



Directorate-General for Translation

Legal Translation, Multilingual Lawmaking and the Quest for Quality

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Ingemar Strandvik, Quality Manager



Legal language

- **Legal Terminology differs between legal orders**
 - Ex. 'trust', 'recklessly'; 'marriage', 'attempt'
- **Legal Drafting Styles differ too**
 - 'banks' or 'a bank, banking corporation or other organisation or association for banking purposes'
- **Legal orders differ differently**
 - different 'families' of legal orders
- **Differences not the same in all areas of law**
 - contract law, environmental law, ...



Legal language

- 'Words from general language used as terms with specialised meanings'
- However, isn't this the case with any language for special purposes (LSP)?
- Is legal translation a variety of 'normal' LSP translation?

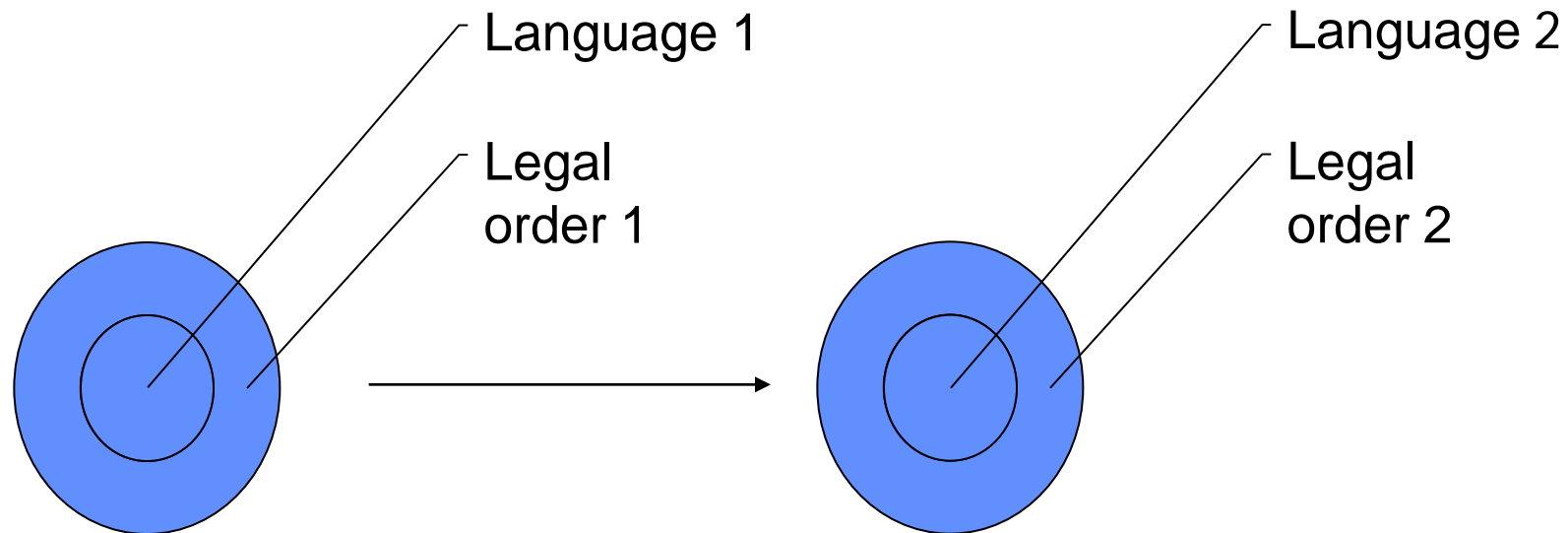


Legal Translation

- **What characterises Legal Translation?**
 - ‘literal’, source-text oriented approach to translation
 - lots of ‘calques’, word-for-word rendering of terms
 - ‘texts should say the same thing’
 - ‘translators should refrain from interpreting the text, they should just reproduce what it says’
- **Legal texts may have different purposes. Does that have any consequences for the translators?**
 - Cf. sworn translation and multilingual lawmaking...



Translation of individual legal instruments



What is the EU?

- ECSC → EEC → EC → EU
- Limited technical cooperation → Policies and Legislation in most areas
- 6 → 27 MS, 4 → 23 official languages
- EU law is a rapidly growing source of rights and obligations.
- EU law touches on most aspects of the daily life of 500 million people.



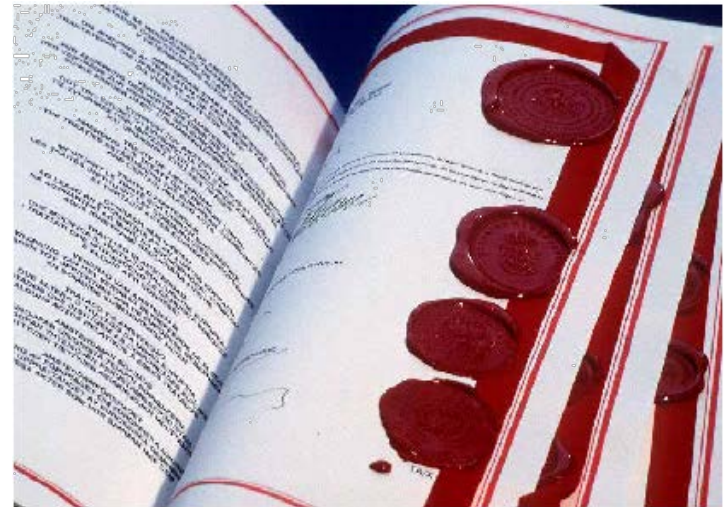
The Quest for Quality

- 'Transparency' on the agenda since 1992
 - 'democratic deficit, 'lack of legitimacy', 'bridging the gap', 'quality of legislation', 'drafting quality'
 - Interinstitutional Agreement on drafting quality, Joint Practical Guide, Better Regulation initiatives, Clear Writing campaigns, ...
 - White Paper on European Governance, Transparency Initiative, the D Plan, ...



