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## The Status of English in the European Union after Brexit

**Abstract:** The aims of the article are to analyse the legal status of English after Brexit and present possible scenarios for this language in the post-Brexit Union. Firstly, the article highlights the status of languages in the EU and depicts three major categories of languages in the EU: Treaty languages, official and working languages. Secondly, the article analyses two possible scenarios for retaining the official and working status of English through notifications by Ireland and Malta. Thirdly, the paper focuses on the third scenario of introducing English as a single EU official language. Finally, the article outlines the status quo of English in the EU after UK's withdrawal from the EU. It concludes that English is likely to remain the official and working language of the EU as a result of proper notification made by either Ireland or Malta.

**Keywords:** English, Treaty, official and working languages, Brexit, multilingualism.

### Introduction

The concepts of linguistic diversity and multilingualism have been an intrinsic element of the European integration since its beginnings. The European Union respects linguistic diversity through maintaining a multilingual regime recog-

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nising one official national language of every Member State.<sup>2</sup> The respect for diversity of community languages is considered to be part of rich and diverse cultural heritage of individual Member States. Moreover, this diversity is supposed to contribute to social cohesion, be a source of tolerance and acceptance of differences between people.<sup>3</sup> These concepts have been growing in importance together with the increasing number of the Member States, which triggered a rising number of official EU languages. As the Union has become more and more diverse, its multilingualism has turned into an important social, cultural, economic and political fact of life.<sup>4</sup> It was reflected in the community values and became a pragmatic assumption of day-to-day operation of EU institutions and partnerships of various scales. Today, three facets of multilingualism in the EU may be distinguished: firstly, multilingualism within the official EU institutions and agencies; secondly, the interface between the EU bodies and the European public; and thirdly, multilingualism in the everyday life of EU's citizens.<sup>5</sup> The latter is also affected by the EU multilingualism strategy, which serves as a tool to promote conditions “conducive to the full expression of all languages, in which teaching and learning of foreign languages can flourish.”<sup>6</sup>

The English language became one of the Union official languages upon the relevant notification filed by the United Kingdom of Great Britain and Northern Ireland at its accession in 1973. English is also a national official language in Malta and Ireland. These states notified Maltese and Irish (Gaelic) respectively as their official languages for the purposes of the Union, as Eng-

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2 Regulation No. 1 determining the languages to be used by the European Economic Community. The number of official languages is lower than the number of the EU Member States, as some languages have the status of an official language in more than one Member State.

3 Anastazja Gajda, “Wielojęzyczność Unii Europejskiej”, *Socjolingwistyka*, no. 27. 2013: 27.

4 Patxi Iuaristi, Timothy Reagan, and Humphrey Tonkin, “Language diversity in the European Union” in *Respecting Linguistic Diversity in the European Union*, ed. X. Arzoz. Amsterdam, Philadelphia, 2008, 47–49.

5 Lorna Carson, *Multilingualism in Europe. A Case Study*. Brussels, 2003, 19.

6 Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – *A New Framework Strategy for Multilingualism*, COM(2005) 596, 3.

lish was a language already notified by the UK. In the aftermath of the United Kingdom's withdrawal from the EU, the question arises as to the legal status of English in the organisation. No one can deny that the role of English has been strengthening year after year. It has gained a dominant position among Member State languages not as a result of a formal decision but for practical reasons. English has evolved beyond a language assigned to a particular country. Its deletion from the list of the EU official and working languages would strongly complicate the functioning of the EU institutions and the way that meetings would be organised. It is the most frequently chosen language by the EU institutions and most popular foreign language in the Member States.<sup>7</sup> Initially, the declaration of Brexit made francophones believe that French would regain its historical standing as Europe's language of diplomacy. Surprisingly, English has been on the rise since the UK's Brexit decision, mainly due to the fact that the officials from non-French speaking countries were more eager to see English as a 'neutral territory' and primary means of communication in the EU.<sup>8</sup> Some of the EU institutions expressed their positions on the deletion of English from the official languages. In answer to the question asked by Slator, the Language Industry Intelligence, the European Parliament Press Service assured that "the possibility that English will be abolished as an official language is virtually non-existent."<sup>9</sup> Next, the European Commission's communication on budget for 2021–2027<sup>10</sup> clearly demonstrated that the UK's

