for the linguistic situation ⁶:

In order to have a clear understanding of the linguistic question in Spain, some knowledge is needed of the main characteristics of the educational level of the population and the reading of the written media; the following four items of information may be useful for this purpose:

1. The percentage of the population over 16 that may be considered illiterate
2. The percentage of the population over 16 that has had a university education
3. The press distribution index in each Autonomous Community
4. The percentage of the population that reads daily newspapers

AUTONOMOUS COMMUNITY	EDUCATION POPULATION > 16 ILLITERATE	EDUCATION POPULATION > 16 WITH UNIVERSITY EDUCATION	MEDIA PRESS DIS - TRIBUTION SPAIN = 100	MEDIAS POPULATION READING THE PRESS
ANDALUSIA	6.2 %	14.4 %	70	27.4 %
ARAGON	1.3 %	17.8 %	104	40.4 %
ASTURIAS	0.7 %	15.9 %	130	51.5 %
CANARIES	5.0 %	14.2 %	97	39.2 %
CANTABRIA	0.2 %	17.4 %	146	58.6 %
CASTILLE-LA MANCHA	8.0 %	11.4 %	51	19.6 %
CASTILLE-LÉON	1.1 %	16.6 %	95	39.5 %
CATALONIA	2.2 %	17.5 %	121	39.5 %
ESTREMADURA	7.3 %	11.8 %	58	28.5 %
GALICIA	2.3 %	13.5 %	109	37.6 %
BALEARIC ISLANDS	2.6 %	13.1 %	141	49.2 %
RIOJA	0.5 %	16.5 %	110	40.5 %
MADRID	1.7 %	25.1 %	124	32.3 %
MURCIA	7.1 %	16.2 %	62	30.0 %
NAVARRRE	0.6 %	22.8 %	181	60.2 %
BASQUE COUNTRY	1.0 %	25.5 %	172	58.4 %
COMMUNITY OF	4.1 %	15.7 %	83	32.4 %

⁶ Statistical Yearbook "España 2000", National Institute of Statistics (INE).

AUTONOMOUS COMMUNITY	<u>EDUCATION</u> POPULATION > 16 ILLITERATE	<u>EDUCATION</u> POPULATION > 16 WITH UNIVERSITY EDUCATION	<u>MEDIA</u> PRESS DIS - TRIBUTION SPAIN = 100	<u>MEDIAS</u> POPULATION READING THE PRESS
VALENCIA				
CITY OF CEUTA	--	--	57	--
CITY OF MELILLA	--	--		--
TOTAL	3.4 %	17.2 %	100	36.3 %

4. The constitutional and administrative structure of the state

4.1. Spanish Autonomous Organisation. General principles of Spanish Autonomous Organisation

The 1978 Constitution recognises and guarantees the organisation of the territory into Autonomous Communities. Legal writers have termed this form of territorial organisation "State Autonomy", to use a term mid-way between the traditional forms known as "Federal State" and "Regional State".

In the Spanish Constitution the Autonomous State is organised on the basis of five general principles:

1. The Autonomous State has a basis different from that of the Federal State: its ultimate basis is the principle of national unity of sovereignty, since the latter is the basis of the whole Spanish nation.
2. The Autonomous State opts for the "statutory model", each Community therefore has its own particular Statute, which supplements constitutional precepts. The Statute is at once an act of the autonomous community concerned and a State, ie national, act which must be approved by the National Parliament.
3. The definition of the territory is voluntary; it is does not appear in the Constitution, but in each Statute of Autonomy.
4. The existence of Statutes of Autonomy implies that the organisational models of the Autonomous Communities are not uniform, so each Statute may outline a different form of organisation, although in fact the Statutes have much in common with one another.
5. Similarly, each Autonomous Community itself decides which powers it will take responsibility for, though there are obvious similarities among the 17 Statutes in this respect.

Nevertheless, despite the differences in the origin of each Autonomous Community, the result is fairly consistent, so that the attributions of the various Autonomous Communities are very similar and the exceptions very few: the economic and fiscal system of the Basque Country

and Navarre, the existence of Civil Law provisions particular to certain Autonomous Communities, the existence of autonomous police forces in the Basque Country, Catalonia and Navarre, and, logically, the existence of co-official regional languages in six Autonomous Communities.

4.2. Powers of the Autonomous Communities

The powers attributed to the Autonomous Communities are those listed in Articles 148 and 149 of the Constitution and in the respective Statutes of Autonomy.

Because of the large number of human resources they require, the particularly wide-ranging powers in relation to health care, education and social services, which are wholly managed by all the Autonomous Communities, should be noted.

More particularly, for the drafting of this report, it should be recalled that, under Article 148.1.17, the Autonomous Communities have powers concerning the "*promotion of culture, research on, and, where applicable, the teaching of the language of the Autonomous Community*".

4.3. Institutional organisation of the Autonomous Communities

All 17 Autonomous Communities are organised as representative parliamentary political systems that broadly reproduce the political organisation of the State.

Each Autonomous Community has a Legislative Assembly with a number of members varying from 135 in the Parliament of Catalonia to 33 in the Rioja Assembly, elected for a four-year term by universal direct suffrage through a proportional system of closed lists.

The Legislative Assemblies elect one of their members President of the Government Council, who is the representative of the State in the Autonomous Community and accountable to the Legislative Assembly through two supervisory mechanisms: the censure motion and the vote of no confidence. Before being elected and appointed, the nomination is put to a vote of appointment in the Assembly. Once invested, the President appoints members of the Government Council who are known as Councillors.

The different Government Councils are generally organised into *Consejerías* or Sectoral Departments according to criteria similar to those applied in the General Administration of the State.

The Departments of Culture and/or Education and Culture are of particular interest for this report: they are usually autonomous departments responsible for the Inguistic policy of an Autonomous Community in which there are other official languages in addition to Castilian/Spanish.

The autonomous institutional organisation is completed by a High Court of Justice which is the highest judicial body in the territory of each Autonomous Community.

Similarly, most Autonomous Communities have other bodies similar to those that exist at State level and appear in the Constitution: Defender of the People, Court of Audit, Economic and Social Council and Consultative Council.

4.4. Indicators of the degree of decentralisation in Spain

The result of this organisation is that Spain is structured territorially in Autonomous Communities which have considerable autonomy. This situation is easier to understand if we consider two indicators of administrative management:

1. The distribution of public spending between the different levels of administration:

- General Administration (Central Government)	:	58.7 %
- Administration of the Autonomous Communities	:	28.2 %
- Local Administration	:	13.1 %

2. The number of employees working for each of the different levels of territorial organisation:

- General Administration (Central Government)	:	24.5 %
- Administration of the Autonomous Communities	:	47.8 %
- Local Administration	:	23.8 %
- Universities	:	3.9 %

4.5. Distribution of employees working for each of the different levels of territorial organisation

With respect to their use by the public administration, the distribution of human resources available to each level of administration is particularly helpful for understanding the impact of administrative decentralisation on the use of regional languages; the distribution is as follows⁷:

AUTONOMOUS COMMUNITIES	STATE ADMINISTRATION		AUTONOMOUS COMMUNITIES		LOCAL ADMINISTRATION		TOTAL	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
ANDALUSIA	85 633	20.40%	226 207	53.89%	107 842	25.69%	419 682	18.22%
ARAGON	22 122	28.50%	41 392	53.34%	14 084	18.15%	77 598	3.37%
ASTURIAS	11 793	20.23%	33 865	58.10%	12 627	21.66%	58 285	2.53%
CANARIES	20 847	17.78%	57 858	49.36%	38 499	32.84%	117 204	5.09%
CANTABRIA	6 239	22.04%	17 028	60.17%	5 034	17.79%	28 301	1.23%
CASTILLE - LA MANCHA	18 976	17.36%	55 399	50.69%	34 917	31.95%	109 292	4.74%

⁷ These data were updated on 31 December 2001. The percentages in the first three columns correspond to the proportion of total staff working in the territory of each Autonomous Community. The percentages in the last column, "Total", reflect the percentage of total public employment throughout the State in each Autonomous Community.

CASTILLE-LÉON	44 862	26.34%	88 999	52.26%	36 448	21.40%	170 309	7.39%
CATALONIA	34 588	14.77%	133 193	56.89%	56 330	24.06%	234 111	10.16%
ESTREMADURA	13 246	16.47%	41 790	51.95%	25 218	31.35%	80 434	3.49%
GALICIA	32 526	22.94%	80 865	57.04%	28 368	20.01%	141 759	6.15%
BALEARIC ISLANDS	10 781	25.6 %	20 391	48.41%	10 945	25.99%	42 117	1.83%
RIOJA	3 786	25.73%	8 695	59.08%	2 235	15.19%	14 716	0.64%
MADRID	169 595	44.45%	152 480	39.96%	59 464	15.58%	381 539	16.57%
MURCIA	15 385	23.42%	36 711	55.89%	13 593	20.69%	65 689	2.85%
NAVARRRE	4 597	15.93%	20 614	71.45%	3 638	12.61%	28 849	1.25%
BASQUE COUNTRY	15 171	14.22%	63 472	59.53%	27 979	26.24%	106 622	4.63%
COMMUNITY OF VALENCIA	31 466	15.84%	109 881	55.33%	57 239	28.82%	198 586	8.62%
CEUTA	7 673	71.9 %	1 267	11.87%	1 731	16.22%	10 671	0.46%
MELILLA	6 591	71.64%	1 072	11.65%	1 537	16.71%	9 200	0.40%
ABROAD	8 012	100.0 %	---		---		8 012	0.35%
TOTAL	563 989	24.49%	1191359	51.73%	547 728	23.78%	2303076	100.0 %

4.6. The special status of the Aran Valley

With respect to the internal territorial organisation of each Autonomous Community and in direct relation to the content of this report, it should be pointed out the Aran Valley has a special legal and administrative status, provided for in the First Additional Provision of the Statute of Autonomy of Catalonia.

The Parliament of Catalonia then developed this organisational particularity in Act 16/1990 of 13 July on the Special Status of the Aran Valley under which the General Council, composed of 13 members has governmental and administrative powers.

2. Regional or minority languages spoken in Spain

In view of the provisions laid down in the European Charter for Regional or Minority Languages and in accordance with the level of legal protection given by the Spanish

Constitution and the Statutes of Autonomy, Spain's Instrument of Ratification of the Charter distinguishes between two types of languages, which correspond to different paragraphs in the Instrument of Ratification.

1. Languages that are co-official with Castilian/Spanish in their respective territories, in accordance with the provisions of the corresponding Statutes of Autonomy, namely:

- Statute of Autonomy of the Basque Country: Euskera/Basque
- Statute of Autonomy of Catalonia: Catalan
- Statute of Autonomy of Galicia: Galician
- Statute of Autonomy of the Community of Valencia: Valencian
- Organic Law Reintegrating and Improving the Fuero of Navarre: Euskera/Basque
- Statute of Autonomy of the Balearic Islands: Catalan

2. Languages which are not co-official but appear in the respective Statutes of Autonomy as protected languages:

- Statute of Autonomy of Asturias: Bable/Asturian
- Statute of Autonomy of Aragon: "the various linguistic varieties spoken in Aragon", later clarified in Act 3/1999 on Aragon as meaning Aragonese and Catalan
- Statute of Autonomy of Catalonia: Aranese (from Aran)

2.1. Bable/Asturian

There are doubts as to its linguistic unity since Asturian has not been standardised or written down⁸, so the Act on Bable approved by the Legislative Assembly of the Principality of Asturias lays down and distinguishes between:

Section 1. - Traditional language

Bable/Asturian, as official language of Asturias will be protected. The Principality of Asturias shall promote its use, dissemination and teaching.

Section 2. - Galician/Asturian

The system of protection, respect, safeguarding and development established by this Act for Bable/Asturian shall be extended through special regulations to Galician/Asturian in the areas where it is spoken as a vernacular language.

Additional Provision

Galician/Asturian shall be treated similarly to Asturian as regards, protection, respect, teaching, use and safeguarding in the areas where it is spoken".

2.2 The "various linguistic varieties spoken in Aragon" were specified in Act 3/1999 of 10 March on the Cultural Heritage of Aragon which states that they are:

1. Aragonese. This is the linguistic variety traditionally called "*Fabla*" or "Aragonese language" and spoken in some valleys in the Pyrenean area of Aragon.

⁸ Francisco J. Llera Ramo, *Los Asturianos y la Lengua Asturiana*, 1991

2. Catalan, spoken in the coastal areas between the Communities of Aragon and Catalonia, in the area called "*Franja de Poniente*".

3. Aranese

Thirdly, there is Aranese, expressly recognised and protected by Article 3.4 of the Statute of Autonomy of Catalonia, which states: *"Aranese shall be the subject of special teaching, respect and protection"*.

The Parliament of Catalonia then developed a special legal and administrative system for the Aran Valley in Act 16/1990 of 13 July on the Special Status of the Aran Valley, Section 2.1 of which states: *"Aranese, a variant of Occitan spoken in Aran, shall be official in the Aran Valley"*.

Section 20 of the Act states: *"The General Council shall have full powers over everything concerning the promotion and teaching of Aranese and its culture, in accordance with the general laws in force throughout Catalonia on language education and policy"*.

In the language policy of the Autonomous Community of Catalonia, Aranese is the subject of a specific provision of Section 7 of Act 1/1998 of 7 January on language policy, which states:

"Section 7. Recognition and protection of Aranese.

The use of Aranese, a variant of Occitan spoken in the Aran Valley, is governed by Act 16/1990 of 13 July on the Special Status of the Aran Valley and, in addition, by the provisions of the present Act, which may never be interpreted to the detriment of the use of Aranese".

To summarise, it is a language which, on the basis of Act 16/1990 of 13 July, enjoys the status of co-official language, although its status does not appear in the Statute of Autonomy of Catalonia.

3. Number of speakers and criteria used to define the term "speaking a regional or minority language"

Although most of the languages are spoken in specific, precise areas, the socio-linguistic situation in Spain can be described as "bilingual", since the vast majority of the population in those territories are able to express themselves correctly in Castilian/Spanish, and in addition have an individual knowledge of the regional language. A large percentage of the population is therefore able to use one or other language with a greater or lesser degree of proficiency and, in many cases, equally well.

This bilingualism makes it difficult to reply precisely to the question here. For this reason, and because any absolute quantification of speakers will be debatable, we have preferred to give the data provided by the various Surveys on the Use of Languages in Bilingual Communities which were conducted by an independent Government body, the Centre for Sociological Research, in 1993 and 1998, although they cover only the Autonomous Communities with a co-official language.

1. Languages that are co-official in their respective Autonomous Communities:

- Euskera/Basque, spoken in the Autonomous Community of the Basque Country
- Catalan, spoken in the Autonomous Community of Catalonia
- Galician, spoken in the Autonomous Community of Galicia
- Valencian, spoken in the Community of Valencia
- Euskera/Basque, spoken in the Community of the Fuero of Navarre
- Catalan, spoken in the Autonomous Community of the Balearic Islands

The Survey gave those questioned five options by which to evaluate their knowledge or command of the languages, Castilian/Spanish and the regional language, respectively:

1. Understand, speak, read and write
2. Understand, speak and read
3. Understand and speak
4. Understand only
5. Neither speak nor understand

The findings of the Survey conducted in 1998 were as follows:

1. Castilian/Spanish

	BASQUE COUNTRY	CATALONIA	GALICIA	C. OF VALENCIA	NAVARRRE	BALEARIC I.
Understand, speak, read and write	98.2 %	96.7 %	92.5 %	95.8 %	98.7 %	94.9 %
Understand, speak and read	0.7 %	0.9 %	2.4 %	1.4 %	0.0 %	0.4 %
Understand and speak	0.7 %	2.4 %	2.5 %	2.3 %	1.1 %	3.0 %
Understand only	0.0 %	0.0 %	2.4 %	0.4 %	0.2 %	1.3 %
Neither speak nor understand	0.0 %	0.0 %	0.3 %	0.0 %	0.0 %	0.4 %
Don't know	0.5 %	-	-	-	-	-

2. The co-official language of the Autonomous Community

	BASQUE COUNTRY	CATALONIA	GALICIA	C. OF VALENCIA	NAVARRRE	BALEARIC I.
Understand, speak, read and write	16.5 %	48.1 %	52.9 %	19.3 %	7.1 %	31.1 %
Understand, speak and read	3.6 %	23.2 %	15.5 %	19.6 %	3.8 %	24.7 %
Understand and speak	8.5 %	7.8 %	20.8 %	16.7 %	4.7 %	15.9 %
Understand only	14.7 %	18.3 %	9.7 %	33.6 %	7.1 %	20.7 %
Neither speak nor understand	56.6 %	2.7 %	1.2 %	10.8 %	77.3 %	7.6 %
Don't know	0.2 %	-	-	-	-	-

In order to set these replies in a wider context, a comparison with the findings of the Survey conducted in 1993 provides the following results:

1. Castilian/Spanish

	BASQUE COUNTRY		CATALONIA		GALICIA		C. OF VALENCIA		NAVARRRE		BALEARIC I.	
	1993	1998	1993	1998	1993	1998	1993	1998	1993	1998	1993	1998
Understand, speak, read and write	92 %	98 %	93 %	97 %	90 %	92 %	95 %	95 %	97	98 %	-	95 %
Understand, speak and read	2 %	17 %	2 %	1 %	3 %	2 %	2 %	1 %	1	0 %	-	0 %
Understand and speak	2 %	1 %	4 %	2 %	4 %	2 %	2 %	2 %	1	1 %	-	3 %
Understand only	0	0 %	0 %	0 %	2 %	2 %	0 %	0 %	0	0 %	-	1 %
Neither speak nor understand	0	0 %	0 %	0 %	0 %	0 %	0 %	0 %	0	0 %	-	0 %
Don't know	4 %	0 %	1 %	-	1 %	-	2 %	-	1	-	-	-

2. The co-official language of the Autonomous Community

	BASQUE COUNTRY		CATALONIA		GALICIA		C. OF VALENCIA		NAVARRRE		BALEARIC I.	
	1993	1998	1993	1998	1993	1998	1993	1998	1993	1998	1993	1998
Understand, speak, read and write	20 %	17 %	41 %	48 %	32 %	53 %	12 %	19 %	3 %	7 %	-	31 %
Understand, speak and read	6 %	4 %	24 %	23 %	26 %	15 %	19 %	20 %	3 %	4 %	-	25 %
Understand and speak	5 %	8 %	9 %	8 %	30 %	21 %	24 %	17 %	4 %	5 %	-	16 %
Understand only	15 %	15 %	22 %	18 %	10 %	10 %	35 %	34 %	8 %	7 %	-	21 %
Neither speak nor understand	53 %	57 %	4 %	3 %	1 %	1 %	10 %	11 %	82 %	77 %	-	8 %
Don't know	1 %	0 %	-	-	1 %	-	-	-	-	-	-	-

In view of the actual situation of effective bilingualism, these data should be supplemented by a second question, asked only of people who say they at least understand and speak their regional language, in order to try to quantify the degree of bilingualism: "What would you say if someone asked you if you would describe yourself as more a Spanish-speaker or a speaker of the regional language?"

The replies to this question, again in 1998, were as follows:

	BASQUE COUNTRY	CATALONIA	GALICIA	C. OF VALENCIA	NAVARRRE	BALEARIC I.
More a Spanish-speaker	41.0 %	27.6 %	29.7 %	32.9 %	36.2 %	25.4 %
More a speaker of the regional language	41.0 %	51.5 %	51.7 %	52.0 %	40.6 %	57.5 %
Both	17.3 %	20.7 %	18.6 %	14.9 %	23.2 %	16.2 %
Don't know	0.6 %	0.3 %	-	0.2 %	-	0.9 %

- Special status of Euskera/Basque spoken in the Community of the Fuero of Navarre.

It is a language which is not spoken throughout the Autonomous Community, but only in its Northern part. For this reason, Article 5 of the Act passed by the Parliament of Navarre distinguishes between three areas within the Community so that each of the 265 Municipalities belongs to one of these three areas:

1. A Basque-speaking area, composed of 61 municipalities, listed in the Act, with a total population of 54,406 inhabitants, ie 9.78% of the total population of the Community, according to the 2001 Census.
2. A mixed area, composed of 48 municipalities with a total of 274,948 inhabitants, ie 49.6% of the population.
3. A non-Basque-speaking area, composed of the remaining 156 municipalities, with a total of 226,475 inhabitants, ie 40.74% of the population.

- Special status of Valencian

As in the case of Navarre, Valencian is not spoken throughout the Community, but only in the area nearest to the Mediterranean coast. For this reason, Articles 35 and 36 of the Act passed by the Legislative Assembly of the Community of Valencia distinguish between the predominantly Valencian-speaking areas and those that are predominantly Spanish-speaking:

1. The Valencian-speaking area, composed of 293 municipalities, listed in the Act: 109 in the province of Alicante, 83 in the province of Castellón and 101 in the province of Valencia. According to the 2001 Census, they have populations of 1 135 274, 457 934 and 2 094 728 respectively. The total population is 3,687,936, ie 88.6% of the population.
2. The Spanish-speaking area, composed of 143 municipalities, also listed in the Act: 30 in the province of Alicante, 51 in the province of Castellón and 62 in the province of Valencia. The total population of the area is 474,850 or 11.4% of the total population of the Community.

2. Languages which are not co-official but appear in the Statutes of Autonomy as protected languages

Lack of standardisation and of an adequate written literature, especially in the case of Bable/Asturian and Aragonese "*Fabla*", explains why these languages are not co-official. This situation makes it even more difficult to quantify the number of speakers, and the population often doubts the existence of a linguistic identity different from Castilian/Spanish.

Survey findings are sometimes difficult to interpret and are of only approximate value since some surveys have been confined to analysing lexical similarities used by the persons questioned.

- Bable or Asturian

The survey conducted in 1984 by the Asturian Polling Company found the following:

- Understand : 51.2 %
- Speak : 26.2 %
- Read : 31.2 %
- Write : 8.6 %

Other, more comprehensive, studies have been conducted since then; the data provided by the Survey on the Use of Languages conducted in 1991 by the Autonomous Community of the Principality of Asturias are particularly full and show the following with respect to Castilian/Spanish and Asturian:

1. Castilian/Spanish

	Very Well	Well	Average	Badly	Very Badly
Understand	51 %	41 %	7 %	1 %	0 %
Speak	34 %	45 %	18 %	3 %	0 %
Read	43 %	48 %	6 %	2 %	1 %
Write	36 %	47 %	13 %	2 %	2 %

2. Asturian

	Very Well	Well	Average	Badly	Very Badly
Understand	27 %	41 %	22 %	5 %	5 %
Speak	14 %	30 %	28 %	13 %	15 %
Read	6 %	21 %	31 %	18 %	24 %
Write	3 %	10 %	25 %	23 %	39 %

- Languages of Aragon

1. Aragonese

According to the survey conducted in 1989 entitled “*El Aragonés, Hoy*” (Aragonese Today), there were around 30,000 speakers⁹ living in five Pyrenean valleys of the province of Huesca: Anso, Hecho, Bielsa, Benasque and Ainsa.

⁹ Quoted by Miquel Siguan in *España Plurilingüe*, 1992.

2. Catalan

In the Autonomous Community of Aragon, Catalan is spoken in various municipalities in an area bordering on Catalonia known as "*Franja de Poniente*". Although it is difficult to be specific about the exact number of Catalan-speaking municipalities, it can be said that, generally, it is spoken in all or part of the following six regions: Ribagorza, la Litera and Bajo Cinca, the province of Huesca; Caspe, the province of Saragossa; and Bajo Aragon and Matarranya, in the province of Teruel. The total population of the six regions is 102,532 in 107 municipalities, but the geographic borders of the Franje are imprecise and it is calculated that only 83 of these municipalities are Catalan-speaking.

It has been calculated that the population of the 83 municipalities concerned may be 65,000. Of these, the number of people able to speak Catalan has been estimated at some 40,000.

- Aranese

Aranese, a variety of Gascon, is a variant of Occitan spoken in the Aran Valley, a Catalan region of the province of Lleida (Lerida) with an area of 620 km² and nine municipalities. According to Census data for the year 2001, the total population of the region is 7,938.

According to the study conducted in 1986 ¹⁰, the level of understanding and use of Aranese is as follows:

- Understand, speak, read and write	:	9.0 %
- Understand, speak and read	:	16.0 %
- Understand and speak	:	55.0 %
- Understand only	:	14.0 %
- Neither speak nor understand	:	7.0 %

The data provided by the language census conducted in 1996, found the following:

- Understand	:	90.0 %
- Speak	:	64.9 %
- Read	:	59.3 %
- Write	:	25.0 %

4. Non-territorial languages in Spain

The Instrument of Ratification by Spain of the European Charter for Regional or Minority Languages makes no statement on or reference to the languages referred to in the Charter as "non-territorial languages" since the only language with this characteristic to which the Charter might be applied is Romani, spoken by people of Gypsy origin, though barely 100 people use the language in Spain¹¹, ie 0.01% of the total number of people in this group living in Spain, while in Germany and France the percentage is 70%.

¹⁰Climent. T., *Realitat lingüística a la Vall d'Aran*, Generalitat de Catalunya, Institut de Sociolingüística Catalana, Barcelona, 1986.

¹¹ Baker et al, *What is the Romani Language?*, 2000.

5. Recent general statements on government policy on the protection of regional or minority languages

The Motion debated by the Chamber of Deputies on 16 December 1997 is of particular interest since it drew together a number of specific proposals that had been submitted up to that time.

The objectives of the Motion in general referred to different fields of action and it invited the Government to adopt measures for different purposes:

- a) Promoting general knowledge of the multicultural, multilingual situation of the country.
- b) Promoting an elementary knowledge of all the Spanish languages different from Castilian throughout the territory of the country.
- c) Guaranteeing effective respect for the multicultural character of Spain.
- d) Providing for multilingualism in institutions.
- e) Guaranteeing the exercise of the full right of citizens to communicate with the Administration in the official language of their choice.
- f) Guaranteeing the promotion and dissemination of all Spanish languages at international level, and particularly within the European Union.

It was also agreed to establish a Sub-commission within the Constitutional Commission to revise the legislation applicable on the subject and to propose any necessary amendments.

As for the implementation of the Motion, it should be noted that many of the proposed measures are not strictly within the jurisdiction of the authorities; they refer to models of social behaviour and social acceptance of the multilingual reality; it is therefore outside the powers of the public administration to implement some of the measures provided for.

The implementation of these provisions therefore depends to a great extent on behaviour outside the control of the various authorities.

II. PART ONE

1. Legal instruments and provisions for application of the Charter

We consider that the legal system currently in force in Spain as regards the recognition and protection of regional languages and minority languages generally conforms with the level of protection laid down in the European Charter for Regional or Minority Languages, signed by Spain on 5 November 1992 and ratified on 2 February 2001.

In the first place, account has been taken of the fact that the legal system applicable to languages is based on a number of legal instruments of differing rank: the Constitution, Statutes of Autonomy, State legislation and legislation passed by the Legislative Assemblies of the Autonomous Communities, and other regulations and provisions issued by the various authorities for the implementation of the Acts passed.

The legislation applicable to languages is therefore particularly substantial and complex, since the precepts in the autonomous Acts on Language Standardisation or Use, which have a horizontal or transversal purpose and content, co-exist with those established in the sectoral legislation applicable to various domains where the system of co-official languages is applied: education, the courts, administrative procedure, civil service, the media, culture, etc.

Furthermore, and in order to understand correctly the degree of protection, the very constitutional conception at work in the Spanish Constitution of 1978 must be considered, since it recognises the right to the formation of Autonomous Communities and institutes a complete system of protection of the right to autonomy.

Following this recognition, the various Autonomous Communities were formed, with their Legislative Assemblies and Government Councils, which exercise specific powers determined by the Constitution and their respective Statutes of Autonomy.

This has an important incidence on the legal system with respect to languages, since the power to regulate the system of regionally-spoken co-official languages other than Castilian lies with the Autonomous Communities, which have therefore passed laws regulating their co-official language, although the system of division of powers gives the State an important role in the effective development of autonomous language policies.

To summarise, the Autonomous Communities have wide-ranging discretionary powers to devise and implement language policies to promote their respective languages.