Why do we translate? The legal basis

- **Council Regulation No 1/58**
 - Regulations and other documents of general application shall be **drafted** in the official languages.
- **The Lisbon Treaty**
 - Citizens have a right to address the official EU bodies in any of the EU's official languages and to receive a reply in that language.



Why do we translate?

- Multilingual law-making: equally authentic language versions, drafted via translation
- Translation increases openness and legitimacy, thereby contributing to democracy



EU translation: a broad range of text types

- **Legal acts and related documents**
 - technical annexes, impact assessments, guidelines, etc
- **Investigations, inquiries**
 - competition, infringements, etc.
- **Policy documents**
 - green papers, reports, communications
- **Publications**
 - Information: brochures, leaflets, guidelines, studies
- **Correspondence**
- **Speeches, minutes, working papers**
- **Web pages**



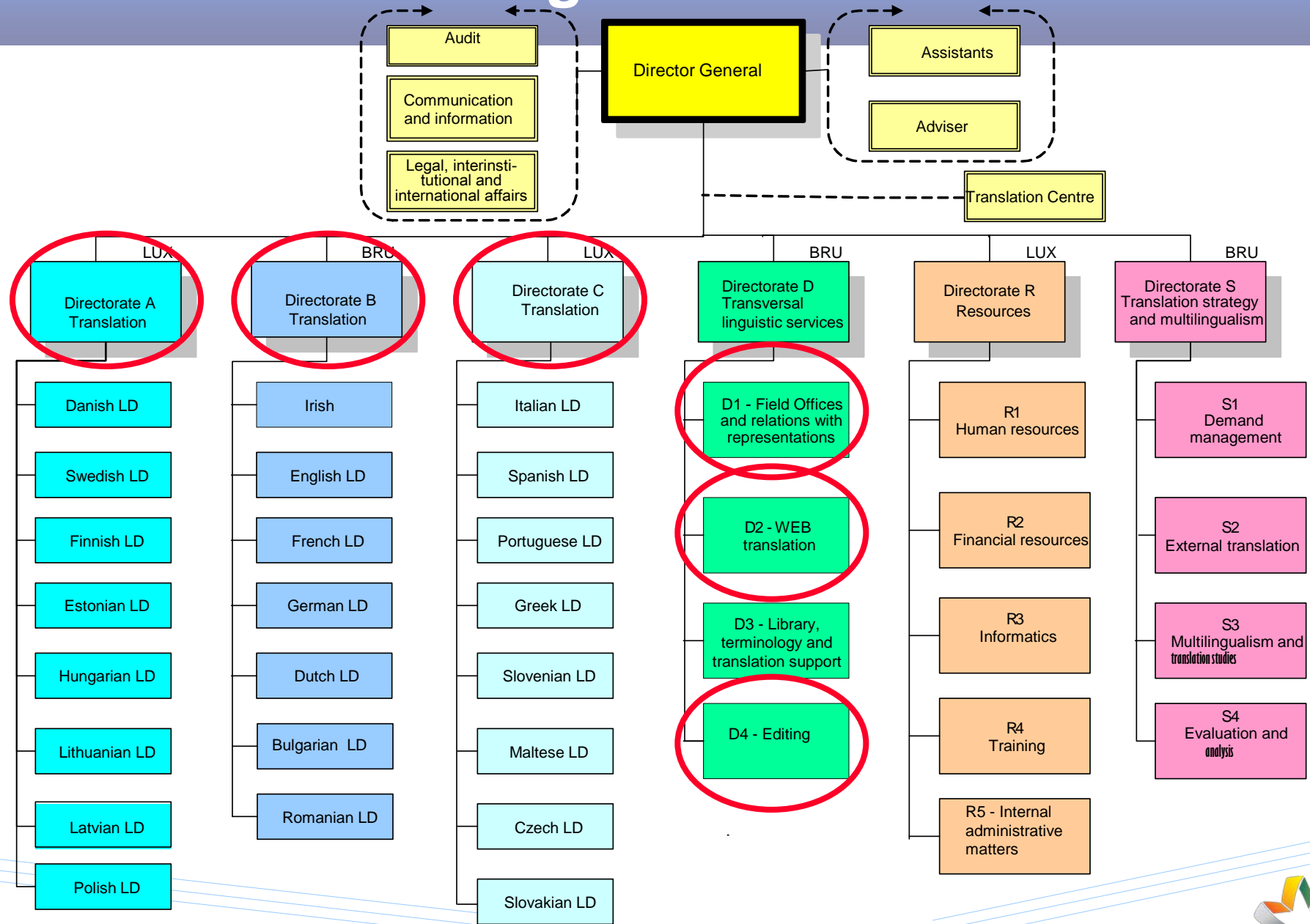
Summing up why quality matters

- **EU law is a legal order in its own right**
- **EU law is integrated into national law**
- **i.e. it is applicable law in the Member States**

- **All official languages have the same status**
- **EU law should be equally accessible to the addressees**



DGT's Organisation Chart



What is quality?

