EDITIONS DE L'UNIVERSITE DE BRUXELLES

The Language of Europe

Multilingualism and Translation in the EU Institutions: Practice, Problems and Perspectives

DOMENICO COSMAI

TRANSLATED AND EDITED BY DAVID ALBERT BEST

FOREWORD BY JOSE MANUEL BARROSO

iee INSTITUT D'ETUDES EUROPEENNES

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FOREWORD

Translating unity in diversity

The European Union is in essence a pluralist union. The basis of our unity lies in the diverse and multilingual nature of Europe's culture, which has ever been open to assimilating elements from the cultures of others. European unity is clearly not, therefore, the result of some kind of uniformisation or levelling, but of a productive inclusiveness of differences, of contrasts, and, to a certain degree, even of tensions. In this way, the diversity of languages and cultures which co-exist side by side at the heart of the European Union are in no way exclusive, in the sense that they do not mutually exclude each other but instead reciprocally strengthen one another.

The European Union is thus a place where we hear many languages being spoken; it is also a place in which equality between its languages is ensured by translation, because not a single one of these is deemed to be a minority language. As Umberto Eco once stated wisely, "the language of Europe is translation".

It gives me great pleasure to see that Domenico Cosmai and David Albert Best have drawn inspiration from this citation for the new edition of a book which allows us to discover the many features and issues that characterise the challenging and exciting work of the translators of the European institutions. Translators' work requires precision and exactness of meaning in the selection of every single word. Furthermore, translators' work is in perpetual motion, because all languages are subject to new influences and undergo constant metamorphosis, reflecting the continuous evolution of our political, economic and societal spheres.

More fundamentally still, the work of the translators of the European institutions contributes to reinforcing a European cultural identity, or, to put it another way, to living together in a space where there are no boundaries between our different cultures. This is an essential task for the future of the European Union. Indeed, it is not enough to say that we, as Europeans, share a common destiny. In order to forge this common

destiny we have also to develop a feeling of belonging to Europe, to a community of values, cultures and shared interests. This, too, is part of the contribution made by translators, and the reason why we owe them our full esteem and gratitude.

José Manuel Barroso
President of the European Commission

September 2014

To Edoardo, Gianmario, Vittoria Cosmai and Emily Martina Best
Living proof that multilingualism works

Introduction

In recent years, the increasing impact of the European Union's institutions on the lives of Member State citizens and the keen interest with which the national media and public opinion alike follow their activities has helped to generate curiosity in what is surely one of the most controversial yet captivating features in the functioning of the EU: the policy of multilingualism. What is meant by this is the possibility for EU institutions to carry out their work in a wide range of different languages, each of which enjoys the same official status. This topic has been closely scrutinised from the perspective of legal doctrine and a substantial corpus of technical literature has therefore built up on the subject. However, significantly less space has been devoted to the main practical outcome of this political choice: namely, the importance that translation activity and, accordingly, the language services of the European institutions have attained over time. As Roger Goffin states:

> Translations, given the law-making role of the institutions, are transformed into binding regulations; in this context, the role of translators is important because of their involvement in the exercise of official authority. [1]

The daily work of translators, revisers, lawyer-linguists and interpreters working in the official centres of European administration is one of the cornerstones of EU activity and represents a real link between the EU institutions and Member State citizens, since it aims to mediate and reconcile the various positions expressed within the Union, if only in terms of linguistic transfer. At the same time, however, this

[1] Goffin 1990, p. 14. "Les traductions, par suite de l'activité juridique des institutions, deviennent des règlements ayant valeur contraignante et, dans ce régime, le rôle dévolu aux traducteurs est important puisqu'ils participent à l'exercice de l'autorité publique".

activity remains largely unknown to those outside the Brussels, Luxembourg and Strasbourg institutions.

In this light, the present study has been conceived with a dual aim: first, to recognise the pivotal importance of translators to the activities of the EU and, second, to close an obvious gap in the spectrum of scholarly work carried out in translation and language studies. On the latter point, the phenomenon of EU translation still remains to be treated as the subject of a comprehensive study to reveal the full extent of its complexity and impact from theoretical and practical standpoints. With this end in mind, this volume is the result of 15 years of practical experience at the Italian translation unit of the EU's European Economic and Social Committee (EESC) and Committee of the Regions (CoR) (among the two institutions' joint services), which has given an insight into some of the evolutionary paths followed by the work of EU translators in recent years (such as the constructive but at times disruptive entry into the field of ICT tools). It has also led to the identification of a number of scenarios that can be explored regarding the present and the future development of this area of practice, not least in view of later prospective rounds of enlargement and the challenges posed by these for the EU. It is undeniable that such a reflection on issues pertaining to EU multilingualism is necessary and should come primarily from within the administrative services of the EU institutions themselves. At the same time, perhaps the main finding revealed by this focus on translation issues is arguably the hiatus between the theoretical and the practical levels of translation activity. Unquestionably an attitude of suspicion prevails in the way that many professional translators – and the officials of the European Union language services are no exception – receive scholarly thought on these issues, especially when it seems not to match the practice. Furthermore, it is unrealistic to negate the fact that many studies offer results that are a far cry from the reality which is translation "on the ground" and display only an approximate knowledge of the actual difficulties faced by translation practitioners in their daily work.

It is, therefore, fitting to emphasise from the outset that the observations presented in this volume, in particular those related to translation, far from being the outcome of a purely intellectual exercise, and still less of the application of a prescriptive framework of any kind, are to be considered the results of an *ex-post* theorisation carried out empirically on the author's own work, along with a constant research activity aimed at its potential for continuous improvement. Any observations presented are, therefore, highly subjective, which naturally produces several consequences: primarily, they underscore the crucial importance of real-life examples to show the validity of an assumption stated at the theoretical level. The examples put forward in each case are to be considered the point of departure and not of arrival: here it is useful to reiterate that the objective of this study is not to set out from preconceived ideas and attempt to demonstrate their worth by somehow bending reality or referring to suitable textual or phrasal models. Rather, the tendency has been to aim for theoretical abstraction and universal exploration of situations encountered in real practice on the ground.

The second major point to note in analysing situations experienced in daily practice is that the observations made in these pages are an attempt to explain and at times categorise or classify the elusive reality which is translation, where a variety

of purely subjective elements come into play, such as the degree of knowledge of the source language, translators' sensibilities as to their own mother tongues, and the extent to which they actually employ them (it should not be forgotten that most EU translators work and live in a country where their own mother tongue is not spoken), but also criteria such as the degree of interest they show in current affairs, their personal choices in terms of reading and self-education in general, and so on. This, in substance, means that the result of a speculative analysis on a phenomenon which is so hard to pin down necessarily involves subjective conditioning influences which are clearly not shared by all officials of the EU language services equally. But this does not mean that it is not worth attempting to theorise these points: following Federica Scarpa's assumption, whereby

> more rigorous reflection on translation processes inevitably leads to a greater increase in the quality of the final product,[2]

and from the conviction that self-assessment of one's own work can, at least, spare one from the risk of falling into a routine mechanical and repetitive working life, the observations presented here are also intended as a starting point for discussion, aimed at raising translators' awareness of their role and value – so often overlooked – within the mysterious depths of this great ocean which is the world of the EU institutions.

It follows that the primary readers targeted by this volume, or rather those to whom it will be of greatest interest, are colleagues in the language services of the EU institutions. However, an "in-house" study, carried out by an EU official and addressed to other EU officials, may be thought-provoking to a limited extent only. Moreover, its appeal is likely to lapse, sooner or later, into self-gratification or, worse still, hagiography. In view, therefore, of the recent and growing interest in the phenomenon of EU multilingualism and translation by those who work in the field or aspire to do so, by scholars, teachers and students of translation, and by the public at large, an awareness which is underlined by the rapid increase in the number of candidates signing up for EU open competitions for linguists, it seemed pertinent to take a broad-ranging approach in the present study and address as wide a readership as possible. The starting point for the outline of EU translation is, therefore, anchored in an observation of everyday reality, banal as it may seem to practitioners, where it is possible to refer directly to accurate information and data which provides the reader with an up-to-date and comprehensive overview of the field before delving deeper into specific themes within the topic.

The end result is a work comprising nine distinct sections, subdivided for clarity, but inevitably interconnected through issues which revolve around the same overarching theme. Since no discussion on the multifaceted nature of translation in the European institutions would be complete without a preliminary explanation of the legal framework that governs and indeed imposes certain practices and choices on this field of activity, the volume opens with an introductory chapter on the way in which multilingualism is organised and administered in the European Union. The analysis takes into account both the historical and political circumstances that

[2] Scarpa 2001a, p. III.

led to the definition of this policy area, as well as its impact on the daily work of the EU language services. The introduction is closely linked to the first part of the volume, which focuses on the language[s] of the European Union and mainly concerns the idiolect of EU official texts, the so-called "Eurospeak", its creation and the mechanisms with which it is incorporated into the standard vocabulary of official languages, but also some outstanding syntactic and stylistic features. The second part of the volume, comprising Chapters 4-7, looks more specifically into the formal set-up of translation activities within the European Union institutions. Chapter 4 describes the organisation of translation services in the various institutions, while Chapter 5 focuses on translators' daily work routine, with an overview of the main operational issues, the most significant text types, and the professionals involved in the translation process, with particular emphasis on the relationships and interaction between translators, revisers and lawyer-linguists in dealing with a text. Chapter 6 is devoted entirely to the inescapable role of ICTs in translation, while Chapter 7 has been conceived from the perspective of translation criticism. Setting out from some of the problems observed in the transfer that takes place between languages in EU texts, this particular chapter identifies the operational strategies adopted, whether consciously or not, by translators striving to remedy or at least mitigate these difficulties. Chapter 8 looks at the current situation and future prospects for EU multilingualism and translation in the light of all the enlargement rounds that have taken place in the last decade (since May 2004) and future accessions to the Union. Chapter 9, finally, gives readers the opportunity to peruse a selection of translated texts differing in terms of source language, topic and degree of importance which serve to illustrate the main subjects covered in the book.

Due to the variety of the text categories produced within the European Union institutions, to the multiplicity of the EU official languages, and to the at times significant differences in the working practices of the various institutions, the phenomenon of EU translation cannot be treated in an exhaustive way within the boundaries of a single volume, no matter how much it may aspire to be comprehensive. Although examples have been drawn from a broad range of documents originating in the various EU institutions, it has sometimes been preferable to opt for documents produced within the two EU bodies in which the Author and Editor have direct experience: the EESC and the CoR. But this choice is also a potential advantage: in fact, the analysis of the EESC and CoR texts offers the reader a chance to come into direct contact with the widest possible variety of both working languages (in contrast with most of the other institutions, which work almost exclusively in English or French) and subjects alike, since their consultative role means that they deal with virtually all policy areas covered by the EU.

The examples used are mainly limited to passages in the most widely-spoken official languages, except where the nature of subjects and available material necessitates the use of examples in lesser-used EU languages. To facilitate the reader's retrieval of documents, the texts from which examples have been drawn are listed in the bibliography under their official English title, irrespective of which language version has been employed.

The idea to publish this work would never have materialised without some people to whom I owe my public thanks: David Snelling and Lorenza Rega, Paolo Martino Cossu and Maria Teresa Sabbi, for their friendship and the constant attention with which they have been following my research, Jane Nystedt and Rita Trampus Snel, for the material kindly placed at my disposal, Stefano Ondelli, to whom I owe some ideas reworked in the section on language interference and contamination, Silvia Caporali and Henk Baes, and in general all the colleagues of the EESC/CoR Italian translation unit, for the ideas, insights and suggestions provided in many years of working together.

I am likewise indebted to all colleagues from across the EU institutions who contributed in various ways to the preparation of the second Italian edition, making it a small example of interinstitutional cooperation. I am particularly grateful for the support given by: Dieter Rummel (Translation Centre), Giancarlo Piovanelli (EESC/CoR), Elisabetta Palla (Court of Auditors), Giovanni Gallo (Court of Justice), Donatella Bruni and Pollux Hernúñez (European Commission), Marinella Cinque and Sergio Magri (European Parliament). Throughout the drafting I have taken into account many of their suggestions for improvement, except when they contrasted with my personal beliefs or experience. In these cases, it has seemed only right to reiterate my positions, by qualifying them with examples. Obviously, I should be held solely responsible for the result.

My special gratitude goes to Tito Gallas, for his authoritative revision of the pages relating to legal issues, to Eugenia Ponzoni, for her valuable and detailed comments on most of the draft, and to Federica Scarpa, for the immediate enthusiasm with which she greeted this project, her countless words of advice and, above all, for having kindly agreed to review the entire manuscript.

Lastly, I wish to pay tribute to my father Mario, historian and linguist, whose teachings have always been my intellectual and moral guiding light, who died a few months after the publication of the first Italian edition of this book.