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7 European Commission, *Special Eurobarometer No. 386. Europeans and Languages*, 2012, 5, <[http://ec.europa.eu/commfrontoffice/publicopinion/archives/ebs/ebs\\_386.en.pdf](http://ec.europa.eu/commfrontoffice/publicopinion/archives/ebs/ebs_386.en.pdf)>, access: 1.07.2019.

8 Maia De La Baume, "As British leaves, English on rise in EU – to French horror", Politico, 5 October 2018, <<https://www.politico.eu/article/french-english-language-brexit-european-parliament-ecj-commission-eu-next-waterloo/>>, access: 6.11.2019.

9 Esther Bond, "EU provides clarity on post-Brexit future for English language", Slator, 15 May 2018, <<https://slator.com/demand-drivers/eu-provides-clarity-on-post-brexit-future-for-english-language/>>, access: 6.11.2019.

10 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions *A Modern Budget for a Union that Protects, Empowers and Defends The Multiannual Financial Framework for 2021–2027*. COM 2018 (321).

withdrawal from the EU would not affect the services of interpretation and translation from and into English. This allows one to make the reasonable assumption that the status of the language will not change. However, the issue of the legal status of English has not been settled yet.

### **Languages of the European Union**

Formally, three categories of languages may be distinguished in the context of the European Union: Treaty languages, official languages and working languages. The EU treaty languages are listed in Article 55(1) of the Treaty on European Union (TEU),<sup>11</sup> and the Union official and working languages are specified in Regulation No. 1 determining the languages to be used by the European Economic Community of 1958.<sup>12</sup> Treaty languages are the languages in which the original texts of the founding treaties were drawn up. Only the European Coal and Steel Community Treaty was authentic in a single language, i.e. in French. The Rome Treaties establishing the European Atomic Energy Community (EURATOM)<sup>13</sup> and the European Economic Community (EEC)<sup>14</sup> were drawn up in four languages: French, German, Italian and Dutch. The Treaty on European Union (1993) was prepared in 10 EU official languages: Danish, Dutch, English, French, German, Greek, Irish, Italian, Portuguese and Spanish, with the texts of each language being equally authentic.<sup>15</sup> Finally, the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) were drawn up in 24 EU official languages, with the

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11 OJ 2016 C 202, 7 June 2016.

12 Regulation No. 1 determining the languages to be used by the European Economic Community. OJ 017, 1 July 2013.

13 The Treaty establishing the European Atomic Energy Community (EURATOM). Signed on 25 March 1957. OJ EU 2010/C 84/01.

14 The Treaty establishing the European Economic Community. Signed on 25 March 1957. OJ EU C 312 E/1.

15 Treaty on European Union. Signed on 29 July 1992. OJ C 191.

texts in each language having equal status.<sup>16</sup> The TEU and the TFEU are unique in being authentic in all of the official languages of their contracting parties. The number of Treaty languages is equal to the number of the Union official languages.<sup>17</sup> Such a solution is intended to guarantee equal access to the provisions of the Treaty by the Member States and their citizens. The concept of a ‘Treaty language’ means the same as ‘authentic language’ used in the context of international law. What makes it peculiar in the EU is the fact that it is used not only with reference to the EU founding treaties, as implied by the term ‘Treaty language’ but also to the EU secondary legislation. The Court of Justice of the European Union (CJEU) in its ruling in *CILFIT*<sup>18</sup> upheld the view that EU secondary law expressed in all EU official languages is authentic and equally valid in the light of law.<sup>19</sup>

The issue of the Community/Union official languages has been a sensitive matter since the EEC and the EURATOM negotiations.<sup>20</sup> For this reason, at that time rather than specifying the status of languages in primary law, the Treaties determined the procedure to establish language rules applicable to the Communities. The procedure was as follows: the linguistic regime of the EEC and EURATOM had to be established by the Council, whereas that of the Court of Justice had to be laid down in its Statute.<sup>21</sup> Article 217 of the Treaty establish-

16 OJ 2016 C 202, 7 June 2016. It is so provided in Article 55(1) TEU. Article 358 TFEU stipulates that the provisions of Article 55 TEU also apply to the TFEU.