- **Quality: The totality of characteristics of an entity that bears on its ability to satisfy stated or implied needs**
 - (ISO 8402 standard; Quality Management and Quality Assurance)
- "entity" = product, service, process, etc.
- relative to needs = may be several; there is no absolute quality
- needs may be implied



What does this mean for EU translation?

- **There are ‘needs’, i.e. quality aspects which partly or potentially contradict one another:**
 - **Legislative quality**
 - **Terminological quality**
 - **Linguistic quality**



Legislative Quality

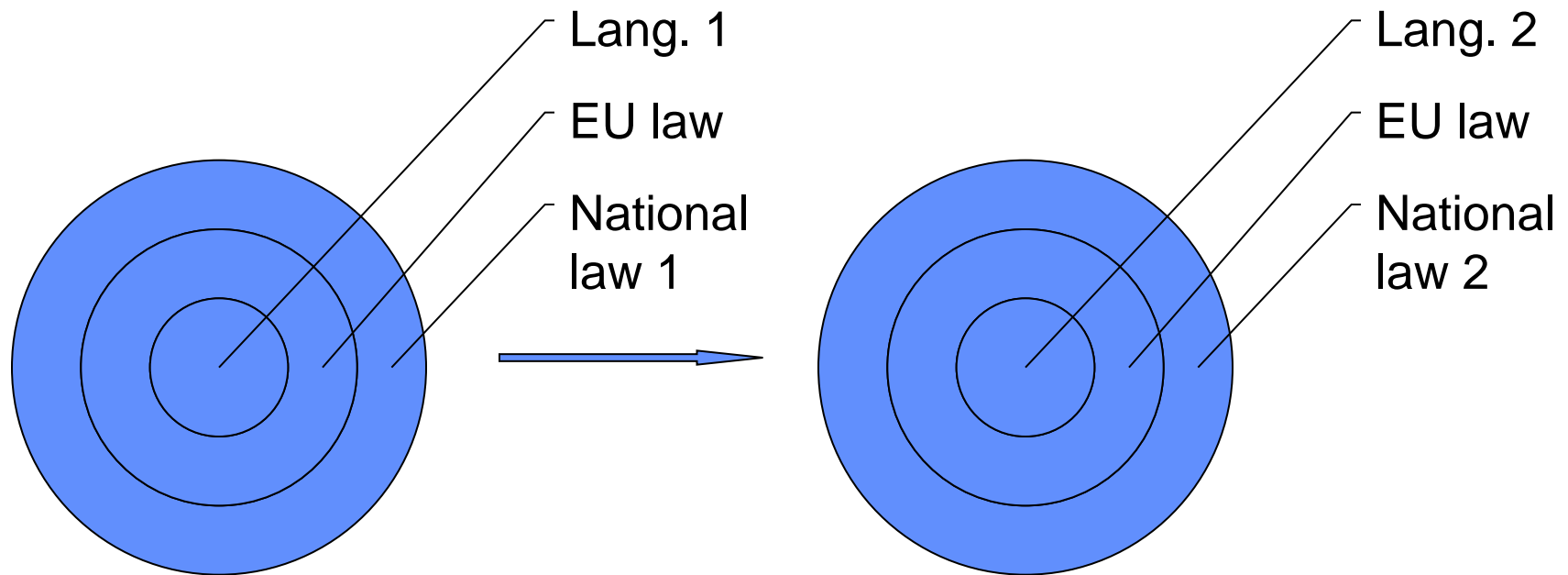
- **Identical legal effect in 23 languages**
- **Uniform interpretation and application in 27 legal orders**

- **Compliance with EU drafting conventions**
 - **Joint Practical Guide, Interinstitutional Style Guide, ...**

- **Challenges**
 - **Relations between EU law and national legal orders not the same, either as regards drafting conventions or conceptually**