Domenico Cosmai

Introduction to the English edition

> If translation was a tapestry, I was at the back with the hanging threads and dangling clutter of knots. In fact the tapestry was all back and no front (...).
>
> Patrick McGuinness,
> *Other People's Countries*

It was not always this way: achieving EU multilingualism

Europe's language question stands out for its lack of a single major unifying or dominating tongue and for the absence – ignoring those who advocate for the use of English as a *lingua franca* – of any significant movement that endeavours to impose one or, indeed, to generate the myth of one. [1] In stating that "the language of Europe is translation", as Umberto Eco once did, the speaker implicitly identifies our continent as being solidly embedded in its *plurilingualism*. Where languages are required to interrelate, what is more, translation can never be far away and, as David Bellos notes, "Europe has built a radically new kind of translation world", one where (as this volume will illustrate) "[n]othing is a translation – except that everything is translated". [2] To say that translation and multilingualism are "the language of Europe" is, thus, the clearest way of asserting unified Europe's ethos which holds that this continent – old and arthritic though it may be – is "united in diversity".

At this post-election time of writing, marked by recent political arm-wrestling to form European parliamentary groups which have just compromised their way to consensus on installing a new Commission president, there would appear to

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[1] While the central themes treated in this volume are closely related to the debate on EU multilingualism versus English as a *lingua franca*, a topic that would merit its own book-length study, we do not intend to treat it in any further depth than the short sections included here and where it crops up specifically in relation to topics treated within some of the chapters that follow. For a broad-ranging and exhaustive analysis of this subject, see Gunnel Melchers & Philip Shaw (2011), *World Englishes*, 2nd edition, Hodder Education, London.

[2] David Bellos (2011), *Is that a fish in your ear? Translation and the meaning of everything* Particular Books, London, p. 244; p. 238.

be a tidal surge of scepticism against such logic and sentiment, suggesting that perhaps this book is even timelier than it seemed at first. Indeed, another facet of the EU language question, although it falls outside the scope of these pages, is its inevitable and frequent use as a prop in fuelling Euroscepticism, as Christopher Rollason remarked some time back on the UK scenario in particular: "irrespective of the quality of the translation and the accessibility or otherwise of the terminology used, the content of any EU text will, quite possibly for the majority of the public, be refracted through the distorting mirror of a largely Eurosceptical, if not indeed hostile, press – in which positive language tends to be muted while negative language is frequent". [3] Ultimately, however, whether we are enlightened or even hesitant language users, it is hard to negate the fact that the one feature marking out Europeans the most is, perhaps, their discernible cultural *and linguistic* differences from one another. Yet they – or we – are doing our level best to muddle along by at least trying to speak the same language, that is, all 24 versions of it.

Bluntly making the case for translation, Bellos proclaims: "[t]ranslating is the first step towards civilization (...). It is translation, more than speech itself, which provides incontrovertible evidence of the human capacity to think and to communicate thought". [4] Few who have worked with languages in any way would disagree: to translate means to read closely. It means to get to the very bottom of understanding before even putting down a word. And it means striving to render concepts in the clearest, most elegant, and most faithful possible way. Translators, because they are mediators searching for clarity, for this reason often seek out what has been dubbed a "third code", a sort of middle-path-dialect that is the outcome of mediation between L1 and L2. [5] This might be considered the safe (read: bureaucratic, dull) path, yet there was a time when translators could be burned at the stake or hanged, drawn and quartered, or even stoned in the desert: [6] for translating controversial material; for failing to faithfully or plainly reproduce the message contained in a source; or, conversely, for excessive zeal in *too*-faithfully reproducing it, for which they, sometimes along with the authors, could end up either being grilled, partitioned, or with heads a-rolling, literally.

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[3] Christopher Rollason (European Parliament, English Translation Division) (1999), "On the Reception of EU Texts in the UK, Standard Terminology and Computers and Translation", *Translation & Terminology*, 1, p. 53-58 (p. 54).

[4] Bellos, p. 352-353.

[5] Bellos, again, explains: "Translators therefore tend to write in a normalized language and are more attentive to what is broadly understood to be the correct or standard form. In fact, anyone who has personal experience of translation knows this truth. Translation tends towards the centre – to whatever linguistic regularities are conceptualized as belonging to standard language, irrespective of what native speakers typically say", p. 198-199.

[6] A Lutheran-Reformist's interpretation of the infidelity of biblical translators in reference to the Old Testament (Leviticus, xxiv: 16: "And he that blasphemeth the name of the Lord, he shall surely be put to death, and all the congregation shall certainly stone him"), cited in George Faludy (1970), *Erasmus of Rotterdam*, Eyre & Spottiswoode, London, p. 229.

One such example was Louis Berquin, "French reformer and talented writer", who, as the curtains were being drawn on the Renaissance in the mid-1520s, translated several of the works of the great European unifier and pacifist, Desiderius Erasmus of Rotterdam, into French. With reactionary inquisitions going on about them and the impending doom of all-out religious war across sixteenth-century Europe, Erasmus expressed concern for Berquin's welfare but the translator worked on, even in the face of public burnings of his Erasmian translations, proceeding to embellish the Dutch humanist's texts in a French that did not belong in ultra-Catholic France. Erasmus warned Berquin to "desist before they both found themselves in serious trouble". But the scribe refused to cease his activity as an honest and animated mediator of texts, seeking the best match, breathing life into and reproducing – warts and all – Erasmus's best works, and so he was condemned to death by the doctors of the Sorbonne and burnt at the stake. With his garments smouldering, he heroically – through blistering lips – addressed the crowd on the importance of writing the truth. It is a sobering anecdote and makes it understandable, perhaps, that so many translators preferred anonymity due to the risks incurred by engaging in translation of certain authors and thinkers, Erasmus included: a hundred years after his death it was still a dangerous business to translate his work.[7] Translators have died for their faith to the authenticity of written words, while others have had to go to extreme lengths to preserve their lives or conceal their identities while conducting none other than what would seem to be the quiet life of pen-pushers. One wonders whether EU translators have to be constantly looking over their shoulders in the same way.

It baffles that there is still no shortage of doubters among the non-affiliated as to the importance and role of translation and revision today. It is not difficult to see, however, not only how far we have come, but also how similar the problems met by Humanist philologists in the 1500s are to those encountered by linguists in the service of the EU institutions today. On a daily basis, these people strive to make sense of 24 different tongues so that one European message can be carried forward via a linguistic compromise between the many social, legal and cultural spheres residing in each EU official language. EU translators do not, admittedly, live like the slaves of the Ottomans – the *dil-oğlan* ("language boys") – obliged to translate for their upkeep in an empire where many languages were spoken but where most subjects were illiterate and the only bilinguals were either [imported] brides or [captured] slaves who were, in truth, "enforced bilinguals" making up a sort of "translation caste". Disloyalty to their Sultan, naturally, meant death, hence the origin of the play on words related to different levels of fidelity in translation, be it to the Sultan or to the message contained in the source. Thus, to translate is to betray, a translator may be a traitor, and translation equates to treason or treachery.[8] It can still, as the present volume will reveal, be perceived a little like this in EU translation circles.

Besides their associations with nation- or empire-based treason, translations have been likened to geographical territories. What could be more appropriate, then, when setting out to consider the role and politics of language in the context of what is

[7] Anecdote loosely adapted and related citations from Faludy, p. 222.

[8] See Bellos, p. 122-125 and p. 128-129.

undeniably a socio-spatial entity such as the European Union (physical, political, but also to a degree imagined and, while not the result of coercion, somewhat urged by human culture) than considering the reception of a translated text as the perception of a landscape? "When we propose **to translate**", notes cultural geographer João Sarmento,

> we summon the various dimensions: the object of translation, the translation in and of itself, who translates it, who will read the translations, and in which environments and contexts. Each one of them conveys subjectivities. [9]

Just as there is no "single way" to translate, "[t]he **territory** has no beginning, no middle and no end (...). The territory does not exist, it happens, being more of a process or an expressive occurrence than a set of materializations." Sarmento associates translation with the idea of territory as "metaphor for an infinite number of cultural 'crossings' which can guide some ideas. In the territory, there is little temperance for cultural reverberation, which naturally causes problems in reading. While an echo makes its translation, a coming and going in circles, the reverberation, also overflows, comes and goes in a multiplicity of angles and confrontations, unstoppable and disconcerting." [10]

Clearly the European Union is many different things to many different people and translation serves to exacerbate our awareness of this simple fact: our registering what we gain through language mediation. Like any writer, the translator relies constantly on the good will of the reader, on this relationship between interlocutors: givers and receivers, where many things go on but a lot is unseen, like the work-in-progress of a tapestry, an image of translation originally depicted by Cervantes and dusted off by Belgian-British writer Patrick McGuinness, "with [all] the hanging threads and dangling clutter of knots" at the back. At the front none of this is visible: we simply view, or read, a seamless illustration in cloth. [11] Is that a reasonable comparison to the EU administrative machinery?

Although the EU's official stance and politics on language are unprecedented, both in the legal provisions set in place for linguistic expression within a supranational organisation and the scale of their application, we should not fall into thinking that the practice of "multilingualism" is either a new phenomenon or one restricted to these shores. The Indian subcontinent is home to a plethora of languages where a degree of inter-comprehensibility between Urdu, Hindi, Bengali, Kannada, Tamil, Marathi and others has long permitted them to function side by side without the need for official translation. Merchant, maritime and literary Europe in the late-Middle Ages may have been similar. Columbus is purported to have written his notes in Italian, Portuguese and Castilian Spanish, while he used Latin for formal writing and Greek for his secret diary. Furthermore, Hebrew came into use in his reading of astronomy,

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[9] João Sarmento (2012), "Translation and reverberations in the territory-stage dialogism", in *Um mapa para cinco (ou mais) caminhantes. Observatório serviço educativo Guimarães 2012 CEC*, Fundação Cidade de Guimarães, Guimarães, p. 34-39 (p. 34) [author's use of bold].

[10] Sarmento, p. 34-35 [author's use of bold].

[11] Patrick McGuinness (2014), *Other People's Countries. A Journey into Memory*, Jonathan Cape, London, p. 38.

as well as a *lingua franca* "contact language" called *Sabir*, made up of Arabic, Italian and Spanish, to speak with Mediterranean sailors and traders.[12] On slave ships bound for the Americas in the 1700s, the human cargo from a multitude of backgrounds communicated using the above sailors' language (with *Pidgin* English later on), but historians have noted that most African slaves would already have known "at least three languages and it would not have been unusual for them to know six. They were (...) among the most accomplished linguists in the world".[13] Another example takes us to the former Soviet republics, where hundreds of languages are spoken from Slavic, Turkic, Caucasian, Altaic and other families, though Russian was (and often remains) a *lingua franca*.[14]

Throughout history there have been many attempts to establish a "contact vehicle" or *lingua franca*: Latin, French, German, Italian and English have held sway in Europe at different times for different reasons: religion, science, letters, law, music, politics, military activity, and maritime dominance.[15] During the eighteenth century a three-language system emerged in Europe, whereby educated people tended to read English, French and German, as well as now finding the time and space to use their mother tongue. This can be explained by the fact that the mother tongue was gaining in status for two reasons: increased nationalism (language was symbolic of national pride – this was quite a new phenomenon) and the Romanticist movement's interests in the mother tongue. The predominance of English, German and French could be further explained by the industrial and technical leadership that was at home in Britain; the superior German education system which made Germany the centre of science and scholarship; and finally, the status of French as the language of diplomacy and culture, making it the default language in any situation requiring a *lingua franca*. During the second half of the nineteenth century, the growth of US industry, technology, research and scholarship added to the importance of the English language. Furthermore, the two "world" wars destroyed any support for the intellectual basis for German as an international language and, at the same time, weakened French. The Treaty of Versailles was written in English and French, but, American power being decisive, the standing of its language, English, was raised as a result. Throughout the twentieth century, the rise of English was often the consequence of US military power, US popular culture, and US technology, science and scholarship. At the same time, the

[12] See Bellos, p. 7-20.

[13] Melvyn Bragg (2003), *The Adventure of English. The Biography of a Language*, Hodder & Stoughton, London, p. 189-190.

[14] See Bellos, p. 10.

[15] Melchers & Shaw explain that "[a] lingua-franca situation is one where communication is mainly with people who speak some other language but have also learned the lingua franca. Russian is useful in central Asia, and Swahili in Central and East Africa, because many speakers of other local languages have learnt Russian and Swahili respectively as lingua francas to communicate with others. In the last half of the twentieth century English became very widespread as a lingua franca throughout the world", p. 188.

spread of knowledge in former colonies continued in English, which replaced French as the *lingua franca* where it had formerly been established, even in Europe. [16]

There have been invented languages, too, upon which topic Umberto Eco elucidates in his *La ricerca della lingua perfetta*, [17] and much hope invested in others, such as *Esperanto*, devised by Polish intellectual Lejzer Zamenhof in the nineteenth century to "rid the world of muddles and horrors caused by multiple tongues". [18] Today's Europe, fortunately, does not see multilingualism as "muddle and horror" and what is enhanced in the context of the European Union, finally, is that "multilingual" is not just synonymous with "speaking or using many languages": EU multilingualism is, instead, a fundamental democratic principle with the additional social and political meaning of "equal rights for all official languages" (and by extension those that utter them). This goes to the heart of what the European Union is all about: "language is part of national and personal identity," recall Wagner, Bech and Martínez, "and the languages of Europe are part of its immense and diverse cultural heritage". [19]

Entrenched in the context and historic emergence of what has been dubbed the EU's "mother-tongue-plus-two" multilingualism policy, [20] therefore, perhaps the most important aspect of the present volume is its focus on key language issues that have arisen through the bloc's strategy for harmonised communication at the level of the Union's bedrock: its founding Treaties, legal instruments, and cumulative body of laws known as the *acquis communautaire*. Language parity is the hard-and-fast rule at the foundation of EU multilingualism, enshrined in Regulation no. 1, 15 April 1958 determining the languages to be used by the European Communities/EU. All language versions of European legal instruments that emanate from its institutions, thus, unquestionably, have equal force of law. But how can this work when scholars in the field of legal drafting concur that – in translation terms – no fully equivalent parallels exist? "Law is the very model of the untranslatable text, because the language of

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[16] On the seemingly inexorable contemporary spread of English as a *lingua franca*, see Melchers & Shaw, p. 187-190.