17 Until 2007 the number of treaty languages was not the same as the number of EU official languages. That state of affairs was caused by the status of Irish and Maltese, which became treaty languages from the day of Ireland’s and Malta’s accession to the EU, yet not acquiring the official and working status at the same time. Irish and Maltese acquired the status of the fully-fledged EU official languages on 1 January 2007.

18 Judgment of the Court of 6 October 1982 in the case 283/81 *Srl CILFIT and Lanificio di Gavardo SpA v. Ministry of Health*, ECLI:EU:C:1982:335, para. 18.

19 Agnieszka Doczekalska, “Legal Multilingualism as a right to remain unilingual – fiction or reality?”, *Comparative Lengilinguistics* 20. 2014: 12.

20 At the Messina Conference held in June 1955 national delegations were reluctant to tackle the language issue and rather than a linguistic regime they decided that the Treaties should include provisions on how to establish language rules.

21 Protocols on the Privileges and Immunities and on the Statute of the Court of Justice of the European Economic Community, Publishing Services of the European Communities, 8012/5/XII/1962/5.

ing European Economic Community (TEEC)<sup>22</sup> empowered the Council to act unanimously by means of regulations in matters concerning the use of official languages and to establish official languages of the Community. The same principles have been applied to date. *Ab initio* the norm has been implemented through Regulation No. 1/58 in force since 1958, notwithstanding the increase in the number of official languages affecting the internal work of the institutions.<sup>23</sup> The Regulation was changed with every accession, when relevant languages were added to the list of the Union official languages. The Union official languages have always coincided with at least one official national language of every Member State. That solution reflected the political and formal equality of the Member States.

The procedure of adding a language to the list of Union official languages is always initiated by an EU candidate country, which prior to the accession is obliged to propose a language to have an official status in the Union. Once a relevant application has been submitted by candidate country, the Council considers it and has to approve it unanimously so that it could acquire the EU official status. An initial decision on the choice of a language may be changed provided that all Member States agree to that.<sup>24</sup> It must be noted that not every language enjoying official status within a particular Member State has such a status in the EU (e.g. Luxembourgish in Luxembourg or Turkish in Cyprus). Article 8 of the Regulation sets forth that if a Member State has more than one official language, the state concerned selects the language to be used as its official one in the EU. The decision should be based on the general principles deriving from the legislation of that state. By referring to the national legislation, the provision of the Regulation does not unequivocally specify whether a given Member State may request that official and working status be granted

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22 Article 217 TEEC became Article 290 TEC and is now Article 342 TFEU.

23 Theodor Schilling, "Language rights in the European Union", *German Law Journal* 9, no. 10. 2008: 1219–1242.

24 Information available on the European Commission website: <[http://ec.europa.eu/dgs/translation/translating/official\\_languages/index\\_en.htm](http://ec.europa.eu/dgs/translation/translating/official_languages/index_en.htm)>, access: 5.11.2019.

to its two or more national languages.<sup>25</sup> Remarkably, so far no candidate country has ever requested EU official status for more than one language.

The current version of Regulation No. 1/58<sup>26</sup> includes a complete list of 24 official languages and 24 working languages (Article 1) (as presented in the chart below).

