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**WRITTEN EVIDENCE TO LEGISLATION COMMITTEE No.5 OF THE NATIONAL ASSEMBLY FOR WALES - WELSH LANGUAGE LCO**

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**Organisation submitting evidence:**

Mr. Xavier Solano i Bello, Head of the Delegation of the Government of Catalonia to the United Kingdom on behalf of the Language Policy Secretariat of the Department of the Vice-presidency and of the Secretariat for Telecommunications and the Information Society of the Department of Governance and Public Administration of the Government of Catalonia.

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**Written evidence:**

On Monday 20<sup>th</sup> April 2009 the Delegation of the Government of Catalonia to the United Kingdom received an invitation from the Clerk of the Legislation Office of the National Assembly for Wales to submit written evidence on behalf of the Government of Catalonia. Due to the short notice, the Delegation is submitting the written evidence presented before the Welsh Affairs Select Committee on the National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009 on Monday 30<sup>th</sup> March 2009. The evidence consists of:

- I. Legal framework for the Catalan language and a overview of the *Generalitat*<sup>1</sup> of Catalonia's responsibilities in this area.
- II. Examples of initiatives through which the Catalan government promotes Catalan language among public, private and third sector
- III. Good practices: Agreement between the Government of Catalonia and major mobile phone manufacturers and operators to introduce Catalan in the menus of their terminals.
- IV. Other facts and initiatives of interest

**Oral evidence:**

Mr Bernat Joan i Marí, Secretary for Language Policy, and Mr Jordi Bosch i Garcia, Secretary for Telecommunications and the Information Society of the Government of Catalonia will be honoured to give oral evidence before the Members of the Committee on Tuesday 5<sup>th</sup> May at 9am (videoconference).

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<sup>1</sup> The Generalitat is the institution through which the self-government of Catalonia is politically organised (President, Parliament and Government of Catalonia)



## I. THE LEGAL FRAMEWORK

1. [The revised Statute of Autonomy of Catalonia](#)<sup>2</sup> (hereinafter referred to as the SAC) is the basic institutional regulations for Catalonia. It defines the rights and obligations of the citizens of Catalonia, the political institutions of the Catalan nationality, their responsibilities and relations with the Spanish State and the financing of the Government of Catalonia. This Law was passed by both, the Catalan and the Spanish Parliaments and approved in referendum by the citizens of Catalonia on 18th June 2006 and substitutes the Statute of Sau, which dated from 1979.

The Statute of Autonomy says:

### **ARTICLE 110. EXCLUSIVE POWERS**

**1.** *In matters in which the **Generalitat**<sup>3</sup> has exclusive power, (it means that) legislative power, regulatory power and the executive function correspond fully to the Generalitat. The exercise of these powers and functions, by means of which it may establish its own policies, is the exclusive right of the Generalitat.*

### **ARTICLE 143. CATALONIA'S OWN LANGUAGE**

**1.** *The Generalitat of Catalonia has exclusive power over the matter of Catalonia's own language. This power includes, in any case, determination of the scope, uses and legal effects of its official status, and also the linguistic normalisation of Catalan.*

### **ARTICLE 6: "CATALONIA'S OWN LANGUAGE AND OFFICIAL LANGUAGES**

**1.** *Catalonia's own language is Catalan. As such, Catalan is the language of normal and preferential use in Public Administration bodies and in the public media of Catalonia, and is also the language of normal use for teaching and learning in the education system".*

**2.** *Catalan is the official language of Catalonia, together with Castilian, the official language of the Spanish State. All persons have the right to use the two official languages and citizens of Catalonia have the right and the duty to know them. The public authorities of Catalonia shall establish the necessary measures to enable the exercise of these rights and the fulfilment of this duty. In keeping with the provisions of Article 32, there shall be no discrimination on the basis of use of either of the two languages.*

**3.** *The Generalitat and the State shall undertake the necessary measures to obtain official status for Catalan within the European Union and its presence and use in international organisations and in international treaties of cultural or linguistic content.*

**4.** *The Generalitat shall promote communication and cooperation with the other communities and territories that share a linguistic heritage with Catalonia. To this end, the Generalitat and the State may, as appropriate, sign agreements, treaties, and other collaboration instruments for the promotion and external dissemination of Catalan.*