1. The Spanish Constitution

The Spanish Constitution explicitly recognises that several languages cohabit in Spanish society, so that in the Preamble the constituent power, identified here with the Spanish Nation, *"proclaims its will to ... protect all Spaniards and peoples of Spain in the exercise of human rights, their cultures and traditions, languages, and institutions"*.

In the Articles of the Constitution, this linguistic plurality is reflected in a system of co-official languages, which is provided for in Article 3:

"(1) Castilian is the official Spanish language of the State. All Spaniards have the duty to learn it and the right to use it.

(2) The other languages of Spain shall also be official in the respective Autonomous Communities, in accordance with their Statutes.

(3) The richness of the linguistic varieties of Spain is a cultural patrimony which will be the object of special respect and protection".

More concretely, and referring to the media, Article 20.3 of the Constitution lays down:

"The law shall regulate the organisation and parliamentary control of the media owned by the State or any public entity and shall guarantee access to them by significant social and political groups, respecting the pluralism of society and the various languages of Spain".

2. Statutes of Autonomy of the Autonomous Communities in which the regional language has the status of an official language

The constitutional provisions are developed and supplemented by provisions contained in the Statutes of Autonomy, which are the basic institutional laws of each of the 17 Autonomous Communities. Six of the Statutes refer to the legal status and protection of their languages.

2.1. Basque Country

- Statute of Autonomy of the Basque Country, approved by State Authorities Act 3/1979 of 18 December:

"Section 6. 1. Euskera, the language of the Basque people, shall, like Castilian, have the status of official language in the Basque Country, and all its inhabitants shall have the right to learn and use both languages.

2. Considering the socio-linguistic diversity of the Basque Country, the common institutions of the Autonomous Community shall guarantee the use of both languages by regulating their official status, and shall harmonise and regulate the measures and means necessary to ensure that they are learnt.

3. No one may suffer discrimination on grounds of language.

4. The Royal Academy of the Basque Language - Euskaltzaindia shall be the official consultative institution for Euskera.

5. In view of the fact that Euskera is the heritage of other Basque territories and communities, in addition to the links and contacts that academic and cultural institutions maintain, the Autonomous Community of the Basque Country shall be able to request the Spanish Government to sign or, if necessary, submit to Parliament with a view to their authorisation treaties or agreements enabling the establishment of cultural relations with States consisting of or including such territories and communities in order to safeguard and promote Euskera".

2.2. Catalonia

- Statute of Autonomy of Catalonia, approved by State Authorities Act 4/1979 of 28 December.

"Section 3. 1. The vernacular language of Catalonia is Catalan.

2. The official language of Catalonia shall be Catalan, along with Castilian, which is an official language throughout the Spanish State.

3. The Autonomous Government shall guarantee the normal and official use of both languages; it shall adopt the necessary measures to guarantee they are learnt and shall create the conditions enabling them to achieve full equality with respect to the rights and duties of the citizens of Catalonia.

4. Aranese shall be taught and shall be given special respect and protection".

2.3. Galicia

- Statute of Autonomy of Galicia approved by State Authorities Act 1/1981 of 6 April.

"Section 5. 1. The vernacular language of Galicia is Galician.

2. Galician and Castilian shall be the official languages of Galicia and everyone shall have the right to learn and use them.

3. The authorities of Galicia shall guarantee the normal and official use of both languages and shall strengthen the use of Galician at all levels of public and cultural life and in the media, and shall have available the necessary resources for facilitating the learning of it.

4. No one shall suffer discrimination on grounds of language".

2.4. Community of Valencia

- Statute of Autonomy of the Community of Valencia, approved by State Authorities Act 5/1982 of 1 July.

"Section 7. Firstly, the two official languages of the Community of Valencia shall be Valencian and Castilian. Everyone shall have the right to learn and use them.

Secondly, the Autonomous Government of Valencia shall guarantee the normal and official use of both languages and shall adopt the necessary measures for ensuring they are learnt.

Thirdly, No one shall suffer discrimination on grounds of language.

Fourthly, the revival of Valencian shall receive special protection and respect.

Fifthly, the criteria governing the use of the regional language in the administration and education shall be established by law.

Sixthly, an Act shall define the territories in which the use of both languages shall be the norm and those areas that may refrain from teaching and using the vernacular language of the Community".

2.5. Navarre

- State Authorities Act 13/1982 on the Integration and Improvement of the Special Status of Fuero of Navarre.

"Section 9. 1. Castilian shall be the official language of Navarre.

2. Basque shall also have the status of official language in the Basque-speaking areas of Navarre.

A special Act (ley foral) shall determine the said areas and shall regulate the official use of Basque; within the framework of general state legislation, it shall organise the teaching of this language".

2.6. Balearic Islands

- Statute of Autonomy of the Balearic Islands, approved by State Authorities Act 2/1983 of 25 February.

"Section 3. 1. The Catalan language, the vernacular language of the Balearic Islands, shall, with Castilian, have the status of official language.

2. Everyone shall have the right to learn and use it and no one shall suffer discrimination on grounds of language.

3. The institutions of the Balearic Islands shall guarantee the normal and official use of both languages; they shall take the necessary measures to guarantee that they are learnt and shall create the conditions enabling the two languages to achieve full equality with respect to the rights of the citizens of the Balearic Islands".

3. Statutes of Autonomy of the Autonomous Communities in which the regional language does not have the status of official language

There are two other Statutes of Autonomy that specifically refer to languages, although here the languages mentioned do not have the status of co-official languages.

3.1. Asturias

- Statute of Autonomy of Asturias, approved by State Authorities Act 7/1981 of 30 December.

"Section 4. Bable shall be protected; its use, dissemination in the media and teaching shall be promoted, respecting in all cases the local variants and the fact that learning them is voluntary".

3.2. Aragon

- Statute of Autonomy of Aragon approved by State Authorities Act 8/1982 of 10 August, later amended.

"Section 7. The different linguistic varieties of Aragon shall be protected as part of its cultural and historical heritage".

4. Autonomous Acts passed by the Legislative Assemblies of the Autonomous Communities

On the basis of the statutory recognition of the autonomous power to pass Acts regulating their co-official language, the six Autonomous Communities concerned passed their respective Acts between 1982 and 1986, the sole particularity being that the Autonomous Community of Catalonia passed a new Act in 1998 replacing the one it had passed in 1983.

The Autonomous Community of Asturias, whose Statute does not recognise Bable/Asturian as a co-official language, also adopted an Act in 1998, while this possibility is at present under discussion in the Autonomous Community of Aragon.

At this stage in the report, we shall simply enumerate the regulations the various Autonomous Legislative Assemblies have adopted on or relating to language and recall the substance common to all of them.

The structure and content of these Acts are similar and, on the whole, easily comparable:

1. They always begin with a preamble that indicates their legal basis in the Constitution and the relevant Statute of Autonomy and their purpose is stated.
2. They then confirm the status of the regional language as the "vernacular language", its co-official status with Castilian/Spanish and legal recognition of the learning and use of it.
3. The territorial scope of the co-official language usually coincides with the whole territory of the Autonomous Community, the exceptions being those concerning

Navarre, the Community of Valencia and the Aran Valley, which have already been mentioned.

4. Implicitly, and sometimes explicitly too, the Acts confer on the Autonomous Administration responsibility for promoting the learning and use of the regional language, thus compensating for its initially lower status and making effective the right to use it at any time.

5. The purpose of all the Acts is to defend and promote the regional language, and they can in this sense be seen as the formulation of a clear language policy.

In this connection it is useful to recall the objectives set out in Act 3/1986 of 29 April on Language Standardisation in the Balearic Islands, Section 1 of which states:

"1. The purpose of the present Act is to enlarge upon Article 3 of the Statute of Autonomy concerning the standardisation of the Catalan language as the regional language of the Balearic Islands in every domain and to guarantee the use of Catalan and Castilian as official languages of this Autonomous Community.

2. Consequently, the purposes of the Act are as follows:

(a) To make effective the increasing and normal use of the Catalan language at official and administrative level.

(b) To guarantee increasing knowledge and use of Catalan as a language of instruction in education.

(c) To promote the use of the Catalan language in all the media.

(d) To create social awareness of the importance for all citizens of learning and using the Catalan language".

4.1. Basque Country

- Act 10/1982 of 24 November on Standardisation of the Use of Euskera.

- Act 15/1983 of 27 July on the Creation of the Basque Institute of Ikastolas.

- Act 29/1983 of 25 November on the Creation of the Institute of Literacy, 'Re-euskaldunisation' of Adults and Regulation of Euskaltegis (schools that teach Euskera) (HABE).

4.2. Catalonia

- Act 7/1983 of 18 April on Language Standardisation in Catalonia (replaced by Act 1/1998 of 7 January).

- Act 16/1990 of 13 July on the Special Status of the Aran Valley.

- Act 8/1991 of 3 May on the Linguistic Authority of the Institute of Catalan Studies.

- Act 1/1998 of 7 January on Linguistic Policy (replacing Act 1/1983).

4.3. Galicia

- Act 3/1983 of 15 June on Language Standardisation.
- Act 5/1988 of 21 June on the Use of Galician as an Official Language of Galicia by local entities.

4.4. Community of Valencia

- Act 4/1983 of 23 November on the Use and Teaching of Valencian.
- Act 7/1998 of 16 September creating the Valencian Academy of Language.

4.5. Navarre

- Act 18/1986 of 15 December, on the Basque language.

The measures provided for in the Act differ for each of the three areas into which Navarre is divided under Section 5: a Basque-speaking area (Sections 10 to 16 of the Act), where Basque/Euskera has a very high level of protection very similar to that established by other, bilingual, Autonomous Communities; a mixed area (Section 17), where all citizens may address the Administration in either language; the Act therefore compels the administrative authorities of Navarre to have the necessary linguistically competent staff; and a non-Basque-speaking area (Section 18), where only the right to address the administrative authorities in Basque is recognised, so the authorities may ask those concerned for translations in Spanish/Castilian, or use their own translation services.

4.6. Balearic Islands

- Act 3/1986 of 29 April on Language Standardisation.

4.7. Asturias

- Act 1/1998 of 13 March on the Use and Promotion of Bable/Asturian.

4.8. Aragon

This Autonomous Community does not yet have specific legislation on language, though there are a number of express references in legislation on culture.

- Act 3/1999 of 10 March on Aragonese Cultural Heritage.

Section 4, entitled "*Minority Languages*" states that "*Aragonese and Catalan, minority languages in Aragon, where different linguistic variants are found, are part of the cultural heritage and shall be specially protected by the Government*".

The Second Final Provision of the same Act, "*Languages of Aragon*", states that "*An Act on the languages of Aragon shall lay down the specific legal framework for regulating the co-official status of Aragonese and Catalan, minority languages of Aragon, as well as the effective rights of the respective linguistic communities, both in the field of education of and*

in the vernacular language and in that of the full standardisation of the use of these two languages in their respective territories".

2. Legal protection of the right to use the regional language

The legal protection provided for in the Constitution, the Statutes of Autonomy and Autonomous Acts is strengthened in certain cases by specific precepts which recognise the right to effective protection of the right through the courts.

- Legislation passed by the Community of Valencia

- Act 4/1983 of 23 November on the Use and Teaching of Valencian.

"Section 6. Citizens shall have the right to obtain from judges and courts protection of the right to use their languages, in accordance with the provisions of the legislation in force".

- Legislation passed by the C.F. of Navarre

- Act 18/1986 of 15 December on the Basque Language.

"Section 4. Citizens shall be able to apply to the judges and the courts, in accordance with the legislation in force, for protection of the linguistic rights established in this special Act (ley fuero)".

- Legislation passed by the A.C. of the Balearic Islands

- Act 3/1986 of 29 April on Language Standardisation.

"Section 5. 1. Citizens shall be able to apply to the judges and the courts to obtain judicial protection of the right to use one of the two official languages, in accordance with the legislation in force.

2. The Government of the Autonomous Community has the power to act of its own motion or at the request of an individual or a group of persons; it shall take the political, administrative and judicial action necessary to render real and effective the rights of citizens recognised in Section 3 of the Statute of Autonomy and by the present Act".

3. Case-law of the Constitutional Court on co-official languages

The detailed nature of the autonomous regulations governing languages and the various interpretations made by the State and the Autonomous Communities of the scope of the co-officiality of Spanish/Castilian and the regional language have resulted in a considerable number of cases being brought before the Constitutional Court, particularly in the early 1980s, compelling the Court to clarify the scope of the co-officiality established in Article 3 of the Constitution.

The case-law of the Constitutional Court in this connection is of fundamental importance for understanding the exact substance of the legislation in force, so that a full study of the legal situation obtaining in Spain with respect to linguistic co-officiality requires that the following judgments, handed down in the disputes over the laws indicated below, be taken into account:

1. Judgment 6/1982 of 22 February, handed down with respect to two conflict of jurisdiction claims lodged by the Basque Country and Catalonia with respect to Royal Decree 480/1981 of 6 March on the functioning of the State Inspectorate for Non-university Education.
2. Judgment 76/1983 of 5 August, handed down with respect to four prior claims of unconstitutionality against the State Authorities Act Harmonising the Autonomous Process passed by the State.
3. Judgment 87/1983 of 27 October, handed down with respect to two conflict of jurisdiction claims lodged by the Basque Country concerning Royal Decree 1765/1982 on Minimum Teaching Hours for Middle Schools in General Elementary Education.
4. Judgment 88/1983 of 27 October, handed down in relation to a conflict of jurisdiction claim lodged by the Basque Country concerning Royal Decree 3087/1982 of 12 November on the Core Curriculum for the upper level of General Elementary Education.
5. Judgment 30/1986 of 20 February, handed down in relation to two claims of unconstitutionality for violation of fundamental rights 854 and 873/1983
6. Judgment 82/1986 of 26 June, handed down with respect to a claim of unconstitutionality lodged by the State against the Basque Country Basic Act on the Standardisation of the Use of Euskera.
7. Judgment 83/1986 of 26 June, handed down with respect to a claim of unconstitutionality lodged by the State against the Language Standardisation Act of Catalonia.
8. Judgment 84/1986 of 26 June, handed down with respect to a claim of unconstitutionality lodged by the State against the Language Standardisation Act of Galicia.

9. Judgment 74/1987 of 25 May, handed down with respect to a claim of unconstitutionality lodged by the Basque Country against State Act 14/1983 on Assistance for Detainees and Prisoners.
10. Judgment 190/1987 of 1 December, handed down with respect to a claim of unconstitutionality on the grounds of violation of fundamental rights 573/1986.
11. Judgment 69/1988 of 19 April, handed down with respect to a conflict of jurisdiction claim lodged by the State concerning Decree 189/1983 of 15 September issued by Catalonia on the Labelling of Goods Marketed in Catalonia.
12. Judgment 80/1988 of 28 April, handed down with respect to a conflict of jurisdiction claim lodged by the State concerning Decree 101/1985 issued by Galicia on the Use of the Galician Language in the Labelling and Advertising of Goods Marketed in Galicia.
13. Judgment 123/1988 of 23 June, handed down with respect to a claim of unconstitutionality lodged by the State against the Language Standardisation Act of the Balearic Islands.
14. Judgment 105/2000 of 13 April, handed down with respect to a claim of unconstitutionality lodged by the Deputies against State Authorities Act 16/1994 of 1 July on the Judicial Power.

The substance of this case law may be briefly summarised by the following decisions of the Constitutional Court:

1. The Constitution and the Statutes constitute the legal framework of linguistic pluralism (STC 82/86. FJ 1).
2. According to the Constitution, a language is official "independently of its situation and weight as a social phenomenon" (STC 82/86. FJ 2).
3. Under Article 3.2 of the Constitution, co-officiality obtains "for all the public authorities situated within the Community" and not only for autonomous authorities (STC 82/86. FJ 2).
4. It is only compulsory to know Castilian. The use of another language is a right, not an individual duty (STC 82/86. FJ 3).
5. Minimum hours and teaching of vernacular languages (STC 87/83. FJ 5; et STC 88/83. FJ 4).
6. The use of a language other than Castilian may not be imposed, even exceptionally (STC 82/86. FJ 10).
7. Under Article 3.2 of the Constitution, the Autonomous Community has the power to regulate co-officiality and its scope (STC 82/86. FJ 4).

8. The State does not have the power to regulate the "elementary aspects" of co-officiality; it does, however, have the power to regulate the "essential guarantees relating to equality in the use of Castilian and to fulfilment of the duty of learning Castilian" (STC 82/86. FJ 4).
9. The protection of languages as "cultural heritage" within the meaning of Article 3.3 of the Constitution is the responsibility of the State and the Autonomous Communities (STC 82/86. FJ 4).
10. Linguistic co-officiality does not bestow any specific powers on bilingual Autonomous Communities vis-à-vis the State (STC 69/88. FJ 3; STC 80/88. FJ 3; and STC 190/87. FJ 2).
11. The regulation of linguistic co-officiality does not imply the attribution of specific powers outside the framework established by the Constitution and the Statutes of Autonomy (STC 123/88. FJ 5).
12. In administrative procedure, a single language may be used "if the rights of a party justifiably able to claim not to know the vernacular language are not infringed" (STC 82/86. FJ. 9).
13. The authorities must use the language jointly agreed by the parties (STC 82/86. FJ 9).
14. During administrative procedure, the vernacular language may not be used exclusively if one of the parties asks for Castilian (STC 82/86. FJ 9).
15. The ability to "initiate administrative or judicial actions" in order to defend the linguistic rights of third parties is not a "necessary speciality" deriving from the substantive law of the Community within the meaning of Article 149.1.6. of the Constitution (STC 83/86. FJ 2).
16. The use of bilingual official leaflets is not unconstitutional, and this is also valid for the State authorities situated in the Autonomous Community (STC 82/86. FJ. 13).
17. The right to "be served" in the chosen language is subject to the "possibilities of the moment" and "the adoption of the necessary means" by the administrative authorities (STC 82/86. FJ 8).
18. Outside the corresponding Autonomous Community, no right exists to use the regional language (STC 30/86. FJ. 4).
19. The scope of co-officiality in the Administration of Justice is particular (STC 82/86. FJ 6 and 11; STC 84/86. FJ 3).
20. Knowledge of the regional language may be an advantage for occupying a post, so long as there is no discrimination (STC 82/86. FJ 14).

21. The "duty" to know the regional language is incumbent on the "Autonomous Administration" and not on its civil servants (STC 76/83. FJ 42).
22. It is the State that has the power to issue the "sworn translator" diploma (STC 82/896. FJ. 12).
23. A Spanish citizen who does not understand or speak Castilian has the same right as a foreigner to be assisted by an interpreter (STC 74/87. FJ 2 and 3).
24. The right to an interpreter should be understood within the meaning of Articles 24.1 and 14 of the Constitution concerning equality (STC 74/87. FJ 3).
25. The right to use the language is derived directly from the Constitution and "does not require" legislative enactment to be enforceable (STC 74/87. FJ 4).
26. In the event of "dubious interpretation", the official Castilian version prevails over the text in the vernacular language (STC 83/86. FJ 3).

If the most important judgments are examined more closely, it can be seen that the Constitutional Court has essentially interpreted two questions concerning linguistic co-officiality.

1. The Concept and Status of Co-official Language

- According to the concept established by Constitutional case-law (Judgments 82/1986 and 46/1991), a language is official when it is recognised by the authorities as a means of communication within and between them, and between them and private persons, with the corresponding full validity and legal effects.
- Castilian is the normal means of communication of the authorities and citizens among themselves throughout Spain. Spanish is the only language which all Spaniards have a duty to know, and it is the only language that all Spaniards may be presumed to know.
- Similarly, in the territories where there are co-official languages, private individuals are fully legally entitled to use one of the official languages in their relations with the authorities, and the right to use those languages with any body or organisation is a constitutional right (Article 3.2) and a right deriving from the respective Statute of Autonomy.
- In any case, Castilian as official language of the State cannot be opposed to other languages since the respect and protection of the various languages of the peoples of Spain is the responsibility both of the State and the authorities of each Autonomous Community.

2. Use of the Official Language: concerning the possibility of using the vernacular with the authorities.

- A distinction has to be made, as the Constitutional Court has done in Judgment 82/1996, between the official recognition of a language, ie the assignment to it of full legal effects, and the possibility of using it during court or administrative proceedings.
- Use of Castilian is the general rule in court proceedings, and the vernacular language may only be used within the territory of the corresponding Autonomous Community.
- The right to use the vernacular language of the Community in and with the administration and authorities implies that the two official languages have equal status within the corresponding Autonomous Community.
- The case-law of the Constitutional Court supports this view, particularly in Judgment 105/2000 of 13 April which, with respect to the use of official languages by judicial organs, states that the judicial organs do not have a duty to know the official language since justice is one and the same throughout Spanish territory; judges may therefore have papers or documents written in a language they do not understand translated when translation is necessary for them to be able to perform their judicial functions.
- For this reason, although knowledge of the official language in an Autonomous Community is an advantage that is appreciated in candidates for the judiciary, it is not an indispensable condition, since justice is considered to be one and the same throughout the national territory and candidates may change post and Autonomous Community.

4. Bodies promoting the protection and development of languages

1. Academic bodies

Because of the status of "vernacular language" of the various regional languages of the corresponding Autonomous Communities, the Statutes of Autonomy and the legislation on language standardisation usually impose certain specific duties on the respective Autonomous Communities concerning the protection and safeguarding of the regional language, including in the linguistic-academic field.

For example, Decree 173/1982 of 17 November regulating the Galician language adopted by the Government Council of the Autonomous Community of Galicia, was an early text containing some regulations and setting out certain specific precepts in this respect. For example, it authorises the Institute for the Galician Language to *"draw up the Elementary Orthographic Vocabulary of the Galician language, which will be an inventory of the essential words of the language and a spelling guide"*.

For this reason, for academic purposes, all the Autonomous Communities with co-official languages have formally recognised an academic linguistic authority whose function is to see that the language is preserved; the authorities thus recognised undertake this task with the organic and functional autonomy this type of activity requires.

There follow the regulatory references concerning recognition of the role of these institutions, and their names and postal addresses.

- Euskera/Basque (Co-official Language in the A.C. of the Basque Country)

- Royal Decree 573/1976 of 26 February on the Recognition and Statute of the Royal Academy of the Basque Language. It states, *inter alia*, that the purpose of the institution is to "research and formulate the grammatical rules of the Basque language".

- Statute of Autonomy of the A.C. of the Basque Country, approved by State Authorities Act 3/1979 of 18 December.

"Section 6. ... 4. The Royal Academy of the Basque Language - Euskaltzaindia shall be the official consultative institution with respect to Euskera".

- Act 10/1982 of 24 November on Standardisation of the Use of Euskera.

"Section 10. 1. ... In the event of conflict between the Local Corporations and the Basque Government as to the official nomenclature indicated in the previous paragraph, the Basque Government shall decide, after consulting the Royal Academy of the Basque Language."

- Body Euskaltzaindia - Real Academia de la Lengua Vasca
Plaza Barria, 15
48005 BILBAO
Tel.: 94-415.81.55
Fax: 94-415.81.44

- Catalan (Co-official Language in the A.C. of Catalonia)

- Royal Decree 3118/1976 of 26 November on the Recognition of the Regulatory Authority of the Institute of Catalan Studies.

- Act 8/1991 of 3 May on the Linguistic Authority of the Institute of Catalan Studies.

"Section 1. The Institute of Catalan Studies shall be the institution responsible for establishing and up-dating the linguistic regulation of Catalan, without prejudice to the other functions contained in its Statute".

- Resolution of 17 May 2001 approving the Statute of the Institute of Catalan Studies.

"Article 1. The Institute of Catalan Studies is an academic institutions whose purpose is, principally, advanced scientific research on all elements of Catalan culture".

"Article 2. Its purpose is to ... see that Catalan is studied, to lay down rules and to ensure that the process of standardisation of the Catalan language is consistent throughout its linguistic field ...".

- Body Institut d'Estudis Catalans
c/ del Carme, 47
08001 Barcelona
Tel.: 93-270.16.21 / 93-270.16.20
Fax: 93-270.11.80

- Galician (Co-official Language in the A.C. of Galicia)

- Act 3/1983 of 15 June on Language Standardisation.

"Additional Provision. For questions concerning the rules, updating and usage of the Galician language, the authority shall be the Galician Royal Academy. These rules shall be revised as the process of standardisation of the use of the Galician language requires."

- Body Real Academia Galega
 c/ Tabernas, 11
 15071 A CORUÑA
 Tel.: 981-20.73.08

- Valencian (Co-official Language in the Community of Valencia)

- Act 7/1998 of 16 September Creating the Valencian Academy of Language.

"Section 3. The Valencian Academy of Language shall be the institution with the role of determining and, if necessary, developing, the linguistic rules of the Valencian language, protecting Valencian on the basis of its lexicographic and literary tradition and its linguistic reality, and of rules consolidated on the basis of the so-called Castellón rules".

- Body Academia Valenciana de la Llengua
 c/ Avellanes, 26
 47003 VALENCIA
 Tel.: 96-391.69.65

- Euskera/Basque (Co-official Language in the F.C. of Navarre)

- Royal Decree 573/1976 of 26 February on the Recognition and Statute of the Royal Academy of the Basque Language. It states, *inter alia*, that the purpose of the Institute is *"to research and formulate the grammatical rules of the Basque language"*.

- Act 18/1986 of 15 December on Basque.

"Section 3.3 The official consultative institution for the purposes of establishing linguistic norms shall be the Royal Academy of the Basque Language from which the authorities shall commission all the reports and opinions they consider necessary for the execution of the preceding sub-paragraph".

- Body Euskaltzaindia - Real Academia de la Lengua Vasca
 Plaza Barria, 15
 48005 BILBAO
 Tel.: 94-415.81.55
 Fax: 94-415.81.44

Tel.: 985-21.18.37
Fax: 985-22.68.16

- Aranese (Co-official Language spoken in the Aran Valley, A.C. of Catalonia).

- Body Departamento de Política Lingüística del Aranés
 (it is planned that it will become the Institute of Aranese Studies)
 Consejo General de Arán
 25530 VIELHA

2. Administrative units for language policy

Since one of the purposes of autonomous legislation is the defence and promotion of the vernacular language, each of the Autonomous Administrations with a vernacular language has its own administrative unit responsible for language policy, independently of the functions that may be the responsibility of specialised administrative units such as educational and cultural institutions.

As an example, the law regulating the administrative unit of the A.C. of Catalonia states that its function is to *"see that the Catalan language is used correctly and guarantee application of the rules of the Institute of Catalan Studies and the use of the terminology developed by the TERMCAT Terminology Centre in all the Departments of the Autonomous Government of Catalonia, since one of its functions is to assist the Departments of the Autonomous Government of Catalonia with terminology"*.

- A.C. of the Basque Country

- Unit *Viceconsejería de Política Lingüística.*
 Departamento de Cultura
 Gobierno Vasco
 c/ Duque de Wellington, 2
 01010 VITORIA-GASTEIZ
 Tel.: 945-01.80.00
 Fax: 945-01.95.35

- A.C. of Catalonia

- Unit Dirección General de Política Lingüística.
 Departamento de Cultura
 Generalitat de Catalunya.
 Rambla de Santa Mónica, 8
 08002 BARCELONA
 Tel.: 93-316.27.00
 Fax: 93-316.27.01

- Unit Oficina de Fomento y Enseñanza del Aranés
 Consejo General de Arán
 25530 VIELHA

- A.C. of Galicia

- Unit Dirección General de Política Lingüística.
 Consejería de Educación e Ordenación Universitaria.
 Xunta de Galicia.
 Edificio Administrativo San Caietano
 15704 SANTIAGO DE COMPOSTELA
 Tel: 981-54.54.00
 Fax: 981-54.44.99

- Community of Valencia

- Unit Dirección General de Ordenación e Innovación Educativa

y Política Lingüística.
Consejería de Cultura y Educación.
Generalitat Valenciana.
Avda. Campanar, 32
46071 VALENCIA
Tel.: 96-386.65.00
Fax: 96-349.05.75

- C.F. of Navarre

- Unit Dirección General de Universidades y Política Lingüística.
 Departamento de Educación y Cultura.
 Gobierno de Navarra.
 c/ Santo Domingo, s/n
 31001 PAMPLONA / IRUÑA
 Tel.: 948-42.65.00
 Fax: 948-42.60.52

- A.C. of the Balearic Islands

- Unit Dirección General de Política Lingüística.
Consejería de Educación y Cultura.
Govern Balear.
c/ Capitán Salom, 29. 4º A
07071 PALMA DE MALLORCA
Tel.: 971-17.72.36
Fax: 971-17.72.48

- A.C. of the Principality of Asturias

- Unit Servicio de Promoción Cultural
Dirección General de Cultura.
c/ Sol, 8
33009 OVIEDO
Tel.: 98-510.67.00
Fax: 98-510.67.32

- A.C. of Aragon

- Unit Dirección General de Acción Cultural.
Departamento de Cultura y Turismo.
Diputación General de Aragon
Paseo de María Agustín, 36
50071 ZARAGOZA
Tel.: 976-71.40.00

5. Consultation of the bodies indicated

The drafting of this report on the application by Spain of the European Charter for Regional or Minority Languages has required reliable sources of information of various kinds, such as socio-economic, demographic and sociolinguistic data, but essentially legal information, since the commitments made by member states by signing and ratifying the Charter are decisive in the legal sphere.