<b>Official/working languages of the EU</b>	<b>since</b>
French, Dutch, German, Italian	1958
Danish, English	1973
Greek	1981
Spanish, Portuguese	1986
Finnish, Swedish	1995
Czech, Estonian, Lithuanian, Latvian, Maltese, Polish, Slovak, Slovenian, Hungarian	2004
Bulgarian, Irish, Romanian	2007
Croatian	2013

Source: *European Commission*.<sup>27</sup>

The number of official Union languages is lower than the number of Member States as some languages are used in more than one state. Such languages include German in Germany, Austria, Belgium and Luxembourg; French in Belgium, France and Luxembourg; Swedish in Sweden and Finland; Dutch in Belgium and Holland, and Greek in Greece and Cyprus. Next to the official languages, Article 1 of the Regulation also lists 24 EU working languages, which are identical to the official languages. The Regulation grants the same

<sup>25</sup> Ewa Suwara, "Wyzwania prawno-proceduralne dla Unii Europejskiej związane z BREXIT-em", *Europejski Przegląd Sądowy*, no. 9. 2016: 15.

<sup>26</sup> Status as of 18 April 2019.

<sup>27</sup> Information available on the European Commission website: <[http://ec.europa.eu/dgs/translation/translating/officiallanguages/index\\_en.htm](http://ec.europa.eu/dgs/translation/translating/officiallanguages/index_en.htm)>, access: 16.09.2017.

status for both EU official and working languages.<sup>28</sup> Although some authors, including Labrie,<sup>29</sup> distinguish between the concepts, the Regulation does not differentiate between the two terms. However, a number of working languages may be limited within the EU institutions under Article 6 of the Regulation. In practice, in terms of the working mode of internal use, English has become the most widely used language in the EU institutions, except for the Court of Justice, where French still prevails.

### **Possible scenarios for English in the post-Brexit Union**

When the decision on Brexit was taken by the British public in a referendum held on 23 June 2016, it became clear that the list of the EU official and working languages would have to be verified. The reason was that only the United Kingdom of Great Britain and Northern Ireland had notified English as the official language for the purposes of the Union. It seems that once the revised Treaty following Brexit enters into force, English is likely lose this official status if no steps are taken by the EU institutions and relevant Member States. From the formal point of view, the maintenance of English as an official language requires a notification of another interested Member State whose state language is English.<sup>30</sup> In this context, two scenarios are possible. Apart from the UK, English is also an official language in Ireland (according to Article 8.2 of Irish Constitution of 1937, as amended)<sup>31</sup> and in Malta (Article 5 of Maltese Constitution of 1964, as amended).<sup>32</sup> In order to keep the official status of English in the EU, one of these states would have to file a relevant application

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28 Robert Phillipson, *English-only Europe?: Challenging language policy*. London, New York, 2004, 118.

29 Normand Labrie, *La construction linguistique de la Communauté européenne*. Paris, 1993, 82.  
30 Suwara, 15.

31 Constitution of Ireland, <<http://www.irishstatutebook.ie/eli/cons/en/html#part2>>, access: 17.02.2020.

32 Constitution of Malta, <<https://www.constitution.org/cons/malta/chapt0.pdf>>, access: 17.02.2020.



to the Council. Prior to their accession, neither Ireland nor Malta notified their first official languages, i.e. Irish and Maltese, respectively. They did not refer to English, which had already been notified as the Community's official language by the UK.

From the procedural perspective, the UK's leaving the EU requires an update of Regulation No. 1/58 establishing the Union's linguistic regime. The result may be that the English language would be deleted from the list of official and working languages and possibly would be re-granted such a status by virtue of an application made either by Ireland or Malta. The application would have to be examined and unanimously approved by the Council.<sup>33</sup> In the context of Brexit, Article 8 of Regulation No. 1/1958 acquires a special dimension. It does not explicitly prohibit notification of more than one state language if a Member State respects more than one national official language in its territory. Hence, it may occur that both Ireland and Malta may apply for the official and working status of English as their second official language in the Union. This would mean that neither Irish nor Maltese would have to be deleted from the list of EU official languages, and English would be added again to the list. Such a decision would be a precedent, as it could encourage other multilingual Member States to apply to add their other official languages to the list of the EU official languages. If, however, the Council decided that a single-language principle must remain in force, the state filing an application would have to give up its existing official language status in favour of English.