[17] Umberto Eco (1993), *La ricerca della lingua perfetta nella cultura europea*, Laterza, Roma-Bari.

[18] Bellos, p. 15.

[19] Emma Wagner, Svend Bech and Jesús M. Martínez (2014), *Translating for the European Institutions*, Routledge, Abingdon/New York, p. 1.

[20] The ambitious project of the European Union has, since the early 2000s, been for all its citizens to know fluently at least two languages beyond their mother tongue; so in every walk of life and in every generation each of us should be at least trilingual. In European documentation, we read the following: "The first area of action is life-long language learning. For this area the action plan identifies the following specific objectives: learning a **mother tongue plus two** other languages from a very early age; continuing language learning in secondary education and vocational training; continuing language learning in higher education; encouraging language learning among adults; developing language learning for persons with special needs; widening the range of languages offered in education." See: "Action plan on language learning and linguistic diversity", Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions of 24 July 2003 – Promoting language learning and linguistic diversity: an action plan 2004-2006 (COM (2003) 449 final – Not published in the *Official Journal*).

law is self-enclosed," claims Bellos, "however, laws do get translated, because they must". Can "language parity" and "equal force of law" across different-language legal systems be achieved if equivalence evades us? Clearly this represents a stumbling block of sorts: so what "levelling" devices can drafter-translators or, indeed, the elite sphere of practitioner (lawyer-)linguists resort to in order to overcome the alleged incommensurability of legal language when it is incorporated into the EU lexicon, where not only do we see 24 "official" languages in use but also the conjoining of 28 – often disparate – legal systems, all pivoting on language signs as a means of making Europe and European laws more interpretable for 500 million citizens?[21] We leave it to the reader to find out, at least in part, over the following chapters.

About the present volume

A book *on translation, in translation*, that is, a book on the policy of multilingualism and translation for the EU institutions in all its ramifications which is simultaneously a work translated and adapted from the Italian into English, has something slightly irrational and something equally special about it. It is also remarkably apt, given the setting.

Its preparation has represented a challenging process, involving not only the obvious IT > EN translation operations for the different chapters and thematic sections, but also the fundamental – and inevitably delicate – reorientation of a text to suit the diverse cultural reference points of its new target readership: competent English-language users, even though not necessarily native speakers. It has thus necessitated particular care: permanently-open communication lines and constant revision back and forth between the Author (an "insider" at the EESC) and Translator (an "outsider" at the Université Libre de Bruxelles, Law Faculty), revision by Italian-speaking experts, translators and revisers, and by English-speaking translator-revisers, and the integration of the comments and corrections of these in-house specialists along the way, not to mention a lot of fact-checking and background research on the part, again, of both Author and Translator, to keep up to speed with this ever-evolving supranational entity and its laws and policy areas.

Translating and adapting a text based on the topic inherent to the process that it both *describes* and is simultaneously *a product of* is not only paradoxical, therefore, but also has a peculiarly narcissistic quality, and the Translator-Editor, with the Author's presence and assistance, has never been able to lose sight of the relationship between the original drafter-drafted words, the trajectory they take once uttered (and penned) in a source language, and their reception by readers and end-users in a target language. In a sense, however, the outcome – what might be deemed a hybrid amalgam of source text/translation – is perhaps the best possible mirror-image in which to assess the issues that are treated in the following pages, not least through the close analysis and fine-tuning that has been required to keep faith with and build upon the original Italian version, which was inevitably geared mainly towards an Italian readership, though it necessarily tackled language issues that were not the exclusive concern of the citizens

[21] Bellos has described the work of lawyer-linguists as "the manipulation of the law as language and language as law", p. 244.

of a single Member State. Its new shape is still, admittedly, produced in a language which is officially spoken in only three of the 28 Member States (the UK, Ireland and Malta), but has been adjusted or opened up to broaden its pertinence and appeal to a multilingual readership through the medium of English.

The book also does its bit, though it is hoped with the customary reserve of translators and revisers, to explain, via practical examples, how the EU's blended approach to multilingualism (in other words, its different degrees of multilingualism visible in "official", "working" and "procedural" or "vehicular" languages) might be cited as the most socially-advanced, transparent and democratic way of dealing with communication issues in institutions and communities of States that use different tongues. This can help us as Europeans to get past an entrenched historical trend where, as Gunnel Melchers and Philip Shaw explain,

> The languages of Europe have a long association with their respective nations. In particular, each of them has been the focus of a struggle to "gain domains" like higher education, religion and science from Latin or to gain these and the political and school domains from the language of the politically dominant group. [22]

This first edition in English builds on the success of its two preceding Italian editions (published respectively in 2003 and 2007 with the title *Tradurre per l'Unione europea*), which have met widespread acclaim over the last ten years and are currently used as textbooks on various translation courses in universities across Italy. It was this, among other reasons, which persuaded the publisher to embark on the present project which has closely followed the European Union's evolution through its enlargements to the North, to the West, to the South, and more recently to the East, and the impact of these multiple accessions on the politics and practice of translation for the EU institutions.

It proposes a fully updated exploration into the direct relationship between EU Member-State languages and the issues and knock-on effects created by knowledge transfer between the diverse idioms and cultures that make up the patchwork that is the European Union. Enriched throughout with genuine examples from many among the 24 official languages of the Union, selected and closely examined for a multilingual readership, *The Language of Europe* features detailed studies ranging from the background to, and political (and legal) reasons for, EU multilingualism (Chapter 1); the different types of language used in EU documents (Chapter 2); the issues faced in EU drafting and text production (Chapter 3); the variations in translation practice between the different EU institutions, agencies and consultative bodies (Chapter 4); the day-to-day practice of translators and lawyer-linguists (Chapter 5); the impact of ICT on translation practice in the EU (Chapter 6); the distinctive genres of EU translation (Chapter 7); to a contemplation of what the future holds for EU translation (Chapter 8). The volume incorporates (in Chapter 9) a range of sample texts from a variety of EU official languages, provided in the source language original and target-language translation (EN), in order to give the student and specialist an insight into and overview of the rigour and procedural expertise which are demanded and can be

[22] Melchers & Shaw, p. 191.

seen at work from initial (co-)draft to final version in the rendering of a multilingual EU document.

While the volume is principally orientated towards students, peers and specialists in Translation and Interpretation Studies, Language Studies and Cultural Studies, it is likely to arouse an equal level of interest in those working in adjacent scholarly domains: Cultural Geography, European Studies and Law, Political Science, and Sociolinguistics, for a start, as well as those currently pursuing or prospecting a career in the European institutions. For these and other readers, *The Language of Europe* offers a fresh perspective and a comprehensive new analysis of the EU's policy of multilingualism and the "architecture" and "machinery" developed by this supranational entity to optimise multilingual translation practice and interlingual mediation within and between its institutions and between the latter and the "citizens on the ground" across the Union. If it is true that the purported gulf that exists between the EU institutions and the citizens they serve is down to communication, it is hoped that this volume will play a small part in helping to bridge that gap.

David Albert Best
Brussels, 1 July 2014

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1
The Language Policy of the European Union

Opera naturale è ch'uom favella;
ma così o così, natura lascia
poi fare a voi secondo che v'abbella.

Dante, Paradiso, XXVI, 130-132

Riccaut: (...) Mademoiselle parle français? Mais sans doute; telle que je la vois! – La demande était bien impolie. Vous me pardonnerez, Mademoiselle.
Das Fräulein: Mein Herr –
Riccaut: Nit? Sie sprek nit Französisch, Ihro Gnad?
Das Fräulein: Mein Herr, in Frankreich würde ich es zu sprechen suchen. Aber warum hier? Ich höre ja, dass Sie mich verstehen, mein Herr. Und ich, mein Herr, werde Sie gewiss auch verstehen; sprechen Sie, wie es Ihnen beliebt!
Riccaut: Gutt, gutt! Ik kann auk mik auf Deutsch explizier.

G. E. Lessing, *Minna von Barnhelm*, IV, 2

Patti chiari, amicizia lunga.

Italian proverb

The European Union's broad assortment of both "official" and "working" languages is deemed, according to circumstance and ideological inclination, either a strong point or an outright impediment to the advancement of deeper integration. [1]

[1] The term "European Union" (EU) was introduced by the Maastricht Treaty (officially: Treaty on European Union or TEU) of 7 February 1992 and confirmed by the Treaty of Lisbon of 13 December 2007. The Treaty of Lisbon abolished the three traditional "pillars" on which the Union was founded: the "European Communities", the Common Foreign and Security Policy (CFSP), and Cooperation in Justice and Home Affairs (JHA). It should also be noted that the notion of "European Communities" further encapsulated three elements: the European Economic Community (EEC), renamed the European Community (EC) by the Maastricht Treaty given that it would no longer be characterised purely by economic cooperation but tend more towards wider-reaching political union; the European Atomic Energy Community (EAEC) or Euratom; and the European Coal and Steel Community (ECSC). For the difference between the two concepts, European Union and European Community or Communities, readers may refer, in particular, to K.-D. Borchardt (2000), *The ABC of Community Law*, 5th edition, European Union Publications Office, Luxembourg, p. 5-10. In the present volume, the terms "European Union" or "EU" will be generally used, whereas the terms "European Communities"

Looking beyond mundane practicalities, however, the languages of Europe are bestowed with obvious symbolic value: in a context in which the EU's proud motto reads "united in diversity",[2] the most prominent feature of this diversity is the very multitude of languages currently in use across the Member States.[3] For Coulmas, the fact that the administrative machinery of the EU, made up as it is of civil servants from 28 European countries speaking twenty-plus languages, actually manages to run without great difficulty in itself represents an unprecedented success when considered alongside other international organisations with far more restrictive language arrangements.[4] From the perspective of its citizens – with no shortage of "Eurosceptics" among them – the work routine that unfolds on a daily basis in the EU institutions perhaps represents the clearest evidence that, contrary to widespread belief whereby the European Union would appear to pursue a politics of cultural homogenisation and dilution, it is in fact committed to maintaining and defending each Member State's national identity within a supranational context.[5]

Such an interpretation is reinforced by explicit mention, in numerous sections of the founding treaties, of the need to nurture diversity of cultural identities.[6] Yet

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or "European Community" will be employed only in quotations or in reference to situations preceding the reform of 2007.

[2] This motto was officially adopted on 4 May 2000 following a competition involving some 80,000 students from all over the European Union.

[3] The 28 Member States of the European Union (as from 1 July 2013) are the following: Austria, Belgium, Bulgaria, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom. The 24 official languages of the EU and their respective abbreviations are the following, in alphabetical order according to formal denomination in the original: Bulgarian (*български / bălgarski* – BG), Spanish (*castellano* – ES), Czech (*čeština* – CS), Danish (*dansk* – DA), German (*Deutsch* – DE), Estonian (*eesti* – ET), Greek (ελληνικά / *elliniká* – EL), English (*English* – EN), French (*français* – FR), Irish (*Gaeilge* – GA), Croatian (*hrvatski* – HR), Italian (*italiano* - IT), Latvian (*latviešu valoda* – LV), Lithuanian (*lietuvių kalba* – LT), Hungarian (*magyar* – HU), Maltese (*Malti* – MT), Dutch (*Nederlands* – NL), Polish (*polski* – PL), Portuguese (*português* – PT), Romanian (*română* – RO), Slovak (*slovenčina* – SK), Slovene (*slovenščina* – SL), Finnish (*suomi* – FI) and Swedish (*svenska* – SV).

[4] F. Coulmas (1991), "European Integration and the Idea of the National Language", in F. Coulmas (ed.), *A Language Policy in the European Community – Prospects and Quandaries*, Mouton de Gruyter, Berlin/New York, p. 1-44 (p. 2).

[5] The TEU (Title III, Article 13, first paragraph, 2012 consolidated version) defines the following as "European Union institutions": the European Parliament, the European Council, the Council, the European Commission (hereinafter referred to as "the Commission"), the Court of Justice of the European Union, the European Central Bank, the Court of Auditors. Two further consultative bodies or organisations, not granted the full status of "institution", are the European Economic and Social Committee and the Committee of the Regions. Throughout this volume, the terms "institution", "body" and "organisation" will be used according to standard language and not in the specialist, technical sense and may therefore be taken as being synonymous for one another.