Translation of EU legislation



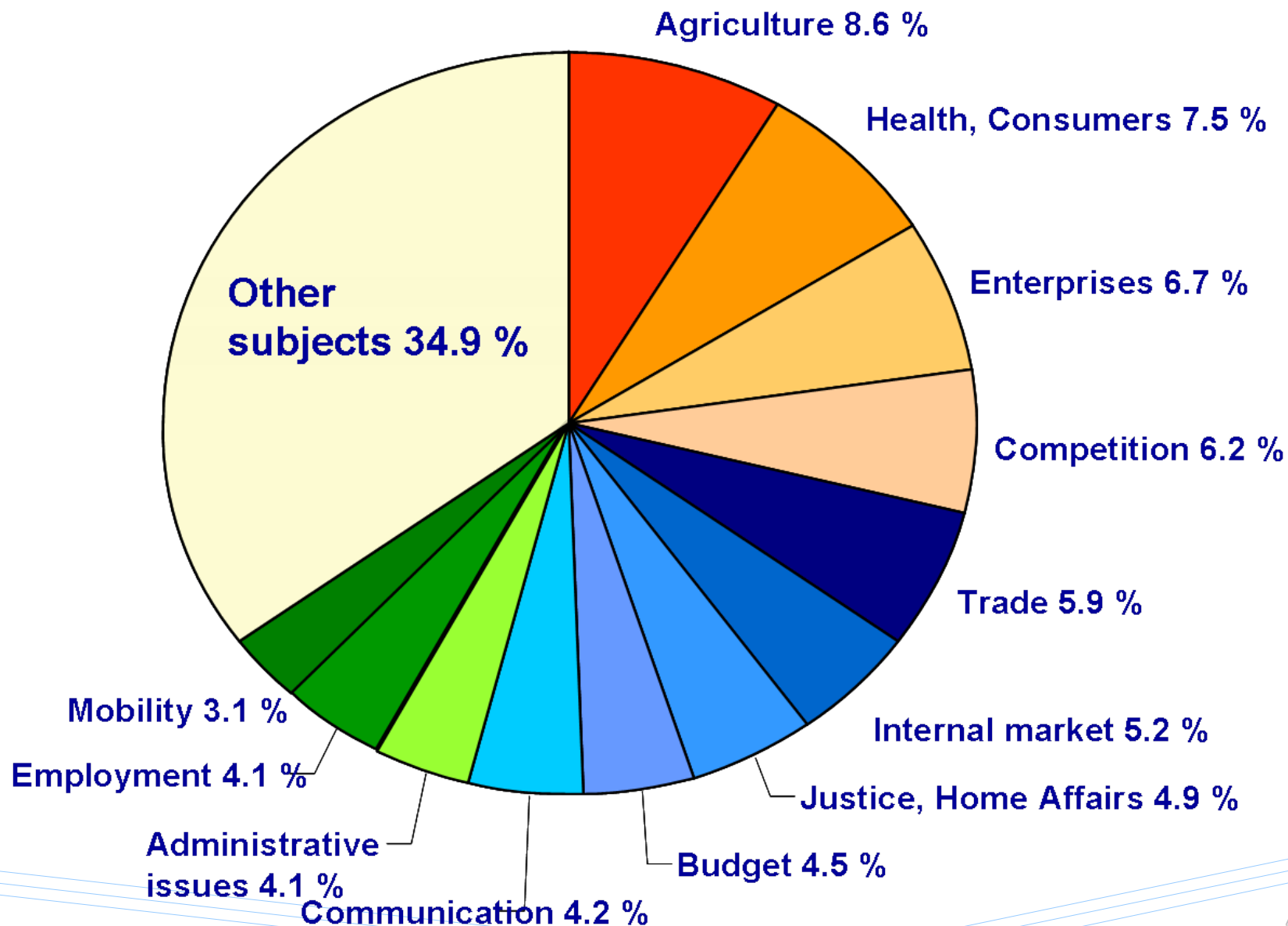
Terminological Quality

- **Level of technical detail in the legislation**
- **Conceptual complexity inherent to legal harmonisation**

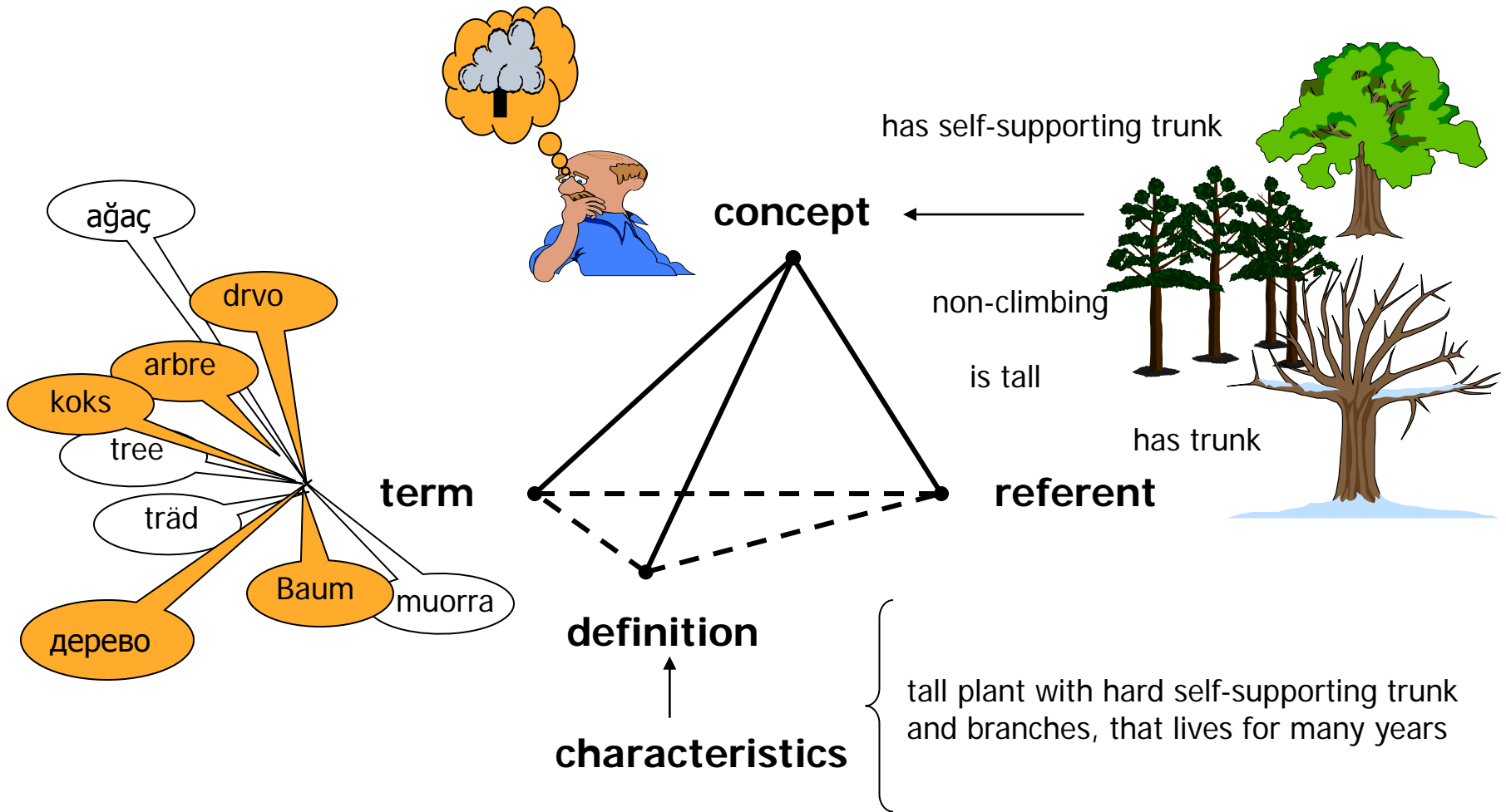
- **Joint Practical Guide:**
 - **‘concepts shall be expressed in the same terms *as far as possible* without departing from their meaning in ordinary, legal or technical language’**