This is particularly important in the case of Spain as most of the languages spoken in the country, and those to which the Charter refers, have the status of official languages in their respective Autonomous Communities. The regulatory framework for the protection of these languages is therefore public and widely known in all public authorities and society as a whole.

Furthermore, the Autonomous Communities have wide powers to protect and promote their regional languages and therefore have the appropriate legal resources for laying down the mechanisms for promotion in their respective languages.

In drafting the report we have therefore taken into account, firstly, the legislation passed by the Autonomous Communities to protect and promote the use of their respective languages, most of it in the form of Acts on language standardisation and regulations for their

implementation which are part of the legal order, are widely known and have been the subject of Constitutional Court rulings interpreting the scope of co-officiality of the two languages provided for in the Constitution, Statutes of Autonomy and autonomous legislation.

Secondly, the way in which the Charter is drafted has compelled us to consider the various sectors it covers: education, judicial authorities, administrative authorities and public services, the media, culture, economic and social life, and transfrontier exchanges.

For this reason, in order to describe the legal situation in force, the subject of this report, we need to review the system of distribution of powers between State and Autonomous Communities, since for each of the above domains we have had to take into account how the Constitution distributes powers:

1. Education. The State may pass basic legislation for developing the right to education (Article 149.1.30 of the Constitution) and the Autonomous Communities may then develop that legislation.

2. Judicial Authorities. The State has exclusive responsibility for the administration of justice (Art. 149.1.5), as well as commercial, criminal and procedural legislation (Art. 149.1.6), although the Autonomous Communities which have their own civil law (civil "*fueros*") have power to conserve, amend and develop it (Art 149.1.8).

3. Administrative Authorities and Public Services. The State may pass basic legislation to establish the bases of the legal system of public administrations and the regulations governing civil servants; it also has the power to regulate the common administrative procedure, legislation on forcible expropriation, basic legislation on contracts and administrative concessions (Art. 149.1.18).

4. Media. The State passes basic legislation on the press, radio, and television and, in general, of the other media (Art. 149.1.27).

5. Cultural Activities. This power is not specifically attributed to either the State or the Autonomous Communities and may be exercised by both (Art. 149.2), but is of particular importance to Autonomous Communities with vernacular languages.

6. Economic and Social Life. This area of activity is not the exclusive power of either level of government, with the result that, having eliminated any legal obstacles to co-officiality of two languages, the application of the provisions of the Charter on this point is more a matter for the people involved and social initiative than the authorities. Account need only taken of the fact that the State has power over the bases and coordination of general planning and economic activity (Art. 149.1.13). As for the Autonomous Communities, they have a particularly important role to play in defending and protecting consumers.

7. Transfrontier Exchanges. This area, too, is not the subject of a material power but of anticipated relations between the administrative levels of the two States.

Generally speaking, therefore, there is basic state legislation for a number of these areas (education, justice, public services, the regulations governing the civil service, and the media), while Autonomous regulation and policy are for the most part supplementary to it.

The main interest with respect to Autonomous activity is therefore to know what actions concern language policy and, subsidiarily, create a legal framework different from that of the State.

We have therefore reviewed the positive law applicable in each of the six Autonomous Communities with a co-official language, the especially important multi-sectoral reports and more particularly the Report on Language Policy, 2001, drafted by the Autonomous Government of Catalonia, and the General Plan to Promote the Use of Euskera, approved by the Basque Government in 1998.

For the drafting of certain points, we have also been in contact with, in particular, the Autonomous Communities of Asturias and Aragon, as the fact that the languages spoken in their respective territories do not have the status of co-official languages means that far less information is available about them than about policies on co-official languages.

6. Measures taken to raise awareness of the Charter

The wide dissemination of the Statutes of Autonomy, most of which have been in force for more than twenty years, the public's detailed knowledge of them and the consolidation of autonomous organisation itself all mean that there is no need to take special measures to make the European Charter for Regional and Minority Languages more widely known.

On this point, it should be remembered that the general framework for the protection of regional and minority languages established by the Spanish Constitution in 1978 and the Statutes of Autonomy on the whole coincides with the level of protection the European Charter for Regional and Minority languages requires for such languages. Application of the Charter does not therefore require Spain to pass new legislation or take measures that were not already provided for before the Charter was ratified.

Furthermore, the status of "co-official languages" conferred on them by the Constitution and the Statutes enables their speakers to avail themselves of a great many legal instruments to make effective their right to use the languages in everyday life. The protection provided by the courts for this purpose has generally proved effective.

7. Measures taken to implement the recommendations of the Committee of Ministers and bring them to the notice of the authorities concerned

As we have seen, the level of legal protection already existing was considered sufficient. It was therefore not considered necessary to conduct a specific policy of informing the authorities that have to apply the Charter, in view of the fact that its application coincides with the application of laws already in force in Spain.

The debate that took place in the Chamber of Deputies and the Senate when the Charter was ratified was revealing in this respect¹² since all the speakers clearly agreed that the Spanish system coincided with the Charter.

¹² Chamber of Deputies, Journal of Debates No. 86, 19 October 2000, pp. 2333 to 2336.

There is therefore in Spain a general perception that considerable progress has been made in recent years with respect to the protection of regional languages, although protection can of course always be improved. The debate provided a good illustration of this opinion. Some amendments were of course submitted, particularly in relation to the protection of non-co-official languages, but the debate showed there was consensus on the issue and that Spain was one of the first countries to ratify the Charter; one Spanish Deputy was even involved in the drafting process at the Council of Europe; so the amendments initially suggested were then withdrawn in order to arrive at a transnational amendment acceptable to all groups.

III. PART TWO: APPLICATION OF ARTICLE 7 OF THE CHARTER ON OBJECTIVES AND PRINCIPLES

1. Measures taken to apply Article 7 of the European Charter for Regional or Minority Languages

1. As we saw when describing the regulatory framework in force on the protection of regional and minority languages in Spain, they are recognised in Article 3.2 of the Spanish Constitution of 1978, which expressly provides that *"the other languages of Spain will also be official in the respective Autonomous Communities, in accordance with their Statutes"*. We then find an additional reference similar to the one contained in Article 7.1 (a) of the Charter: *"3. The richness of the linguistic varieties of Spain is a cultural patrimony which will be the object of special respect and protection"*.

Then, at a lower regulatory level, the Statutes of Autonomy have chosen the type and level of protection of the respective languages they considered appropriate, although four of the Statutes refer to the regional language as the "vernacular language" of the Autonomous Community; such a reference is absent only from the Statutes of the Communities of Valencia and Navarre, since in these Communities the regional languages are not spoken throughout their territory.

2. The geographic boundaries of the Autonomous Communities are not directly established by the Constitution, but by the Statute of each Autonomous Community. This implies that, since 1978, regional identity has been produced through a voluntary process conducted by the Deputies and Senators elected at the general elections held in 1977 and 1979.

Central Government has not intervened in the process of territorial organisation and cannot change the present borders of the Autonomous Communities without their agreement, as this would require a procedure similar to that used for the approval of the Statutes of Autonomy.

In this sense, we believe the objective set in Article 7.1(b) concerning the effect of administrative organisation on the promotion of the regional language to have been satisfactorily met, since the promotional measures introduced in any case depend upon the will of the democratically elected institutional bodies of each Autonomous Community.

3. This is why the Central Government places no obstacle in the way of each Autonomous Community's conducting such policy to promote and defend its language as it considers appropriate and applying that policy to the degree it considers appropriate in particular domains, so long as it does not violate the principles of equality before the law and no discrimination on grounds of language.

Part Three of this report gives a more detailed account of the policies conducted by each Autonomous Community and their scope.

4. The maintenance and development of relations between Autonomous Communities using the same language is another possibility expressly provided for in Article 145 of the Constitution, although it lays a duty on Autonomous Communities that sign collaboration agreements for this purpose to communicate their intention to Parliament so that it may pronounce upon the document submitted.

In the final analysis, the Government may not oppose such cooperation agreements, which are in reality solely conditional upon the will of the democratic institutions of the Communities concerned.

The following are a few examples of agreements made by Autonomous Communities:

- Collaboration Agreement between the A.C. of the Basque Country, the C.F. of Navarre and the General Councils of the Fueros of Alava, Guipúzcoa and Biscay on the Funding of the Royal Academy of the Basque Language - Euskalzaindia, signed on 7 October 1989.

- Collaboration Agreement between the A.C. of the Basque Country and the C.F. of Navarre on the Reception in Navarre of the services of Euskal-Irrati Telebista (EITB), signed on 17 April 1996.

- Collaboration Agreement between the A.C. of the Basque Country, the C.F. of Navarre, the Councils of the Fueros of Alava and Guipúzcoa and the Association Unibertsitate Zerbitzuetarako Euskal Ikastextea on carrying out Linguistic Research Projects for the Standardisation of Euskera, signed on 7 March 1997.

- Collaboration Agreement between the A.C. of the Basque Country, the C.F. of Navarre, the Councils of the Fueros of Alava, Guipúzcoa and Biscay and the Royal Academy of the Basque Language - Euskaltzaindia to establish the General Bases of Collaboration among the parties and to regulate the commitments of each party to guarantee the future activity of Euskaltzaindia, signed on 8 March 2000.

- Collaboration Agreement between the A.C. of Catalonia and the A.C. of the Balearic Islands on the Establishment of the Ramón Llull Consortium on the External Promotion of Catalan Language and Culture, signed in February 2000.

5. The measures to facilitate and promote the learning of regional languages by non-speakers are also very relevant to an analysis of the measures taken to apply the provisions of Article 8 of the Charter. It should be pointed out in this respect that these objectives have been largely met after almost twenty years of application of the various Acts on Language Standardisation,

most of which have in this respect been fully developed and carefully applied by the Autonomous Communities.

2. Levels of responsibility

1. As has already been indicated, in Spain the power and political and administrative responsibility for promoting regional languages lies with the Autonomous Communities. For this purpose the Autonomous Communities have set up specific administrative units with transversal powers with respect to language policy. These units are listed above.

2. In the various Autonomous Communities there are also bodies and institutions that specialise in the various sectors mentioned in the Charter. The following, with their titles and legal personalities, may be cited as examples:

- A.C. of the Basque Country

- Basque Institute for Adult Literacy and 'Re-euskaldunisation' (HABE) (autonomous body)
- Basque Institute of Public Administration (autonomous body)
- Basque Radio Television/ Euskal Irrati Telebista (public body)
- Radio Vitoria / Gazteiz Irratia S.A. (public limited company)
- Basque Television / Euskal Telebista S.A. (public limited company)
- Basque Radio Broadcasting / Eusko Irratia S.A. (public limited company)
- Euskal Media S.A. (public limited company)
- Euskalnet S.A. (public limited company)

- A.C. of Catalonia

- Public Administration School of Catalonia (autonomous body)
- Catalan Radio and Television Corporation (public body)
- Catalu a Radio S.A. (public limited company)
- Televisi n de Catalu a, S.A. (public limited company)
- Catalan Institute of Arts (autonomous body)
- Library of Catalonia (autonomous body)
- Autonomous Entity of the Official Journal and Publications of the *Generalitat* (autonomous body)
- Teatro Nacional de Catalu a S.A. (public limited company)

- A.C. of Galicia

- Galician School of Public Administration (autonomous body)
- Radio-Television Company of Galicia (public body)
- Televisi n de Galicia S.A. (public limited company)
- Radiodifusi n de Galicia S.A. (public limited company)
- Galician Institute of Dramatic Arts and Music (autonomous body)
- Council of Galician Culture

- Community of Valencia

- Valencian Radio-Television (public body)

- Televisión Autonómica Valenciana S.A. (public limited company)
- Radio Autonomía Valenciana S.A. (public limited company)
- Theatre of the Generalidad of Valencia (public body)
- Valencian Institute of Modern Art (public body)

- C.F. of Navarre

- Public Administration Institute of Navarre (autonomous body)

3. For the development of this policy, the Autonomous Communities have sought the cooperation of other bodies, particularly those of local corporations. In the case of the A.C. of Catalonia, this has been institutionalised in the form of the Consortium for Language Standardisation, whose objective is to *'promote the learning, use and dissemination of the Catalan language'*; for this purpose, it will *'take initiatives in the field of the unregulated teaching of Catalan and provide cultural, translation and correction services and any other services arising from the purposes of the Consortium'*.

The consortium formula has also been used by the same Community to establish the Terminology Centre Consortium (TERMCAT), set up by the Autonomous Community, the Institute of Catalan Studies and the Consortium for Language Standardisation, the purpose of which is to *'plan and coordinate terminological research, and organise the review and standardisation of Catalan terms, which will be conducted in accordance with the linguistic regulation of the Institute of Catalan Studies'*.

4. The A.C. of the Balearic Islands has a similar organisation, the Consortium for the Promotion of the Use of the Catalan Language and the External Dissemination of the Culture of the Balearic Islands, established by Decree 126/1997 of 3 October as an *'association with its own legal personality, composed of the Government of the Balearic Islands and the University of the Balearic Islands. The Island Council of Majorca, the Island Council of Minorca and the Island Council of Ibiza and Formentera may also be parties to it'*.

IV. PART THREE: APPLICATION OF THE PARAGRAPHS AND OPTIONS CHOSEN BY SPAIN

Because of the legal nature of the commitments Parties make when they sign and ratify the European Charter for Regional and Minority Languages, we believe that the substance of this section of the report should essentially be of a legal nature.

This view is strengthened by the fact that in Spain the most important languages the Charter refers to have the status of "co-official languages" in their respective territories, so that the method essentially used in the drafting of this report has been to review the laws and other provisions in the systems of Autonomous Communities mentioned above.

For an accurate reading and interpretation of this section, it should be remembered that a great many languages are spoken in Spain and were mentioned in the declaration made when the Charter was ratified, since the large number of languages, socio-linguistic situations and positive law provisions necessarily make for a complex and certainly uneven report.

As already stated, we have reviewed the laws in force adopted by the State, the six Autonomous Communities with a co-official language and the two other Communities whose Statutes recognise linguistic specificities. The result is inevitably heterogeneous since each Autonomous Community has implemented a particular language policy and the result is not always comparable between Communities.

It is not easy to divide the subject into the seven material domains mentioned in the Charter, since the measures included in Articles 11 and 12 are not always easily separated, and are also closely related to the substance of Article 13. Similarly, some measures taken to apply the substance of Article 13 require particularly complicated description.

The other question to be borne in mind in order to understand the complexity of the report is the chronological development, given that co-officiality has already been applied for twenty years and that over an already considerable period there have been some changes.

In the final analysis, some of the information given will be essentially illustrative: the public subsidies and aid allocated are good examples of this. In short, we have looked for elements common to the six cases, but the results are not always applicable to all the cases or for every measure.

To sum up, we consider that the legal arrangements in Spain to a great extent reflect the substance of the measures described, so we have not exhaustively enumerated all the laws in force, the frequently reproduced references adequately describing the high degree of officiality and protection of minority languages in Spain.

ARTICLE 8. EDUCATION

A) PARAGRAPHS AND OPTIONS CHOSEN

Paragraph 1.

- a) i) to make available pre-school education in the relevant regional or minority languages.
- b) i) to make available primary education in the relevant regional or minority languages.
- c) i) to make available secondary education in the relevant regional or minority languages.
- d) i) to make available technical and vocational education in the relevant regional or minority languages.
- e) iii) if by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provisions of university or other forms of higher education in regional or minority languages or of the facilities for the study of these languages as university or higher education subjects
- f) i) to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages.
- g) to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language.
- h) to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party.
- i) to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

Paragraph 2.

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

B) MEASURES TAKEN TO APPLY EACH PARAGRAPH

1. General Regulation of the Education System

- State legislation/measures

The Acts regulating the Spanish education system and the other basic regulations implementing them include the necessary elements for the learning and dissemination of regional languages and cultures.

The "objectives" of the different levels and stages serve to promote the various languages and cultures of Spain, with both their general and common aspects (Castilian as the common

language of all Spaniards, the common culture) and their specific aspects (the co-official languages, the specific cultural characteristics of the various regions and nationalities of Spain) being learned and respected by all pupils.

The Acts on education give the Autonomous Communities responsibility for curricula, so that they include the study not only of their official languages but also of the history and culture particular to them.

The Autonomous Communities have also regulated their full use and teaching in universities, without prejudice to Article 27.10 of the Constitution which provides, "*The autonomy of universities is recognised under the terms established by law*".

Section 2 of State Authorities Act 6/2001 of 21 December on the Universities provides for the autonomy of universities through approval of their individual Statutes of Organisation and Functioning. The universities in the Autonomous Communities with a vernacular language may therefore provide teaching in that language, although it is for each university to decide the scope of this right.

The following are the most important statutory and regulatory references:

- State Authorities Act 8/1985 of 5 July Regulating the Right to Education.

"Section 2.1 Guided by the principles and declarations of the Constitution, education in the educational establishments referred to in this Act shall have the following objectives

(e) Training to respect the linguistic and cultural diversity of Spain."

- State Authorities Act 1/1990 of 3 October on General Regulation of the Education System.

As established by State Authorities Act 8/1985, this Act provides that one of the goals of the Spanish education system is "(e) *Training to respect the linguistic and cultural diversity of Spain.*"

The essential goal of this Act, however, was to organise the education system on the basis of different levels: pre-school education, primary education, secondary education (which includes compulsory secondary education, the baccalaureate and intermediate vocational training), advanced vocational training and university education.

The objectives, content, teaching methods and evaluation methods of each level are together referred to as the "curriculum" and the Act lays down how the curriculum is to be set:

"Section 4.2 The Government shall determine the core curriculum, expressed in terms of capabilities, content and evaluation criteria, the purpose of which shall be to ensure an education common to all pupils and the validity of the corresponding diplomas. The essential content of the core curriculum shall never require more than 55% of teaching hours in the Autonomous Communities with an official language other than Castilian, and 65% in the others."

On this basis, *"The competent education administrations shall draw up the curricula of the various levels, stages, cycles, degrees and types of the education system, part of which shall be the core curriculum."*

If one looks at each of the levels, the Act sets out for each of them the following capabilities:

1. Primary Education (6 to 12). It will help to develop in children the ability to:

"(a) Use appropriately the Castilian language and the official language particular to the Autonomous Community" (Section 13).

2. Secondary Education. This comprises Compulsory Secondary Education (12 to 16) and the Baccalaureate (which is comprised of two academic years, from the age of 16). The abilities required are:

- For Compulsory Secondary Education:

"(a) Understanding and correct expression, in the Castilian language and in the official language particular to the Autonomous Community, of complex oral and written texts and messages" (Section 19).

- For the Baccalaureate

"(a) Command of the Castilian language and the official language particular to the Autonomous Community" (Section 26).

For each of these three educational levels the Act details the different areas of knowledge and specifies for each level the area corresponding to *"Castilian language, official language particular to the corresponding Autonomous Community, and literature"* (Sections 14, 20 and 27).

- Furthermore, before the approval of the respective Statutes of Autonomy, the State had already taken up and regulated the use of the regional languages in education through a different channel.

1. Respect for Euskera/Basque (A.C. of the Basque Country)

- Royal Decree 1049/1979 of 20 April regulating the inclusion of the Basque language in the education system of the Basque Country.

- Royal Decree 955/1988 of 2 September, which introduced the Basque language in aptitude examinations for entry to the faculties, higher technical schools and university colleges of the Community.

2. Respect for Catalan (A.C. of Catalonia)

- Royal Decree 2092/1978 of 23 June regulating the inclusion of the Catalan language in the education system of Catalonia.

- Royal Decree 3937/1982 of 29 December, which introduced the Catalan language in aptitude examinations for entry to the faculties, higher technical schools and university colleges of Catalonia.

3. Respect for Galician (A.C. of Galicia)

- Royal Decree 1981/1979 of 20 July regulating the inclusion of the Galician language in the education system of Galicia.

- Royal Decree 105/1987 of 17 July, which introduced the Galician language in aptitude examinations for entry to the faculties, higher technical schools and university colleges of Galicia.

4. Respect for Valencian

- Royal Decree 661/1988 of 24 June, which introduced Valencian in aptitude examinations for entry to the faculties, higher technical schools and university colleges of universities situated in the Community of Valencia.

5. Respect for Euskera/Basque

- Royal Decree 1713/1991 which introduced the Basque language in aptitude examinations for entry to the faculties, higher technical schools and university colleges of the Community of the Fuero of Navarre.

6. Respect for Catalan (Balearic Islands)

- Royal Decree 1572/1985 of 17 July on the teaching of the Balearic variant of Catalan in the non-university educational establishments of the Autonomous Community.

- Royal Decree 660/1988 of 24 June, which introduced the Catalan language in aptitude examinations for entry to the faculties, higher technical schools and university colleges of the Autonomous Community.

- Laws and other measures passed by the A.C. of the Basque Country

- Act 10/1982 of 24 November Regulating the Use of Euskera:

"Section 15. All pupils shall have the right to be taught in both Euskera and Castilian at the different educational levels.

For this purpose, the Parliament and the Government shall take the appropriate measures to ensure the gradual universalisation of bilingualism in the education system of the Autonomous Community of the Basque Country."

- Act 1/1993 of 2 February on Basque Public Schools

In accordance with the provisions of the Statute of Autonomy of the Basque Country, this Act guarantees pupils' right to receive an education in both Euskera/Basque and Castilian, and requires that both languages be included in educational curricula in order that there should be

genuine ability to understand, speak and write both languages so that they may be used as languages of communication and for ordinary use.

The Act lays down the following linguistic models for the education system:

- Model A, in which the curriculum is essentially taught in Castilian and some activities or subjects may be taught in Euskera/Basque.
- Model B, in which the curriculum is taught in Euskera/Basque and in Castilian.
- Model D, in which the curriculum is taught entirely in Euskera/Basque.

In all three models, Castilian Language and Literature and Basque Language and Literature, as well as modern languages, will be taught essentially in the respective languages.

According to the Political Agreement on the Education Pact, pre-school education and compulsory education will be regulated on the basis of all three models, A, B and D. Only models A and D will be provided in post-compulsory education.

In the academic year 1999-2000, the linguistic models established in the schools of the Community of the Basque Country were as follows, expressed as percentages of all pupils¹³:

¹³ Data from the General Directorate of Territorial Cooperation and the Inspectorate of the Ministry of Education, Culture and Sport.

Level / Stage	Model A	Model B	Model D	Other Models
	%	%	%	%
Pre-school	11.79	29.02	58.48	0.70
Primary	24.12	28.90	46.09	0.89
Special Education (Pre-school / Primary)	95.28	1.85	2.87	---
Compulsory Secondary Education (ESO)	38.30	23.68	37.38	0.65
Special Education (ESO)	93.06	6.94	---	---
General Unified Baccalaureate (BUP / COU)	100	---	—	---
LOGSE Baccalaureate <small>(LOGSE: Ley orgánica de Ordenación General del Sistema Educativo)</small>	61.56	1.53	36.67	0.24
Vocational Training	85.34	0.90	—	13.76
Vocational Training Modules	100	---	—	---
FPGM-FPGS ¹⁴	90.19	0.89	8.92	---
Special Education (FP)	91.00	0.20	8.79	---
TOTAL	40.50	20.01	38.69	0.80

Compared to figures for the previous year, there was a fall of 0.45% in the numbers opting for Model A, and of 0.28% opting for Model B, while there was a rise of 0.78% for Model D. It should be pointed out that the data for BUP/COU, FP and FP Modules are not significant since such education is residual following completion of the introduction of the LOGSE.

The legislation contained in the Act on Basque Public Schools is supplemented by various laws and regulations which are also of interest in showing how language standardisation measures were passed or introduced when the Autonomous Communities were first being developed:

- Act 10/1988 of 29 June on the Merger of Ikastolas (Basque Schools) and Public Schools.
- Act 2/1993 of 19 February on Teachers in Non-university Education.
- Order of 10 August 1982 regulating the teaching of Basque Language and Literature in the BUP.
- Decree 138/1983 of 11 July regulating the Use of Official Languages in Non-university Education in the Basque Country.

¹⁴ FPGM-FPGS: Intermediate and Advanced Training Cycles.

- Order of 1 August 1983 of the Department of Education and Culture developing Decree 138/1983 of 11 July regulating the Use of Official Languages in Non-university Education in the Basque Country.
- Order of 27 June 1985 of the Department of Education, Universities and Research regulating the Teaching of Basque Language and Literature in the First Year of University.
- Order of 29 July 1985 of the Department of Education, Universities and Research regulating the Number of Hours per Week of BUP and COU classes in the Autonomous Community of the Basque Country studying by day.
- Order of 10 October 1985 of the Department of Education, Universities and Research regulating the Teaching of Euskera in Model A of the higher EGB Cycle.
- Decree of 29 May 1990 regulating the Creation and Functioning of Centres for Linguistic Consolidation.
- Decree of 9 March 1993 laying down Criteria for Determining Linguistic Profiles and Deadlines concerning Teaching Posts.

- Laws and other measures passed by the A.C. of Catalonia

- Act 1/1998 of 7 January on Language Policy and its Implementing Decree of 4 February 1998 (Measures for Applying the Act).

In accordance with the provisions of this Act, Catalan is the language of instruction at all levels and in all types of education, both university and non-university, and is the language normally used in the teaching and administrative activities of educational establishments.

Catalan is the language of communication and instruction in non-university education; children may receive primary education in their usual language, whether Catalan or Castilian. "Catalan Language and Literature" are an integral part of the school curriculum.

Pupils have to know and be able to use both languages normally and correctly by the end of compulsory education and the certificate of secondary education may not be issued to pupils who are unable to demonstrate their written and oral ability in them.

Teaching staff are required to be proficient in both official languages of the Community and be able to use them in their teaching. The necessary training programmes have been established to this end.

"Section 20. 1. As the vernacular language of Catalonia, Catalan shall also be the language of instruction at every level and in every kind of education.

2. Educational establishments of every level shall make Catalan the means of normal expression in their teaching and administrative activities, both internal and external."

"Section 21. 1. Catalan shall normally be used as the language of communication and instruction in non-university education.

2. *Children shall have the right to receive primary education in their usual language, whether Catalan or Castilian. The Administration shall guarantee this right and provide the means necessary for making it effective. Parents and guardians may exercise this right on behalf of their children by requesting its application.*

3. *Adequate teaching of Catalan and Castilian shall be guaranteed in curricula so that children, whatever their usual language at the beginning of education, are able to use both official languages normally and correctly by the end of compulsory education.*

4. *In post-compulsory education, the educational administration shall promote programming and teaching policies that guarantee further development of the knowledge and use of the two languages so that young people acquire the instrumental and cultural skills particular to these subjects.*

5. *Pupils shall not be separated in different schools or classes on the basis of their usual language.*

6. *The secondary education certificate shall not be issued to pupils who are unable to demonstrate a command of oral and written Catalan and Castilian appropriate for this level.*

7. *Pupils who have been exempted from learning Catalan during all or part of their education or who have received compulsory education outside the territory of Catalonia, in circumstances that the Autonomous Government of the Generalidad shall lay down in regulations, shall not be required to demonstrate knowledge of Catalan.*

8. *Pupils who enter the education system of Catalonia late shall receive special, additional support for learning Catalan."*

"Section 22. 1. In higher education establishments and universities, both teaching staff and students shall have the right to express themselves, orally and in writing, in the official language of their choice.