[6] Explicit reference is made in the sixth paragraph of the Preamble to the TEU, signed at Maastricht on 7 February 1992 (2012 consolidated version), to the desire to "deepen the

close analysis of the issue cannot but raise the suspicion that, after their delivery of well-intentioned declarations adhering to the democratic ideals which underlay the decision to opt for *de facto* multilingualism, the EU's founders did not quite succeed in giving a sound definition to the problem of Europe's language policy. Furthermore, the legal palliatives set down at the beginning of the long journey towards integration were alas never revised by the generations of politicians following in their footsteps. It seems all the more evident, in the light of successive EU enlargements, that the question of EU language policy has been terminally sidelined, relegated almost to the rank of a non-issue. Since its inception, the policy has never been comprehensively reviewed except on a purely practical footing and regulations concerning the issue have remained by and large unaltered apart from the most obvious modifications dealing with the increasing number of official languages. What has resulted is well known: with the current figure standing at 24 official languages, 552 theoretical language combinations exist and to deal with these the EU has to employ some 4,000 translators. This continued propensity for *laissez-faire* practices in the climate of EU enlargement, seen recently on an unprecedented scale with expansion to the centre and east, has been (and still is) questioned both within and outside the institutions, and staff in the language services are frequently among the first to issue warnings of impending institutional paralysis.

This chapter, prior to treating questions pertaining more specifically to language and translation, first endeavours to get to grips with the articles of EU law upon which the principles of multilingualism are founded, striving at the same time to decipher the political and practical, as well as sociocultural and psychological rationale which underpins an approach to multilingualism found in no other major international organisation. The chapter moves on to analyse the effects of formalised multilingual arrangements on EU translation practice. The analysis of multilingualism resurfaces horizontally at critical points throughout the chapter, intersecting with the following topics: the translation of legal texts; the seemingly opposite concepts of "translation" and "co-drafting"; and the problems related to consistency among different language versions of EU law.

1.1 Legal foundations

The founding members of a unified Europe, destined by its very nature to act and express itself in a variety of tongues, quickly recognised the centrality of language to the project's future success and thus laid out its internal workings on a clear template that took full account of the role of languages. The importance attributed to language

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solidarity between (...) peoples [of Member States] while respecting their history, their culture and their traditions". Article 4, second paragraph, of the same Treaty (2012 consolidated version, under Title I, Common Provisions), reads: "The Union shall respect the equality of Member States before the Treaties as well as their national identities", and Article 167, first paragraph of the Treaty on the Functioning of the European Union (TFEU), stipulates that "The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore".

was evident from the outset and can be seen in the wording of Article 217 of the EC Treaty, 25 March 1957,[7] according to which

> the rules governing the languages of the institutions of the Community shall (...) be determined by the Council, acting unanimously,

and in particular on condition that the Council be entirely in agreement on the issue. The Council's negotiations gave rise to Regulation no. 1/1958, the very first to be drafted for the European Communities,[8] whereby, in Article 1, we read:

> The official languages and the working languages of the institutions of the Union shall be Dutch, French, German and Italian,

in other words, the official languages of the six founding states, to which the languages of all new members have been progressively added as each has acceded to the Union.[9] Regulation no. 1/1958, the most recent version of which is included in the appendix of this chapter, consists of two parts: a brief preamble recalling the legal basis of the Regulation (referring to Article 217 of said Treaty) and eight further short articles. Gozzi states that it is "precisely the Regulation's concision that strengthens and extends its general scope", yet at the same time such succinct wording also has its drawbacks.[10] For example, in the article cited above, pertaining to "official" and "working" languages, there is no clear definition of these two concepts and there is also a glaring omission of any distinction between them. The lack of a clear definition has frequently been highlighted by internal documents such as the Nyborg Report of 1982, according to which it would be better to use the term "official languages" only, given the apparent overlap between the two concepts. Others, like Labrie, suggest that from a legal perspective it is impossible to distinguish between "official" and "working" languages, and that a clearer explanation would be produced by looking at what happens on the ground within each of the institutions where one sees that "official" languages are those used officially between the institution and the citizen, while "working" languages are those confined to use within an institution, such as during meetings.[11] Even this distinction between what happens in theory and what really occurs on the ground, however widely acknowledged by studies on the topic, is problematic for at least two reasons: first, as will be seen in the following chapters,

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[7] This Article corresponds with the current Article 342 of the TFEU.

[8] The latest version of Regulation no. 1/1958 is reproduced at the end of this chapter.

[9] Article 1 of Regulation no. 1 of 15 April 1958 (list of official languages) has been successively modified by the Treaties of accession of 1972 (inclusion of English and Danish), of 1979 (inclusion of Greek), of 1985 (inclusion of Portuguese and Spanish), of 1994 (inclusion of Finnish and Swedish), of 2003 (inclusion of Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak, Slovene), of 2005 (inclusion of Bulgarian, Irish and Romanian), and of 2011 (current version: inclusion of Croatian).

[10] P. Gozzi (2004), "Babele in Mitteleuropa. La traduzione della legislazione comunitaria nelle lingue dei paesi candidati", in L. Rega, M. Magris (eds), *Übersetzen in der Fachkommunikation – Comunicazione specialistica e traduzione*, Gunter Narr Verlag, Tübingen, p. 271-281 (p. 274).

[11] N. Labrie (1993), *La construction linguistique de la Communauté européenne*, Honoré Champion, Paris, p. 82.

it does not reflect actual practice in all of the institutions all of the time. Second, it has never been confirmed or corroborated at the official level, such that the European Commission prefers the term "procedural languages" to denote the languages used in daily work practices rather than risk using such an ill-defined term as "working language".

Notwithstanding these attempts by commentators to standardise the clarification of the above concepts, the dichotomy between "official" and "working" languages remains, and is, in fact, reiterated in the European Parliament resolution on the use of the official languages in the institutions of the European Union (1995), the first article of which begins:

> The European Parliament (...) reaffirms its commitment to the equality of the official languages and the working languages of all the countries of the Union, which is a cornerstone of the concept of a European Union, of its philosophy and of the political equality of its Member States, and asserts that the different languages are one of the characteristics of European civilization and culture and an important aspect of Europe's diversity and cultural wealth.

In Article 2, the Parliament

> declares its determination to oppose any attempt to discriminate between the official and the working languages of the European Union.

Regulation no. 1/1958 prescribes that regulations and other documents of general application be published in each of the official languages (Article 4) and that the same measure be applied to the *Official Journal of the European Union* (Article 5). The last three articles concern the application of this Regulation to work practices within the institutions of both the EU and the Member States. Article 6 gives scope to individual institutions to determine exactly how these language arrangements are applied according to their respective Rules of Procedure, while Article 7 states that the Court of Justice may establish its own language arrangements, provided that these are set out clearly within its Rules of Procedure. [12]

Article 8, concerning EU states in which more than one official language exists, leaves the decision on what language to use to the discretion of the Member State. One of the most glaring consequences resulting from this article of the Regulation is the absence of Luxembourgish and, until quite recently, Irish Gaelic (known as Irish, or *Gaeilge*) from the array of official languages, despite their status as official languages within their respective states. [13]

For many years, Irish enjoyed the status of official language only in the drafting of acts of primary law (mainly in the treaties establishing the European Union), and this status was recognised – in spite of a very low actual use – by the Rules of Procedure of the Court of Justice. This ambivalent situation came about due to the fact that when, in 1972, Ireland joined the European Communities, having achieved recognition for Irish as an official language, its government did not press for it to be included among

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[12] Concerning the general scope of Regulation no. 1/1958 see also Creech 2005, p. 15.

[13] In EU institutional circles, "Irish" rather than "Gaelic" is used so as to avoid confusion with other Gaelic languages such as its Scottish and Manx (Isle of Man) variants.

the languages mentioned in Regulation no. 1/1958.[14] However, with EU enlargement in the last decade and the accession of Central and Eastern European countries and thus the inclusion of new official languages, public opinion on the language question in Ireland began to grow considerably, pushing for Irish to be granted its full status as an official EU language. In June 2005, the Committee of Permanent Representatives in the European Union (COREPER) therefore attributed Irish the status of official language with full effect from 1 January 2007. At the same time, given the practical obstacles represented by the shortage of qualified translators, it was decided that only regulations adopted by the Parliament and the Council following the codecision or ordinary legislative procedure should be drafted in Irish and that all other legal texts would be exempt from the stipulated language arrangements for an interval of five years, considered time enough to recruit an adequate number of language experts.[15]

A similar compromise ushered Maltese into the group of official languages. For this Semitic language spoken by just over 370,000 people, it was not immediately possible to hire sufficient translators and interpreters for all the European institutions. Council Regulation no. 930/2004, of 1 May 2004 (the accession date set for that round of enlargement), thus provided for a temporary derogation period and deferral of the translation of EU law into Maltese, noting the unfeasibility at this time of co-drafting all acts adopted by the institutions in this language. According to Article 3 of Regulation no. 930/2004, "at the end of the transitional period [set at three years from the date of Maltese accession, 1 May 2004], all acts which at that time have not already been published in the Maltese language shall also be published in that language". At the time of writing, the bulk of EU legislation has been translated into Maltese and the necessary Maltese translators and assistants have been recruited to all the EU institutions. Meanwhile, efforts have been intensified in Malta to train professional translators and interpreters.

Another subject of longstanding controversy is the absence of Catalan, a co-official language within the Kingdom of Spain – official, that is, only in Catalonia, the Balearics and the Valencian region, the number of speakers of which, cited at

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[14] For a more detailed study of this question, see, in particular, T. Gallas (1998), "La legislazione plurilingue dell'Unione europea. Questioni di traduzione giuridica", *Quaderni di Libri e riviste d'Italia. Atti del convegno "Verso un'Unione europea allargata ad est: quale ruolo per la traduzione?"*, Ministero per i beni culturali e ambientali, Roma, p. 289-294 (p. 289-290).

[15] Article 2 of Council Regulation (EC) no. 920/2005 of 13 June 2005 amending Regulation no. 1 of 15 April 1958 determining the language to be used by the European Economic Community (most updated version in Appendix to the present chapter, see also McAuliffe 2009), states: "By way of derogation from Regulation no. 1 and for a renewable period of five years beginning on the day on which this Regulation applies, the institutions of the European Union shall not be bound by the obligation to draft all acts in Irish and to publish them in that language in the *Official Journal of the European Union*. This Article shall not apply to Regulations adopted jointly by the European Parliament and the Council." According to Article 3 of the same Regulation, "Not later than four years after the date of application of this Regulation and at five-yearly intervals thereafter, the Council shall review the operation of Article 2 and determine unanimously whether to put an end to the derogation referred to in that Article."

six to ten million depending on the source, is far superior to those of the official languages of quite a few Member States (take, for instance, the four million speakers of Lithuanian, the two million speakers of Estonian, the roughly one million speakers of Latvian, or the 370,000 speakers of Maltese). Reticence to grant official EU language status to Catalan, Basque and Galician, and indeed to other minority languages in use across the Union, has up to now been justified by the fact that these languages are not "official" over the whole territory of the Member State in which they are used but only over parts of these states. [16] This explanation is however confuted by those, such as Marí i Mayans, who point out that no article in Regulation no. 1/1958 explicitly stipulates the above procedure and that it merely reflects a very narrow interpretation that has remained in place over time simply for practical purposes. [17] Marí adds that according to Article 8 of the same Regulation, it is up to the Member State in question to apply for official status for a minority language spoken on its territory, after which there is really nothing to prevent this status from being attributed. Consequently, Marí concludes, the disadvantaged position of Catalan may simply be the result of political apathy in Madrid.

Expressing grievances of this kind can nonetheless bring tangible results. On 13 June 2005 the General Affairs Council established that those languages recognised only on part of a state's territory may in fact also be used in the EU institutions provided the necessary administrative arrangements between the institution and the Member State concerned are in place. The Council press release specifies that all direct and indirect costs related to such a language service will be borne by the state requesting it; that official translations of EU legislation drafted under the codecision procedures into such a language will be provided by the national government in question; and that such translations will not stand as legally authentic documents. One last point concerns the option for European institutions to authorise a speaker to express her/himself in a language which is not among the official EU languages as long as the request to do so comes sufficiently in advance of a meeting to put the necessary resources (personnel and equipment) in place and provide passive interpretation services. [18]

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[16] The preliminary Title of the Spanish Constitution, Article 3, paragraph 1, reads "El castellano es la lengua española oficial del Estado" ("Castillian is the official Spanish language of the State"). Paragraph 2 of the same Article stipulates: "Las demás lenguas españolas serán también oficiales en las respectivas Comunidades Autónomas de acuerdo con sus Estatutos" ("the other Spanish languages are also official languages in their respective Autonomous Communities in conformity with the Statutes of these latter parties").

[17] I. Marí i Mayans (2003), "La lengua catalana, piedra de toque de la diversidad lingüística europea", *Digithum 5*, UOC. http://www.uoc.edu/humfil/articles/esp/mari0303/mari0303.pdf (p. 2-3).