EU translation: A broad range of subjects



Forming of concepts



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Terminological Quality

- **International standards for terminological work: focus on ‘concepts’ ‘definitions’, not the surface, the ‘terms’**
- **But also ‘conceptual autonomy of EU terminology’ (Cilfit case)**
- **How to strike the right balance?**
 - **New EU terminology when needed**
 - **LSP terminology v. Legal Terminology**
 - **Lawyer’s v. Expert’s perspective**
 - **Need for definitions, no need for synonyms**

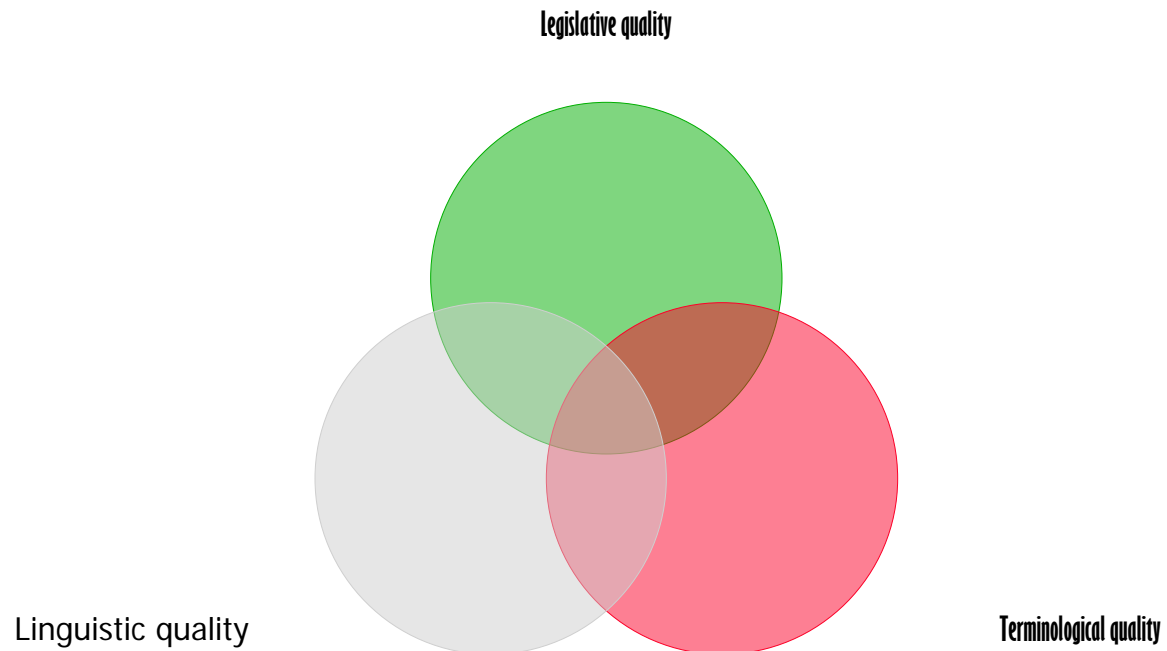


Linguistic Quality

- EU texts should “work” as originals (understanding, efficiency, image, legitimacy, democratic rights)
- Joint Practical Guide:
 - “Clear, simple and precise”
 - “In so far as possible, everyday language should be used”
 - “Must not be perceived as translations in a negative sense”
 - “Texts peppered with loan words, literal translations or jargon are hard to understand and the source of much of the criticism”
- Relations between languages not the same
- Drafting conventions not the same
- Terminological phraseology
 - Due to the formalised nature of legislative drafting not only terms but also surrounding text tend to acquire term status



What is drafting quality?