The analysis leads to the conclusion that the case of Ireland seems to fully justify the reason why this state is most likely to apply for the official status of English. As the Eurobarometer survey shows, more than 97 per cent of the Irish speak English as their mother tongue.<sup>34</sup> In 2016, not even 40 per cent of the Irish declared that they could speak Gaelic and only 4 per cent used the language on everyday basis. If English was excluded from the EU offi-

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33 Suwara, 15.

34 European Commission, *Special Eurobarometer No. 386. Europeans and Languages*.

cial languages, more than 60 percent of Irish citizens would not have access to the Union law.<sup>35</sup> In this context, it should also be recalled that although Ireland became the Community Member State in 1973, Irish became the EU official and working language in 2007 (based on Regulation No. 920/2005)<sup>36</sup> and until that time all its citizens were supposed to rely on English both in terms of access to law and in contacts with the EU institutions. What happened following 2007 clearly showed that English was a preferred language in Ireland. The EU faced challenges with finding well-qualified Irish translators, therefore, the Council released the EU institutions from the obligation to draft legislation in Irish. The Regulation provided for a derogation of 5 years with possible extension. Under the derogation, the EU institutions were not obliged to draft and publish all legislative acts in the Irish language, except for regulations adopted jointly by the European Parliament and the Council. This derogation was extended until 31 December 2016 by Council Regulation (EU) No. 1257/2010<sup>37</sup> and re-extended by Council Regulation (EU, Euratom) 2015/2264.<sup>38</sup> It is to be gradually reduced in scope and eventually brought to an end by 31 December 2021. However, derogations continue to mean that Irish is not a fully-fledged EU official language.

The history of Maltese in the EU is similar to Irish in the sense that the language did not become a complete EU official language following the Malta's accession to the Union on 1 May 2004. The Council introduced a transitional period of 3 years, when the EU institutions were not obliged to draft all acts in Maltese (Regulation No. 930/2004).<sup>39</sup> Temporary derogation measures relating to drafting of acts of the EU institutions in Maltese were caused by the short-

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35 Agnieszka Doczekalska, "Angielski może w UE zostać po brexicie", *Prawo.pl*, 13 October 2018, <<https://www.prawo.pl/prawo/jezyk-angielski-w-ue-zostanie-po-brexicie,313073.html>>, access: 1.07.2019.

36 OJ 2005 L 156/1.

37 OJ 2010 L 343/5.

38 OJ 2015 L 322/1.

39 Council Regulation (EC) No. 930/2004 of 1 May 2004 on temporary derogation measures relating to the drafting in Maltese of the acts of the institutions of the European Union, OJ L 169, 1 May 2004.

age of sufficiently qualified linguists, translators and interpreters. As a result, Maltese citizens were presumed to read EU legislation in English, hence no one could be denied access to documents. After the expiry of the transitional period (1 January 2007), Maltese became a fully-fledged EU official language. The backlog of all the legal acts that had to be published in Maltese led to the extension of their publication time. Under Regulation No. 1738/2006<sup>40</sup> all acts which had been published in Maltese by 30 April 2007 had to be published in that language by 31 December 2008 at the latest.<sup>41</sup>

### **The postulate of introducing one EU official language**

After the UK's declaration of exit from the EU, the postulate of introducing a single EU official language revived. The matter of a single EU official language has always been a multi-faceted, contested and a politically sensitive matter in the organisation.<sup>42</sup> An idea of one universal language of the Union was welcomed in the face of further European integration, cross-border mobility and cultural exchange at the beginning of the 21st century.<sup>43</sup> As English became the most commonly spoken foreign language on the continent so far,<sup>44</sup> the debate focussed on this language as the European lingua franca. The matter of a European lingua franca appeared already in the Commission's Commu-

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40 Council Regulation (EC) No. 1738/2006 of 23 November 2006 amending Regulation (EC) No. 930/2004 on temporary derogation measures relating to the drafting in Maltese of the acts of the institutions of the European Union, OJ L 329, 25 November 2006.