[18] This option was put into force for the first time on 16 November 2005 with the signing of an agreement, between the CoR and the Spanish Permanent Representative in the European Union, allowing for the use of Spanish regional languages in CoR matters.

1.2 The reasons for multilingualism

As we are frequently reminded (see Coulmas 1991, among others), the breadth of linguistic pluralism seen in force in the European Union and codified in Regulation no. 1/1958 is not to be found in any other international organisation. In truth, the vast majority of cases illustrate that the standard practice is to limit the amount of official languages used compared to the number of official languages spoken within their affiliate states. [19] The European Union is the sole international organisation to have a number of official languages that is, though it may not be equal to the number of official languages spoken within all Member States, at least equal in number to all those formally declared as such by the Member States at the time of stipulating their Accession Treaties. [20]

The reasons for this unswerving stance on EU multilingualism are often summarised in a formula put forward by one of the manuals on European integration issued by the Publications Office of the European Union where, under the entry "Official languages of the EU", one reads:

> None of the member countries wishes to forgo the use of its own language since this is an issue of considerable symbolic importance. Every official EU act is translated into all the official languages. [21]

The importance of language as the bearer of identity in a community context such as that of the EU which, at a glance, would seem to deny such identity or at the very least to standardise it and make it less diverse, has been noted by Coulmas, among others, who states:

> On the subnational level languages are associated with (...) emotions with an explosive potential. [22]

Moreover, the undisputed role of language as a factor capable of unifying and expressing the identity of a people becomes all the more significant when viewed on the supranational stage, especially when one considers how much of their sovereignty Member States have yielded to the European Union. In reality, alongside the nebulous concept of national prestige and beyond the perfectly valid justifications based on psychological, sentimental and cultural features, there are a series of concrete political and legal reasons in favour of EU multilingualism, linked to the unique circumstances in which EU lawmakers find themselves operating, which require closer examination.

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[19] Among the examples that stand out, the United Nations (with 193 Member States) employs a system permitting the use of six languages (Arabic, Chinese, English, French, Russian and Spanish), while NATO (28 members) and the Council of Europe (47 members) use mainly English and French.

[20] See preceding section, particularly where reference is made to the contradiction between the official status of languages such as Luxembourgish and Catalan over all or part of a national territory, and their exclusion from the list of official and working languages of the EU.

[21] W. Weidenfeld and W. Wessels (1997), *Europe from A to Z: guide to European Integration*, Office for Official Publications of the European Communities, Luxembourg, p. 240-241.

[22] Coulmas 1991, p. 3.

This situation is unique in terms of the type of powers and therefore the level of sovereignty that the 28 Member States have yielded to the Union. As Gozzi accurately notes, organisations like the UN and its agencies above all carry out the function of establishing formal dialogue between a number of Member States.[23] For the most part these organisations issue decisions to government representatives who, in turn, must ensure that these are implemented in their respective states. Given that all contact takes place between national delegates, this practice means that there is no direct relationship between such organisations and the citizens of Member States. The European Union, in contrast, is not a straightforward State-level organisation in that its legislation is not only binding on national governments but on its individual citizens too, who can be directly affected by EU law. This concerns the two principles of "direct applicability", on the basis of which,

> European Union law is directly applicable to EU citizens, without there being any need for a further implementing act in the legislation of the Member State of which they are subjects,[24]

and the "direct effect" of EU law, which means that Member State citizens can claim rights which may result from such legislation in their national courts or, where appropriate, before the Court of Justice. These two principles ensure that all citizens have access to European Union legislation in their own languages and can fully understand the laws that concern them as well as being able, where necessary, to plea before their national courts using such laws.[25] Bearing in mind the fact that each Regulation concludes with the formula, "This Regulation shall be (...) directly applicable in all Member States",[26] it would be unthinkable for EU citizens, subjected as they are to directly applicable legislation, to have their rights and duties expressed in a language other than their own. These are plainly consequences that derive from Regulation no. 1/1958, most of all from Article 2 of the Regulation, where it is stated that EU citizens shall have

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[23] Gozzi 2004, p. 274.

[24] U. Draetta (1995), *Elementi di diritto comunitario. Parte istituzionale: Ordinamento e struttura dell'Unione europea*, Giuffrè Editore, Milano, p. 219.

[25] Reconsidering the concept of "ethnolinguistic democracy" put forward by J. A. Fishman (1993), ["Ethnolinguistic Democracy: Varieties, Degrees and Limits", *Language International* V, 1, p. 11-17], J. Lambert (1996), ["Language and translation as management problems: a new task for education", in C. Dollerup, V. Appel (eds), *Teaching Translation and Interpreting 3. New Horizons. Papers from the Third Language International Conference*, Elsinore 1995. John Benjamins, Amsterdam/Philadelphia, p. 263-269], notes that "across the European Union, a new community on the old continent, it is not just every citizen's and politician's right to use their own language that has been redefined but this very legal principle, in a way heretofore unseen in the history of civilisation. EU legislation cannot indeed be recognised if not available in the language of the citizen concerned, and thus in all languages of the Union" ("au sein de l'Union européenne, société nouvelle sur le vieux continent, ce n'est pas le droit à la langue du simple citoyen ou de l'homme politique qui est redéfini, mais le principe législatif (...), et ce dans un sens ignoré jusqu'ici de l'histoire de l'humanité. Les lois ne sont reconnues que lorsqu'elles sont disponibles dans la langue du citoyen en question, par conséquent dans les différentes langues de la communauté").

[26] Gallas 1998, p. 294.

the option of entering into communication with any of the institutions in the official language of their choice and receive a reply in the same language. Articles 4 and 5 are equally pertinent, given that they determine the languages in which Regulations, legal texts of a general nature, and the *Official Journal of the European Union* shall be published. It is clear from Article 5, in particular, that EU lawmakers' intention was for the greatest number of citizens possible to be made aware of the laws passed by the EU.[27]

Another justification which is often cited for the EU's codified language arrangements is that not only do its citizens possess an active right to vote but are also eligible to stand as candidates for the European elections (passive right to vote). If elected they must be in a position to carry out the duties of their mandate irrespective of their foreign language skills and they must be able to express themselves in their own language in order to fulfill their representative role in an assembly that is directly elected by EU citizens. In this context, multilingualism serves as a guarantor of democratic values in the supranational EU, values which take on a degree of urgency when considered in relation to the activities of the European Parliament, where they are put into practice. A lack of ability in foreign languages must in no way constitute a barrier or, even worse, a cause for discrimination against a European citizen from gaining access to the body which was conceived precisely to express the voice of EU citizens. Indeed, when the working procedures of the various EU institutions are compared side by side, it is the European Parliament that demonstrates the most rigorous application of the theoretical principle of multilingualism. The Nyborg Report of 1982, cited above, notes another element which further explains the rigour applied in the Parliament's adherence to multilingualism: in contrast to the meetings of the Commission and the Council, which mostly take place behind closed doors, the sessions of the European Parliament are open to the public. The Report affirms that these sessions

> represent the only opportunity for public discussion of proposals for new community legislation.[28]

According to this stance, if the number of official languages employed during sessions of the European Parliament were to be reduced, it would in some ways be considered a limitation or invalidation of the democratic nature of these sessions because a situation of disparity would arise between European citizens with regard to their level of ability to express themselves.[29] It has even been suggested that such disparity could also have significant economic repercussions,[30] given that the formal recognition of a single official EU language as a means of expression would mean, among other things, that businesses and enterprises would have to invest additional

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[27] Gozzi 2004, p. 274.

[28] K. Nyborg (1982), "Resolution on the multilingualism of the European Community", *OJ*, no. C 292, 8 November 1982, p. 96.

[29] Coulmas 1991, p. 6-7.

[30] L. Mori (2001), "La traduzione interlinguistica dei documenti ufficiali della Commissione europea", *Terminologie et Traduction*, 1, Commission des Communautés européennes, Luxembourg, p. 36-123 (p. 44).

resources just to be able to "communicate" with the European institutions, in effect nullifying the equality of opportunity which in theory companies should benefit from across the entire territory of the European Union.

1.3 Multilingualism at work within the EU institutions

As previously indicated, each of the European institutions possesses a degree of discretion when it comes to putting official EU language arrangements into practice. This allows them to take their own translation and interpreting requirements into account when applying the stipulated language rules. The diversity of procedures is mirrored in the relevant provisions set out in the rules of procedure in place in each of the EU bodies. The first paragraph of Article 14 of the Council's Rules of Procedure (2009) prescribes, for instance, that

> Except as otherwise decided unanimously by the Council on grounds of urgency, the Council shall deliberate and take decisions only on the basis of documents and drafts drawn up in the languages specified in the rules in force governing languages.

According to the second paragraph of the same article:

> Any member of the Council may oppose discussion if the texts of any proposed amendments are not drawn up in such of the languages referred to in paragraph 1 as he or she may specify.

In contrast, the COREPER, which holds meetings at least once a week in order to prepare the files to be examined by the different Councils of Ministers, have interpretation services limited only to English, French and German, although written documentation is available in all the official languages. [31] Other working groups within the Council, such as the Political and Security Committee, work within much tighter restrictions, using only French and English. As Moratinos Johnston points out, [32] these limitations reflect the fact that the discussions held by such working groups mainly concern texts not yet translated into all the official languages and therefore available only in the two languages in which they have been drafted, that is French and English.

With regard to the European Parliament, given its role as a representative body for all EU citizens via its elected members, it is here, more than in any other of the EU institutions, that the language arrangements must be most strictly adhered to so that they conform with the principle of equality among all the official languages. This need for rigour is clearly stated in Article 146, second paragraph, of its Rules of Procedure (European Parliament 2013), according to which

> All Members shall have the right to speak in Parliament in the official language of their choice. Speeches delivered in one of the official languages shall be simultaneously interpreted into other official languages and into any other language the Bureau may consider necessary.

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[31] See S. Moratinos Johnston (2000), "Multilingualism and EU Enlargement", *Terminologie et Traduction*, 3, Commission des Communautés européennes, Luxembourg, p. 5-70 (p. 29); and Mori 2001, p. 42.

[32] Moratinos Johnston 2000, p. 49.

The first paragraph of the same article reads, "All documents of Parliament shall be drawn up in the official languages". This provision is expanded further in several other articles of the same text, according to which neither working documents nor their amendments may be voted on until they have been printed and distributed in all the official languages. This rule can at times be overridden, but not if at least forty MEPs oppose voting on an untranslated amendment.[33] Even so, just like the other EU bodies, the Parliament still follows a pragmatic line when it comes to ordinary meetings for which translation and interpreting are provided only from and into the languages of the participating speakers. The same goes for documents sent for translation, the number of pages of which are kept within standard limits depending on the type of document.

Current language arrangements at the European Commission mainly allow for the use of three languages (informally dubbed "procedural languages") for the drafting of internal documents and interpretation: English, French and, to a lesser degree, German.[34] The same three languages are habitually used for the work of the college of Commissioners, even though the use of English has become predominant since the last major rounds of enlargement, while meetings of heads of cabinet are conducted in English and French, the latter being the traditional vehicular language of EU administration. Where official texts are concerned, as per Article 16 of the Rules of Procedure of the European Commission (European Commission 2000),

> Instruments adopted by the Commission in the course of a meeting shall be attached, in the authentic language or languages, in such a way that they cannot be separated, to a summary note prepared at the end of the meeting at which they were adopted.

This means that if such decisions concern legal instruments applicable to the whole of the EU (directives, regulations, or related proposals), they must be attached to the minutes of the meeting at which they have been adopted. If, on the other hand, they relate to decisions pertinent to individual States or organisations, translation is limited only to the languages of reference of those concerned.

The Court of Justice (CJ) may, as seen above, opt for its own language arrangements, according to Article 7 of Regulation no. 1/1958. In Article 36 of its Rules of Procedure (Court of Justice 2012), all the official languages of the EU are recognised as languages of a case and, subject to certain provisions set out in Article 37, the language of a case is chosen by the applicant, as follows:

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[33] See European Parliament 2013.

[34] This label is purely unofficial, given that it is not included in any of the Treaties, which only cite "official languages" and "working languages"; nor is this term to be found in the European Commission's Rules of Procedure. "Procedural languages" are frequently confused, in everyday speech, with "working languages", but there is a clear difference between the two categories: according to the Treaties, all "official languages" are *ipso facto* "working languages" while, by the term "procedural languages", the Commission means three specific languages, English, French and German, even though this distinction may appear to contradict Article 1 of Regulation no. 1/1958. This choice has been fiercely criticised in recent years by several linguists all over Europe: see for example the criticisms levelled by Sabatini 2005 and Weinrich 2005 concerning the exclusion of Italian from procedural languages.

> Where the defendant is a Member State, the language of the case shall be the official language of that State; where that State has more than one official language, the applicant may choose between them.

Moreover,

> At the joint request of the parties, the use of another of the languages mentioned in Article 36 for all or part of the proceedings may be authorised.

Article 38 of the same Rules of Procedure prescribes the manner in which the language of the case should be used, particularly in the following situations:

> The language of the case shall in particular be used in the written and oral pleadings of the parties, including the items and documents produced or annexed to them, and also in the minutes and decisions of the Court.