2. *In their respective fields of competence, the Government of the Generalidad, the universities and higher education establishments shall take appropriate measures to ensure and promote the use of the Catalan language in all educational, non-educational and research activities, including the reading of doctoral theses and in competitive examinations.*

3. *The universities shall provide courses and other appropriate means to enable students and teaching staff to improve their understanding of the Catalan language.*

4. *Universities may, if necessary, lay down specific criteria for language use in activities connected with international commitments."*

The other important measure with respect to education is:

- Decree of 30 August 1983 applying language standardisation in the field of non-university education.

- Laws passed by the A.C. of Galicia

- Act 3/1983 of 15 June on Language Standardisation.

Title III of this Act lays down the principles on the use of Galician in education. The Act makes Galician an official language at all levels of education, university and non-university, and pupils have the right to receive primary education in their mother language. Pupils may not be separated in different schools on linguistic grounds, and separation in different classes is also to be avoided. By the end of compulsory education, pupils have to be able to speak and write Galician and Castilian to equal levels.

Study of the Galician language is compulsory at all non-university levels of education in both public and private schools.

The Act contains a special feature in that it also provides for the granting of exemptions to certain pupils in exceptional circumstances.

Exemptions are regulated by Decree 253/1990 of 18 April; they may be granted to pupils whose immediately preceding education was in another Autonomous Community or abroad. There are also exemptions for pupils who have moved out of the territory of the Community and pupils with physical, principally hearing, difficulties. The exemptions must be authorised for each academic year and may not be granted for more than three consecutive years. The Decree was later developed by the Order of 18 June 1990.

"Section 12. 1. As the vernacular language of Galicia, Galician shall also be the official language of instruction at all levels of education.

2. The Autonomous Government of Galicia shall lay down rules for the use of the official languages in education, in accordance with the provisions of this Act."

"Section 13. 1. Children shall have the right to receive primary education in their mother language.

The Galician Government shall take the necessary measures to make this right effective.

2. The education authorities of the Autonomous Community shall take measures to promote the gradual use of Galician in education.

3. Pupils may not be separated in different schools on the grounds of their language. Separation into different classes shall also be avoided, unless exceptional educational requirements make it advisable."

"Section 14. 1. The Galician language shall be a compulsory subject at all levels of non-university education.

The effective use of this right shall be guaranteed in all public and private schools.

2. The Galician Government shall determine by regulation the exceptional circumstances in which a pupil may be exempted from compulsory study of the Galician language. No pupil may be exempted from this obligation if he or she has been educated without interruption in Galicia.

The education authorities of the Autonomous Community shall ensure that by the end of the stages in which Galician is compulsory pupils shall have an oral and written command of that language equal to that of Castilian."

"Section 15. 1. Teachers and students of university level shall have the right to use, orally and in writing, the official language of their choice.

2. The Galician Government and the university authorities shall take appropriate measures to make the use of Galician normal in university education.

3. The education authorities shall take appropriate measures to ensure that language is not an obstacle to making effective pupils' right to acquire knowledge."

- Decree 247/1995 of 14 September, amended by Decree 66/1997 of 21 March, implementing Act 3/1983 on the Use of and Teaching in the Galician Language in General Education provided at the various non-university levels.

It lays down the conditions for the use of the Galician language in general education provided for in the LOGSE. Under the terms of the Decree, the education administration and educational establishments in Galicia will use Galician in their internal and external relations, as well as in their administrative documents.

General education governed by the LOGSE allocates the same number of teaching hours to Galician and Castilian. During pre-school and early primary education, the language used will be the one that predominates among the pupils. In the second and third stages of primary education, at least two subjects will be taught in Galician, one of which must be Knowledge of the Natural, Social and Cultural Environment.

In compulsory secondary education, Social Sciences (Geography and History) and Natural Sciences will be taught in Galician. Of the optional subjects, Environmental and Health Sciences and the optional subjects offered by schools will be taught in Galician.

In the first year of the Baccalaureate, the core subject Philosophy and one specific subject in each special section, detailed in the Decree, will be taught in Galician. In the second year, History will be taught in Galician, as will specific subjects in each special section, laid down in the Decree. The optional subjects listed in the Decree will also be taught in Galician.

In special vocational training, theoretical- practical subjects will be taught in Galician so as to facilitate pupils' social and occupational integration.

The teaching of areas and subjects not mentioned above will be taught in the language laid down in each school's Education Plan, respecting the balance between the two official languages of the Community.

The selection system for admission to the teaching profession includes a test of knowledge of the Galician language. The Order of 25 November 1997 (DOG 22.12.97) regulates the conditions and knowledge required of teachers in private schools in the Community and the

certification procedure for teaching in pre-school, primary, compulsory secondary and baccalaureate education.

Other measures have also been passed in the specific field of education of which the following are the most notable:

- Decree of 17 November 1982 on regulation of the Galician language. Appended to it is the Agreement made between the Royal Galician Academy and the Institute of the Galician Language of 3 July 1982.

- Decree 135/1983 of 8 September on Application of Act 3/1983 of 15 June on Language Standardisation.

- Decree 253/1990 of 18 April.

- Order of 18 June 1990.

- Decree of 8 April 1994 on exemption from Galician in elementary and intermediate education.

- Laws and other measures adopted by the Community of Valencia

- Act 4/1983 of 23 November on the Use and Teaching of Valencian.

Under the terms of the Statute of Autonomy of the Community of Valencia, the Valencian Parliament passed Act 4/1983 on the Use and Teaching of Valencian, Title II of which concerns the application of Valencian in education and exceptions to the rule.

As we saw in the first part of the report, the Act defines two linguistic areas in the Community for each of which a list of municipalities is given, the first containing predominantly Valencian-speaking, the second predominantly Castilian-speaking, municipalities. In schools in the latter group, Valencian was to be gradually introduced into education according to the socio-linguistic situation.

The Act lays down that both languages are compulsory in curricula, without prejudice to any exemptions that may be granted to pupils living temporarily in the Community or living in predominantly Castilian-speaking municipalities.

"Section 18. 1. The inclusion of Valencian in education at every level shall be compulsory. In the Castilian-speaking territories listed in Chapter V, it shall be introduced gradually, according to their particular socio-linguistic situations, in a manner to be determined by specific regulations."

- Decree 79/1984 of 30 July for the application of the Act in non-university education, subsequently amended.

The Decree states that educational establishments must teach Valencian and Castilian, although in predominantly Castilian-speaking areas Valencian will be introduced gradually.

Primary education will be in the mother tongue. In the predominantly Valencian-speaking municipalities, the education administration must gradually introduce the relevant teaching, using Valencian as the language of instruction. School education plans should determine the subjects to be taught in Valencian and Castilian in the middle school years in order to arrive at a balanced command of the two languages at the senior stage and intermediate levels.

- Order of 23 November 1990 regulating the application of Valencian as a language of instruction in schools with a majority of pupils whose family language is Castilian.

Application of the "linguistic immersion" programme requires the prior approval of the school's governing bodies. Education plans should specify the subjects to be taught in each language and the number of teaching hours.

- Decrees 233/1997 and 234/1997 of 2 September on the approval of Basic Regulations for Pre-school and Primary Schools, and Secondary Schools, respectively.

They require that school education plans should include and develop bilingual education programmes.

The programmes may be in one of the following three forms: the Valencian Teaching Programme, Linguistic Immersion Programme or Gradual Inclusion Programme.

Because Valencian and Castilian are co-official in the Community, teaching staff must be proficient in both languages. The application of this requirement was made subject to job description lists and the corresponding periods of transition.

In the year 1999-2000, Linguistic Immersion Programmes were run in 204 pre-school centres and primary schools and Valencian Teaching Programmes in 440. A total of 96,171 pupils were involved in the two programmes, with a significant rise of 15,046 over the previous year.

Similarly, 193 secondary schools ran Valencian Teaching Programmes involving 25,247 pupils, an increase of 2,389 over the previous year¹⁵.

- Laws and other measures adopted by the F.C. of Navarre

- "Fuero" Act 18/1986 of 1 December on Basque.

In accordance with the provisions of State Authorities Act 13/1986 of 10 August on the Integration and Improvement of the Special Status of the Fuero of Navarre, the Community passed this Act regulating the use of different languages at all levels of the education system, both university and non-university. For linguistic purposes, it divides the Community of the Fuero into three areas: a Basque-speaking area, a mixed area and a non-Basque-speaking area. In the first (Basque-speaking) area, pupils are taught in the official language of their choice or the choice of their legal representatives. Pupils have to demonstrate an adequate level in both languages by the end of basic education and may be exempted from Basque if they have been to school in another area or territory.

¹⁵ Data from the General Directorate of Territorial Cooperation and the Inspectorate of the Ministry of Education, Culture and Sport.

In the mixed area, Basque is included in teaching gradually through the creation in schools of streams in which instruction is in Basque for those who request it.

In the non-Basque-speaking area, the teaching of Basque is promoted and, if necessary, financed in full or in part by the authorities, in accordance with demand.

"Section 19. All citizens shall have the right to be taught in Basque and Castilian at all levels of education (...)."

"Section 20. The Government of Navarre shall regulate the incorporation of Basque in education plans and determine modes of application in each school, in the framework of this "Fuero" Act for the different areas."

- Fuero Decree 159/1988 of 19 May regulating the incorporation and use of Euskera in non-university education.

This Decree sets out the following linguistic models for the Community's public and private schools:

- Model A: Teaching in Castilian with Euskera/Basque as a subject.
- Model B: Teaching of most subjects in Basque and the rest in Castilian.
- Model D: Teaching in Basque with Castilian as a subject.
- Model G: Teaching in Castilian.

According to the Ministry of Education, Culture and Sport, in the year 1999-2000, the linguistic model followed by all pupils at the different levels of education (public and private schools taken together) was as follows:

Linguistic Model	Pre-school and Primary Education %	Secondary Education %	Total %
Model A	24.7	8.6	16.3
Models B+D ¹⁶	24.3	17.2	19.6
Model G	50.9	74.3	64.0

These figures represent rises over the previous year of 1.8% and 1.4% for Models A and B+D, respectively, and a fall of 3.2% for Model G.

¹⁶ The data on Models B and D are given together since Model B is little applied in the Foral Community of Navarre.

- "Foral" Decree 160/1988 of 19 May 1988 on retraining in Euskera of non-university teaching staff of public and private schools.

This Decree requires teachers applying for posts in the teaching of or in Basque to know Euskera/ Basque, command of the language being compulsory for such posts. It also lays down that knowledge of Basque will be regarded as an advantage for other teaching posts.

- Laws and other measures adopted by the A.C. of the Balearic Islands

- Act 3/1986 of 19 April on Language Standardisation.

Act 3/1986 of 19 April was passed as a development of the Statute of the Balearic Islands which empowered the authorities of the Autonomous Community to promote the learning and use of the vernacular language of the Balearic Islands.

It regulates various aspects of the teaching of the language in the Islands' education system and makes Catalan, with special attention to the variant of the Balearic Islands, an official language at all levels and in all types of university and non-university education. It also lays down that at least as many teaching hours should be allocated to it as to *Castilian Language and Literature*.

By the end of compulsory education pupils should be able to use Catalan and Castilian normally and correctly, though pupils who have received part of their schooling outside the territory of the Balearics may be exempted. The education department must provide the means to avoid pupils being separated in different schools because of language.

Existing and new teaching staff must be proficient in oral and written Catalan and Castilian. Courses will be provided so that complete proficiency may be achieved.

"Section 17. Catalan, as the vernacular language of the Balearic Islands, shall be co-official at every educational level."

"Section 18. 1. Pupils shall have the right to receive their primary education in their own language, whether Catalan or Castilian.

2. For this purpose the Government shall introduce appropriate measures to make this right effective. Parents or guardians shall in all cases be able to exercise this right on behalf of their children by applying to the competent authorities for it to be satisfactorily applied."

"Section 19. 1. Catalan language and literature shall be compulsory at all levels and in all types of university and non-university education, particular attention being paid to the contribution of the Balearic Islands. Application of this provision shall be guaranteed in all teaching establishments.

2. In education curricula, teaching hours shall be allocated to Catalan language and literature in accordance with State study plans and shall be at least equal to those allocated to Castilian language and literature.

3. *Private schools receiving public subsidies and providing regulated education based on a language which is not official in the Autonomous Community shall teach the Catalan and Castilian languages as compulsory subjects, without prejudice to State regulations on this matter, in accordance with the provisions of Section 12.2 of the State Authorities Act on the Right to Education.*"

"Section 20. 1. *The Government shall adopt the provisions necessary to ensure that pupils in the Balearic Islands, whatever their usual language at the beginning of education, are able to employ Catalan and Castilian normally and correctly by the end of compulsory education.*

2. *The school certificate may not be issued to pupils who, having begun General Elementary Education after the entry into force of this Act, are unable to demonstrate adequate oral and written proficiency in both official languages by the end of that education. However, pupils who have obtained the relevant exemption during an academic year or who have received part of their schooling outside the territories of the Catalan linguistic community, in circumstances that the Government shall lay down in regulations, may not be required to demonstrate knowledge of Catalan.*"

"Section 21. *Study plans shall be adapted to the objectives set out in this chapter.*"

"Section 22. 1. *In order to make effective the right to teaching in the Catalan language, the Government of the Autonomous Community shall take the necessary measures to ensure the oral use of this language as the usual means of communication in teaching in all educational establishments.*

2. *The administration shall take appropriate measures to ensure that the Catalan language is gradually used in all educational establishments in order to guarantee its use as a normal means of expression, both in internal and external actions as well as in administrative actions and documents.*

3. *The administration shall provide the means necessary to ensure that pupils will not be separated in different establishments because of language.*"

"Section 25. 1. *Teaching staff and students in higher education institutions shall have the right to use, orally and in writing, the official language of their choice.*

2. *The Government of the Autonomous Community and the university authorities shall undertake to ensure, through classes or other means, the comprehension and use, both oral and written, of the Catalan language by teaching staff and students in higher education.*"

"Section 26. *The Government of the Autonomous Community shall promote the development of the teaching materials needed to make the teaching of both languages possible and shall make the requisite budget appropriations.*"

- Decree 92/1997 of 4 July 1997 regulating the use and teaching of and in the Catalan language, the vernacular of the Balearic Islands, in non-university education establishments.

This decree stipulates that Catalan will be the language of communication in the education system and that it should gradually be introduced in schools through their Language Plans. Within four years, pupils must be taught the language in the form laid down in the decree.

It does not lay down specific subjects that have to be taught in the two languages in pre-school education, this being determined by the Language Plans of the schools themselves, with the same number of hours. Pupils will arrive in primary school able to communicate adequately in both languages.

In primary education, the subject Natural, Social and Cultural Environment will be taught in Catalan. The other subjects, up to half of teaching hours, will be determined by the Language Plan, which must be approved by a qualified majority of the school's Governing Board, which will also specify the subjects to be taught in Catalan, the vernacular language of the Balearic Islands, and those to be taught in Castilian.

In compulsory secondary education, social sciences, geography and history, and the natural sciences will be taught in Catalan, the vernacular of the Balearic Islands. The other subjects, up to half of teaching hours, will be determined by the Language Plan, which must be approved by a qualified majority of the school's Governing Board and also specify the subjects and the groups and levels in them to be taught in Catalan.

With respect to post-compulsory education, provisions approved once the LOGSE has been generally established will specify the subjects to be taught in Catalan, particularly where the pupils arriving at this stage have been taught those subjects in Catalan during compulsory secondary education.

For the time being, the use of Catalan will be at least equal to the use of Castilian.

The education department and non-university educational establishments will gradually use the vernacular of the Community in their relations with each other and with territorial administrations and other public and private bodies in the Balearic Islands. They will also promote the use of Catalan in the cultural action organised by establishments and the supplementary activities offered to pupils. Administrative documents concerning the internal running of educational establishments, such as minutes, memoranda and announcements are to be drafted in Catalan.

- Order of 12 May 1998 developing Decree 92/1997 of 4 July.

- Laws and other measures adopted by the Principality of the Asturias

- Act 1/1998 of 23 March on the Use and Promotion of Bable/Asturian.

In accordance with the provisions of the Statute of Autonomy of the Principality of the Asturias, Bable will be protected and its use, dissemination in the media and teaching shall be promoted, respecting, in all cases, local variants and the fact that learning it shall be voluntary.

The Act was passed to develop the Statute and provides for the presence and promotion of Bable in the education system.

The Act guarantees the teaching of Bable at all levels and stages of the education system, respecting the fact that learning it is voluntary. It will be taught in normal teaching hours and considered part of the curriculum.

Choosing to study Bable/Asturian may in no case be a cause for discrimination against pupils or an obstacle to obtaining the same education and knowledge as other pupils in the same conditions of equality.

In the year to which this report refers, the Act's implementing regulations had not yet been approved and various matters are therefore awaiting regulation, above all the teaching diplomas needed to authorise the textbooks that will have to be used, the organisation of subjects and regulations approving the syllabus at different levels and stages of education.

"Section 9. Education.

In the exercise of its powers, the Principality of the Asturias shall teach Bable/Asturian and promote its use in the education system in accordance with the Statute of Autonomy of the Asturias.

Section 10. Curriculum

1. In the exercise of its powers, the Principality of the Asturias shall guarantee the teaching of Bable/Asturian at all levels and stages, respecting, however, the fact that learning it shall be voluntary. In all cases, Bable/Asturian shall be taught as part of the ordinary teaching timetable and shall be considered a subject that is part of the curriculum.

2. The above principles shall be extended to continuing adult education.

3. Choosing to study or use Bable/Asturian as a subject of the curriculum may in no case be a cause for discrimination against pupils.

For those who choose it, learning or using it may not be an obstacle to receiving the same education and knowledge in the same conditions of equality as other pupils."

2. Adult Education

(f) i) to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages.
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- Laws and other measures adopted by the A.C. of the Basque Country

- Act 29/1983 of 25 November 1983 founding the Institute for Adult "Re-euskaldunisation" and regulating the Euskaltegis (HABE).

- Order of 8 June 1984 implementing Section 20 of Act 29/1983.

- Decree of 12 June 1984 approving the legal status of the Euskaltegis.

- Order of 7 January 1987 determining the subjects of adult "euskaldunisation" to be applied in the Euskaltegis.

- Decree of 16 June 1987 on the status of supervised research bodies applied to linguistic research.

- Decree of 13 February 1996 on the organic structure of the Institute of Adult Literacy and "Re-euskaldunisation" (HABE).

- Laws and other measures adopted by the A.C. of Catalonia

- Act 1/1998 of 7 January on Language Policy.

"Section 23. 1. The teaching of Catalan and Castilian shall be compulsory in the programming of continuing education courses for adults.

2. The teaching of both official languages shall be compulsory in educational establishments with a special language status.

3. Generalitat-supervised educational establishments with a special status where a language is not taught shall provide courses in Catalan language for pupils with insufficient knowledge of it."

- Laws and other measures adopted by the A.C. of Galicia

- Act 3/1983 of 15 June on Language Standardisation.

"Section 16. 1. In special adult education courses and specialised education courses in which a language is taught, Galician shall be compulsory.

Specialised educational establishments supervised by the Government of Galicia shall teach Galician where it is not compulsory.

2. Specialised educational establishments for pupils with physical or mental learning disabilities shall use as the language of communication the one that, according to the family and social circumstances of each pupil, will best contribute to their development."

- Laws and other measures adopted by the F.C. of Navarre

- "Foral" Decree of 19 May 1988 approving regulations on the functioning and organisation of adult Euskera teaching centres and the granting of aid to bodies promoting such teaching.

- Laws and other measures adopted by the A.C. of the Balearic Islands

- Act 3/1986 of 29 April on Language Standardisation.

"Section 24. 1. Catalan, as the vernacular language of the Autonomous Community, shall be a compulsory subject in continuing education programmes for adults.

2. Similarly, specialised programmes which teach a language shall include teaching of the Catalan language.

3. *Specialised educational establishments supervised by the Government of the Autonomous Community where a language is not taught shall provide additional courses in Catalan to pupils with an inadequate knowledge of it.*

4. *In specialised educational establishments for pupils suffering psychological or sensory disabilities, the language of instruction shall be the one which, according to the family circumstances of each pupil, will best contribute to their development."*

"Section 36. 1. The Government of the Autonomous Community shall promote the teaching of the Catalan language to adults."

3. Language Training and Proficiency of Teaching Staff

h) to provide the basic and further training of the teachers required to implement those of the paragraphs a to g accepted by the Party.
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- Laws and other measures adopted by the A.C. of the Basque Country

- Act 10/1982 of 24 November on the Standardisation and Use of Euskera.

"Section 19. The university colleges of education for teachers shall adapt their Study Plans in order to make teachers fully proficient in Euskera and Castilian, in accordance with the requirements of their speciality."

"Section 20. In order to render effective the right to education in Euskera, the Government shall provide the means to ensure the gradual 'euskaldunisation' of teachers.

2. *Similarly, it shall determine the teaching posts and units for which proficiency in Euskera shall be compulsory (...)."*

- Act 2/1993 of 19 February on Teaching Staff in Non-university Education in the Autonomous Community of the Basque Country.

This Act and the Political Agreement for the Education Pact have listed teaching posts, indicating the linguistic profile required for each post and the deadline for achieving it.

- Decree 47/1993 of 9 March, partially amended by Decree 42/1998 of 10 March, and Decree 263/1998 of 6 October.

These decrees to implement the above-mentioned Act, setting the criteria for determining linguistic profiles for teaching posts and the deadlines for achieving them.

Decree 47/1993 defined the linguistic profiles for PL1 staff, posts not involving the teaching of or in Euskera/Basque, and PL2, posts that do. Whether or not the requirement is compulsory depends on the level of teaching provided by the establishment and the corresponding linguistic model, and varies from being an immediate requirement to one to be fulfilled within ten years.

- Decree 6/2000 of 18 January reforming the linguistic profiles of some posts in compulsory and post-compulsory secondary education establishments, and establishing the linguistic profiles for Psychology and Teaching Methods and Diversification of the Curriculum.

Proficiency in Euskera/Basque will be an essential requirement for appointment to posts in the Community's public schools. Knowledge of the language will generally be considered an advantage.

- Laws and other measures adopted by the A.C. of Catalonia

- Act 1/1998 of 7 January on Language Policy.

"Section 24. 1. The teaching staff of educational establishments in Catalonia at all levels of non-university education shall be proficient in both official languages and able to use them in teaching.

2. Study plans for teacher training courses and colleges shall be drawn up in such a way that students are fully qualified in both official languages, in accordance with the requirements of each teaching speciality.

3. The teaching staff of universities in Catalonia shall have an adequate knowledge of both official languages, in accordance with the requirements of their work as teachers. This Act shall not be applicable to visiting staff or others in analogous situations. The universities shall be competent to establish the relevant mechanisms and deadlines for fulfilling this requirement."

- Decree of 30 January 1986 regulating the requirement that teaching staff at pre-school and EGB (General Basic Education) levels in the education system of Catalonia be proficient in Catalan.

- Laws and other measures adopted by the A.C. of Galicia

- Act 3/1983 of 15 June on Language Standardisation.

"Section 17. 1. In university colleges and other teacher training establishments, study of Galician shall be compulsory. Students in these colleges and centres shall acquire the proficiency to render effective the rights protected by this Act."

2. The education authorities shall promote the learning of Galician by teachers of the levels not mentioned in the preceding paragraph in order to ensure the gradual standardisation of the use of Galician in teaching."

- Laws and other measures adopted by the Community of Valencia

- Act 4/1983 of 23 November on the Use and Teaching of Valencian.

"Section 23. 1. Because Valencian and Castilian are co-official languages, teachers shall be proficient in both languages.

2. Teachers who, when this Act comes into force, do not have adequate command of Valencian shall gradually become proficient through a voluntary, gradual professional promotion policy.

3. The Autonomous Government Council of Valencia shall see that the study plans of universities and teacher training colleges provide Valencian as a subject, and more particularly in the latter colleges, so that by the end of their training all teachers shall have achieved a proficiency in Valencian in its oral and written form equal to their level in Castilian."

- Laws and other measures adopted by the F.C. of Navarre

- Act 18/1986 of 15 December on Basque.

"Section 21. The Government of Navarre shall, in the framework of its powers, take the necessary measures to ensure that the study plans of higher teacher training establishments guarantee that teaching staff are sufficiently proficient to teach in Basque."

- Laws and other measures adopted by the A.C. of the Balearic Islands

- Act 3/1986 of 29 April on Language Standardisation.

"Section 23. 1. The study plans of university teacher training colleges for General Basic Education and other training, advanced training and specialisation establishments for teachers shall be drawn up in such a way as to ensure that the students of those establishments acquire the linguistic competence and proficiency needed to teach in Catalan and make effective the rights recognised in this Act.

2. As Catalan and Castilian are both official languages, teachers teaching throughout the territory of the Balearic Islands shall have the oral and written proficiency in both official languages necessary for the educational and teaching duties they have to perform.

3 Teachers who do not have adequate proficiency in Catalan when this Act comes into force shall be gradually trained through appropriate retraining courses, the number of hours of which shall be taken into account for the purposes of the working day outside term-time.

4. The autonomous administration shall ensure that regulations on access by teachers to teaching posts establish appropriate arrangements for ensuring that all newly recruited teachers have the linguistic abilities laid down in this article."

4. Teaching of Regional Languages outside their Territorial Context

Paragraph 2.

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

With respect to the teaching of regional languages outside their territorial context, the basic regulations provide for the study of all languages in all the Autonomous Communities, both through their presence as optional subjects in schools and in the non-compulsory teaching of official language schools, where demand justifies it.

Official language schools are public institutions supervised by the Ministry of Education and Culture or the Departments of Education of the Autonomous Communities which provide public, non-university language teaching. Catalan, Galician and Euskera/Basque are offered, as well as many foreign languages. There are official language schools in every Autonomous Community.

Some Autonomous Communities also recruit for teaching posts in foreign universities.

ARTICLE 9. JUDICIAL AUTHORITIES

A) PARAGRAPHS AND OPTIONS CHOSEN

Paragraph 1.

a) in criminal proceedings:

- i. to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
- ii. to guarantee the accused the right to use his/her regional or minority language; and/or
- iii. to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or
- iv. to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned.

b) in civil proceedings:

- i. to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
- ii. to allow, whenever a litigant has to appear in person before a court, that he or

- she may use his or her regional or minority language without thereby incurring additional expense; and/or
- iii. to allow documents and evidence to be produced in the regional or minority languages,
if necessary by the use of interpreters and translations.

- c) in proceedings before courts concerning administrative matters:
- i. to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
 - ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
 - iii. to allow documents and evidence to be produced in the regional or minority languages,
if necessary by the use of interpreters and translations;
- d) to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

B) MEASURES TAKEN TO APPLY EACH PARAGRAPH

1. General Legislation

- State legislation/measures

- State Authorities Act 6/1985 of 1 July on the Judiciary. What is of interest to us here is Section 231 on the knowledge and use of the official languages of the Autonomous Communities in judicial proceedings. It states:

“1. In all judicial proceedings, Judges, Magistrates, Public Prosecutors, Clerks and other servants of the Courts shall use Castilian, the official language of the State.

2. Judges, Magistrates, Public Prosecutors, Clerks and other servants of the Courts may also use the official language of the Autonomous Community if none of the parties objects that he or she does not know that language and is therefore likely to be left without defence.

3. Parties, their representatives and those directing them, as well as witnesses and experts, may, in both oral and written statements, use the language which is also official in the Autonomous Community in whose territory the judicial proceedings are taking place.

4. Judicial provisions and documents submitted in the official language of an Autonomous Community shall, without needing to be translated into Castilian, be fully valid and effective. They shall be translated if they are to produce effects outside the jurisdiction of the judicial bodies situated in the Autonomous Community, unless those effects will be produced in an Autonomous Community with the same official language. They shall also be translated where the law requires it or at the request of a party claiming to be without defence.

5. During oral proceedings, the Judge or the Court may at any time authorise any person who knows the language used to act as interpreter, after that person has sworn an oath or made a promise."

This Act has been supplemented by the case-law of the Constitutional Court handed down in Judgment 105/1992.

- Act 2/1992 of 30 April on Criminal Procedure.

Although this Act does not specifically set out regulations on the use of the official languages of the Autonomous Communities during a trial, since the above-mentioned Act on the Judiciary had already done so, Section 440 lays down with respect to witnesses:

"if a witness does not understand or speak the Spanish language, an interpreter shall be appointed who shall take an oath in court to be guided appropriately and faithfully in his or her task. This shall make it possible to question the witness and receive his or her replies through the interpreter. Statements shall be taken in the language used by the witness and translated into Spanish."