41 Article 1 of Regulation No. 1738/2006.

42 European Commission, *Translation at the European Commission – a history* [Brochure]. Luxembourg: Office for Official Publications of the European Communities, 15, <[http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en\\_GB/-/EUR/ViewPublication-Start?PublicationKey=HC3008397](http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/EUR/ViewPublication-Start?PublicationKey=HC3008397)>, access: 15.11.2019.

43 Philipson, 7; Abram De Swaan, *Words of the World: The Global Language System*. Amsterdam, 2005; Reinier Salverda, "Language diversity and international communication", *English Today* 18, no. 3. 2002: 3.

44 Richard L. Creech, *Law and language in the European Union: the paradox of a Babel "united in diversity"*. Europa Law Publishing, 2007, 39.

nication of 2003 – *Promoting language learning and linguistic diversity*.<sup>45</sup> Although the Commission acknowledged that a lingua franca had its limitations, as it does not permit any real understanding of other cultures and restricts business opportunities, it admitted that English had become a European and world lingua franca. The Commission noted the advantages of these developments by stating that if English was spoken by a majority of Europeans, the language would be a shared medium for basic communication, commerce and travel between Member States.<sup>46</sup>

The predominant use of English in the EU institutions and in law-making process, together with the possible deletion of English from the catalogue of EU official languages due to Brexit, brought the issue to debate again. The issue of a European lingua franca appeared on the forum of the European Parliament in 2019.<sup>47</sup> The situation reopened the debate over whether knowledge of a common language should be welcomed among Europeans. Modiano noted that the UK's exit may give birth to a European English or Euro-English. This could be an official variety of English used by Europeans which is influenced by standard English and by speaker's native languages whose first language is not English.<sup>48</sup> Modiano's view is supported by Crystal<sup>49</sup> who claims that Brexit may help the development of Euro-English.<sup>50</sup> A strong argument raised in favour of English as a language of the EU is that approximately 95% of

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45 European Commission, *Promoting Language Learning and Linguistic Diversity. An Action Plan 2004–2006*. COM (2003) 449.

46 European Commission, *Promoting Language Learning and Linguistic Diversity. An Action Plan 2004–2006*. COM (2003) 449, 45.

47 Parliamentary questions of 30 January 2019. Question for written answer E-000517–19 to the Commission Rule 130, Innocenzo Leontini (ECR), <[http://www.europarl.europa.eu/doceo/document/E-8-2019-000517\\_EN.html](http://www.europarl.europa.eu/doceo/document/E-8-2019-000517_EN.html)>, access: 15.11.2019.

48 Marko Modiano, "English in a post-Brexit European Union", *World Englishes* 36, no. 3. 2017: 314–315.

49 David Crystal, "The future of new Euro-English", *World Englishes* 36, no. 3. 2017: 330–335.

50 However, it must be noted that not all linguists agree with that. Jenkns claims that Euro-English is a variety of standard English.

legislation adopted in the co-decision procedure is not only drafted in English, but also debated, scrutinised and revised in this language.<sup>51</sup>

English as a single EU official language could be proposed after Brexit in the event that no other Member State notifies English as their official language. This would open the possibility to use a language not notified by any Member State but spoken by the largest number of Union citizens as a foreign language.<sup>52</sup> However, it must be noted that the policy of one EU language in place of EU multilingualism has already been proposed several times without success. So far, despite excessively high costs and difficulties resulting from the extension of legal and institutional multilingualism, no effective steps have been taken which have resulted in a lower number of languages in which EU law is drafted.<sup>53</sup> The scenario seems to be highly improbable, as it remains in contrast to the EU policy of multilingualism, which constitutes a cornerstone of European integration. As a result, respect for Member States' linguistic diversity, which was a tool to build European identity policy, would be challenged. The linguistic equality of all Member States is considered to show respect for the national identity of the Member States. The Group of Intellectuals for Intercultural Dialogue<sup>54</sup> maintained that allowing *de facto* supremacy of one language over others in the daily operations of the EU would be contrary to the principle of respect for Europe's diversity of linguistic and cultural ex-

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51 Cornelis J. W. Baaij, "The EU policy on institutional multilingualism: between principles and practicality", *JLL* 1. 2012: 15.