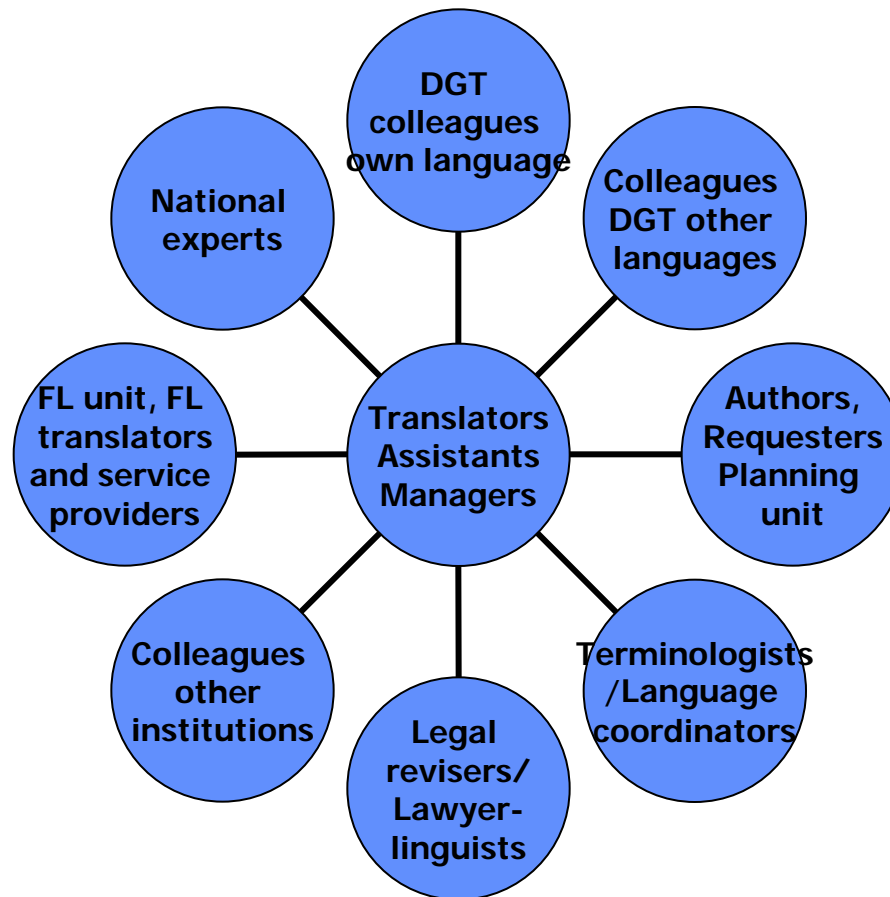


Quality assurance: before, during and after

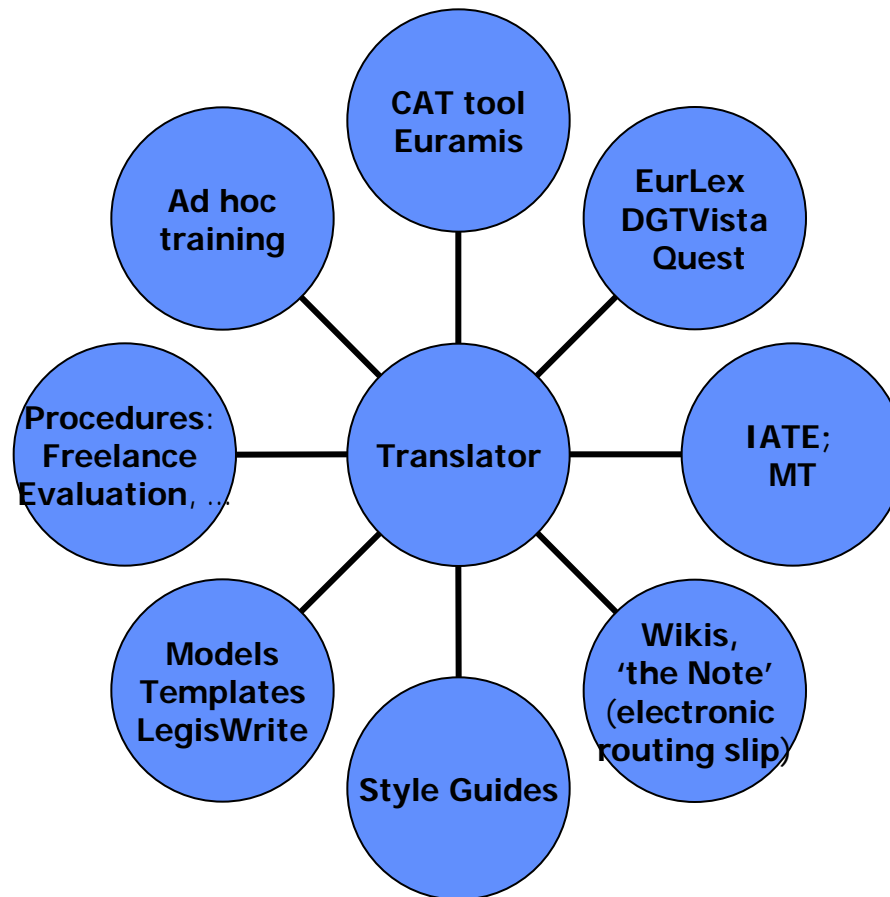
- Improvement of originals: Clear writing campaigns, legal revision, editing service
- Risk assessment for assignment of translators and revisers: subject field specialisation
- Revision of translations: several layers
- Support functions: IT, terminology, translation memories, MT, documentation, etc.
- Communication and coordination
- Feedback