- Act 1/2000 of 7 January on Civil Procedure.

With respect to the use of the official languages of the Autonomous Community, Section 142 of this Act expressly provides:

"1. In all judicial proceedings, Judges, Magistrates, Public Prosecutors, Clerks and other servants of the Courts shall use Castilian, the official language of the State.

2. Judges, Magistrates, Public Prosecutors, Clerks and other servants of the Courts may also employ the other official language of the Autonomous Community if none of the parties objects that he or she does not know that language and is likely to be left without defence.

3. The parties, their solicitors and barristers, as well as witnesses and experts, may, in both oral and written statements, use the other official language of the Autonomous Community in which the proceedings are taking place.

4. Judicial provisions and documents submitted in the official language of an Autonomous Community shall, without needing to be translated into Castilian, be fully valid and effective. They shall be translated if they are to produce effects outside the jurisdiction of the judicial bodies situated in the Autonomous Community, unless those effects will be produced in an Autonomous Community with the same official language. They shall also be translated where the law requires it or at the request of a party claiming to be without defence.

5. During oral proceedings, the Court may, by order, appoint as interpreter any person who knows the language used, after that person has sworn or promised to provide a faithful translation."

- Laws and other measures adopted by the A.C. of the Basque Country

- Act 10/1982 of 24 November on Standardisation and Use of Euskera.

"Section 9. In their relations with the Judicial Administration, all citizens may use the official language of their choice, without being required to supply a translation. Papers and documents submitted in Euskera, as well as judicial files, shall be fully valid and effective."

- Decree 117/2001 of 26 June on Language Standardisation Measures for the Administration of Justice.

This lays down the linguistic profiles for each profession: judicial officials (linguistic profile 2), officers of the court (linguistic profile 3) and forensic pathologists (linguistic profile 3 or 4, according to the profile of the applicants). This linguistic ability requirement is supplemented by two instruments: language classes, and programmes to promote Euskera among Clerks of the Court and Public Prosecutors:

"Section 14. 1. The Department with competence with respect to judicial authorities shall take appropriate measures to facilitate the linguistic proficiency of the civil servants working in the Judicial Administration to which this Decree refers."

"Section 18. The Department with competence with respect to judicial authorities shall introduce experimental pilot-programmes to promote the use of Euskera by Clerks of Courts and in judicial bodies and services, as well as in Public Prosecutors' offices in which conditions are favourable and make such programmes viable."

- Decree 309/2000 of 26 December on the Second Agreement on Modernising Judicial Services and the Repercussions on the Working Conditions of Staff working in the Judicial Administration.

Chapter VII is devoted to Language Standardisation and lays down that *"both signatories undertake to push forward the standardisation process in this field and, consequently, the 'euskaldunisation' of staff working in the Judicial Administration."*

On this basis, a Language Standardisation Plan has been drawn up for the sector, laying down the linguistic profile for every post in each judicial body, secretariat and department.

- Laws and other measures adopted by the A.C. of Catalonia.

- Act 1/1998 of 7 January on Language Policy.

"Section 13. 1. All judicial procedures, whether oral or in writing, conducted in one of the two official languages shall be valid, without the need for translation.

2. Everyone shall have the right to communicate orally and in writing with and to be served by the Judicial Administration in the official language of their choice and shall not be required to provide a translation.

3. Everyone who requests it shall receive in the official language requested certificates of final judgments concerning them, with no delay on grounds of language (...).

5. Section 11 (linguistic proficiency) shall be applied to appointments to posts in the Judicial Administration supervised by the Autonomous Community, in accordance with the relevant specific regulations, under the terms set out in regulations."

- Decree 49/2001 of 6 February on the (Linguistic) Accreditation of Staff of the Judicial Administration entirely overseen by the Generalidad (Autonomous Government) of Catalonia.

- Laws and other measures adopted by the A.C. of Galicia.

- Act 3/1983 of 15 June on Language Standardisation.

"Section 7. 1. Within the territory of Galicia, citizens shall be able to use one of the two official languages in their relations with the Judicial Administration.

2. Judicial provisions in Galicia shall be valid and shall produce their effects whatever the official language employed. The party or person concerned shall in all cases have the right to be informed or notified in the official language of his or her choice.

3. The Government of Galicia shall promote, in agreement with the relevant bodies, the gradual standardisation of the use of Galician in the Judicial Administration."

- Laws and other measures adopted by the Community of Valencia.

- Act 4/1983 of 23 November on the Use and Teaching of Valencian.

"Section 12. 1. Under the provisions of this Act, all citizens shall have the right to address the Judicial Administration in the official language they consider appropriate. They shall not be required to provide a translation and this shall not result in delay or postponement of the treatment of their claims.

2. All provisions, documents and papers produced or drafted in Valencian in the Courts of Justice and those that the latter establish in the same language shall be fully valid and effective."

"Section 31. The Valencian Government shall conclude with the Judicial Administration the agreements necessary to render effective the use of Valencian in the Courts."

- Laws and other measures adopted by the Balearic Islands

- Act 3/1986 of 29 April on Language Standardisation.

"Section 11. 1. Within the territory of the Autonomous Community of the Balearic Islands, all citizens shall have the right to address the Judicial Administration in the official language they consider appropriate. They shall not be required to provide any sort of translation. Furthermore, this shall not result in any delay in the treatment of their claims.

2. With respect to language, all provisions, documents and papers produced or drafted in Catalan shall be fully valid and effective before the courts and judges of the Balearic Islands.

In all cases, the interested parties shall have the right to be informed in the language of their choice.

3. The Government of the Autonomous Community shall promote, in agreement with the relevant bodies, the gradual standardisation of the use of Catalan in the Judicial Administration of the Balearic Islands."

2. Training and Linguistic Proficiency of the Staff of the Administration of Justice

- Act 38/1988 of 28 December on Judicial Organisation.

"Section 32. When appointing the President of the High Court of Justice in the Autonomous Communities with a special or "fuero" civil law, and a second official language, the General Council of the Judiciary shall consider specialisation in the special or "fuero" civil law and knowledge of the vernacular language of the Community as advantages."

- Royal Decree 2003/1986 of 19 December approving the Organic Regulation of the Corps of Officers, Auxiliaries and Officials of the Judicial Administration.

"Article 51. Appointments.

5. Appointments and posts shall be attributed to candidates with the longest effective length of service in the relevant Corps. A candidate who does not apply for a specific post shall be appointed to a post not applied for by other candidates with the longest service. Posts that remain vacant shall be filled by those who join the Corps in the order established by the selection examinations or by those readmitted to active service in the manner laid down in these regulations.

6. Notwithstanding the provisions of the preceding paragraph, in competitive examinations for posts in the territory of Autonomous Communities with a vernacular official language, oral and written proficiency in that language, duly certified by an official certificate, shall be deemed equivalent, exclusively for these purposes, to six years' extra service to be added to those the civil servant has effected."

- Order of 1 July 1988 announcing the internal competitive examination for vacancies in the third category of the Corps of Clerks of the Courts.

"Fifthly. For appointment to vacancies in Autonomous Communities with a vernacular language, oral and written proficiency in that language, duly certified by an official certificate, shall be deemed equivalent for these purposes to an extra six years' of services to be added to those the civil servant has effected."

- Agreement of the Plenary of the General Council of the Judiciary of 23 October 1991 approving the regulations implementing Section 341.2 of State Authorities Act 6/1985 of 1 July on the Judicial Authorities.

"Article 3. A Judge or Magistrate taking part in a competitive examination for a post in the territory of an Autonomous Community with an official vernacular language who has been recognised as having the relevant advantage required for this purpose at least two months before the date of notification of the examination, shall be attributed, for the sole purposes of

the examination for transfer, the scale point which would apply to him or her if six years length of service were added to his or her actual scale point."

- Royal Decree 249/1996 of 16 February approving the Organic Regulation of the Corps of Officers, Auxiliaries and Officials working in the Judicial Administration. It takes knowledge of regional languages into account.
- Agreement of the Plenary of the General Council of the Judiciary of 25 February 1998 recognising regional languages as an advantage for appointments in the Judiciary.
- Royal Decree 429/1998 of 29 April approving the Organic Regulation of the Corps of Clerks of the Court. It takes knowledge of regional languages into account.
- Royal Decree 2397/1998 of 6 November on Replacement of Deputy Public Prosecutors. Knowledge of regional languages is taken into account.

C) OTHER MEASURES ADOPTED BY PUBLIC ADMINISTRATIONS

- Cooperation instruments between the Autonomous Communities and the Judiciary for the promotion of regional languages in this field.

The unitary conception of the Judiciary and its organic and functional independence mean that measures the Autonomous Communities may adopt in this field are dependent upon the cooperation with the Judicial Administration. The measures adopted are therefore ways, usually voluntary, of facilitating learning of the regional languages.

- Cooperation Agreement signed by the A.C. of Catalonia and the General Council of the Judiciary on 25 March 1999 on making knowledge of Catalan an advantage for entry to the competitive examinations for appointment to posts as judges and magistrates in Catalonia.
- Courses for learning or improving regional languages.
- The relevant Civil Service Training Institutes, which all autonomous Communities have, usually undertake this sort of action. For example, in 2001 the A.C. of Catalonia ran a total of 50 courses with 879 students enrolled.
- In 2000, the A.C. of Catalonia also developed a pilot scheme for the use of Catalan in the offices of 40 Clerks of Courts, which resulted in the drafting of a total of 11,717 judgements in Catalan and 2,416 in Castilian.
- Grants to study and research legal and administrative terminology. The aim is to make it possible to have available a precise and sufficiently developed terminology, above all in a field as fundamental as the administration of justice.
- The A.C. of Galicia gives this type of aid to non-profit-making Galician legal and administrative institutions. Actions eligible for a subsidy are activities in Galician that further the study, research and development of legal and administrative terminology in the Autonomous Community.

- Monitoring the use of regional languages in notarial documents, usually in collaboration with the Notaries Association.

- In 2001, 9.8% of notarial documents were in Catalan, as compared to 6.1% in 1998, although there are marked differences between the different regions of the Autonomous Community, the percentage being 25.8% in Gerona.

- Monitoring the use of regional languages in Public Registers.

- Here again, the data for Catalonia vary widely from one region to another, since they range from 74.1% in Berga to 4% in Vilanova and Geltrú.

- Monitoring the use of regional languages in statutes.

- The data available on the use of Catalan in Catalonia are again the most precise. The percentages of statutes recorded in Catalan in 2001 were as follows: statutes of foundations (82.4%), statutes of associations (95%), statutes of cooperatives (65%) and statutes of professional limited companies (25%).

ARTICLE 10. ADMINISTRATIVE AUTHORITIES AND PUBLIC SERVICES

A) PARAGRAPHS AND OPTIONS CHOSEN

Paragraph 1.

- a. i. to ensure that the administrative authorities use the regional or minority languages.
- b. to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;
- c. to allow the administrative authorities to draft documents in a regional or minority language.

Paragraph 2.

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- a. the use of regional or minority languages within the framework of the regional or local authority;
- b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;
- c. the publication by regional authorities of their official documents also in the relevant regional or minority languages;
- d. the publication by local authorities of their official documents also in the relevant regional or minority languages;

- e. the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
- f. the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
- g. the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.

Paragraph 3.

- a. to ensure that the regional or minority languages are used in the provision of the service;
- b. to allow users of regional or minority languages to submit a request and receive a reply in these languages.

Paragraph 4.

- a. translation or interpretation as may be required;
- b. recruitment and, where necessary, training of the officials and other public service employees required;
- c. compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.

Paragraph 5.

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

B) MEASURES TAKEN TO APPLY EACH PARAGRAPH

- State legislation/measures

- Act 4/1999 of 13 January amending Act 30/1992 of 26 November on the Legal Status of Public Administrations and Common Administrative Procedure.

It lays down the general rule that the language of the General Administration is Castilian, but then provides that the regional languages may also be used. With regard to the Autonomous Communities, the Act refers to the respective Acts:

"section 36. 1. The language in procedures dealt with by the General State Administration shall be Castilian. Without prejudice to the foregoing, persons who address bodies of the General State Administration situated within the territory of an Autonomous Community shall also be able to use its co-official language. In this case, the procedure shall be dealt with in the language chosen by the person concerned. Where there is more than one person involved

in the procedure, and if there is disagreement as to language, the procedure shall be dealt with in Castilian, although the documents or certificates required by the persons concerned shall be written in the language of their choice.

2. In procedures dealt with by the administrations of the Autonomous Communities and local authorities, the language used shall be in accordance with the provisions of the relevant autonomous legislation.

3. The public administration dealing with the procedure shall translate into Castilian documents, files or parts of files where they are to produce effects outside the territory of the Autonomous Community and documents for interested parties who expressly request them. If they are to produce effects in an Autonomous Community where the language that is co-official with Castilian is the same, it shall not be necessary to translate them."

This section reflects the provisions of Section 35 of the same Act, paragraph (d) of which gives citizens the right, in their relations with public administrations, to "*use the official languages in the territory of their Autonomous Community*" and includes in the term "public administrations" relations with the Judicial Administration.

- State Authorities Act 4/2001 of 12 November on the Right to Petition. It opts for wide use of co-official languages in the Autonomous Communities where they are legally recognised, as well as for the possibility of choosing the place in which to exercise the right and submit a petition. More concretely, Section 5, on the use of co-official languages, provides:

"1. Within the territory of the Autonomous Communities whose Statutes establish linguistic co-officiality, applicants shall have the right to draft their petitions to the General State Administration and public bodies linked with or supervised by them in one of the official languages and to obtain a reply in the language of their choice.

2. In petitions addressed to autonomous institutions and local authorities, the use of the language shall be in accordance with the provisions of the relevant autonomous legislation.

3. The public administration dealing with the procedure shall translate into Castilian documents, files or parts of files where they are to produce effects outside the territory of the Autonomous Community and documents for interested parties who expressly request them. If they are to produce effects in an Autonomous Community where the language that is co-official with Castilian is the same, it shall not be necessary to translate them."

- Royal Decree 334/1982 on signposting on roads, in airports, railway and bus stations and ports, and of general-interest public services in Autonomous Communities with a co-official language different from Castilian.

- Royal Decree 1465/1999 of 17 September laying down Institutional Image Criteria regulating the Production of Documents and Printed Materials for the General State Administration.

This provides that internal signposting and printed documents used in the General State Administration must be bilingual in territories with a vernacular co-official language.

- Laws and other measures adopted by the Autonomous Communities

Autonomous Acts generally lay down that general provisions should be published in both co-official languages. They also lay down guarantees that the public may address the administration and receive assistance in one of the co-official languages.

In some cases, they provide for the language training and proficiency of civil servants, while in others, such as the Act in force in Catalonia, it is assumed that civil servants know both languages.

The Acts usually refer to their use by the autonomous administration, but they also include recommendations for the local administration; in the case of Galicia, this takes the form of a specific Act.

There follows a review of a number of matters and elements that have been regulated by the Autonomous Communities. Although all the various legislative techniques used by the different autonomous legislatures mean that this cannot be exhaustive, the references provided are very useful for understanding the substance of the autonomous legislation in the administrative sphere.

1. General Laws and measures concerning the Use of the Regional Language by the Public Administration

- Laws and other measures adopted by the A.C. of the Basque Country

- Basic Act 10/1982 of 24 November on the Standardisation of Euskera.

"Section 6. 1. All citizens shall have the right to use either Euskera or Castilian in their relations with the public administrations within the territory of the Autonomous Community and to receive assistance in the co-official language of their choice.

The relevant measures shall be taken and the necessary resources provided in order to ensure the gradual exercise of this right."

- Decree 250/1986 of 25 November on the Use and Standardisation of Euskera in the Public Administrations of the Autonomous Community of Euzkadi (Basque Country). The Decree contains basic regulations on linguistic profiles.

-Decree 224/1989 of 17 October regulating the planning and standardisation of the use of Euskera in the public administrations of the Basque Autonomous Community.

- Decree of 15 April 1997 regulating the process of standardising the use of Euskera in the public administrations of the Autonomous Community.

- Laws and other measures adopted by the A.C. of Catalonia

- Act 1/1998 of 7 January on Language Policy.

"Section 12. 1. Administrative provisions of the bodies and entities of the State Administrations, whether oral or in writing, that are produced in Catalonia shall be valid in one of the official languages, without the need for translation.

2. Everybody shall have the right to address the State Administration in Catalonia orally or in writing in the official language of their choice, without being required to provide a translation."

- Decree 107/1987 of 13 March regulating the Use of the Official Languages by the Administration of the Autonomous Government.

- Laws and other measures adopted by the A.C. of Galicia

- Act 3/1983 of 15 June on Language Standardisation.

"Section 6. 1. Citizens shall have the right to use Galician, orally and in writing, in their relations with the public administration within the territory of the Autonomous Community.

2. Administrative provisions in Galicia shall be valid and shall produce their effects whatever the official language used.

3. The authorities of Galicia shall promote the normal use of the Galician language, orally and in writing, in their relations with citizens.

4. The Junta shall lay down the necessary provisions for the gradual standardisation of use of Galician. Local corporations shall do this in accordance with the provisions of this Act."

- Decree 173/1982 of 17 November on Standardisation of the Galician Language.

- Act of 21 June 1988 regulating the use of Galician, as an official language of Galicia, by the local authorities.

- Decree 221/1990 of 22 March establishing the Steering Committee for Language Standardisation.

- Laws and other measures adopted by the Community of Valencia

- Act 4/1983 of 23 November on the Use and Teaching of Valencian.

"Section 9. Administrative provisions drafted in Valencian within the territory of the Community of Valencia shall be valid and produce their full legal effects.

2. Administrative documents drafted in Valencian with respect to administrative activity and printed material and forms used by the public administrations in their work shall have full legal effect."

"Section 10. Within the territory of the Community of Valencia all citizens shall have the right to address and contact the Generalidad and local and other public authorities in Valencian"

- Laws and other measures adopted by the C.F. of Navarre

- Act 18/1986 of 15 December on Basque.

"Section 10. 1. All citizens shall have the right to use Basque or Castilian in their relations with the public administrations and to be served in the official language of their choice. The relevant measures shall be taken and necessary resources provided to ensure the gradual exercise of this right.

2. In cases or procedures involving more than one person, the authorities shall use the language jointly agreed by the parties concerned."

- "Foral" Decree of 12 September 1991 regulating the Use by the Administrative Bodies of the Foral Community of the various official names approved by the Government of Navarre under the terms of the "Foral" Act on Basque.

- Decree 135 /1994 of 4 July regulating the Use of Basque in the Public Administrations of Navarre.

- Decree 372/2000 of 11 December regulating the Use of Basque in the Public Administrations of Navarre.

- Laws and other measures adopted by the A.C. of the Balearic Islands

- Act 3/1986 of 29 April on Language Standardisation.

"Section 8. 1. Citizens shall have the right to use the Catalan language, orally and in writing, in their relations with the public administration within the territory of the Autonomous Community.

2. Copies and certificates issued by the public bodies of the Autonomous Community shall be drafted in Catalan, unless the interested party or the person or body applying requests them in Castilian.

3. In the Balearic Islands administrative provisions shall be valid and shall produce their full effects whatever the official language used... ."

- Decree of 29 November 1990 regulating the use of official languages in the public administration.

- Laws and other measures adopted by the A.C. of the Principality of the Asturias

- Act 1/1998 of 23 March on the Use and Promotion of Bable/Asturian.

"Section 4. Administrative Use.

1. All citizens shall have the right to use Bable/Asturian and to express themselves in this language, orally and in writing.

2. *The use of Bable/Asturian in citizens' oral and written communications with the Principality of the Asturias shall be valid for all purposes.*

3. *The Principality of the Asturias shall promote the learning of Bable/Asturian by all public servants working in the Asturias."*

2. Use of the Regional Language in Administrative Procedures

- Laws and other measures adopted by the Basque Country

- Basic Act 10/1982 of 24 November on the Standardisation of Euskera.

"Section 6. 2. In cases or procedures involving more than one person, the authorities shall use the language jointly agreed by the parties involved. In the event of disagreement, the language chosen by the person who began the case or procedure shall be used, without prejudice to the right of the parties to be informed in the language of their choice."

- Laws and other measures adopted by the A.C. of Catalonia

- Act 1/1998 of 7 January on Language Policy.

"Section 10. 1. In administrative procedures dealt with by the Administration of the Generalidad, the local administrations and other corporations of Catalonia shall use Catalan, without prejudice to the right of citizens to submit documents, make statements and, if they request it, receive notifications in Castilian.

2. *The Administration shall furnish to the interested parties who so request, in the official language requested, a translated certificate of matters concerning them (...)."*

- Laws and other measures adopted by the Community of Valencia

- Act 4/1983 of 23 November on the Use and Teaching of Valencian.

"Section 11. 1. In administrative procedures initiated at the request of a party and where other interested parties so wish, the administration concerned shall communicate to them what concerns them in the official language of their choice, whatever the official language in which the procedure began.

2. *Similarly, whatever the official language used in cases initiated by an administration, the communications shall be made in the language indicated by the persons concerned."*

- Laws and other measures adopted by the A.C. of the Balearic Islands

- Act 3/1986 of 29 April on Language Standardisation.

"Section 10. 1. In administrative procedures initiated by a party and in which there are other persons concerned who so request, the administration shall communicate everything concerning them in the official language in which the procedure has been opened. In the event of disagreement between the persons concerned, the language of the person who began

the case or procedure shall be used, without prejudice to the right of the parties to receive a translation of it.

2. Similarly, in cases initiated by the administration, whatever the official language used, the administration shall provide interested parties with documents and communications in the official language of their choice.

3. Public documents drawn up in the Balearic Islands shall be written in the official language chosen by the person who has requested that the document be drawn up or, where there is more than one applicant, in the language they have chosen.

In the event of disagreement, the documents shall be written in both languages.

Copies shall be drafted in the language used in the minute.

4. The authorities acting in the Autonomous Community shall ensure that all printed documents and official forms used in the public administration and placed at the disposal of citizens shall be written in Catalan and Castilian."

3. Use of Documents and Forms

- Laws and other measures adopted by the A.C. of the Basque Country

- Basic Act 10/1982 of 24 November on the Standardisation of Euskera.

"Section 13. Official documents and forms used by the authorities in the Autonomous Community of the Basque Country shall be bilingual.

4. Entries in Registers

- Laws and other measures adopted by the A.C. of the Basque Country

- Basic Act 10/1982 of 24 November on the Standardisation of Euskera.

"Section 7. Documents shall be recorded in public registers supervised by the Autonomous Community, whether the Basque Government, its autonomous bodies, or "fuero" or local or other authorities, in the official language in which they are drafted."

- Laws and other measures adopted by the A.C. of Catalonia

- Act 1/1998 of 7 January on Language Policy.

"Section 17. Public Registers.

1. Entries in registers in either language shall be valid.

2. In all the public registers of Catalonia, except those of a purely administrative nature, entries shall be in the official language in which the document is written, or in which the declaration is made. If the document is bilingual, the entry shall be made in the language indicated by the person who has submitted it for entry.

3. *The persons responsible for the register shall issue certificates in the official language used in the request.*

4. *Registrar's offices must be in a position to serve citizens in the official languages and shall have available staff with adequate and sufficient knowledge of them to enable them to perform their duties.*

5. *It shall be ensured that the registrar's office is able, immediately and reliably, orally or in writing, to interpret and translate any entry into the official language requested by the person concerned.*

6. *The forms and other printed material made available to the public in registrars' offices shall be written at least in Catalan."*

- Laws and other measures adopted by the A.C. of Galicia

- Act 3/1983 of 15 June on Language Standardisation.

"Section 9. 1. In public registers supervised by the autonomous administration, entries shall be in the official language in which the document is written or in which the declaration has been made. If the document is bilingual, it shall be entered in the language indicated by the person who submits it. In public registers that are not supervised by the Autonomous Community, the Government of Galicia shall promote, with the agreement of the competent bodies, the normal use of Galician.

2. *Certified exact copies shall be made in the language in which the entry reproduced is written. Uncertified copies shall be made in the official language requested by the applicant.*

3. *With respect to documents entered in two languages, it shall be possible for applicants to obtain, on request, certificates in either of those languages."*

- Laws and other measures adopted by the Community of Valencia

- Act 4/1983 of 23 November on the Use and Teaching of Valencian.

"Section 14. Entries in any public register shall be in the official language requested by the person concerned or persons concerned by common agreement. If no request is made for entry in a particular language, the entry shall be made in the language in which the document has been declared, drafted or written."

- Laws and other measures adopted by the A.C. of the Balearic Islands

- Act 3/1986 of 29 April on Language Standardisation.

"Section 12. 1. With respect to the entry of documents in the public registers of the Autonomous Community, entries shall be in the official language in which the document has been declared, drafted or written, or in the language in which the declaration has been made. If the document is bilingual, it shall be entered in the official language indicated by the

person who presents it to the registry. In all cases, entries shall be in the language requested by the person concerned, or by the persons concerned by common agreement.

2. When certificates are issued by persons working in the registries, translation into all the official languages of the Autonomous Community shall be guaranteed, in accordance with the applicant's wishes."

5. Use of Regional Languages in Public Documents

- Laws and other measures adopted by the A.C of Catalonia

- Act 1/1998 of 7 January on Language Policy.

"Section 14. Public Documents.

1. Public documents written in one of the official languages shall be valid.

2. Public documents shall be drafted in the official language chosen by the applicant or, where there is more than one applicant, in the language they have chosen. In the event of disagreement as to language, the authentic act or documents shall be drafted in both official languages.

3. Before drafting the document, the applicants shall explicitly be asked which language they have chosen; the choice of one or other language shall in no case imply a delay in the drafting and authorising of the document. If the language is not expressly chosen, the document shall be drafted in Catalan.

4. Certifying notaries shall issue copies and certificates in Castilian or Catalan, according to the wishes of the person concerned, and they shall, where necessary, translate the respective documents and minutes under their own responsibility. The fact of translation shall be mentioned in the note of the minute and in a footnote but it shall not be necessary in the minutes themselves.

5. The offices of Notaries Public must be able to serve citizens in one of the two official languages and they shall have available staff with adequate and sufficient knowledge of them to perform their duties."

- Decree of 17 April 1984 regulating the use of the Catalan language in officially recorded instruments (STC 74/1989).

- Laws and other measures adopted by the A.C. of Galicia

- Act 3/1983 of 15 June on Language Standardisation

"Section 8. Public documents drawn up in Galicia may be drafted in Galician or Castilian. If the parties cannot agree, both languages shall be used."

- Laws and other measures adopted by the Community of Valencia

- Act 4/1983 of 23 November on the Use and Teaching of Valencian.

"Section 13. 1. Public documents shall be drawn up in Valencian or Castilian at the request of the applicant and, where there is more than one applicant, in the language the applicants have chosen by common agreement."

6. Publication of Provisions and Instruments in the Co-official Languages

the publication by regional authorities of their official documents also in the relevant regional or minority languages

the publication by local authorities of their official documents also in the relevant regional or minority languages
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- State legislation/measures

- Royal Decree 489/1997 of 14 April on publication in the co-official languages of the Autonomous Communities. In application of the constitutional principles outlined earlier and in accordance with the legal models indicated, this decree was approved in order to disseminate and extend knowledge of State legislation through the use of the other languages with official status in the various Autonomous Communities.

For fundamental reasons of certainty of the law, this measure must be compatible with the principle of unity of the law. More precisely, Article 1 lays down:

"1. Once Acts, Royal Decree-Laws and Royal Legislative Decrees have been approved by the King, they shall be published in Castilian in the Official Journal of the State, for the purposes of Article 2.1 of the Civil Code, and such publication shall render them fully effective under the provisions of the preliminary section (Titulo preliminar) of the Civil Code.

2. The general provisions referred to in the previous paragraph may also be published in the other official languages of the various Autonomous Communities, (...), if the competent bodies of the respective Communities so decide."

In 2001, in application of the provisions of this decree, 17 special issues of the *Official Journal of the State* containing 289 provisions were published in Catalan.

- Laws and other measures adopted by the A.C. of the Basque Country

Basic Act 100/1982 of 24 November on the Standardisation of Euskera.