**ARTICLE 33: 5.** *The citizens of Catalonia have the right to communicate in writing in Catalan with the constitutional entities and with the State-wide jurisdictional bodies, in accordance with the procedures established by the corresponding legislation. These institutions shall attend to and process written communications in Catalan, which shall have in all cases, full legal validity.*

<sup>2</sup> The Statute of Autonomy of Catalonia is the basic institutional regulations for Catalonia. It defines the rights and obligations of the citizens of Catalonia, the political institutions of the Catalan nationality, their competences and relations with the Spanish State and the financing of the Government of Catalonia. This Law was approved in referendum by the citizens of Catalonia on 18th June 2006 and substitutes the Statute of Sau, which dated from 1979.  
[http://www.parlament.cat/porteso/estatut/estatut\\_angles\\_100506.pdf](http://www.parlament.cat/porteso/estatut/estatut_angles_100506.pdf)

<sup>3</sup> The Generalitat is the institution through which the self-government of Catalonia is politically organised. It consists of the President, the Parliament and the Government of Catalonia.



**ARTICLE 34. LINGUISTIC RIGHTS OF CONSUMERS AND USERS**

*Each individual, in his or her capacity as user or consumer of goods, products and services, has the right to be attended orally or in writing in the official language of his or her choice. Bodies, companies and establishments that are open to the public in Catalonia are bound by the obligation of linguistic availability within the terms established by law.*

**ARTICLE 35. LINGUISTIC RIGHTS IN THE FIELD OF EDUCATION**

**1.** *Each individual has the right to receive an education in Catalan, as established in this Estatut. Catalan shall be used as the teaching and learning language for university and non-university education.*

**2.** *Pupils have the right to receive an education in Catalan at the non-university level. They also have the right and obligation to have a sufficient oral and written knowledge of Catalan and Castilian upon completing compulsory education, whatever their habitual language of use when starting their education. The Catalan and Castilian languages shall be sufficiently represented in the curricula.*

**3.** *Pupils have the right not to be separated into centres or different class groups on the basis of their habitual language of use.*

**4.** *Those pupils who join the school system in Catalonia at a later age than normal school starting age have the right to receive special linguistic support if their lack of comprehension skills makes it difficult for them to pursue their education normally.*

**5.** *The teaching staff and pupils of universities have the right to express themselves, orally and in writing, in the official language of their choice.*

**ARTICLE 50. PROMOTION AND DISSEMINATION OF CATALAN**

**1.** *The public authorities shall protect the Catalan language in all fields and sectors and shall foment its knowledge, use and dissemination. These principles shall also be applied to Aranese.*

**2.** *Government, universities and higher education institutions, in their respective powers, shall adopt the relevant measures to guarantee the use of the Catalan language in all teaching, administrative and research activities.*

**3.** *Policies for the promotion of the Catalan language shall be spread to the whole of the State, the European Union and the rest of the world.*

**4.** *The public authorities shall take steps to ensure that the information contained on labels, packaging and instructions for use of products distributed in Catalonia are also printed in Catalan.*

**5.** *The Generalitat, the local administration and other public corporations in Catalonia, the institutions and companies answerable to them and the franchisees of their services, shall use Catalan for their internal proceedings and for relations among themselves. They shall also use it in communications and notifications addressed to natural or legal persons resident in Catalonia, without prejudice to citizen rights to receive them in Castilian should they ask for this.*

**6.** *The public authorities shall guarantee the use of Catalan sign language and conditions of equality for deaf people who chooses to use this language, which shall be the subject of education, protection and respect.*

**7.** *The State, in accordance with the provisions of the Constitution, shall support the application of the principles stated in this Article. Instruments for coordination and, where necessary, combined action for improved efficacy, shall be established.*

**ARTICLE 102. JUDICIAL AND OTHER STAFF IN THE EMPLOY OF THE ADMINISTRATION OF JUSTICE IN CATALONIA**

**1.** *Magistrates, judges and public prosecutors who occupy a post in Catalonia shall prove an adequate and sufficient knowledge of Catalan to ensure the linguistic rights of the citizens, in the form and within the scope determined by law.*

**2.** *Magistrates, judges and public prosecutors who occupy a post in Catalonia shall prove a sufficient knowledge of Catalan law in the form and within the scope determined by law.*



**3.** *In all cases, sufficient knowledge of the Catalan language and law shall be specifically and uniquely evaluated for the award of a post in the corresponding transfer competitions.*

**4.** *Staff in the service of the Administration of Justice and the Office of the Public Prosecutor in Catalonia must demonstrate an adequate and sufficient knowledge of both official languages that qualifies them to perform the functions of their position or post.*

2. Pre-existing language legislation: [Language Policy Act 1/1998](#)<sup>4</sup> dated 7 January. This Act built on previous legislation and established that the Generalitat, local government and other public bodies in Catalonia together with institutions and companies dependent on them and operators who have been awarded services contracts by them must use Catalan in their internal operations and in relations between each other, and must also normally use the language in communications and notices directed at persons resident in the area where Catalan is spoken.