Knowledge-sharing: The actors involved



Knowledge-sharing: the tools



Conclusion

- Principles for legislative quality the same for all languages but not the interpretation of them
- How to strike the right balance? (“as far as possible”, “to the extent possible”, ...)
- ‘Literal’ translation norm not enough
- Drafting quality for all languages?
- Drafting quality for whom?



Conclusion

- The better the quality of the original, the better the conditions for a good translation: **editing**
- Drafters, translators and lawyer-linguists are ‘socialised into the craft’. Legislative drafting and terminological working methods can be taught: **training**
- Legislative drafting is very formalised: the importance of **style guides**
- The workflow is extremely complex: need for **knowledge-sharing**



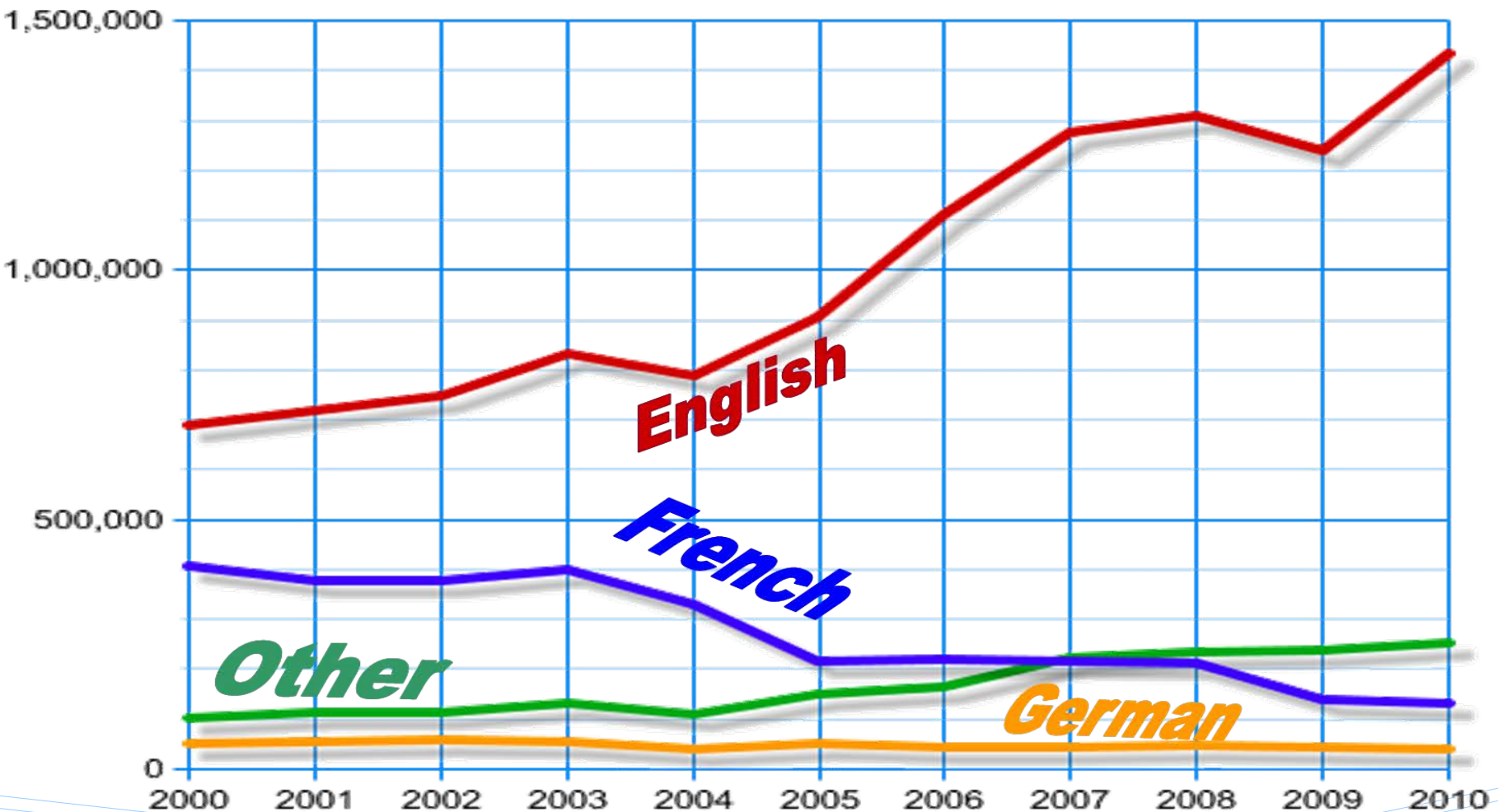
Where can I find more information?