"Section 8. 1. All regulatory provisions and official decisions issued by public authorities situated in the Autonomous Community of the Basque Country must be drafted in bilingual form for the purposes of official publication.

2. All instruments involving the public authorities situated in the Autonomous Community of the Basque Country, as well as administrative notifications and communications, must be drafted in bilingual form, unless the private persons concerned expressly opt for the use of one of the official languages of the Autonomous Community.

3. *Without prejudice to the previous provisions, the public authorities may use only Euskera in the sphere of local administration where, in view of the socio-linguistic composition of the municipality, citizens rights are not infringed.*"

- Laws and other measures adopted by the A.C. of Catalonia

- Act 1/1998 of 7 January on Language Policy.

"Section 8. Laws passed by the Parliament of Catalonia shall be published simultaneously in Catalan and in Castilian in the Diari Oficial (Official Journal) of the Generalidad of Catalonia. Parliament shall be responsible for producing the official Castilian version. General provisions and regulatory decisions of the Government, administration and institutions of the Generalidad and the local authorities of Catalonia shall be published simultaneously in Catalan and Castilian in the Diari Oficial of the Generalidad of Catalonia."

"Section 9. The Generalidad, the local authorities and other public corporations of Catalonia, the institutions and enterprises supervised by them and the operators of public utilities shall use Catalan in their internal activities and in their relations with each other. Catalan shall also be used in communications and notifications addressed to natural and legal persons residing within the Catalan linguistic territory, without prejudice to the right of citizens to receive them in Castilian upon request."

- Laws and other measures adopted by the A.C. of Galicia

- Act 3/1983 of 15 June on Language Standardisation.

"Section 5. The Acts of Galicia, and the legislative decrees, regulatory provisions and official decisions of the public administration of Galicia shall be published in Galician and Castilian in the Official Journal of Galicia."

- Laws and other measures adopted by the C.F. of Navarre

- Act 18/1986 of 15 December on Basque.

"Section 7. The Official Bulletin of Navarre and the Official Bulletin of the Parliament of Navarre shall be published in Castilian and Basque in separate, simultaneous editions."

"Section 11. All administrative provisions shall be valid and fully legally effective whatever the official language used. Consequently, all instruments involving bodies of the public administrations, as well as administrative notifications and communications, shall be drafted in both languages, unless the persons concerned expressly opt for the use of only one of those languages."

- Laws and other measures adopted by the A.C. of the Balearic Islands

- Act 3/1986 of 29 April on Language Standardisation.

"Section 7. 1. Acts passed by the Parliament of the Autonomous Community, legislative decrees, regulatory provisions and official decisions of the public administrations shall be published in Catalan and Castilian in the Butlletí Oficial of the Autonomous Community of the Balearic Islands.

In the event of uncertain interpretation, the Catalan version shall prevail.

2. With respect to language, the documents produced in the course of administration and the [aforementioned] opinions, forms and printed materials of the public bodies that are drafted in Catalan shall be officially valid and produce full legal effects."

- Laws and other measures adopted by the A.C. of the Principality of the Asturias

- Act 1/1998 of 23 March on the Use and Promotion of Bable/Asturian.

'Section 5. "Publications.

1. The provisions, decisions and agreements of the institutional bodies of the Principality, as well as the laws approved by the Junta General, may be published in Bable/Asturian in a separate edition of the Official Bulletin of the Principality of the Asturias; the agreement to publish shall be adopted by the body or institution authorising or ordering publication.

2. Institutional publications, printed materials, forms, leaflets and announcements may be published in either Castilian or Bable/Asturian or in both languages; if they are to produce their effects with respect to third parties, they must be published in Castilian, without prejudice to the possibility of their also being published in Bable/Asturian."

7. Use of Co-official Languages in the Debates of Regional Assemblies

the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State.

- Laws and other measures adopted by the A.C. of the Basque Country

- Rules of Procedure of the Basque Parliament of 22 February 1983.

"Rule 1. Euskera and Castilian shall be the official languages of the Basque Parliament, and either language may be used without distinction. Official parliamentary publications shall be bilingual."

- Laws and other measures adopted by the A.C. of Galicia

- Rules of Procedure of the Parliament of Galicia of 1 June 1982.

"Rule 1. Galician and Castilian shall be the official languages of the Parliament of Galicia.

2. Members may use either language.

3. Official publications of the Parliament of Galicia shall be bilingual."

- Laws and other measures adopted by the Community of Valencia

- Rules of Procedure of the Valencian Parliament of 4 March 1983.

"Rule 1. In accordance with Article 7 of the Statute of Autonomy, the two official languages of the Valencian Parliament shall be Valencian and Castilian.

2. *Members may use either language.*

3. *Official publications of the Valencian Parliament shall be bilingual."*

- Laws and other measures adopted by the A.C. of the Balearic Islands

- Rules of Procedure of the Parliament of the Balearic Islands of 4 June 1986.

"Rule 1. The Catalan language, the vernacular language of the Balearic Islands, and the Castilian language shall be the official languages of the Parliament of the Balearic Islands."

8. Use of Co-official Languages in the Debates of Local Assemblies

f) the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

- State legislation/measures

- Royal Decree 2568/1986 of 28 November approving the Regulations for the Organisation, Functioning and Legal Status of Local Bodies.

"Article 86. 1. Notifications of sessions, agendas, motions, special votes, proposed agreements and opinions of consultative committees shall be drafted in Castilian or in the official language of the Autonomous Community to which the body belongs, in accordance with the legislation applicable and the agreements adopted on the subject by the relevant local council.

2. *In debates, either Castilian or the co-official language of the Autonomous Community concerned may be used."*

"Article 110. 1. The provisions of Article 86.1 as regards the use of languages shall be applied to the drafting of minutes."

"Article 201. Minutes and decisions drafted in bilingual versions shall be transcribed in the corresponding books in two columns, one for each language, in order to facilitate their comparison and use."

9. Use of Place-names in Regional Languages

g) the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.

- State legislation/measures

- Act 7/1985 of 2 April regulating the Local Authority System.

"Section 14. 1. Changes in the names of municipalities shall be official only where, after being noted in the Register created by the State administration for the entry of all the bodies to which this Act refers, they have been published in the Official Journal of the State.

2. The names of municipalities may for all purposes be in Castilian, in one of the other official Spanish languages in the Autonomous Community concerned, or in both languages."

- Royal Decree 1690/1986 of 11 July approving the Regulations on Population and Territorial Demarcation of Local Authorities.

"Article 30. 2. The names of municipalities may for all purposes be in Castilian, one of the other official Spanish languages in the Autonomous Community concerned, or in both languages."

3. Municipalities may not use names which have not been approved according to the procedure laid down."

- Laws and other measures adopted by the A.C. of the Basque Country

- Act 10/1982 of 24 November on Standardisation of the Use of Euskera.

"Section 10. 1. The official names of territories, municipalities, populated localities, geographic features, urban roads and, in general, the place-names of the Basque Autonomous Community, shall be established by the Government, the "fuero" bodies of historic territories and the local corporations in accordance with their respective powers, in all cases respecting the Basque, Latin or Castilian origin with the academic spelling particular to each language (...).

2. Signs and signposts on public highways shall be bilingual, in all cases respecting international standards and the requirements of intelligibility and user safety.

3. If names in the two languages are significantly different, both shall be considered official for the purposes, inter alia, of road signposting."

- Laws and other measures adopted by the A.C. of Catalonia

- Act 1/1998 of 7 January on Language Policy.

"Section 18. Place-names.

1. The sole official form of place-names in Catalonia shall be the Catalan form, in accordance with the linguistic regulation of the Institut d'Estudis Catalans, with the exception of the Aran Valley, where the official form shall be Aranese.

2. Determination of the names of municipalities and districts shall be governed by legislation on the local authority system.

3. Determination of the names of urban highways and centres of population of all types shall be a matter for local authorities, and that of other place-names of Catalonia shall be a matter for the Government of the Generalidad, as will the names of inter-city highways, by whomsoever they are supervised.

4. The names referred to in paragraphs 2 and 3 shall for all purposes be the legal names and signposting shall carry those names. The Government of the Generalidad shall be competent to regulate the standardisation of public signposting, in all cases respecting the international standards incorporated in domestic law."

- Decree 78/1991 of April 1991 on the Use of the Catalan Language in Place-names.

- Decree 59/2001 of 23 January establishing the Committee on Place-names.

- Decree 60/2001 of 23 January regulating the Procedure for Changing the Names of Centres of Population and Decentralised Municipal Bodies.

- Laws and other measures adopted by the A.C. of Galicia

- Act 3/1983 of 15 June on Language Standardisation.

"Section 10. 1. The sole official form of the place-names of Galicia shall be the Galician form.

2. The Junta of Galicia shall be competent to determine the official names of the municipalities, territories, centres of population, inter-city highways and place-names of Galicia. The names of urban roads shall be determined by the relevant local authority.

3. These names shall be the legal names for all purposes and signposting shall respect them. The Junta of Galicia shall regulate the standardisation of public signposting, in all cases respecting the international standards subscribed to by the State."

- Decree of 6 September 1984 laying down the procedure for establishing or reinstating Galician place-names.

- Decree of 24 November 1986 on signposting highways and public services.

- Laws and other measures adopted by the Community of Valencia

- Act 4/1983 of 23 November on the Use and Teaching of Valencian.

"Section 15. 1. The Council of the Generalidad of Valencia shall be competent, in accordance with the legal procedures laid down, for determining the official names of the municipalities, territories, centres of population, geographic features, inter-city highways and place-names of the Community of Valencia. The names of urban roads shall be determined by the relevant local authority.

2. The names adopted by the Council, under the provisions of the preceding paragraph, shall be the legal names for all purposes, and they shall be publicly signposted in the way laid down in regulations, and without prejudice to the respect due to international standards subscribed to by the State in this matter (...)."

- Laws and other measures adopted by the C.F. of Navarre

- Act 18/1986 of 15 December on Basque.

"Section 8. 1. The place-names of the Foral Community shall be in Castilian and Basque and shall comply with the following regulations:

(a) In the Basque-speaking area, the official name shall be Basque, unless there is a distinct Castilian name, in which case both shall be used.

(b) In mixed and non-Basque-speaking areas, the name shall be the one now used, unless, in order to express it in Castilian, there is a distinct, original, traditional Basque name, in which case both shall be used.

2. In accordance with the provisions of paragraph 1 of this section, the Government of Navarre shall, after the Royal Academy of the Basque Language has reported on the matter, determine the place-names of the Foral Community, as well as the official names of territories, centres of population and inter-city highways, and it shall be accountable to Parliament for this (...).

3. The names adopted by the Government under the provisions of the preceding paragraphs shall be the legal names for all purposes within the territory of Navarre and signposting shall respect them (...)."

- "Foral" Decree of 19 January 1989 determining the official place-names of the Basque-speaking area of Navarre.

- "Foral" Decree of 20 December 1990 determining the official place-names of the capital of the Foral Community.

- Laws and other measures adopted by the Balearic Islands

- Act 3/1986 of 29 April on Language Standardisation.

"Section 14. 1. The sole official form of place-names of the Balearic Islands shall be the Catalan names.

2. *The Government of the Autonomous Community, with the assistance of the University of the Balearic Islands, shall be competent to determine the official names of municipalities, territories, centres of population, inter-city highways in general and place-names of the Autonomous Community. The names of urban roads shall be determined by the relevant local authority, also in agreement with the above-mentioned university, giving preference to the traditional, popular names and indigenous cultural elements.*

3. *These names shall be legal for all purposes and signposting shall respect them. The Government of the Autonomous Community shall regulate the standardisation of public signposting, in all cases respecting the international standards subscribed to by the State."*

"Section 15. 1. Public signposting shall be in Catalan, if necessary accompanied by graphic signs facilitating their understanding by persons who do not speak Catalan. Signposting in Catalan and Castilian shall be used where socio-linguistic circumstances so warrant.

2. *In all bilingual signs, signposts and writing generally, the first version shall be in Catalan, as the vernacular language of the Balearic Islands, and the second in Castilian (...)."*

- Decree of 14 April 1988 publishing the official forms of place-names.

- Laws and other measures adopted by the A.C. of the Principality of the Asturias

- Act 1/1998 of 23 March on the Use and Promotion of Bable/Asturian.

"Section 15. Place-names.

1. *The official place-names of the Autonomous Community of the Principality of the Asturias shall be the traditional forms. Where the use of a place-name in its traditional form and in Castilian is usual, the name may be bilingual.*

2. *In accordance with the procedures laid down in regulations, the Government Council shall be competent, once the Place-name Committee of the Principality of the Asturias has given its opinion, and without prejudice to municipal and state powers, to determine the place-names of the Autonomous Community."*

10. Training and Linguistic Proficiency of Civil Servants and Public Servants

Paragraph 4.

- a. translation or interpretation as may be required;
- b. recruitment and, where necessary, training of the officials and other public service employees required;
- c. compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.

- Laws and other measures adopted by the Basque Country

- Basic Act 10/1982 of 24 November on the Standardisation of Euskera.

"Section 14. 1. In order to make effective the rights recognised in Section 6 of this Act, the authorities shall adopt measures to ensure that the staff of the public administration of the Autonomous Community of the Basque Country gradually become proficient in Basque.

2. The authorities shall determine the posts for which proficiency in both languages shall be required.

3. In the selection examinations held for access to other posts in the administration within the Autonomous Community of the Basque Country, knowledge of the official languages shall be considered an advantage and the administration shall lay down the weighting to be given to it for each professional level.

1. Basic Regulations on Linguistic Profiles.

- Act 6/1989 of 6 July on the Basque Civil Service.

- Decree 250/1986 of 25 November on the Use and Standardisation of Euskera in the Public Administration of the Autonomous Community of the Basque Country.

- Decree 224/1989 of 17 October regulating the planning of the standardisation of the use of Euskera in the public administrations of the Basque Autonomous Community.

- Decree 264/1990 of 9 October laying down the criteria for the determination of the principles for linguistic profiles for working positions.

- Decree 238/1993 of 3 August coordinating various measures for standardising the use of Euskera in Basque public administrations.

- Decree 89/1994 of 15 February amending the Decree of 3 August 1993 on standardisation of the use of Euskera.

2. Other provisions on linguistic profiles

- Decision of 5 July 1989 of the General Secretariat for Language Policy, laying down the programmes for linguistic profiles one, two, three and four.

- Decision of 5 July 1990 of the General Secretariat for Language Policy setting out, for information, comparisons between the linguistic ability of each linguistic profile and the ability corresponding to the courses and levels in adult literacy and 'euskaldunisation' programmes.

- Decision of 5 October 1992 of the Director of the Basque Institute of Public Administration publicising the amendment to the model agreement between the Institute and the bodies of the Autonomous Community of the Basque Country, provided for in its Second Additional Provision, concerning the linguistic proficiency of staff working for those bodies.

- Order of the Prime Minister's Office on Legal Status and Autonomous Development of 23 March 1994 regulating the establishment and functioning of the list of examiners of the Basque Institute of Public Administration for examinations to demonstrate linguistic profiles.

3. Police of the A.C. of the Basque Country

- Act 6/1989 on the Basque Civil Service (Eleventh Additional Provision).

- Act 4/1992 of 17 July on the Police of the Basque Country.

- Decree 315/1994 of 19 July approving the Regulations on the Selection and Training of the Police of the Basque Country.

- Laws and other measures adopted by the A.C. of Catalonia

- Act 1/1998 of 7 January on Language Policy.

"Section 11. 1. Staff working for the administrations, local councils and public institutions of Catalonia shall have a sufficient and adequate knowledge of both official languages, both in oral and in written expression, to enable them to perform the duties corresponding to their posts.

2. In order to make effective the provisions of paragraph 1, the Government of the Generalidad shall provide instruction in Catalan to staff working for the administration of the Generalidad, local councils, public universities and the Judicial Administration in Catalonia and shall promote staff retraining measures.

3. In the selection process for posts in the administration of the Generalidad, local administration and university services, candidates and employed staff, shall demonstrate knowledge of the Catalan language, both in oral and written expression, to a level appropriate for the duties of the posts in question, under the terms established in the legislation on the civil service."

According to the data provided in the Report on Language Policy for 2001, 54.07% of autonomous civil servants have an adequate knowledge of Catalan, a rise of 2.79% over the previous year.

In the selection procedures run by the Generalidad of Catalonia, 67.37% of candidates demonstrated knowledge of Catalan.

- Laws and other measures adopted by the A.C. of Galicia

- Act 3/1983 of 15 June on Language Standardisation.

"Section 11. 1. In order to make effective the rights recognised in this part, the autonomous authorities shall promote the gradual proficiency in Galician of the staff working in the public administration and public enterprises in Galicia.

2. *In selection examinations for posts in the autonomous and local administrations, the level of knowledge of the official languages shall be taken into account, as aspects of merit, and shall be weighted for each professional level.*

3. *In competitive examinations for vacancies for magistrates, judges, clerks of the court, public prosecutors and all civil service posts in the Judicial Administration, as well as notaries, and officials in land, commercial and company registries, knowledge of the Galician language shall be considered an advantage."*

"Section 24. 1. The Galician School of Public Administration shall be responsible for training civil servants to use Galician under the terms laid down by this Act."

2. *Proficiency in the Galician and Castilian languages shall be required for obtaining the diploma of the Galician School of Public Administration."*

- Laws and other measures adopted by the Community of Valencia

- Act 4/1983 of 23 November on the Use and Teaching of Valencian.

"Section 16. Public enterprises and public services supervised by the administration shall ensure that their employees in direct contact with the public have sufficient knowledge of Valencian to perform normally the duties entrusted to them."

"Section 29. The Council of the Valencian Generalidad shall promote the teaching of Valencian to civil servants and other public servants of the local and central administrations under its supervision, under the terms agreed, in accordance with the principle that it should be a gradual, voluntary process."

"Section 30. 2. When selecting candidates for public responsibilities, posts and duties, the Valencian Generalidad and the local councils shall, within the framework of their respective powers, assess knowledge of Valencian so that public duties may be performed in accordance with the principles concerning the use of Valencian provided for in this Act."

- Laws and other measures adopted by the Foral Community of Navarre

- Act 18/1986 of 15 December on Basque.

"section 15. 1. Public administrations and public enterprises shall promote gradual proficiency in the use of Basque by staff providing services in the Basque-speaking area.

2. *In the framework of their respective powers, each administration shall specify the posts for which knowledge of Basque shall be compulsory; for other posts such knowledge shall be an advantage."*

"Section 22. The public administrations shall provide the staff and the technical and material means necessary to make effective the provisions of the preceding articles."

- Agreement of the Government Council of 5 February 2001 on the Scales of Advantages for Admission and Appointment to Posts in the Administration of the Community.

Knowledge of Basque will be given a weighting of 5.5% of the total of the scale in the Basque-speaking area and 5.25% in the mixed area.

- Foral Decree 203/2001 of 30 July indicating the posts in the administration of the Foral Community of Navarre and its autonomous bodies for which knowledge of Basque is compulsory, and laying down the level of proficiency or whether it should be considered an advantage.

The Annex lists posts, specifying for each the level of proficiency required: 1, 2 or 3.

- Laws and other measures adopted by the A.C. of the Balearic Islands

- Act 3/1986 of 29 April on Language Standardisation.

"Section 16. 1. In order to render effective the rights recognised in this Act, the authorities shall promote relevant measures to ensure that the staff of the public administration and public enterprises in the Balearic Islands gradually become proficient in the use of the Catalan language.

2. In selection examinations for posts in the administration within the territory of the Balearic Islands, account shall be taken, among other advantages, of the level of knowledge of the two official languages, the weighting of which shall be determined by the administration for each professional level."

"Section 34. 1. The Government of the Autonomous Community shall ensure that the Catalan language is used in all administrative functions and activities performed by the institutions and bodies under its supervision.

2. The Island Councils and the local councils shall act similarly, in accordance with the provisions of this Act.

3. Selection criteria for posts in the administration of the Autonomous Community and local councils shall make express mention of knowledge of the Catalan language."

"Section 35. 1. The Government of the Autonomous Community shall ensure that the Catalan language is taught to civil servants and other public servants working for the autonomous administration. Island Councils and local councils shall have the same duty within the framework of their respective powers.

2. Similarly, the teaching of the Catalan language to civil servants supervised by the central administration shall be promoted in accordance with the terms agreed upon."

- Laws and other measures adopted by the A.C. of the Principality of the Asturias

- Act 1/1998 of 23 March on the Use and Promotion of Bable/Asturian.

"Section 4. (...) knowledge of Bable/Asturian may be assessed in competitive examinations held by the Principality of the Asturias where the nature of the post and duties to be performed so require."

11. Use of Family Names in Co-official Languages

Paragraph 5.

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

- State legislation/measures

- Act 17/1977 of 4 January amending Section 54 of the Act on the Civil Register of 8 June 1957.

"Section 54 of the Act on the Civil Register required that the names of Spaniards be entered in Castilian. This rule is contrary to the deep-seated feelings of persons from the various Spanish regions who are thus deprived of the possibility of their names being used in their vernacular language, within and outside the family, as the official identity of the individual."

The purpose of this Act is to correct this situation, taking into account, on the one hand, the fact that freedom in the choice of names should not, in principle, be limited in any way other than respect for the dignity of the individual, and on the other, the protection and promotion of the use of the various Spanish languages since they are all part of the indigenous inheritance of our nation (...)

Section 1. Section 54, paragraph 1 of the Act in force on the Civil Register shall be worded as follows:

The entry shall be the name given to the person born. With respect to Spaniards, names shall be written in one of the Spanish languages."

"Section 2. At the request of the person concerned or his or her legal representative, the Registry official shall replace the name, imposed before the entry into force of this Act, by its equivalent name in one of the Spanish languages. The substitution shall be free of charge for the persons concerned."

- Circular of 1 March 1984 of the General Directorate of Registers and Notaries on the establishment by photocopy of exact copies from the Civil Register.

"Thirdly. - The form indicated in the first paragraph and the date and charge, referred to in the second paragraph, may, at the discretion of the official or, if the applicant requests it, also be in the official language of the Autonomous Community that supervises the Registry where the certificate is issued."

In all cases, such bilingual copies shall be limited to the exact copies referred to in Article 26 of the Regulations on the Civil Register. In all other Civil Register activities, the Castilian language alone shall continue to be used."

- Order of 18 April 1985 on renewal of the national identity card in order to replace the holder's name by its equivalent in one of the Spanish languages.

"Firstly. For the purposes of replacing the holder's name by its translation into one of the Spanish languages, national identity cards shall be renewed free of charge.

Secondly. When applying for renewal, interested parties shall be required to prove the change by enclosing a certificate from the Civil Registry attesting to it, or through the official family record book, if it is submitted, enclosing a photocopy of the page where the Civil Registry has substituted the name so that, once they have been collated, they may be filed in the National Identity Card database for the purposes of proof."

- Royal Decree 628/1987 of 8 May amending Articles 88 and 225 of the Regulations on the Civil Register.

"Single Article. Articles 86 and 225 of the Regulations on the Civil Register shall in future be worded as follows:

Article 86. In the case of documents not drafted in Castilian or in any of the other official languages of the Autonomous Communities concerned, or papers in an archaic or unintelligible hand, an adequate translation or copy shall be attached that has been authenticated by a notary, consul, translator or other competent body or civil servant. A translation shall not be required if the official has received proof of its content."

- Order of 26 May 1988 on certain Civil Registry forms.

"Article 2. In Spanish territories with an official vernacular language in addition to Castilian, bilingual forms shall be used in accordance with the translations annexed to this Order".

- Order of 20 July 1989 on certain forms of birth and other civil status certificates, and short form and full copies of Registry certificates.

"Article 4. In Spanish territories with an official vernacular language in addition to Castilian, bilingual forms shall be used, in accordance with the translations annexed to this Order. Bilingual forms of the official family record book shall consist of 32 pages for Galician, 32 pages for Catalan and 32 pages for Basque."

- Royal Decree 193/2000 of 11 February amending certain specific articles of the Regulations on the Civil Register with respect to forenames and family names and their order. It provides for the substitution of names in one of the co-official languages.

- Laws and other measures adopted by the A.C. of Catalonia

- Act 1/1998 of 7 January on Language Policy.

Section 19. Personal names.

1. The citizens of Catalonia shall have the right to use the linguistically correct form of their forenames and family names and to include the conjunction "i" between family names.

2. *The persons concerned may have the linguistically correct forms of their forenames and family names recorded in the Civil Register, whatever the date when they were originally recorded, by making a declaration to the person responsible and submitting the documents attesting to their linguistic accuracy, which shall be established in regulations.*

3. *This provision shall be applicable to Aranese forenames and family names in accordance with the regulations governing the use of Aranese."*

- Decree 208/1998 of 30 July regulating the demonstration of the linguistic accuracy of names. It enables names for various reasons incorrectly transcribed at the time of entry, particularly as a result of the Civil Registry official's ignorance of Catalan, to be corrected.

C) OTHER MEASURES ADOPTED BY PUBLIC ADMINISTRATIONS

- Signing of Cooperation Agreements between the State and the Autonomous Communities to publish general provisions in the *Official Journal of the State* in the various regional languages:

- Collaboration Agreement of 21 April 1998 between the Prime Minister's Office and the A.C. of Catalonia for general provisions to be published in the Catalan language in the *Official Journal of the State*.

- Collaboration Agreement of 18 June 1998 between the Prime Minister's Office and the A.C. of Galicia for general provisions to be published in the Galician language in the *Official Journal of the State*.

- Collaboration Agreement of 4 December 2000 between the Prime Minister's Office and the A.C. of Valencia for general provisions to be published in the Valencian language in the *Official Journal of the State*.

- Cooperation Agreements between the State and the Autonomous Communities for the translation of official documents into the regional languages.

- Collaboration Agreement of 20 January 1992 between the Ministry of Finance and the A.C. of Catalonia for the General Accounting Plan and the articles of the Commercial Code and the sections of the Act on Public Limited Companies that refer to accounting to be published in the Catalan language.

- Courses in the regional languages run by training institutes for civil servants supervised by the Autonomous Communities.

- Cooperation Agreements between the State and the Autonomous Communities for the linguistic training of State civil servants working in the territories of the various Autonomous Communities:

- Collaboration Agreement of 4 July 1989 between the Ministry of Public Administrations, through the National Institute of Public Administration (INAP), and the A.C. of Catalonia on

staff selection, basic and advanced training and the conducting of studies and research on the public administration.

- Collaboration Agreement of 28 December 1995 between the Ministry of Public Administrations, through the National Institute of Public Administration (INAP), and the Community of Valencia for Valencian language courses for State general administration staff working in the territory of the Community of Valencia.

- Collaboration Agreement of 28 December 1995 between the Ministry of Public Administrations, through the National Institute of Public Administration (INAP), and the C.F. of Navarre for Basque language courses for State general administration staff working in the territory of the Community of the Fuero of Navarre.

- Collaboration Agreement of 5 April 1989 between the Ministry of Public Administrations, through the National Institute of Public Administration (INAP), and the A.C. of the Balearic Islands on staff selection, basic and advanced training and the conducting of studies and research on the public administration.

ARTICLE 11. MEDIA

A) PARAGRAPHS AND OPTIONS CHOSEN

Paragraph 1

- a. to the extent that radio and television carry out a public service mission:
- ii. to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages.
- b. i. to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages.
- c. i. to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages.
- d. to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages.
- e. i. to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages.
- f. ii. to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages.
- g. to support the training of journalists and other staff for media using regional or minority languages.

B) MEASURES TAKEN TO APPLY EACH PARAGRAPH

1. Use of Regional Languages in Radio and Television

- a. ii. to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages.
- c. i. to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages.
- d. to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages.

- State legislation/measures

- The references to powers in this field are very similar in all the Statutes of Autonomy of the Autonomous Communities with a co-official language:

- Statute of Autonomy of the A.C. of the Basque Country, Article 19;
- Statute of Autonomy of the A.C. of Catalonia, Article 16;
- Statute of Autonomy of the A.C. of Galicia, Article 34;
- Statute of Autonomy of the Community of Valencia, Article 37;
- Statute of Autonomy of the C.F. of Navarre, Article 55;
- Statute of Autonomy of the A.C. of the Balearic Islands, Article 11.11.