3. The adoption of Catalan as the habitual language in the public sector has thus had a direct impact on the spread of its social use. The progressive increase in the powers of the Generalitat and of all other Catalan administrations together with their growing influence on different aspects of the daily life of the public have given a major boost to the normalisation of knowledge and use of Catalan.

4. The socioeconomic field is the one with the greatest impact on the rhythms of contemporary societies. The Language Policy Act set out some general regulations for the use of Catalan in economic affairs. This meant that the world of work and business became crucial in the process of recovering the Catalan language.

5. The regulations for the use of Catalan in the socioeconomic sector provided for by the Language Policy Act are set out in article 15 and chapter five of the Act (art. 30 to 36):

- Article 15 regulates civil and commercial documents and states that the parties must agree on the language used to write them. In the case of standard form contracts or similar, they must be immediately available to customers in Catalan and Spanish in the form of separate copies.
- Articles 30 to 33 cover the socioeconomic activities of companies whether public or private, and lay down a series of duties depending on the type of company with respect to signage, labelling, invoices and customer care.
- Article 34 specifically regulates labelling and states for which products it must be at least in Catalan.
- Finally, articles 35 and 36 cover advertising and professional and employment activities respectively.

6. The regulations for the use of Catalan and Aranese in the socioeconomic sphere which are set out in the Consumers' Statute Act, to be subsequently reasserted and

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<sup>4</sup><http://www20.gencat.cat/portal/site/Llengcat/menuitem.df5fba67cac781e7a129d410b0c0e1a0/?vgnnextoid=d287f9465ff61110VgnVCM1000000b0c1e0aRCRD&vgnnextchannel=d287f9465ff61110VgnVCM1000000b0c1e0aRCRD>

expanded in the Language Policy Act, are contained in its articles 26, 27 and 28, which essentially state that:

- Direct attention to the public. Companies that offer services in the territorial area of Catalonia must be able to deal with their customers when the latter express themselves in either of the official languages of Catalonia (article 27).
- Documents. Standard form contracts with standard clauses or general terms and conditions, such as those used by finance companies, insurance carriers, water, gas, electricity or telephony utility companies and any other similar ones, must be immediately available to customers in Catalan and Spanish in the form of separate copies. Any interested party has the right to receive the documentation relating to the abovementioned contracts in Catalan, such as bills and other communications that derive from them (article 26.b).

7. Article 29.f of the Consumers' Statute Act states that "infringing the language rights of consumers which are recognised by this Act or impeding the exercise thereof" is considered to be an offence in terms of the defence of consumers. System of offences and penalties: Chapter IV of the Consumers' Statute Act deals with the language rights of consumers, while chapter V sets out the system of offences and penalties.

## **II. EXAMPLES OF INITIATIVES THROUGH WHICH THE CATALAN GOVERNMENT PROMOTES CATALAN LANGUAGE AMONG PUBLIC, PRIVATE AND THIRD SECTOR.**

9. Although the Catalan language is co-official in several territories where the language is spoken, is at present (with the Andorran exception) the most important and consolidated non-official language in a state on the continent of Europe. It extends over an area of 68,000 km<sup>2</sup> inhabited by 13,254,100 people, and according to an estimate made on the basis of the most recent survey carried out simultaneously throughout the territories which make up the Catalan linguistic area, it is spoken by 9,118,882 people and understood by 11,011,168.

10. For most of the last three centuries the Catalan language has been either banned or its public use has been widely discouraged. The 21st century looks promising but it is a period with problems in many areas of use and, in addition, is confronted by the challenges posed by intense worldwide language contact brought about by the establishment of a new global economic and communicative situation and by large population movements.

11. As a result, both the action of the Government of Catalonia and the activities of the other administrations with a presence in Catalonia need to serve to promote a system of language coexistence in the public sphere which gives effect to the respect for language rights contained in the prevailing legislative framework and which guarantees the integration of immigrants.