- Directorate-General for Translation:
 - <http://ec.europa.eu/dgs/translation>
- DGT's External translation resources (language-specific style guides):
 - http://ec.europa.eu/translation/index_en.htm
- Publications office (Interinstitutional style guide):
 - http://publications.europa.eu/interinstitutional_style_guide/index_en.htm
- Legal Service:
 - http://ec.europa.eu/dgs/legal_service/legal_reviser_en.htm
- The Joint Practical Guide:
 - <http://eur-lex.europa.eu/en/techleg/index.htm>
- Strandvik, I., Legal Harmonisation through Legal Translation: Texts That say the Same Thing? In Baaij, C.J.W. (ed.), The Role of Legal Translation in Legal Harmonisation. Kluwer Law International (forthcoming early 2012)



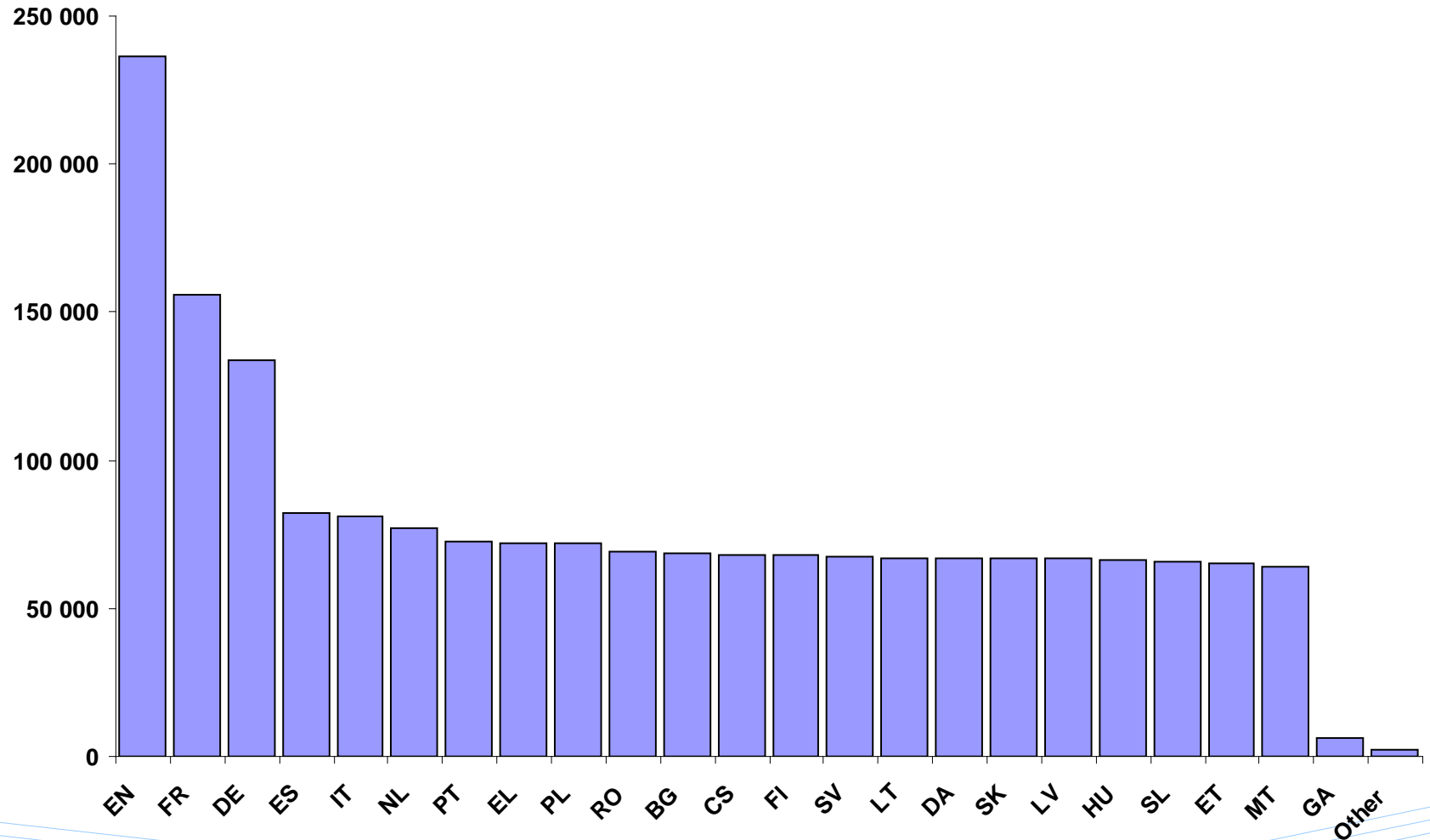
Trends in translation at the Commission (breakdown by source language)

- In 2010, DGT's total output was **1.86 million translated pages**.



Breakdown by target language

Translation production in 2010 by target language (number of pages)



The price of it all...

- All the translation and interpreting services of all the EU institutions cost each EU citizen around 2 euros per year.
- The cost of multilingualism adds up to less than 1% of the annual EU budget.
- 1/10 000 of the EU's total GDP.



Thank you for your attention!