- Following the reform of the Statutes completed in 1999, there are similar references in the Statutes of Autonomy of Communities with languages (other than Castilian) which are not co-official:

- Statute of Autonomy of the A.C. of the Asturias, Article 17;
- Statute of Autonomy of the A.C. of Aragon, Article 37.1(d).

The articles referred to regulate three different issues, which derive from the fact that the State has essential powers with respect to radio and television broadcasting, in accordance with Article 149.1.27 of the Constitution:

1. These Autonomous Communities have legislative and executive powers to develop the laws governing radio and television broadcasting under the terms laid down by the Act regulating Radio and Television.
2. They also have legislative and executive powers to develop the laws governing the press and the media in general.
3. The Autonomous Communities may regulate, create and maintain their own television, radio and press and, in general, all media they consider appropriate to the accomplishment of their purposes.

- Act 4/1980 of 10 January on Radio and Television, amended by the General Act on Telecommunications 11/1998 of 24 April.

"Section 4. The activity of the state media shall be inspired by the following principles (...):

(c) *Respect for political, religious, social, cultural and linguistic diversity.*"

- Act 46/1983 of 26 December granting the management of a television channel to the Autonomous Communities of the Basque Country, Catalonia, Galicia and the Community of Valencia, as well as to those of Andalusia and Madrid, which do not have vernacular languages.

- Laws and other measures adopted by the Autonomous Communities

Autonomous Acts always lay down principles addressed to the respective governments for the use of regional languages in publishing, theatre and film production. They go into detail on the need to promote the presence of the regional language in the media, especially the radio stations and television channels managed by the Autonomous Community.

The autonomous public television channels in Spain are listed in the table below, along with the language in which broadcasts usually take place and their percentage of the television audience¹⁷:

Autonomous Community	Name of channel	Language	Started broadcasting	Percentage of audience
BASQUE COUNTRY	ETB 1	EUSKERA	31.12.1982	5.1 %
BASQUE COUNTRY	ETB 2	CASTILIAN	31.05.1986	18.3 %
CATALONIA	TV 3	CATALAN	16.01.1984	21.8 %
CATALONIA	CANAL 33	CATALAN	11.09.1989	6.4 %
GALICIA	TVG	GALICIAN	24.07.1985	16.4 %
COMMUNITY OF VALENCIA	CANAL 9	VALENCIAN	09.10.1989	18.2 %
COMMUNITY OF VALENCIA	PUNT 2	VALENCIAN	09.10.1997	1.7 %
ANDALUSIA	CANAL SUR	CASTILIAN	27.02.1982	17.2 %

¹⁷ Data from the General Study on the Media published in 2002.

ANDALUSIA	CANAL 2	CASTILIAN	05.06.1998	4.5 %
CASTILLE-LA MANCHA	RTV C.- LA MANCHA	CASTILIAN	13.12.2001	4.8 %
CANARIES	RTV CANARIAS	CASTILIAN	21.08.1999	9.6 %
MADRID	TELE MADRID	CASTILIAN	20.05.1989	17.0 %

As for radio programmes broadcast in regional languages, the autonomous public corporations have radio stations as well as television channels, so the use of regional languages in radio broadcasting is ensured through the use of various instruments, although the very conception of radio facilitates the use of more than one language and there are often bilingual programmes:

1. "General" public autonomous radio stations supervised by the public corporations mentioned above. For example, in Catalonia, Catalunya Radio has a 26.4% audience share.
2. Private radio stations broadcasting in the regional languages, such as Ona Catalana with a 2.8% audience share in the Autonomous Community.
3. Municipal stations, of which there are 206 in Catalonia, 93.6% of programmes being in Catalan.

- Laws and other measures adopted by the Basque Country

- Act 5/1982 of 20 May, amended in 1996 and 1998, creating the public corporation *Radio Televisión Vasca*.

ETB1, which broadcasts wholly in Euskera, was created under Article 19 of the Statute of Autonomy of the Basque Country, which gives the Autonomous Community the right to regulate, create and maintain its own television channel.

ETB2, the second autonomous channel, which broadcasts wholly in Castilian, began broadcasting in 1986 without the formal adoption of any law or administrative act. Apart from the questions of interpretation concerning each of these channels, they have not been given the franchise for the third channel, as has been the case with Catalan and Galician television, regulated by the 1983 Act giving the Autonomous Communities a Third Television Channel.

- Decree 157/1982 of 19 July on the creation of the public corporation Euskal Telebista-Televisión Vasca, S.A.

- Decree 158/1982 of 19 July on the creation of the public corporation Eusko Irratia-Radiodifusión Vasca S.A.

- Act 9/1985 of 4 December regulating the Advisory Board of RTVE in the Basque Country.
- Decree 240 1986 of 11 November laying down the procedure for awarding franchises to FM radio stations.
- Decree 138/1994 of 22 March regulating the franchising of public FM radio stations to municipal bodies.
- Basic Act 10/1982 of 24 November on the Standardisation of Euskera, which lays down the following provisions related to this article of the Charter:

"Section 22. All citizens shall have the right to be informed by media in both Euskera and Castilian.

The Government shall therefore take the relevant measures to increase the presence of Euskera in the media in order gradually to equalise the use of the two co-official languages.

Section 23. The Government shall promote the preferential use of Euskera in the media of the Autonomous Community in order to ensure the equalisation of the two languages provided for in the preceding article."

- Laws and other measures adopted by the A.C. of Catalonia

- Act 10/1983 of 30 May on the creation of the public corporation *Corporación Catalana de Radio y Televisión* and regulating the radio and television broadcasting resources of the Generalidad of Catalonia. Its provisions include the following general principles for programming:

"(...) (d) respect for political, cultural and linguistic, religious and social diversity. (e) The promotion of Catalan language and culture (...).

- Act 1/1998 of 7 January on Language Policy. For the purposes of the European Charter for Regional or Minority Languages, the most significant principles of this Act are as follows:

"Section 25. 1. In the radio stations and television channels managed by the Generalidad and local councils of Catalonia, the language normally used shall be Catalan. Within this framework, the stations and channels managed by local corporations may take into account the characteristics of their audience.

2. Without prejudice to the application of the provisions of paragraphs 1 and 5 of Section 26, the media referred to in paragraph 1 of the present article shall promote the cultural expression of Catalonia, particularly when it is produced in the Catalan language.

3. The Catalan Radio and Television Corporation shall ensure the regular programming of radio and television broadcasts in Aranese for the Aran Valley.

4. The Government of the Generalidad shall facilitate satisfactory reception in Catalonia of the television channels of other territories broadcasting in Catalan.

Section 26. 1. Without prejudice to the application of Act 8/1996 of 5 July regulating audiovisual programming distributed by cable, the corporations referred to in the Act shall

ensure that a minimum of fifty per cent of broadcasting time of programmes of their own production and all types of other television services they provide shall be in the Catalan language.

2. The provisions of paragraph 1 shall also apply to private television franchise-holders within the territory of Catalonia.

3. The radio stations franchised by the Generalidad shall ensure that at least fifty per cent of broadcasting time is in the Catalan language, although the Government of the Generalidad may adjust this percentage in regulations according to the characteristics of their audiences.

4. The Government of the Generalidad shall include higher percentage use of the Catalan language than the minima laid down as one of the criteria for awarding franchises for terrestrial and cable television channels, and radio stations.

5. With respect to the broadcasting of sung music, radio stations and television channels shall ensure an adequate presence of songs produced by Catalan artists, at least twenty-five per cent shall be songs sung in Catalan or Aranese.

6. The stations and channels referred to in this article which broadcast or distribute to the Aran Valley shall ensure a significant presence of Aranese in their programming."

- Decree 269/1998 of 21 October on Regulations governing Franchises for the Provision of Radio Services on FM.

- Laws and other measures adopted by the A.C. of Galicia

- Act of 11 July 1984 creating the Radio and Television Corporation of Galicia.

- Act 3/1983 of 15 June on Language Standardisation.

"Section 18. Galician shall be the usual language of radio stations and television channels, as well as of other media managed or supervised by the institutions of the Autonomous Community.

Section 19. The Galician Government shall provide economic and material support to the media not mentioned in the previous article that usually and increasingly use Galician.

Section 20. The Junta of Galicia shall have the following duties:

1. To promote the production, dubbing, sub-titling and screening of films and other audiovisual media in the Galician language.

2. To stimulate cultural events, theatre productions and shows in the Galician language.

3. To help to promote publishing in Galician, with the assistance of measures to strengthen production and distribution.

- Laws and other measures adopted by the Community of Valencia

- Act of 4 July 1984 on the creation of the public corporation Radiotelevisión Valenciana and regulating the Radio and Television Broadcasting Services of the Valencian Generalidad.

- Act 4/1983 of 23 November on the Use and Teaching of Valencian.

"Section 25. 1. The Council of the Valencian Generalidad shall ensure adequate use of Valencian by radio stations and television channels and other media managed by the Valencian Generalidad or covered by this Act, in accordance with the provisions of this Act.

2. It shall promote the use of Valencian by radio stations and television channels.

3. It shall promote all cultural and artistic events in both languages and shall pay particular attention to those in Valencian."

- Laws and other measures adopted by the C.F. of Navarre

- Act 18/1986 of 15 December on Basque.

"Section 27. Public administrations shall promote the increasing presence of Basque in the media, both public and private.

For this purpose, the Government of Navarre shall devise economic and material support plans so that the media habitually and increasingly use Basque.

2. The Government of Navarre shall ensure that there is adequate use of Basque by television channels and radio stations and other media managed by the Foral Community.

- Laws and other measures adopted by the A.C. of the Balearic Islands

- Act 3/1986 of 29 April on Language Standardisation:

"Section 27. The Government of the Autonomous Community shall promote the learning and development of Catalan language and culture, particularly from the viewpoint of the Balearic Islands, in all media.

Section 28. 1. Catalan shall be the usual language of radio stations and television channels and other media belonging to or managed by the autonomous administration.

2. The Government of the Autonomous Community shall promote the standardisation of the use of the Catalan language in the broadcasting of state and private radio stations and television channels in order to promote the use of Catalan as the vernacular language of the Balearic Islands.

Section 29. 1. The Government of the Autonomous Community shall guarantee the right of citizens to be informed by the media in both the Castilian and the Catalan languages.

2. Citizens shall have the right to use Catalan, orally and in writing, in conditions of equality with Castilian, in all the media of the Balearic Islands.

Section 30. 1. With respect to radio and television the Government of the Autonomous Community shall conduct a policy of collaboration with other Autonomous Communities whose vernacular language is Catalan.

2. The Government of the Autonomous Community shall in all cases take the necessary steps to facilitate the reception by the citizens of the Balearic Islands of television programmes in Catalan broadcast in other Autonomous Communities.

3. It shall also promote language standardisation in RTVE broadcasting centres in the Balearics in order to ensure adequate presence of Catalan as the vernacular language of the Balearic Islands."

"Section 32. The authorities of the Autonomous Community shall provide economic support to media regularly using Catalan.

2. The economic and material support measures the Government of the Autonomous Community of the Balearic Islands shall adopt to promote media regularly using the vernacular language of the Balearic Islands shall be applied in accordance with objective criteria without discrimination in the framework of budget appropriations."

- Laws and other measures adopted by the A.C. of the Principality of the Asturias

- Act 1/1998 on the Use and Promotion of Bable/Asturian

"Section 13. Broadcasting.

1. The Principality of the Asturias shall assist the dissemination of Bable/Asturian in the media by:

- (a) devising and financing economic and material support plans so that the media regularly use Bable/Asturian;*
- (b) protecting cultural and artistic events, book publishing, audio, audiovisual and film production and any other cultural activity in Bable/Asturian.*

2. In radio and television broadcasts and in other media with the present or future involvement of the autonomous administration, the latter shall ensure adequate use of Bable/Asturian.

Section 14. Subsidies.

1. Grants or aid for the media, audiovisual, film and audio productions or publishing may be specific for productions or publications in Bable/Asturian; for other publications and productions, grants or aid shall be promoted in a manner yet to be defined for specific sections and spaces.

2. Private or public enterprises and entrepreneurs using Bable/Asturian in their advertising, labelling, correspondence or documentation may also receive subsidies and aid specifically for this purpose."

2. Promotion of the Use of Regional Languages in Audio and Audio-visual works

- d. to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages.
- f. ii. to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages.

- Laws and measures adopted by the A.C. of Catalonia

- Act 1/1998 of 7 January on Language Policy.

"Section 28. Cultural industries and the performing arts.

1. The Government of the Generalidad shall foster, stimulate and promote:

- (a) Literary and academic creation in Catalan, the dissemination within and outside its linguistic area and the translation into other languages of literary and academic works in Catalan, as well as the translation into Catalan of works written in other languages.*
- (b) The publishing, distribution and dissemination of books and periodical publications in Catalan.*
- (c) Film production in Catalan and the dubbing and sub-titling in Catalan of original, non-Catalan films, and the distribution in all formats and screening of such productions.*
- (d) The production, distribution and dissemination of sound recordings and audiovisual material in Catalan.*
- (e) The production and presentation of the performing arts in Catalan.*
- (f) The creation, performance and dissemination of music sung in Catalan.*
- (g) The production, publication and distribution of written and audio material for the blind in the Catalan language and basic cultural provision in Catalan for the same group.*
- (h) Any other public cultural event in Catalan.*

2. All measures adopted to promote the use of Catalan in the cultural and other industries shall be applied according to objective criteria, without discrimination and in accordance with budgetary provisions.

3. In order to ensure significant presence of the Catalan language in cinema, the Government of the Generalidad may lay down in regulations linguistic quotas for the screening and distribution of films distributed and screened, dubbed or sub-titled in a language different from the original. The quotas set for films dubbed or sub-titled in Catalan shall not exceed fifty per cent of distributors' and presenters' annual supply, and quotas shall be established according to objective criteria. The corresponding regulations shall be established in accordance with State Act 17/1994 of 8 June on the protection and promotion of cinematography and with the system it lays down.

- Decree 237/1998 of 8 September on measures to promote the supply of films dubbed and sub-titled in Catalan.

- Order of 1 March 2002 approving regulations for subsidies to increase the commercial screening of feature films dubbed or sub-titled in Catalan.

Every year, a Resolution announces the public competition for the granting of subsidies. The maximum amount for 2002 was 100,000 euros for the screening of feature films during the period 1 January to 31 August 2002. A minimum of 1500 entries per screen are required to be eligible for the subsidies.

- Order of 20 December 1999 approving the basic principles regulating the granting of subsidies for initiatives to promote the commercial release of feature films dubbed and/or sub-titled in Catalan.

Every year, a Resolution announces the public competition for the granting of such subsidies, with a maximum grant of 900,000 euros for 2002.

- Order of 11 May 2000 approving the principles governing the granting of subsidies for initiatives to promote the presence in video clubs, bookshops and other commercial outlets of DVDs and videos dubbed and/or sub-titled in Catalan.

Every year, a Resolution announces the public competition for the granting of such subsidies, with a maximum grant of 75,000 euros for 2002, a sum which might be increased depending on the applications received and funds available.

- Order of 25 February 1998, amended by the Order of 13 December 2000, approving the principles that should govern the granting of aid for video productions in Catalan.

- Economic Aid for Radio Stations broadcasting in Aranese.

This is expressly provided for by Act 20/2001 of 28 December on the Generalidad Budget for 2002. The 96th Additional Provision lays down that "*The Government shall allocate a minimum of 300,500 euros to radio stations broadcasting in Aranese*".

- Laws and measures adopted by the A.C. of the Balearic Islands

- Act 3/1986 of 29 April on Language Standardisation.

"Section 31. 1. The Government of the Autonomous Community shall promote the production and release of films made, dubbed or sub-titled in Catalan and other audiovisual cultural media and phonographic productions in Catalan.

2. Similarly, it shall stimulate and promote through appropriate measures theatre performances, shows and other cultural events in Catalan.

3. It shall also help to promote book and other forms of publishing in Catalan, through measures to promote production and dissemination.

4. For this purpose, the Government shall promote a policy of collaboration with the institutions of other Autonomous Communities, particularly those that are Catalan-speaking.

3. Use of Regional Languages in the Press

- e. i. to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages.
- g. to support the training of journalists and other staff for media using regional or minority languages.

The existence of autonomous channels has sparked a rise in audiovisual production and artistic expression in regional languages. This has had a very positive impact on language standardisation, above all because of the social impact of television on regional languages which in turn has had a very significant impact on the dissemination and learning of regional languages.

- Laws and measures adopted by the A.C. of the Basque Country

- Order of 5 July 2000 regulating the granting of subsidies to consolidate the use of Euskera in the media.

- Order of 26 June 2002 of the Councillor for Culture amending, with a view to its application in the 2002 financial year, the Order regulating the granting of subsidies to consolidate the use of Euskera in the media and facilitate the viability of media projects in Euskera.

- There is only one daily in the Basque Country entirely in Euskera, *Euskaldon Egunkaria*, which has a circulation of 15,551¹⁸, ie 4.36% of the daily press sold in the Basque Country, or 3.41% of the figure for the Basque Country and the F.C. of Navarre combined.

The publication of articles in Euskera in papers written for the most part in Castilian is of greater significance; this is the case of the dailies *Deia* and *Gara*.

- Laws and measures adopted by the A.C. of Catalonia

- Act 1/1998 of 7 January on Language Policy.

Section 27. The written media.

1. The usual language used by the written media and periodical publications published by the Generalidad and the local corporations shall be Catalan.

2. The Government of the Generalidad shall promote and may subsidise periodical publications for general distribution written wholly or for the most part in Catalan (...)."

- For the financial year 2001, the amount of aid provided for under the Act was as follows:

1. For wide-circulation daily papers: 240.53 euros for each issue.
2. For local daily papers: 90.2 euros for each issue.

¹⁸ Spanish Office for Circulation Figures, 2002.

3. For weeklies: 150.33 euros for each issue and for general news weeklies.

These sums are increased by three cents for each copy distributed plus one cent per copy distributed to assist printing.

A total of 260 periodical publications received aid of this type during the year in question.

- In Catalonia there are a number of dailies in Catalan, with a total print-run of 178,440. The most important are: *El Periódico de Catalunya* (Catalan edition, 66,435 copies), *Avui* (45,850 copies), *Regió 7'* (10,469 copies), *Diari de Girona* (10,813 copies), *Segre* (Catalan edition, 5,847 copies) and *El Punt* (3,524 copies)¹⁹. Together they account for 23.61% of total daily papers sold in Catalonia²⁰.

- Laws and measures adopted by the C.A. of Galicia

- Subsidies to press and broadcasting companies.

They are regulated by Decree 71/1999 of 18 March. The use of the Galician language is taken into account for the purposes of granting subsidies.

- Subsidies for the publication of educational supplements and the promotion of the Galician language.

The aim is to lay down procedures for cooperating with Galician dailies and periodicals in order to promote the language through their educational supplements. Subsidies are given to Galician dailies and periodicals owned by private publishing companies which use Galician in their educational supplements. Grants are awarded for educational supplements or the promotion of the Galician language in its various specific lexical forms.

- Decree of 22 April 1994 on aid for periodical publications written in standard Galician.

- The only daily in Galicia published in Galician is *O Correo Galego*, of which there is also a Castilian edition. Their combined circulation is 27,472, ie 9.39% of total press distributed in Galicia. The weekly *A Nosa Terra* also has a significant circulation.

- Laws and measures adopted by the Community of Valencia

- Collaboration agreement of 10 June 2002 between the Spanish Broadcasting Corporation and the Community of Valencia on the programming of Spanish Television in the territory of the Community of Valencia.

- Decree of 28 July 1989 regulating subsidies for press enterprises publishing wholly or partly in Valencian.

¹⁹ Spanish Office for Circulation Figures, 2002.

²⁰ National Institute of Statistics (INE).

- The press written in Valencian is almost negligible, so much so that Valencian is only used in daily newspapers in certain specific articles. The use of the vernacular in weeklies is more significant, especially in the journal *El Temps*.

- Laws and measures adopted by the C.F. of Navarre

- Subsidies for the use of Euskera in the press, radio and television.

- Laws and measures adopted by the A.C. of the Balearic Islands

- The only daily published in Catalan is the *Diario de Baleares*.

- Laws and measures adopted by the A.C. of the Asturias

- There is no daily paper in the Asturian language, but there is a weekly, *Les Noticias*.

ARTICLE 12. CULTURAL ACTIVITIES AND FACILITIES

A) PARAGRAPHS AND OPTIONS CHOSEN

Paragraph 1.

1. With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including *inter alia* the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:
 - a. to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;
 - b. to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
 - c. to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
 - d. to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;
 - e. to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;
 - f. to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural

- activities;
- g. to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;
 - h. if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

Paragraph 2.

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

Paragraph 3.

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

B) MEASURES TAKEN TO APPLY EACH PARAGRAPH

1. Measures on Publishing and Reading

- Measures taken by the State
- Grants and Subsidies

The State has a policy of non-discrimination on the grounds of language when examining applications for aid submitted for linguistic reasons, so that publications and activities in the various co-official languages of Spain may receive subsidies, in accordance with the relevant specifications:

- Grants to promote the translation into and publication in the official Spanish languages of works by Spanish authors originally written and published in any other official Spanish language. The objectives include promoting intercommunication between the different Spanish cultures and fostering cohesion between Autonomous Communities. In 2002, 15 companies and 23 projects received such grants.
- Grants to promote the publishing of Spanish books for public libraries in the official Spanish languages. They have two objectives: to increase the holdings of Spanish public libraries and to promote and foster communication and cultural cohesion between Autonomous Communities.
- Grants to enterprises and non-profit-making institutions publishing cultural journals. The aim is to distribute cultural journals in the various official Spanish languages free of charge to

the libraries and cultural centres of Spain. The objectives are the same as those of the above-mentioned grants.

- Grants to promote the reading and dissemination of Spanish literature through activities to encourage common Spanish culture, both in Spain and abroad, in congresses, seminars, etc, participation in and holding commemorations and centenaries - particularly of writers – and promotion of reading and the use of public libraries.

- Grants for translation into and publication in any other language of literary and academic works by Spanish authors, originally written and published in one of the Spanish languages. The objective is to disseminate and promote Spanish culture abroad.

- Presence at book fairs and sending books to Spanish cultural centres abroad.

When Spain is present at international book fairs, with its own pavilion or one managed through its embassies, the new publications displayed include books and journals in all Spanish languages, some of them resulting from grants for the publication of journals and books. This is also the case with the books sent to libraries and cultural centres.

- National Prizes

The regulations on National Prizes awarded by the Ministry of Education, Culture and Sport lay down that works and authors of all Spanish languages may be put forward.

Many such prizes have been awarded to books written and authors writing in languages other than Castilian. For example, the National Prize for Spanish Literature has recently been awarded to Miquel Batllori (2001), Martí de Riquer (2000) and Pere Gimferrer (1998), the main representatives of culture in Catalan and Castilian.

Manuel Rivas' "Que me queres amor" (in Galician) won the 1996 National Literature Prize for fiction. In the same year, Fina Casalderrey won the National Children's and Youth Literature Prize for "O misterio dos fillos da lua" (in Galician). The previous year the prize was awarded to Xavier Puente Docampo for "Quando petan a porta pala noite" (in Galician).

In 1989, Bernardo Atxaga won the National Literature Prize for fiction with "Obabakoak" (in Euskera). In 2001, the Best Translation Prize was awarded to the translation into Catalan of Dante Alighieri's "Divine Comedy" by Joan Francesc Mira i Casterá.

The various academies and institutions of each of the co-official Spanish languages are represented on the juries that offer and award prizes.

The same respect for linguistic and cultural diversity is reflected in other specific activities that are not part of the major activities mentioned above, such as centenaries, anniversaries, round tables, "Encuentros de Verines", etc. For example, this year the centenary of the death of the Catalan writer Jacint Verdaguer is being commemorated, a National Committee having been created whose members include the Ministry, which is collaborating in the work and activities.

The “Encuentros de Verines” (Verines Symposium), which have a different theme each year, bring together writers and critics of the different Spanish languages and literatures, since they were created to be a pluralistic platform for encounter and mutual understanding.

Writers in every Spanish language take part in activities at national and international level.

- Measures taken by the A.C. of the Basque Country

- Order of 18 April 2000 of the Department of Culture on the granting of subsidies for publishing in Euskera, the sum of 330,556.66 euros being allocated for 2001.

- Measures taken by the A.C. of Catalonia

- Award of the Pere Calders Prize for Catalan Literature.

- Measures taken by the A.C. of Galicia

- Measures to promote expression and initiatives in Galician and access to work produced in Galician: such measures include providing grants and carrying out the following activities:

- subsidies for books published in Galician;
- subsidies for Galician music;
- sending books in Galician to libraries;
- distribution of books in Galician during reading campaigns;
- readings by Galician authors;
- publication of books in Galician;
- subsidising the Association of Galician Publishers;
- funding the Galician Book Fair;
- compulsory minimum quotas of Galician publications at book fairs;
- Galician reading campaigns;
- using Galician in all the activities of the department of the regional administration.

- Measures to foster access in other languages to books produced in Galician:

- subsidies for the translation into other languages of books originally published in Galician;
- promotion of Galician authors at international book fairs;
- publications to promote Galician literature.

- Measures to foster access in Galician to books produced in other languages by subsidising their translation into Galician.

- Subsidies to publishing houses for the creation, translation and adaptation of text books and teaching materials for non-university levels in Galician.

These are regulated by the Order of 10 February 2000, with a fund of 1,202,024 euros.

- Eladio Rodríguez González Year. Decree 10/2001 declared 2001 Eladio Rodríguez González Year. González' philological and ethnographic work made a major contribution to knowledge about Galicia and the Galician language.

- Galician Literature Day, in accordance with the provisions of the Order of 27 February 2002 providing instructions for holding this day in non-university teaching establishments.

- Measures taken by the C.F. of Navarre

- Providing libraries with holdings in Basque. Under the terms of Article 12 of the foral regulating decree, the General Directorate of Culture will provide books in Basque to 38 public libraries, in addition to the General Library of Navarre.

- Grants for the acquisition of literary works written in or translated into Euskera.

- Grants to private companies for the translation of textbooks from Castilian and for the publication of textbooks on the environment for primary education.

The following figures give an idea of the number of books published in the languages spoken in Spain²¹:

- In Castilian/Spanish	49,500 titles	79.17%
- In Catalan and/or Valencian	6,669 titles	10.67%
- In Galician	1,231 titles	1.97%
- In Euskera	885 titles	1.42%
- In other languages	89 titles	0.14%
- In non-Spanish languages	2,440 titles	3.9%
- In different languages	1,711 titles	2.74%
- Total	62,525 titles	

More detailed analysis of these data gives rise to a number of observations of interest for assessing the promotion of regional languages in Spain:

1. After Castilian, production in Catalan and/or Valencian is clearly the largest. An analysis of the subject matter of the titles published shows that the category literature, history and literary criticism accounts for the highest number of publications, with 2,406 titles, ie 13.13%, followed by natural sciences, with 387 titles, representing 17.58% of the total.

2. As for type or category of books, the largest is text books with 25.07% published in Catalan, 5.91% in Galician and 4.88% in Euskera.

3. University theses published in languages other than Castilian: 23.3% in Catalan and/or Valencian, 0.28% in Euskera and virtually zero in Galician.

²¹ Statistical Yearbook "España 2001", National Statistics Institute (INE).

2. Measures to Develop and Promote Cinematography and the Audiovisual Arts

- Measures taken by the State.

Act 15/2001 of 9 July (on the Promotion of Cinematography and the Audiovisual Sector) and Royal Decree 526/2002 of 14 June (on measures to develop and promote cinematography and the making of co-productions) introduce incentives to produce and screen films and audiovisual works that use languages other than Castilian that are official in the Autonomous Communities.

3. Measures to promote the Performing Arts

- Measures taken by the State

- Grants and Subsidies

Through the National Institute for the Performing Arts and Music (INAEM), the Ministry of Education, Culture and Sport, provides support to theatrical initiatives in the various languages of the State through annual subsidies.