The same paragraph also affirms that:

> Any item or document produced or annexed that is expressed in another language must be accompanied by a translation into the language of the case. However, in the case of substantial items or lengthy documents, translations may be confined to extracts. At any time the Court may, of its own motion or at the request of one of the parties, call for a complete or fuller translation.

Lastly, the seventh paragraph of the above article provides that in situations

> where a witness or expert states that he is unable adequately to express himself in one of the languages referred to in Article 36, the Court may authorise him to give his evidence in another language,

while "the Registrar shall arrange for translation into the language of the case".

In practice, the working language of CJ judges remains French: internal communications between judges, minutes of hearings, and conclusions are all drafted in French, and French is also taken to be the *lingua franca* when it comes to decisions of the Court. [35]

The European Economic and Social Committee (EESC), a consultative body created by the Treaty of Rome, is made up of 353 members representing the main professional and trade organisations of the Member States, appointed by the Council of the European Union at the proposal of the governments of the respective Member States. Like MEPs, EESC Members, who draw up opinions on the majority of legislative proposals put forward by the European Commission and on other matters of EU interest, mainly work in their own languages.

The Rules of Procedure of the EESC include no measures concerning the use of languages within the institution. Given, however, that its members come from all over the EU and are not appointed on the basis of their language knowledge, it is not possible to rule out *a priori* the use of any language as a working language. Here too problems are solved by sticking to common-sense solutions. In other words, the choice

[35] See G. Gallo (2005), "La lingua italiana nei testi della Corte di Giustizia delle Comunità europee", in *Atti dell'incontro "Una rete di eccellenza dell'italiano istituzionale?"*, Bruxelles, 23 novembre 2005.

of working languages within an individual study group (namely, the group responsible for drafting the opinions of the Committee) is not determined by how widely known certain working languages are or how well they may serve as vehicular languages (though it is quite rare for French or English not to be among these), but rather by the rational need to allow the study group to communicate fluidly. For instance, a study group made up of an Italian rapporteur (the member who prepares the opinion), a German president and six other members, two of whom are Finnish, one British, one Irish and two Italian, would adopt Italian, German, English (also used by the Irish member) and Finnish as their working languages. Active and passive interpretation in these four languages would also be provided. When draft opinions get past the study-group stage and move closer towards being adopted at the EESC Plenary Session, documents are systematically translated into all official EU languages, as are the amendments put forward in relation to the opinions.

The EESC's younger neighbour and fellow consultative body, the Commitee of the Regions (CoR), has similar work practices and has, since its creation in 1994, shared a Translation Service with the Economic and Social Committee along with a series of other "Joint Services". The CoR is an EU assembly made up of 353 elected representatives of the local and regional administrations of Member States, appointed by the Council of the European Union. CoR members therefore have a representative mandate in their respective constituencies and carry out their duties for the most part in their own native tongue.

Lastly, the European Central Bank, the European Investment Bank, and the Court of Auditors adhere to language arrangements that generally remain within the bounds of English and French. German retains the status of procedural language, but in reality is employed much less than the others.

1.4 The impact of multilingualism on translation

The political and institutional set-up of the European Union is based on the theoretical assumption that all regulatory texts are collectively *drafted in* rather than *translated into* all 24 official languages. As a consequence, it would not seem right, when speaking about regulatory acts of primary law, to cite one original source language and 23 target languages, given that the process of translation is not recognised within EU legislative procedures.[36] The preferred term for the above practice is in fact "co-drafting", which means a joint and simultaneous preparation of 24 language versions resulting in original texts for each. This is a legislative practice typically employed in States that have more than one official language, such as Switzerland, Belgium and Canada. The latter, in particular, exemplifies perhaps the most advanced model of co-drafting, where the English and French versions are first drafted in

[36] In analysing the role of translation in monolingual societies, Lambert's (1996) discussion of the camouflaging of translation in the legislative process is timely and pertinent. In his view, though translation may be omnipresent in the day-to-day life of contemporary societies, it is omitted from institutional discourse so as to place maximum emphasis on the result, that is, the legal text. In this way, not only is any allusion to the "translated" source of a legal text avoided, but any trace of the translation process is made entirely invisible as well.

parallel, a phase which is then followed up by reworking and reciprocal adjustment. In reference to the Canadian situation, Gallas observes that

> being "thought out" in each of the two languages right from the start gives room for greater clarity in both texts, since their language will not be subject to the constraints that are frequently inherent in translation and which often force compromises in the target language, so as neither to deviate too much from the message that is central to the source text nor to limit any eventual ambiguities found in the latter to a single solution. [37]

In the case of the European Union, if no procedural device, such as the co-drafting principle, existed, there would be a risk in terms of legal effect that one version might be assumed to prevail over others based simply on the order in which the various language versions have been prepared. In other words if one version is ready before others, then it might be deemed to be the most authentic among them. Conversely, there has to be a tacit acceptance that each language version possesses the same degree of authenticity in terms of international law. On this point, Scarpa makes reference to Sager's model of types of translation, [38] classing the translation of EU legislative texts as translation between documents that have *equal effect*, where both the source and target text have the same function and status, such that one cannot be described as the translation of another. [39]

What results is a theoretical conflict which merits discussion. On the one hand, the argument for *equal effect* among all language versions is occasionally questioned by scholars of EU law who suggest that it is nothing short of legal fiction, in other words, that it is difficult to negate the existence of an original source text which, when necessary, may be referred to when clarification of the meaning of certain points is required. Nystedt's observations stand out among those that assess the legal-linguistic complexities of the above issue:

> The fact is that EU law is equal for everyone. Therefore, the legal acts of its institutions must be published in all official languages, with all language versions having equal status. We should not be under any illusion, however: though texts produced in different languages are deemed "versions" rather than "translations", translations they are, and not always produced in the best working conditions. [40]

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[37] T. Gallas (1999), "Coredazione e traduzione giuridica nelle legislazione multilingue, in particolare quella comunitaria", in *La traduzione. Saggi e documenti*, IV, Ministero per i beni culturali e ambientali, Divisione Editoria, Roma, p. 135-147 (p. 137).

[38] F. Scarpa (2001a), *La traduzione specializzata. Lingue speciali e mediazione linguistica*, Hoepli, Milano, p. 89; J. C. Sager (1998), "What distinguishes major types of translation?", *The Translator*, IV, 1, p. 69-89 (p. 77-78).

[39] On the dichotomy between translation and co-drafting, see also Doczekalska (2009), p. 116 and Koskinen (2008), p. 24-25

[40] J. Nystedt (1999b), "L'italiano che si scrive a Bruxelles", *Italiano e oltre*, XIV, La Nuova Italia, Firenze, p. 198-206 (p. 200).

Braselmann more adamantly claims that an original version must exist:[41] consequently, all other versions can only be translations derived from this source text, and thus without impact at the interpretive level.[42]

From another perspective, those who have first-hand experience of co-drafting EU laws maintain that a final draft is but the sum of many parts: the piecing together of passages, corrections, suggestions, and amendments written in several languages. Ultimately, the document may frequently be drafted in a language that is not the native tongue of the person composing the text. It should be recalled that in order to facilitate fluid understanding, practically all those holding EU administrative posts are obliged to work mainly through English or French. According to Gallas, who presided over the working group charged with finalising the definitive version of the Maastricht Treaty, under these conditions it is impossible to say that an original text expresses what the legislator intended more directly and with more precision.[43] Indeed, at the same time neither can it be claimed with certainty that a translation cannot be clearer than the original.

We are dealing here with two inflexibly divergent stances the impact of which is not limited to the question of legality. Even when the issue of agreement between language versions is addressed from the perspective of translation criticism, the methodological approach will vary dramatically depending on whether a system based on co-drafting or translation is adopted. In the case of the former, agreement will have to be sought simultaneously in all authentic texts, while in the latter this will apply to the original source text. This is by no means a purely theoretical issue and indeed the situation that arises can lead to some peculiar effects on practice. As for the endless debate on the role of translation in European Union decision-making processes, there is one point in particular that stands out as a paradox: that is, while in the day-to-day running of the institutions it might seem impossible to imagine a Europe without translators, when it comes to legal doctrine the contribution of translation in the EU decision-making process is pretty much invisible.[44] The reality is that many EU documents (the EU Treaties represent a good example) do not, strictly speaking, derive from one original source: translators and lawyer-linguists work on rough drafts that result from a number of intergovernmental discussions, which are then gradually

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[41] P. Braselmann (1992), "Übernationales Recht und Mehrsprachigkeit. Linguistiche Überlegungen zu Sprachproblemen in EuGH-Urteilen", *Europarecht*, Heft 1, p. 55-74 (p. 55).

[42] Among the authors who implicitly subscribe to this approach, see the following: C. Schäffner & B. Adab (1995), "Translation as intercultural communication – Contact as conflict", in M. Snell-Hornby, Z. Jettmarová, K. Kaindl (eds), *Translation as Intercultural Communication*, Selected Papers from the EST Congress (Prague 1995), John Benjamins, Amsterdam/Philadelphia, p. 325-337; and A. Trosborg (1997), "Translating hybrid political texts", in A. Trosborg (ed.), *Text Typology and Translation*, John Benjamins, Amsterdam/Philadelphia, p. 145-158.

[43] T. Gallas (1994), "L'écriture d'un accord plurilingue: un exercice difficile", in F. Massart (ed.), *L'Europe prédite. La signification des mots*, Academia, Louvain-La-Neuve, p. 113-116 (p. 114).

[44] See D. C. Astorri (1999), "Sul tema del multilinguismo", *Terminologie et Traduction*, 2, Commission des Communautés européennes, Bruxelles, p. 8.

amended alongside the development of the final document all the while in consultation with the different national governments involved. However, this does not rule out the possibility, at times, of there being one or more original languages at the beginning of a document's evolution; in other words those languages in which negotiations have been held and in which subsequent amendments have been put forward. Diplomatic disputes and skirmishes over the uniformity of official versions can, in fact, often be traced back to the inaccurate interpretation or transposition of an expression located in the version that serves as the base text at that particular stage in the drafting process.

All EU Regulations, Directives and Decisions are, as previously stated, adopted in 24 language versions and are all, under Regulation no. 1/1958 (see preceding sections), deemed equivalent in terms of their legal authority and authenticity. Gallas highlights the fact that

> there are by no means eleven parallel items of legislation. The provision of law is unique as is the code through which the message travels. It is incorrect to consider each language as a code in itself, because the impulse of the EU lawmaker is transmitted by the combination of different languages. Accordingly, in the event of a shortcoming in one of the language channels, the other language versions will be relied upon to ensure that the message in its entirety can be conveyed (...). [45]

This does not, however, impair the validity of individual legislative acts which, notwithstanding the multiplicity of existing language versions, must fully express the message of EU lawmakers in each official language. The notion of direct applicability, discussed above, should also be recalled: such a principle dictates that it is essential for citizens to be made aware of EU laws first-hand and in a direct manner, in other words in their own native language.

The practice of multilingual drafting presents a number of obvious disadvantages which will be taken into consideration in the following chapters and which have been not only a subject of interest but also a cause of bewilderment right since the earliest days of European integration. Vesco cites Advocate General Lagrange who, even as far back as 1962, had doubts about linguistic agreement among the four language versions existing at the time – Dutch, French, German and Italian – for Article 85, first paragraph, of the Treaty Establishing the European Economic Community, as follows: [46]

> Onverenigbaar met de gemeenschappelijke markt en verboden zijn alle overeenkomsten tussen ondernemingen, alle besluiten van ondernemersverenigingen en alle onderling afgestemde feitelijke gedragingen welke de handel tussen lidstaten **ongunstig** kunnen **beïnvloeden** en ertoe strekken of ten gevolge hebben dat de mededinging binnen de gemeenschappelijke markt wordt verhinderd, beperkt of vervalst (...).
>
> Sont incompatibles avec le marché commun et interdits tous accords entre entreprises, toutes décisions d'associations d'entreprises et toutes pratiques concertées, qui sont susceptibles d'**affecter** le commerce entre Etats membres et qui ont pour

[45] Gallas 1999, p. 135.

[46] This article corresponds with the current Article 101 of the Treaty on the Functioning of the European Union (2012 consolidated version). [bold added by author]

> objet ou pour effet d'empêcher, de restreindre ou de fausser le jeu de la concurrence à l'intérieur du marché commun (...).
>
> Mit dem Gemeinsamen Markt unvereinbar und verboten sind alle Vereinbarungen zwischen Unternehmen, Beschlüsse von Unternehmensvereinigungen und aufeinander abgestimmte Verhaltensweisen, welche den Handel zwischen Mitgliedstaaten zu **beeinträchtigen** geeignet sind und eine Verhinderung, Einschränkung oder Verfälschung des Wettbewerbs innerhalb des Gemeinsamen Marktes bezwecken oder bewirken (...).
>
> Sono incompatibili con il mercato comune e vietati tutti gli accordi tra imprese, tutte le decisioni di associazioni di imprese e tutte le pratiche concordate che possano **pregiudicare** il commercio tra Stati membri e che abbiano per oggetto o per effetto di impedire, restringere o falsare il gioco della concorrenza all'interno del mercato comune.