12. The purpose of this policy is to reconcile **two objectives**, neither of which can be given up: ensuring that Catalan becomes (and not to a lesser extent than Spanish) a common language for social cohesion, shared by all, and that everyone, no matter what their habitual language may be, can take part in public life, exercise their rights under equal conditions and maintain satisfactory intercultural relations. These goals need to be achieved with a guarantee of the absence of language discrimination and in the firm belief that advances in knowledge and use of Catalan should not be seen as a goal which entails a decline in Spanish, and nor should Spanish be seen as an obstacle to the consolidation of Catalan.

13. The two strategic lines of the Language Policy Plan are as follows:

1. To foster the social use of Catalan
2. To make language policy into a cross-cutting public policy

14. Fostering the social use of Catalan remains the great challenge in language policy, and it involves a number of objectives: augmenting knowledge of Catalan among the adult population of Catalonia (especially in the case of new immigrants) against a background of fostering the learning of the languages which are most relevant for the social advancement of people; increasing the association of positive values with the use of Catalan as a modern and useful language; and facilitating the use of Catalan, especially by making available language tools and resources to companies and the public at large which make it easier to communicate in Catalan and provide language users with a sense of security.

15. Then making language policy into a cross-cutting public policy is an essential approach when it comes to mapping out and implementing actions which make it possible to foster the social use of Catalan in each sector of activity. In this respect the Plan singles out the fields of employment (especially in hotels and food services, shops, home care and health), justice and new immigrants as priority action areas.

16. Although there is a legal framework in place, the Catalan Language is mainly promoted in the private sector by consensus and collaboration. The introduction of services and information in Catalan is being considered by most companies as a business opportunity that give them a competitive advantage over their competitors.

17. Key examples of collaboration and consensus: The major mobile manufacturers and network operators signed an agreement in 2007 with the Government of Catalonia by which they committed themselves to gradually introduce Catalan in their devices and customer services (see below). In February 2009, the Government of Catalonia signed an agreement with Microsoft Corporation for developing software tools for education purposes in Catalan. Furthermore, in February 2009, the Government of Catalonia, alongside with the Basque and Galician governments awarded Microsoft Corporation for launching the multilingual versions of Windows Vista and Microsoft Office 2007 in Catalan, Basque and Galician. Finally, another example of such agreements would be the one signed with the Catalan Trade Confederation in January 2009 for the collaborative implementation of the governmental linguistic policies in the field of trade and tourism.

### **III. GOOD PRACTICE: AGREEMENT BETWEEN THE GOVERNMENT OF CATALONIA AND MAJOR MOBILE PHONE MANUFACTURERS AND OPERATORS TO INTRODUCE CATALAN IN THE MENUS OF THEIR TERMINALS**

18. Due to the importance of information and communication technologies for the future of the language, article 29 of the Language Policy Act lays down that the Catalan Government must put in place suitable measures to foster, drive and promote:

- Research, production and marketing of all types of products in Catalan connected with language industries, such as speech recognition systems, machine translators and so on.
- The production, distribution and marketing of software in Catalan and the translation if necessary of such products into Catalan.
- The presence of products and information in Catalan on telematic information networks.

#### **YOUR MOBILE.CAT CAMPAIGN ([EL TEU MOBIL.CAT](http://el-teu-mobil.cat))**

19. "[Elteumobil.cat](http://Elteumobil.cat)"<sup>5</sup> is the name of the campaign being run by the Secretariat for Telecommunications and the Information Society (STIS), the Department of Governance and Public Administration and the Language Policy Secretariat (LPS) in the Government of the Generalitat to promote mobile telephony in Catalan. Elteumobil.cat informs consumers about which terminals are currently available in Catalan and through which operators they can be acquired. It also provides information about which Generalitat of Catalonia and Catalan Radio and Television Corporation interactive services and applications can be used with a mobile phone.

20. The Elteumobil.cat campaign grew out of an agreement signed in 2007 between the Department of Governance and Public Administration, mobile phone manufacturers Nokia, Motorola, Alcatel and Sony Ericsson and operators Movistar, Vodafone, Orange and Yoigo. Since then, more manufacturers and operators have signed the agreement.