52 According to *Special Eurobarometer no. 386. Europeans and their languages*, 2012, 5: 38% of Europeans speak English, 12 % – French, 11% German, 7% Spanish and 5% Russian.

53 On English hegemony: Pia Vanting Christiansen, "Language policy in the European Union: European/English/Elite/Equal/Esperanto Union?", *Language Problems and Language Planning* 30, no. 1. 2006: 21–44; Johnathan Pool, "Optimal language regimes for the European Union", *International Journal of the Sociology of Language* 121. 1996: 159–179. Esperanto: Florian Coulmas (ed.), *A language policy for the European Community: Prospects and Quandaries*. Berlin, 2013. Latin: Merike Ristikivi, "Latin: the common legal language of Europe", *Juridica International*, no. X. 2005: 199–202.

54 European Commission, *A Rewarding Challenge. How the Multiplicity of Languages could strengthen Europe: Proposals from the Group of Intellectuals for Intercultural Dialogue set up at the initiative of the European Commission*, 2008, 5.

pression. Moreover, as Phillipson<sup>55</sup> and Forrest<sup>56</sup> argue, the danger of preparing new legislation in a single language is that those who speak English as their mother tongue would have an advantage over those for whom it is a foreign language.

### **Analysis and Conclusions**

Despite comments and abundant press releases published in the Brexit negotiation period on the possible future of the English language in the EU, the status of English has not changed since Brexit. Although it could have been expected that the procedure for notifying English by another Member State should be carried out swiftly after Brexit, in order to minimise the negative impact on the decision-making procedure in the EU, so far, neither Ireland nor Malta has submitted a relevant application and no such plans have been revealed.

As Regulation 1/58 has not been amended, the EU linguistic regime remains untouched, although the UK is not a Union Member State any more. The Union websites, including europa.eu,<sup>57</sup> still list English as its official language. Moreover, the europa.eu website expressly indicates that even after the withdrawal of the United Kingdom from the EU, English remains one of the official languages of Ireland and Malta. This does not justify maintaining the official status of English in the EU. Based on this, it seems that the EU notes the need to solve the unsettled status of English but at the same time no procedure for approving English notified by either Ireland or Malta has been carried out.

An undeniable result of Brexit is the fact the number of native speakers of English dropped to just 1% of all Union citizens, but the overall number of Union citizens who can speak English, either as a first or second language, has

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55 Phillipson, 21, 131.

56 Alan Forrest, "The politics of language in the European Union", *European Review* 6, no. 3. 1998: 299–319.

57 *EU languages*, <[https://europa.eu/european-union/about-eu/eu-languages\\_en](https://europa.eu/european-union/about-eu/eu-languages_en)>, access: 11.05.2020.

only dropped from 51% to 44%. With German now spoken by 36% and French spoken by 29% of the EU's now smaller population of 446 million people, English still remains the most widely spoken language in the EU. Thus, Brexit did not push English behind. As the data are based on the 2012 Eurobarometer,<sup>58</sup> it may be assumed that the English figure is actually higher, as English proficiency has been rising recently across the continent. Therefore, it may be concluded that English remains the lingua franca for the majority of Union citizens, even if it happened to be erased from the list of the Union official languages. Nevertheless, it still seems to be unlikely that English will become the single official language of the EU. From the legal standpoint, the postulate of reducing the number of EU official languages has been rejected for one major reason – the direct effect of the EU acts of general application. Such direct applicability of EU law results in the Union's obligation to guarantee its Member State citizens certainty of the law they are expected to obey. Legal equality cannot be guaranteed without linguistic equality.

The scenarios that either Ireland or Malta will notify English as their EU official language seems to be most probable. It is hard, however, to predict which state will initiate the procedure as it is certainly a political decision, and will probably be the result of tough negotiations.

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<sup>58</sup> European Commission, *Special Eurobarometer no. 386. Europeans and their languages*, 2012.

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