Lagrange expressed the following concerns:

> (...) perceptible nuances exist in the terms employed in the other languages: in Italian 'pregiudicare' is scarcely more pejorative than 'affecter'; in German, 'beeinträchtigen' seems to connote a more unfavourable effect, while in the Dutch text we find 'ongunstig beinvloeden' which means to exercise an unfavourable influence. [47]

Vesco surmises that such difficulties in the interpretation of a text, which originate in drafting and translation inconsistencies, could in theory be eliminated by adopting one of the official languages as the sole language of reference. In the famous *Stauder v. City of Ulm* case, however, the Court of Justice found that

> (...) when a single decision is addressed to all the Member States the necessity for uniform application and accordingly for uniform interpretation makes it impossible to consider one version of the text in isolation but requires that it be interpreted on the basis of both the real intention of its author and the aim it seeks to achieve, in the light in particular of the versions in all four languages. [48]

Interpreting the provision of law is often hindered by ambiguity and linguistic disparities which are practically impossible to reconcile, given the frequent multiple meanings of the terms employed and the grammatical and morphosyntactic specificity of different versions. Legal interpretation cannot therefore be confined to a straightforward reading, but must necessarily be approached teleologically according to the general sense of the regulation. [49] Jacobs sums up:

> The very existence of many language versions is a further reason for not adopting an excessively literal approach to the interpretation of Community provisions, and for putting greater weight on the context and general scheme of the provisions and on their object and purpose. [50]

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[47] E. Vesco (1999), "Metodo d'interpretazione delle sentenze della Corte di giustizia", in *La traduzione. Saggi e documenti*, IV, Ministero per i beni culturali e ambientali, Divisione Editoria, Roma, p. 173-180 (p. 173).

[48] CJ, 12 November 1969, *Erich Stauder v. City of Ulm-Sozialamt*, 29/69.

[49] For a thorough discussion on the interpretative methods of the European Court of Justice, see Derlén 2009, p. 36-58, and Comba 2010, p. 13-55.

[50] Opinion of Mr Advocate General Jacobs delivered on 10 July 1997, Case C-338/95.

European Union law speaks with one voice on this issue as well:

> It is not sufficient for the Court to adopt a literal interpretation and the Court considers it necessary to examine the question of whether or not this interpretation is confirmed by other criteria concerning, in particular, the common intention of the High Contracting Parties and the *ratio legis*. [51]

The attention devoted by both the Court of Justice and the General Court to the question of agreement between different language versions perhaps embodies the most convincing message that multilingualism is not a mere theoretical measure geared towards according equal status to all the official languages. [52] Rather, it is a dynamic practice that has a concrete impact on the life of every EU citizen. Assuring the right for all to speak their own language is tantamount to guaranteeing each individual's status as an EU citizen, with all the rights and obligations that this entails. [53] Most of all it helps foster a sense of belonging to a group of countries sharing similar values in which every person lives and participates under equal conditions. It would therefore be inconceivable that linguistic diversity, a genuine cornerstone of the EU's architecture, could be diluted by the successive enlargements of the Union, precisely because it is a prerequisite. Instead, as we have seen in the preceding pages, there are in reality two types of multilingualism: *de jure* multilingualism, endorsed in Regulation no. 1/1958 and implemented through the incontrovertible right of EU citizens to respect for their cultural identity, and *de facto* multilingualism, which is based on practical considerations related to EU institutional working methods. While the first is unchangeable for the reasons outlined above, the second, as we have seen, has on several occasions been the subject of rationalising measures motivated by practical purposes. As expected, *de facto* multilingualism also underwent further transformation as a result of the unprecedented scale of the political processes that accompanied EU enlargements in 2004 and 2007.

[51] CJ, 16 December 1960, *Jean-E. Humblet v. Belgian State*, 6/60.

[52] For a bibliography of judgments related to the question of disparity between different language versions inherent in a given EU law rendered by the Court of Justice and the General Court, see F. Peyrò (1999), "Le 'qui-dit-quoi' de l'acquis communautaire", *Terminologie et Traduction*, 2, Commission des Communautés européennes, Bruxelles, p. 52-75 (footnote 5).

[53] See Article 24 (ex Article 21 TEC), fourth paragraph, of the TFEU (2012 consolidated version).

Appendix. Regulation no. 1, 15 April 1958 determining the languages to be used by the European Economic Community [54]

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to Article 217 of the Treaty which provides that the rules governing the languages of the institutions of the Community shall, without prejudice to the provisions contained in the rules of procedure of the Court of Justice, be determined by the Council, acting unanimously;
Whereas each of the four languages in which the Treaty is drafted is recognised as an official language in one or more of the Member States of the Community;

HAS ADOPTED THIS REGULATION:

Article 1

The official languages and the working languages of the institutions of the Union shall be Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish.

Article 2

Documents which a Member State or a person subject to the jurisdiction of a Member State sends to institutions of the Community may be drafted in any one of the official languages selected by the sender. The reply shall be drafted in the same language.

Article 3

Documents which an institution of the Community sends to a Member State or to a person subject to the jurisdiction of a Member State shall be drafted in the language of such State.

Article 4

Regulations and other documents of general application shall be drafted in the official languages.

Article 5

The Official Journal of the European Union shall be published in the official languages.

Article 6

The institutions of the Community may stipulate in their rules of procedure which of the languages are to be used in specific cases.

Article 7

The languages to be used in the proceedings of the Court of Justice shall be laid down in its rules of procedure.

[54] EEC Council: Regulation no. 1 determining the languages to be used by the European Economic Community [*OJ*, no. 17, 6 October 1958, p. 385] (consolidated version, 1 July 2013).

Article 8

If a Member State has more than one official language, the language to be used shall, at the request of such State, be governed by the general rules of its law.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

PART I

The language of European Union documents

Le parole sono di tutti e invano
si celano nei dizionari
perché c'è sempre il marrano
che dissotterra i tartufi
più puzzolenti e più rari.

E. Montale, Satura

Kannst du mir vielleicht ein wenig bekanntes Wort mit "Inter" sagen?" bat er und zählte mit nachhelfendem Kopfnicken auf: "Interessant, interministeriell, international, interkurrent, intermediär, Interpellation, interdiziert, intern und einiges andere kenne ich; das kannst du nämlich bei uns am Buffet des Generalstabstrakts jetzt häufiger hören als das Wort Würstel. Aber wenn ich mit einem ganz neuen Wort ankäme, könnte ich darum Aufsehen machen!

R. Musil, Der Mann ohne Eigenschaften

2

The lexical dimension

2.1 New language issues in a united Europe

Though, in most cases, the lives of some 500 million EU citizens unfold within the boundaries of their respective Member States, they appear to be increasingly affected by conditions set at the supranational level and are also subject to dramatic changes, such as the transition in many Member States from national currencies to the Euro in January 2002. The participatory nature of the EU political experience has had, however, and continues to have a resounding impact on the role of languages and it would not be inaccurate to suggest that alongside all the intense institutional activities lies an equally dynamic process of lexical innovation. In all of the official languages, the actions of the EU bodies seem to be hinged on two distinct levels of expression: one is the informal level, a colloquial and media-friendly language used in reflecting the daily workings of the European Union; and the other is the formal level, consisting of the language of official documents pertaining to the EU institutions.

In the last chapter we noted that language is a very sensitive issue given the implications for a nation's sense of cohesion and identity. Indeed, it would appear that all Member States express deep concerns when it comes to language use in the EU context, as can be seen from a survey conducted in the early 1990s by Born and Schütte in several European newspapers.[1] The reservations that came to light as a result of the two German scholars' research take many, sometimes even contradictory, forms:

[1] Born and Schütte 1995, p. 7-20.

- The need for a plain EU language that is accessible to all its citizens; [2]
- Apprehension about "overdoing" EU multilingualism, frequently symbolised in the clichéd metaphor of the Tower of Babel; [3]
- The (more or less) covert question of linguistic supremacy in a supranational political context; [4]
- Claims for legitimising the use of minority languages; [5]
- Claims for raising the status of the most widely-used languages; [6]
- Alarm expressed over the progressive uniformisation of language to the detriment of linguistic variety in native tongues, whereby the Babel paradigm acquires positive connotations. [7]

Not only do the issues brought to the fore by Born and Schütte remain highly relevant, but they take on still greater significance in the light of EU enlargement to the East, which has thrown up further anxieties, left untackled by the two German scholars, connected with the most recent political developments. The various facets of the EU language issue, presented here schematically as an introduction, will be explored in the present and following chapters and in the conclusion.

2.1.1 "Eurospeak": Slang or Language for Specific Purposes ("LSP")?

The brief overview which concludes the last section outlines the different sentiments, expressed at the national level, on the relationship between the EU institutions and Member State languages. Most of all it illustrates the variety and complexity of issues connected to language use in a supranational political sphere. In particular, despite the harmonisation of various aspects of national legislation as a result of the implementation of EU laws, applied in near-uniform fashion across all

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[2] "Europe needs plain English", *Daily Mail*, 14 November 1991.

[3] "Le casse-tête des langues" ("The Puzzle of Languages"), *Le Monde Diplomatique*, February 1993; "A Modern Tower of Babel", *Newsweek*, 13 March 1989.

[4] "Question allemande et question française" ("German Issue and French Issue"), *La Croix*, 9 January 1992.

[5] "Duitse regering verwikkeld in taalstrijd met EG-Kommissie" ("The Dutch Government Involved in a Language Strife with the European Commission"), *De Standaard*, 27 February 1992; "Dansk er i fare" ("Danish Is In Danger"), *Politiken*, 1 June 1992.

[6] Particularly fierce is the battle being fought by the Berlin authorities to enhance the learning and use of German among EU officials and impose it as a third *lingua franca* after English and French. Debate on the subject arouses interest even among the German public, as shown by the following titles: "Eurokraten sollen deutsch sprechen" ("Eurocrats have to speak German"), *Badische Zeitung*, 9 January 1992; "Die EG mag kein Deutsch" ("The EC does not like German"), *Kölnische Rundschau*, 18 September 1990; "Deutsch benachteiligt" ("German is discriminated against"), *Münchner Merkur*, 10 June 1989; "Sorge um Gewicht der deutschen Sprache" ("Concerns over the weight of the German language"), *Deutsche Tagespost*, 23 January 1990.

[7] "La herencia de Babel en peligro" ("Babel's Legacy in Danger"), *El País*, 12 November 1992. This stance is shared by Lambert (1989, cit. in Mori 2002, p. 3), according to whom the European Union only apparently protects the European linguistic mosaic, since it indirectly promotes – not least through translation – the uniformisation of the various language situations and national policies.

the Member States, criticism of the Union is still widespread, pointing to the added confusion and complications caused to those who are, in one way or another, subject to the constraints of EU law. One area that receives frequent criticism is the use – for each of the 24 official languages – of an idiolect (a language variety specific to a person or group of people) peculiar to the EU institutions. This idiolect has been given a variety of epithets:[8] those coined by English speakers include "Eurojargon", "Eurocratese" or "Eurospeak", the latter a sarcastic reference to George Orwell's "Newspeak"; the French call it *eurobabillage* or *eurojargon*; the Germans use *Eurowelsch* or *Eurokauderwelsch*; while the Italians refer to a *euroletto*, *eurocratese* or *comunitarese*. What these labels have in common is their pejorative tone, which would seem to allude to the nebulous and impenetrable character of EU language. Unsurprisingly, official EU documents are often accused of failing to reflect the models of the language spoken and written in the different Member States, of seeming like badly executed translations, and of being excessively contaminated by lexical characteristics belonging to the most widely-used EU languages. A good proportion of public opinion across the EU would suggest that the language of official documents produced by its institutions denotes a sphere detached from its citizens, who can but appreciate this language as yet another variety no better than those employed by their respective national bureaucracies.

The innovative quality of EU institutional language use is closely linked to the political and legal character of the Union. In his volume on language for specialist purposes, Gotti stresses the intimate connection that exists between the epistemological apparatus of a given discipline and the formulation of its language.[9] The same is true for the creation and use of a specific lexicon pertaining to EU documents, which is dictated above all by the basic need to name things and justified by the unprecedented nature of the structures and legal procedures of the EU institutions. Given that these structures and procedures are generally created *ex novo*, there is not always a corresponding term or concept in all of the 24 official languages, nor indeed in the praxis of all 28 Member States, and it is therefore necessary to compensate for this deficit in order to be able to express everything that comes under the EU's sphere of influence.

"Eurospeak" has traditionally been a subject of only passing interest for scholars, but in the last few years has gained the attention of more significant studies in linguistics. However, even within the European institutions there is some confusion over its nature: while the *Guide for the Italian translation service of the European Commission* (1992, p. 88) refers to it as a "specialised language with a value and semantic features of its own", in the Council Resolution of 8 June 1993, concerning the textual quality of EU legislation, one reads (in point 1) that in the drafting of European Union texts, efforts should be made to avoid "Community jargon". While the point is not developed further, this final Council recommendation would seem to lead to two conclusions:

[8] Goffin 1997b, p. 63.