21. Under the terms of the agreement, the manufacturers undertake to progressively include Catalan in the menus of their terminals, while the operators agree to make the presence of Catalan a requirement that the manufacturers must meet in order to gain approval for terminals and their sale to the public. Operators also ensure that any written or oral communication with their subscribers can be made in Catalan, in compliance with the law.

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<sup>5</sup> [www.elteumobil.cat](http://www.elteumobil.cat)

### **Manufacturers**

22. At the beginning of 2008 there were thirty-three registered terminals, in March 2009 the number of registered terminals reached 79 from 7 manufacturers (Alcatel, Blackberry, HTC, Motorola, Nokia, Samsung, Sony Ericsson) working with 6 operators (Eroski, Movistar, Orange, Vodafone, Yoigo, free mobile) The campaign has been so successful that the first terminal with Windows Mobile 6.0 in Catalan was brought out for the 3GSM Congress in 2008; it is to be an HTC s710 for Orange. Furthermore, those using a Blackberry terminal in the UK or elsewhere are also able to select the Catalan language in the settings of most of their terminals.

**Table 1. Terminals in Catalan by manufacturer**

<b>Manufacturer</b>	<b>In Catalan</b>
Alcatel	5
Blackberry	10
HTC	2
Motorola	12
Nokia	25
Samsung	10
Sony Ericsson	15
<b>TOTAL</b>	<b>79</b>

Source: [www.elteumobil.cat](http://www.elteumobil.cat)

### **Operators:**

23. The agreement signed with the operators to promote mobile telephony in Catalan sets out:

- A commitment to promote Catalan being a language option on menus and applications as one of the basic requirements for terminals when placing orders with manufacturing companies.
- The operator companies undertake to carry out campaigns as part of their subscriber communications to publicise the existence of terminals in Catalan. They are also to offer their customers the chance to renew or replace mobiles which do not feature Catalan by ones which do or to acquire mobiles which have a Catalan language option by putting in place specific commercial policies to that end (Vodafone, Orange and Movistar).
- The operator companies undertake to indicate clearly which terminals include Catalan in any form of advertising medium, at points of sale and on their websites.
- The operator companies will ensure that any written or oral communication with their subscribers can be made in Catalan, in compliance with the provisions of articles 15.3, 31 and 32.1 of the Language Policy Act and articles 26.b and 27 of the Consumers' Statute Act 3/1993, dated 5 March, concerning the right to be attended in either of the two official languages of Catalonia.





**Table 2. Terminals in Catalan by operator**

<b>Operator</b>	<b>In Catalan</b>
Eroski	2
Movistar	50
Orange	13
Vodafone	22
Yoigo	9
Free mobile	17

Source: [www.elteumobil.cat](http://www.elteumobil.cat)

#### **IV. OTHER FACTS AND INITIATIVES OF INTEREST**

##### ***Who else is backing Catalan?***

<b>Websites</b>	<i>Google, Blogger, Yahoo, Ikea, British Tourist Board, Easyjet, Ryanair, the Scottish Parliament, Nestlé, Wikipedia, McDonald's...</i>
<b>Internet browsers</b>	<i>Internet Explorer, Mozilla Firefox, Safari (Mac OSX), Opera.</i>
<b>Terrestrial Digital Television Receivers</b>	<i>Sony, Sanyo.</i>
<b>GPS</b>	<i>Tom Tom, Garmin, Nav4all</i>
<b>Operating Systems</b>	<i>Windows Vista, Windows Mobile, GNU/Linux (Ubuntu, Fedora, Redhat, Suse, Debian).</i>
<b>Printers</b>	<i>Hewlett Packard, Epson, Xerox.</i>
<b>Wap services</b>	<i>Orange World</i>

##### **.cat, an exclusive domain to identify Catalan**

24. In September 2005, the Internet Corporation for Assigned Names and Numbers (ICANN), based in California, approved the establishment of the Internet domain .cat which identifies Catalan culture and language on the internet. More than 35.000<sup>6</sup> domains have been registered and main search engines list more than 4,000,000<sup>7</sup> web documents under the .cat domain. The .cat domain is the first and only domain in the world that identifies a specific language and culture on the internet.

Some examples: [www.google.cat](http://www.google.cat) , [www.mcdonalds.cat](http://www.mcdonalds.cat) , [www.microsoft.cat](http://www.microsoft.cat)

<sup>6</sup> February 2009 – Fundació PuntCat.

<sup>7</sup> February 2008 – Catalan, a business opportunity. Government of Catalonia.