- Grants to non-profit-making associations, some of which work in two languages.
- Periodicals which regularly publish work in more than one language.
- Grants-in-aid for the production of plays performed in two versions for the Basque Country, Catalonia, Galicia and the Community of Valencia.
- Grants for tours of plays performed exclusively in the regional language.
- Grants for festivals presenting works in those languages. They are allocated either through applications for aid or as specific subsidies to festivals supervised by the INAEM:
 - The Almagro Festival of Classic Theatre (Ciudad Real)
 - The Alicante Festival of Modern Spanish Theatre
 - The Sitges International Theatre Festival (Barcelona)
 - The International Greek Festival of Barcelona
 - The San Sebastian International Theatre Festival (Guipúzcoa)
 - Feria de Teatre al Carrer, Tárrega (Lérida)
 - The Tolosa International Puppet Festival (Guipúzcoa)
 - The Vitoria-Gasteiz International Theatre Festival (Alava)
 - The International Charlie Rivel de Comellá Clown Festival (Barcelona)

- The Puppet Festival of the Union of Municipalities of the Albaida Valley (Castellón)

4. Measures to coordinate libraries

- Measures taken by the State

The Ministry of Education, Culture and Sport and the Autonomous Communities jointly maintain an information service on the Internet called, "*Ask and the libraries will answer*". The service can be consulted in all the official languages.

It is also planned to translate the *Rules of Cataloguing* into Euskera, in principle through the signing of an agreement with the Basque Government.

- Measures taken by the Autonomous Communities

The Autonomous Communities have their own networks of libraries and help to manage state-run libraries by monitoring book production in the regional languages.

5. Measures on archive management

- Measures taken by the State

- With respect to the Archives of the Crown of Aragon in Barcelona, Catalan legislation on language standardisation is applied. The following measures have been taken:

- internal and external signs are in Catalan and Castilian;
- public information, whether oral or written, and printed material and other official communications are bilingual, in Catalan and Castilian;
- the descriptive material available to the public in the reading room is in both Catalan and Castilian;
- the academic publications of the Archives and its staff are in Catalan or Castilian, depending on the journal in which they appear. The last inventory, the General *Bailía* of Catalonia which is now printing, is bilingual;
- Every year the Delegation of the Government in Catalonia runs Catalan courses for Archive staff.

- With respect to the Provincial Archives under the supervision of the Ministry of Education, Culture and Sport, situated in the Basque Country:

- internal and external signs are in Euskera and Castilian;
- printed materials and official written communications have headings in Euskera and Castilian.

6. Other Measures to Promote the Use of Regional Languages

Some of the Autonomous Communities have developed activities for the direct promotion of their respective regional languages. Here, we will consider not only the cultural activities that may take place in the regional language but also those whose direct purpose is to subsidise the use of the regional language *per se*.

- *Measures taken by the A.C. of the Basque Country*

- Subsidies for cultural activities. The Department of Culture Order of 7 June 2000 provides for subsidies for cultural activities, on application by public or private natural or legal persons. The budget for 2001 was 1,123,892.64 euros.

The criterion applied to applications is *"the development of the activity with the use of the two co-official languages of the Basque Autonomous Community. This criterion shall not be applied where the nature of the activity is to promote and develop Euskera. It shall be evaluated at up to 10% of the total number of points"*.

The obligations incumbent upon the persons or bodies receiving subsidies include: *"4. Mentioning in the promotional materials and in texts and documents drafted for the subsidised activity, which shall be published in Euskera, without prejudice to the use of other languages, the sponsorship of the Department of Culture of the Basque Government"*.

- Subsidies for the promotion, dissemination and/or standardisation of Euskera. These are regulated by the Department of Culture Order of 16 August 2000 on the granting of subsidies to private legal persons undertaking the promotion, dissemination and/or standardisation of Euskera.

The Order of 22 May 2002 has amended the Order for the purposes of its application in the 2002 financial year, when 805,356.22 euros were allocated for subsidies, although the overall sum allocated may be amended to take account of the total amount of subsidies applied for and the surplus funds available from other Department of Culture aid programmes.

- Subsidies to local authorities for the development of the General Plan for the Promotion and Use of Euskera by those authorities. They are regulated by the Order of 31 July 2000 on the allocation of subsidies to local authorities under the jurisdiction of the Autonomous Community of the Basque Country and the bodies answerable or linked to them, for the introduction or improvement of language standardisation services and the development of the General Plan for the Promotion and Use of Euskera at the level of the authority.

The Order was amended for the purposes of its application in the financial year 2002 by the Order of 22 May 2002. The amount allocated for subsidies in 2002 was 601,012 euros, which may be amended to take into account the total amount of subsidies applied for and the surplus funds available from other Department of Culture aid programmes.

- Subsidies to develop Euskera Plans in private sector bodies. The Order of 10 July 2002 has amended the Order of 18 October 2000 and provides for subsidies for the development of Euskera Plans. It states, *"The Euskera Plans shall establish which of the external and/or internal relations of the body shall be undertaken in Euskera within three years"*.

The budget for 2002 was 661,282.78 euros and the beneficiaries are legally constituted private legal persons or public-law corporations. The following actions are subsidised:

- (a) the adaptation of texts in Euskera (...);
- (b) Euskera training for staff directly linked with the plan's objectives and the replacement of staff attending Euskera classes who are responsible for written communication with public administrations;
- (c) the purchase or adaptation of computer applications in order to be able to work in Euskera;
- (d) drawing up the plan, communication activities connected with it, follow-up and evaluation of the plan.

- Subsidies for Basque Centres – Euskal Etxeak – for the development of activities connected with promoting the use of Euskera in Basque Centres within and outside the territory of the Autonomous Community.

- Grants for school activities to support oral expression.

- Grants for residential language courses.

- Subsidies to promote extra-curricular activities.

- Measures taken by the A.C. of Catalonia

- Subsidies for the introduction or maintenance of Catalan language training.

These are regulated by the Order of 11 May 2000. Applications may be made each year by commercial bodies and private, non-profit-making bodies. The purpose is to promote the use of Catalan in social, professional, commercial and cultural activities and in advertising, sport, games, the voluntary sector and any other type of activity. The maximum grant is 21,000 euros, which may be increased according to the applications received and funds available.

- Subsidies for the maintenance of language services to promote the Catalan language in private non-profit-making organisations and bodies.

The beneficiaries are non-profit-making private organisations and bodies. Like those mentioned above, the purpose of these subsidies is to promote the use of Catalan in social, professional, commercial and cultural activities and in advertising, sport, games, the voluntary sector and any other type of activity. The maximum subsidy is 380,000 euros, which may be increased according to the applications received and funds available.

- Subsidies to professional associations and private non-profit-making bodies for initiatives to promote the learning and social use of the Catalan language.

The purpose is to promote the use of Catalan in social, professional, commercial and cultural activities and in advertising, sport, games, the voluntary sector and any other type of activity. The maximum grant is 120,000 euros, which may be increased according to the applications received and funds available.

- Measures adopted by the A.C. of Galicia

The General Directorate for Cultural Promotion of the Autonomous Government of Galicia provides a number of cultural activities and services to promote the use of Galician as the vernacular language. In addition to the provisions mentioned above with respect to promoting publishing and reading in Galician, there are a number of other measures.

- Measures to ensure that the bodies responsible for organising or supporting various forms of cultural activity make appropriate use of Galician:

- in relations with all the institutions of Galicia, and
- in activities financed or subsidised by the Department.

- Subsidies to "Casas" (houses) of Galicia and Galician Centres. Cultural activities to defend or promote Galician are also conducted in territories other than those where Galician is traditionally spoken. This is the case of the many "Casas de Galicia" and Galician Centres in America and elsewhere in the world, where cultural activities are organised for this purpose.

There are also subsidies for universities offering teaching in Galician in the form of books and aid through collaboration agreements.

- Subsidies to non-profit-making bodies and associations promoting the social use of the Galician language.

The aim is to collaborate economically with non-profit-making associations and institutions developing actions to foster the wider social use of Galician. Beneficiaries are non-profit-making bodies and associations, as well as local authority bodies, legally constituted in or outside the Autonomous Community.

Actions eligible for subsidy are activities to promote the Galician language, priority being given to those in which Galician is permanently present and to on-going language assistance activities; the organisation of symposia, congresses and conferences.

For the financial year 2000, they were regulated by the Order of 17 January 2000 and had a total budget of 601,012 euros.

- Subsidies to private enterprises to promote the use of the Galician language.

Under the terms of the Order of 26 November 1996, their objective is to promote the use of Galician as the vernacular language of Galicia in private enterprises, the A.C. of Galicia recognising that private enterprises are able to promote wider use of Galician through their action and territorial and social presence. Beneficiaries are legally constituted private enterprises, and actions eligible for subsidy are the use of Galician in documentation and public information and permanent external and internal signposting.

The Steering Committee for Language Standardisation in Galicia encourages enterprises to promote the use of the Galician language by introducing it into the economic and commercial sphere. The objective of the Council is to promote the use of Galician in commercial activity and advertising in order to implement the provisions of the Act, and it considers it appropriate

to supervise the measures and economic and administrative procedures necessary for the granting of subsidies.

For the financial year 2000, it was regulated by the Order of 18 January 2000 and had a total budget of 601,012 euros.

The actions financed are promotional actions correctly undertaken in Galician under the legislation in force. Funding of the enterprise's ordinary working materials is excluded.

All the promotional documents and graphic information produced by the company must be in Galician.

The actions eligible are:

1. the promotion of the Galician language in permanent actions;
2. Galician language courses for staff;
3. standardisation of company documents;
4. the modification, for their public use in Galician, of the company's trading name, trademark, brand names and guarantee.

- Subsidies to non-profit-making bodies and institutions for courses. The Order of 13 November 1996 regulated the granting of subsidies to non-profit-making bodies and institutions for courses and other training activities in the Galician language.

The purpose is to respond to an important section of society that is particularly sensitive to the language and culture of Galicia, namely the non-profit-making bodies and institutions that bring together citizens who, by using it, give Galician the necessary social prestige to stimulate its use. Local councils are not eligible for such subsidies.

Beneficiaries are therefore non-profit-making bodies and associations (excluding local administration bodies) that are legally constituted within or outside the Autonomous Community. The purpose of the subsidy is the organisation and provision of classes and other training activities in the Galician language, completely free of charge. The maximum total amount of such subsidies for 1996 was 216,364 euros. The actions eligible for subsidy are beginners' and advanced Galician language courses and other training activities.

- Subsidies to Royal Academies, professional associations, entrepreneurs' associations, chambers of commerce and similar bodies for activities to promote the Galician language.

Under the Order of 5 November 1996, activities to promote the Galician language that develop specific projects or organise different activities for the same purpose are eligible for subsidy. For this reason, preference is given to on-going activities of practical importance for the promotion of the language, with a major impact on occasional, practical activities.

Beneficiaries are Royal Academies, professional associations, entrepreneurs' associations, chambers of commerce and similar non-profit-making bodies legally constituted under the laws regulating them but excluding those supervised by local authorities.

The aim of the subsidies is the mounting of promotional activities that seek to give the Galician language greater presence in the spheres of activity of the beneficiaries mentioned.

The maximum total amount was 240,964 euros in 1997. The maximum amount of each subsidy was 24,096 euros.

Subsidies are conditional upon activities' using the Galician language correctly as an official language. The financing of ordinary working materials is excluded.

The preferential criteria for granting subsidies are as follows:

1. the sphere in which the activity is being conducted, considered from a quantitative as well as a qualitative point of view;
2. the clarity of presentation of the project, essentially in terms of the activities planned, their link with the dissemination of the Galician language and evidence that they are likely to achieve the objectives set;
3. the sustainability over time of the results it is hoped the activities will achieve.

- Measures taken by the Community of Valencia

- Subsidies for activities to promote Valencian undertaken by the "Hogeuras Committees".

- Subsidies for activities to promote the use of the Valencian language undertaken by the "Fallas Committees".

- Subsidies for activities to promote the use of Valencian in Feasts of Magdalena.

- Measures taken by the C.F. of Navarre

- Organisation of cultural activities and services. The use of Basque/Euskera by the Administration of the C.F. of Navarre is regulated by Foral Decree 372/2000 of 11 December and the Directorate General of Culture organises cultural activities and services under the terms of this Decree.

Most of the activities resulting from the Decree concern the promotion of publishing and reading, but it also provides for subsidies for cultural activities, whether in Castilian or Euskera.

- Subsidies for local councils, regulated by the Foral Decree of 25 January 1990, for programmes in implementation of the Foral Act on Basque.

- Measures taken by the A.C. of the Asturias

The Finance Act for 2002 includes a specific budgetary programme, "422 R, Promotion of Asturian", which provides for the following measures:

- subsidies for the promotion of Asturian in local authorities, private bodies, associations and the media;
- subsidies for the promotion of films and music in Asturian;
- a specific subsidy for the Academy of the Asturian Language;
- campaigns to promote language standardisation;
- support for the use of traditional place-names;
- promotion of the administrative use of Asturian;

- award of a literary prize for poetry, non-fiction, fiction and publishing in Asturian;
- subsidies for the promotion of publishing in Asturian;
- subsidies to promote translation;
- organisation of cultural activities particularly connected with the use of Asturian: Asturian Literature Week, Writers' Assembly and Asturian Book Day;
- promotion of the study of the situation of Asturian through joint activities with the Academy of the Asturian Language and the University of Oviedo.

ARTICLE 13. ECONOMIC AND SOCIAL LIFE

A) PARAGRAPHS AND OPTIONS CHOSEN

Paragraph 1.

With regard to economic and social activities, the Parties undertake, within the whole country:

- b. to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;
- c. to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;
- d. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;
- e. to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.

Paragraph 2.

With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:

- f. to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;
- g. in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;
- h. to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;
- i. to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;
- j. to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.

B) MEASURES TAKEN TO APPLY EACH PARAGRAPH

Application of the measures provided for in this article depends to a great extent on the will of individuals, people who speak the languages and social players, rather than the authorities.

On the other hand, the EU principles on the single market and the free movement of persons and goods within the Community to a great extent govern the exercise of the right to use regional and minority languages. For example, a number of studies have noted how in some cases the requirement for labelling in a particular regional language can become a logistic problem for companies since it forces them to adapt the distribution chain of the product.

- State legislation/measures

For this reason, it does not seem necessary to enumerate specific State laws, State obligations being considered adequate since the law contains no principles making it a duty to use a particular language or to prevent the use of other co-official languages in the development of social and economic relations.

- Laws and other measures adopted by the Autonomous Communities

Nevertheless, autonomous legislation and regulations on language standardisation, the express purpose of which is to promote the use of the regional languages concerned, usually lay down principles that aim to promote the social use of the respective languages, although the laws cannot have a great deal of force for the reasons mentioned above.

They therefore usually refer to promotion of the use of the regional language in certain specific aspects of public life, though this is not always easy to put into practice, especially in a predominantly bilingual environment such as that of Spain.

The measures necessary to guarantee the exercise of linguistic rights are therefore necessarily limited and dispersed in legislation, although they can be divided into three types of references: those in legislation on language, those contained in specific sectoral, socio-economic legislation and measures taken by the autonomous administrations.

1. Provisions contained in legislation and regulations on language

- Laws and other measures adopted by the A.C. of the Basque Country

- Act 10/1982 of 24 November on Language Policy.

"Section Article 26. The Basque authorities shall take appropriate measures and the necessary steps to promote the use of Euskera in all spheres of social life in order to enable citizens to act in the said language in the various commercial, cultural, voluntary, sporting, religious and other activities."

- Laws and other measures adopted by the A.C. of Catalonia

- Act 1/1998 of 7 January on Language Policy.

"Section 15. Civil and Commercial Documents.

1. The language shall not be a formal requirement in private documents. Documents drafted in any language shall be valid, without prejudice to the translations the civil, commercial or procedural law may require for performance where the language is not official in Catalonia.

2. Private documents, whether contractual or otherwise, of whatever nature, drafted in one of the two official languages of Catalonia shall be valid and shall not require any translation for their judicial or extra-judicial performance within the territory of Catalonia.

3. The documents referred to in paragraph 2 shall be drafted in the official language chosen by the parties. Notwithstanding this, standard contracts, formal contracts, contracts without standard clauses or contracts which include general conditions shall be drafted in the language chosen by the consumers and shall immediately be made available to customers in separate copies in Catalan and Castilian.

4. Securities certificates of all types, and those representing shares in commercial companies, drafted in one of the two official languages shall be valid.

5. Cheques, promissory notes, cheque books and other documents provided by financial institutions to their clients shall be drafted at least in Catalan.

Section 16. Collective Labour Agreements.

1. Collective labour agreements drafted in one of the two official languages shall be valid.

2. Collective labour agreements shall be drafted in the official language chosen by the parties or, if they cannot agree, in both official languages in separate copies."

- Laws and other measures adopted by the A.C. of Galicia

- Act 3/1983 of 15 June on Language Standardisation.

"Section 25. The Galician Government and the local councils within their territory shall promote the standardisation of the use of Galician in commercial, advertising, cultural, voluntary, sports and other activities. For this purpose and through specific acts it shall be possible to obtain tax reductions or exemptions."

- Laws and other measures adopted by the Community of Valencia

- Act 4/1983 of 23 November on the Use and Teaching of Valencian.

"Section 17. All citizens shall have the right to speak Valencian in all meetings, and to conduct their professional, commercial, social, trade union, political, religious, recreational and artistic activities in Valencian."

Section Article 30. The Valencian Generalidad and the local councils shall have powers to exempt from tax or award tax credits for acts and events connected with the promotion, dissemination and spread of Valencian culture and shall give special consideration to those involving the use of Valencian."

- Laws and other measures adopted by the A.C. of the Balearic Islands

- Act 3/1986 of 29 April on Language Standardisation.

"Section 33. The authorities of the Autonomous Community shall adopt the relevant measures and take the necessary steps for the learning and use of the Catalan language in all areas and activities of social life."

"Section 37. 1. The authorities of the Autonomous Community shall promote the use of the Catalan language in advertising.

2. Similarly, the use of Catalan in the environment shall be stimulated, particularly the conception in Catalan of all types of signs used by social, cultural, commercial and recreational bodies."

"Section 38. 1. The Government of the Autonomous Community and the local councils shall have powers to grant tax exemptions or credits in respect of acts and events connected with the promotion, dissemination and spread of Catalan language and culture, specific to the Balearic Islands.

2. The Government, in agreement with the local councils concerned, shall create special centres wholly or partly devoted to promoting the learning, use and dissemination of the Catalan language and the culture of the Balearic Islands. It shall also be able to subsidise foundations and any other bodies with such a purpose."

"Section 40. 1. With the assistance of the university, the Government of the Autonomous Community shall draw up a plan to make the population aware of the importance and usefulness of the standardisation of the Catalan language and the preservation, promotion and transmission of the culture of the Balearic Islands.

2. Similarly, a study shall be made of the present situation of the Catalan language in the Balearic Islands on the basis of citizens' knowledge and use of the language, and a socio-linguistic map of the Balearic Islands shall be prepared.

3. The study and the map shall be revised periodically in order to adapt the regulation and implementation of language policy to the actual situation and to assess the effect of planning on the gradual learning of the Catalan language."

2. Regulatory Provisions in Economic Legislation

- Laws and other measures adopted by the A.C. of the Basque Country

- Act 10/1981 of 18 November approving Consumer Protection Regulations.

"Section 20. The Basque Government shall require the enforcement of the regulations on labelling and pricing (...). Bilingual standards - Euskera and Catalan - shall be provided for all purposes."

- Laws and other measures adopted by the A.C. of Catalonia

- Act 3/93 of 5 March on Consumer Protection Regulations.

"Chapter IV. Linguistic Rights of Consumers.

Section 26. Use of Catalan in information and contracts.

Under the provisions of Article 3.3 of the Statute of Autonomy of Catalonia:

- (a) consumers shall have the right to receive in Catalan the relevant information for the consumption and use of goods, products and services, and more particularly the compulsory information connected with the protection of their health and safety;*
- (b) Any interested party shall have the right to receive in Catalan standard contracts, contracts with standard clauses, formal contracts, general conditions and the documentation concerning them or resulting from the performance of one of the contracts mentioned.*

Section 27. The right of persons using one of the official languages to be assisted.

Enterprises and establishments selling products or providing services and operating in Catalonia shall be able to serve consumers when they use one of the official languages of Catalonia.

Section 28. Protection and promotion of the use of Aranese.

The Generalidad shall take measures to protect and promote the use of Aranese, in the territory concerned, with respect to the rights to information granted to consumers by the present Act."

- Decree 213/2001 of 24 July on the Protection of Consumers' and Users' Rights in the Provision of Services with respect to durable goods.

"Article 18. All establishments shall be able to provide users with all the appropriate information and documentation at least in Catalan."

- "Information and documentation" means prices, claim forms, budgets, receipts, invoices and advertising.

- "Durable goods" means: gas, telephone and domestic appliances, computer equipment, toys, sports equipment, etc.

- With respect to the voluntary cooperation mentioned above as a way of encouraging the use of Catalan in socio-economic activity, the policy of labelling in Catalan, although not widespread, has given rise to cooperation with the Association for the Defence of Labelling in Catalan (ADEC).

- Laws and other measures adopted by the A.C. of Galicia

- Decree on the Use of the Galician Language in the Labelling and Advertising of Products Marketed in Galicia (DO 14.06.85).

- Decree of 16 June 1994 on the Use of the Galician Language in the Labelling of Products and Consumer and User Information in Galicia.

- Laws and other measures adopted by the Balearic Islands

- Act 11/2001 of 15 June on the Regulation of Commercial Activity.

"Section 8. Linguistic rights of consumers.

1. In establishments covered by this Act, consumers shall have the right to be served in one of the official languages of the Balearic Islands (...).

2. In retail establishments with more than three employees, consumers shall also have the right to be served in the official language of the Balearic Islands of their choice.

3. The permanent signs and general information notices, as well as documents offering consumer services, of establishments open to the public shall be written at least in Catalan. This provision does not apply to brand names, trademarks or signs protected by legislation on industrial property.

Pursuant to the relevant regulations, commercial establishments shall post announcements to inform consumers of their linguistic rights.

4. The competent administrations shall promote the gradual use of the Catalan language in commercial activities, as well as in signs, symbols and distinctive elements of commercial establishments in the Balearic Islands."

3. Other Measures Adopted by the Autonomous Administrations

- Measures adopted by the A.C. of the Basque Country

- Introduction of clauses on language in collective labour agreements.

The following examples of such clauses are both from the public sector:

- Collective Agreement concerning Staff Employed in the Department of Education, Universities and Research, published in a Resolution of 11 January 2001.

"Article 54. 'Euskaldunisation'.

The Joint Committee shall establish a Technical 'Euskaldunisation' Committee to which shall be delegated the task of monitoring and supervising this process.

This committee shall, within the limits authorised by the regulations in force, be responsible for establishing linguistic profiles and setting deadlines for their application to the lists of posts covered by this Agreement (...)."

- Collective Agreement concerning Staff Employed by the Auxiliary Services of the Department of the Interior Security Administration, published in a Resolution of 21 March 2001:

"Article 57: 'Euskaldunisation'.

1. The employees covered by the agreement shall have access to the Euskera courses organised by the IVAP (Basque Public Administration Institute), in accordance with the priorities laid down (...).

2. In accordance with the mechanisms laid down in the agreement made with HABE, the IVAP shall provide, according to its budgetary possibilities, four types of training activities:

(a) intensive residential courses;

(b) ordinary courses (...)."

- Measures adopted by the A.C. of Catalonia

- Introduction of clauses on language in collective labour agreements.

The provisions contained in the Act on Language Policy are in practice applied as indicated below. There follow two examples.

1. The Collective Labour Agreement of the Biscuit Sector of Barcelona and its Province for 2000, published in the Official Journal of the Generalidad of Catalonia, 10 January 2001.

"Article 7. Language Standardisation.

It is agreed that this Collective Agreement be drafted in Catalan, an official language in Catalonia, and in the Castilian language, an official language throughout the Spanish State. In the event of disagreement as to the interpretation of the text of the Agreement, the Castilian text shall be binding."

2. Collective Agreement of the Metallographic Industry, published in the Official Journal of the Generalidad of Catalonia, 27 March 2001.

"Article 62. This Agreement is drafted in both the official languages of Catalonia, Catalan and Castilian, in order to strengthen the potential for bilingualism; the relevant measures at company level, such as opinions, notes, communications, etc shall therefore also be written in two versions."

- Creation of instruments for the promotion of the use of Catalan in the various social domains, both through the Consortium for Language Standardisation and the Consortium

Centre TERMCAT for language standardisation, and through the Social Council of the Catalan Language, created by the Decree of 18 February 1991.

- In the field of relations between the autonomous administration and social players, a mechanism for evaluating and certifying knowledge of the Catalan language has been put in place and is regulated by Decree 152/2001 of 29 May. Article 1 states that *"the purpose is to regulate certificates of knowledge of Catalan and the examinations for obtaining them in the context of the regulated study of Catalan"*.

- *Measures adopted by the A.C. of Galicia*

- The social protection of Galician, particularly among Galicians outside the region, has been dealt with through the creation of the Council of Galician Culture, whose terms of reference were approved in Decree 237/2000 of 29 September and whose task is *"to defend and promote the cultural values of the Galician people"*.

- *Measures adopted by the C.F. of Navarre*

- It should be noted that the Foral Community has adopted two specific Action Plans for the different geographical areas of the Community, specifying the actions to be undertaken:

1. Action Plan for the Application of the Regulations on the Use of Basque in the Mixed Area, approved by the Government Council on 8 January 2001.
2. Action Plan for the Application of the Regulations on the Use of Basque in the Basque-speaking Area, approved by the Government Council on 8 January 2001.

- *Measures adopted by the A.C. of the Balearic Islands*

- The Order of 13 January 2000 published the Pact on Employment, Social Cohesion and the Promotion of the Productive Economy, signed by the regional Government and employers' organisations and trades unions. Paragraph 4.1 of the Pact contains a specific sub-paragraph entitled "Encouragement of Language Standardisation", which states that *"the parties consider the activation and encouragement of the social use of Catalan as the vernacular language of this Community to be an instrument of cohesion and participation"*.

For this purpose, it provides for a number of measures, including the drawing up of a Standardisation Plan, assistance for linguistic aspects, support for the translation and correction of texts and the provision of Catalan courses.

ARTICLE 14. TRANSFRONTIER EXCHANGES

A) PARAGRAPHS AND OPTIONS CHOSEN

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| <ol style="list-style-type: none">a. to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;b. for the benefit of regional or minority languages, to facilitate and/ or promote co-operation across borders, in particular between regional or local authorities in whose |
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territory the same language is used in identical or similar form.

B) MEASURES TAKEN TO APPLY EACH PARAGRAPH

The application of Article 14 of the European Charter for Regional or Minority Languages should be examined in conjunction with the Council of Europe Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, done at Madrid on 21 May 1980.

On the basis of the Convention, Spain signed and ratified a Treaty between the Kingdom of Spain and the French Republic on Transfrontier Cooperation between Territorial Entities at Bayonne on 10 March 1995.

The inter-state negotiation process particular to an international treaty makes the exercise of linguistic rights subject to the positive law in force in each signatory State. The only reference to the subject in this treaty is therefore the following:

"Article 6. (...) The Statutes and decisions of the Body shall be drafted in the languages whose use is compulsory under the domestic law of each of the signatories for acts and decisions made by the territorial entities".

Therefore, on the Spanish side, applying the constitutional and legal principles outlined in the introductory chapter of this report, the statutes mentioned in Article 6 may be drafted in a co-official language, so long as they are also drafted in Castilian/Spanish.

With respect to cooperation with the Portuguese Republic, at the time of writing, no final agreement had yet been reached on the content of what will probably be an international treaty similar to the one signed with the French Republic. It can be said, however, that the linguistic conditions of the treaty are likely to be similar to those already in force with the French Republic, ie the sub-state administrations will be free to draft the corresponding collaboration agreements in a regional language, so long as they are also drafted in Castilian/Spanish.

Under the provisions laid down in the Treaty of Bayonne, the transfrontier cooperation the Spanish sub-state entities maintain with their French counterparts usually involves the use of the corresponding regional languages, ie Euskera and Catalan, depending on the area.

For example, Article 31 of the Statutes of the Bidassoa-Txingudi Transfrontier Consortium, approved on 23 December 1998, which brings together the municipalities of Hendaye (France), Hondarribia (Spain, Basque Country) and Irun (Spain, Basque Country), refers to the use of languages and lays down that *"The Statutes, agendas, minutes and official correspondence of the Bidassoa-Txingudi Transfrontier Consortium shall be drafted in Spanish, French and Euskera"*.