[9] Gotti 1991, p. XI.

1. that problems related to the comprehensibility of EU texts are frequently caused by use of jargon, in other words expressions that are only understandable to those on the inside;
2. and that, as a consequence, alternatives to EU jargon do exist, and the concepts pertaining to the actitivities of the European Institutions could be expressed, where necessary, with more simplicity and clarity so that they are more readily accessible to citizens.

All the same, claiming that EU language is akin to jargon oversimplifies the question. Beccaria makes this point in his study of specialised discourse: [10]

> A specialist will use technical words, terminology that may be hard to fathom but which is appropriate given its use in expressing the expert's thoughts for the benefit of colleagues and others working in the field who can interpret it. If s/he cannot be understood by everyone, it is because s/he speaks of things that are not everyone's concern. Every occupation, every profession has its terms of art (...). Jargon, in contrast, is the use of unfathomable terminology to speak of everyday matters, which could easily be expressed otherwise (if the intention were not to maintain some kind of secrecy or distinction) (...). Jargon words are duplicates, whereas in specialised languages the intended precision of the terms used means that they are, by definition, without synonyms.

The formulation and use of a technical or specialised language is certainly not, in itself, to be considered something negative and is, in fact, an inevitability for the reasons pointed out by Beccaria. In the production of EU legislation, as mentioned above, resorting to an endogenous language can be justified by the novel quality that characterises both the founding Treaties and the legal procedures that are created at EU level. These do not necessarily have directly corresponding terminology or concepts in all the languages and operational practices across the Member States. Some specialists in European law even maintain that each time a title is attributed to an EU legal instrument it should be entirely original compared to the terminology in use in the Member States, precisely in order to underline the distinction between the laws of the European institutions and those of national jurisdictions. This is, in part, already happening but sometimes public opinion across the 28 Member States appears to express the feeling that the language of EU texts is a sort of code, so much so that in one explanatory handbook written in English we read the following:

> Too often (...) new words are coined for the sheer hell of it, some apparently designed to obscure rather than to explain. [11]

On the other hand, more than one scholar has noted how "Eurospeak" does match those characteristics that are to be found in specialised discourse as it is defined by linguists (Goffin and Nystedt among others). [12] Expanding on this point, Nystedt observes that

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[10] Beccaria 1973, p. 34-35.

[11] Crampton 1989, p. 7.

[12] Goffin 1997b, *passim*, and Nystedt 1999b, p. 205.

> it is not a "mono-specialist" language we are talking about but, rather, a "triple-specialist" one, since it embraces three areas of specialism: EU affairs, the legal domain, and specific areas of expertise pertaining to the different documents that are dealt with. [13]

Having established, albeit intuitively, that the language employed in the EU institutions is not jargon but, indeed, a specialised language, the next logical step is to measure exactly to what extent it reflects the features typical of such languages. To do so, it is useful to refer to those general characteristics that Gotti cites – not without some reservations – from Hoffmann, that is: [14]

1. accuracy, simplicity and clarity;
2. objectivity;
3. abstractness;
4. generalisation;
5. density of information;
6. brevity or laconism;
7. emotional neutrality;
8. unambiguousness;
9. impersonality;
10. logical consistency;
11. use of defined technical terms, symbols and figures.

Though the taxonomy illustrated here may not – by Gotti's own admission – be entirely satisfactory, either in its lay-out or in some of the labels used, it does nonetheless cover the general categories on which scholars of specialised discourse have reached almost total agreement. Measuring the idiolect of the EU institutions against these characteristics, it is hard not to agree with Nystedt's observation that the series of features proposed by Hoffmann/Gotti at the very least appear "utopian". [15] It is difficult, however, to fully agree with suggestions that some criteria (objectivity, emotional neutrality) can be easily recognised in EU texts, while others (simplicity, clarity, brevity, laconism) seem to be entirely absent. Such a remark fails to take into account the impossible task of reducing the vast array of documents produced by the EU institutions down to a single model with its own inherent features. It is obvious that no official text can contain all the pragmatic criteria that have been listed for specialised discourse, but given the multiplicity of EU textual genres and the varied and differing circumstances that impact on their production, it is not too much of a challenge to identify individual texts that do illustrate at least one of the characteristics outlined above. This point can be better illustrated by looking at a couple of examples: the question of simplicity and clarity – or, rather, their absence – in EU documents is a genuine problem (see section 3.1 and after), but this does not mean that it can

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[13] Nystedt 1999b, p. 205.

[14] Gotti 1991, p. 13. Gotti's criticisms concern in particular the apparent repetitiveness of certain categories (e.g. clarity and unambiguousness), as well as the difficulty of reconciling some of the criteria (for example, those of accuracy and simplicity, both included in the first category).

[15] Nystedt 1999b, p. 205.

be said of all texts pertaining to EU primary law. On the whole, and except in a few isolated cases, it can be observed that the founding treaties of the Union demonstrate a close adherence to good drafting practice. Consider the following two passages: the first is taken from the Treaty on the European Union (2002 consolidated version), and is therefore of a general nature, while the second comes from an older version of the Financial Regulation, [16] and is thus an illustration of a more specialist genre:

> Article 14
>
> 1. The Council shall adopt joint actions. Joint actions shall address specific situations where operational action by the Union is deemed to be required. They shall lay down their objectives, scope, the means to be made available to the Union, if necessary their duration, and the conditions for their implementation. [17]

> Article 19
>
> 4. Each section of the budget, and parts A and B of the Commission section, may include a chapter for "provisional appropriations" and a "contingency reserve" chapter. The appropriations entered in these chapters may be used only by means of transfer in accordance with the procedures laid down in Article 26.

In the second example, difficulties in understanding may arise due to the use of a technical language with which most members of the general public are not familiar, but which is nonetheless necessary in order to operate with clarity on an issue that is as sensitive and technically complex as the EU budget. Compliance with the criterion of simplicity is practically impossible to achieve here, not so much because of questions related to text and format, but because the issue itself does not lend itself to oversimplification or being rendered more accessible. If, however, one is versed in the terminology – and in any case, we are looking at expressions whose meaning can easily be deduced via the context – the text does at least appear to adhere to the criterion of clarity. Much the same can be said for the two characteristics, brevity and laconism, not obvious in the second passage but which do, on the other hand, seem to feature in the first example.

It is difficult, ultimately, to see "Eurocratese" as fully complying with all the criteria that make a language a specialised one. To make overarching statements on the issue is therefore pointless, given the great heterogeneity of EU documents in terms of text types (see section 5.2), the circumstances which dictate their drafting, and – perhaps most of all – the very nature of these texts in their original or translated form. Nevertheless, and without wishing to be reductive, it seems clear that "Eurospeak" should not be perceived as an inward-looking jargon with the sole end of seeming unintelligible to those not versed in it, but rather as a linguistic subsystem with its own *raison d'être*, its own history and daily existence that all give it character and shape, as well as a dignity won "on the field" and in the context of the political developments of the Union.

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[16] Council Regulation (Euratom, ECSC, EEC) no. 610/90 of 13 March 1990 amending the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities (*OJ*, no. L 70/1, 16 March 1990).

[17] All reference details to the examples can be found in the bibliography.

2.2 The genesis of EU lexicon

In current English vocabulary, and, indeed, in many other EU languages, it is already quite frequent to hear expressions and terms used that are connected both with the respective countries' status as Member States of the European Union and with everyday matters. Just some examples include: "to go on Erasmus", "Schengen area", "single currency" or "milk quotas". It is only natural that the creation of new EU-based terminology has, over the years, marked each stage of the European integration process since the outset. With the Treaties of Rome of 1957, which form the fundamental legal basis of the Union, several expressions were coined relating to such delicate political sectors as agriculture and competition: terms like "common customs tariff", "agricultural levies", "own resources" and "abuse of dominant position". In the second founding text of EU primary law, the Single European Act of 1987, the following terms would be employed for the first time: "internal market", "subsidiarity principle", "comitology", "white paper", "cost of non-Europe", "mutual recognition" and "economic and social cohesion". In 1992, the Treaties of Rome underwent a third significant transformation with the Treaty on European Union, commonly referred to as the Maastricht Treaty. This important document of EU primary law would also contribute to the growing EU lexicon with expressions like "European Central Bank", "European citizenship", "sustainable development", "single currency" and "codecision procedure". With the adoption of the Amsterdam Treaty of 1997 and the Treaty of Lisbon in 2009, expressions such as "Citizens' Europe", "employment guidelines", "candidate countries" and "eurozone" were coined.

Today, terms and expressions corresponding to the most recent EU policies and objectives are finding their way into drafted texts. The Anglicism "governance" (see section 2.3.1), for example, often refers to the desire to encourage more participation from citizens in the political life of the Union and the corollary need, therefore, of bolstering the powers of those administrative bodies that are closest to the citizens, namely the regions and other local authorities. Other expressions, along the same lines, are now commonplace: "democratic deficit" is used to denote an absence of contact between citizens and institutions, while the opposite state is "closeness to citizens". "Europe of the regions" underscores the idea of a Europe understood not as a collection of nation states but, rather, as the bearer of legislative developments proposed by individual regions, in other words, "regions with legislative powers". Finally, the "constitutionalisation of the Treaties" or "constitutionalisation of the European Union" both refer to the process aiming to give a constitutional charter to a united Europe.

Over the years, the language of the European Union has been enriched to a considerable degree. However, unlike fields where linguistic innovation is continuous, in Information and Communication Technologies for instance, with the evolution of EU terminology it is difficult to argue that the result has been a proliferation of neologisms. There are, in fact, very few lexical elements that can be defined as entirely new with regard to standard language. This is because the expressions chosen to name the situations and founding texts of EU law that have been progressively produced can usually be traced to existing terms that have been innovatively adapted or applied to concepts in accordance with the lexical structures of individual languages.

2.2.1 Changes in meaning: semantic neologisms and combinatorial neologisms

The process of lexical creation that can be seen taking place most often in EU documents is what could be termed generically as "changing of meaning", in other words, the gaining of new semantic meaning. This occurs when the EU lexicon incorporates an individual term or series of words that already exist in the vocabulary of one language, adapting their meaning to serve the purposes of EU law and thus enriching their semantic content. This type of lexical creation can be further subdivided into two categories, depending on whether the broadening of meaning pertains to one single term or to a more complex lexical unit.

Semantic neologisms are those terms in which a deviation or distancing from the original meaning can be noted. Several of the most important terms used in EU law fall into this category: "directive", "regulation", "decision", "recommendation", "opinion", "subsidiarity", "(budget) stabiliser" and "approximation (of policies)". In many cases, those words that have been assimilated into the EU lexicon started out with a more general meaning which has been rendered more precise in their adaptation to the descriptive needs of EU law. A good example of this can be found in the term "directive" which, in its original sense, means an official order or instruction. In EU language, however, the term has taken on the much more precise meaning of legal provision, which sets overarching objectives to be followed by Member States who retain the powers to decide with which tools they can best achieve them. The same can be said for the term "regulation" which, before it came to be known as an EU legal provision that is binding in nature and directly applicable in the Member States, existed in general vocabulary as a term meaning a collection of rules (see expressions like "school regulation", "social regulation", "building regulations"). "Approximation", in general terms, means just that, "to come near", but in EU legal language it denotes another fundamental concept, in other words, the overcoming of differences between national legislations in a specific legal domain. Some expressions are adopted from other specialised languages but in their transposition into EU terminology they lose their original technical characteristics to take on a totally new significance. Take, for instance, "stabiliser", remoulded from the language of electronics into a term used to describe a legal instrument designed to help reduce the production of agricultural surpluses. The same is true for the term "subsidiarity", a concept initially given to us by Catholic social doctrine and already widely used in some Member States' legal contexts to indicate the need for different levels of punishment to correspond with crimes of differing gravity.[18] Today this term has become a key concept in EU law

[18] The principle of subsidiarity was detailed for the first time in the encyclical of Pope Pius XI, *Quadragesimo Anno* (1931), paragraph 80 of which reads: "The supreme authority of the State ought, therefore, to let subordinate groups handle matters and concerns of lesser importance, which would otherwise dissipate its efforts greatly. Thereby the State will more freely, powerfully, and effectively do all those things that pertain to it alone because it alone can do them: directing, watching, urging, restraining, as occasion requires and necessity demands. Therefore, those in power should be sure that the more perfectly a graduated order is kept among the various associations, in observance of the principle of "subsidiary function,"

and stipulates, in relation to certain specific policy areas, that the European Union can only intervene where the Member State is not in a position to do so by itself.

Combinatorial neologisms (also referred to as collocations) are made up of two or more words joined together to form a fixed expression. Where this occurs, the broadening of the semantic range does not just concern an individual word, but a series of lexical elements that are autonomous in themselves and which take on a new and original meaning, giving life to larger lexical units. This process of word formation takes place so frequently that it is considered a typical feature of EU documents and to date has spawned an infinite number of expressions which have often taken hold even in the public domain outside the EU context. [19] These include: "structural funds", "information society", "sustainable development", "common position", "convergence criteria", "trans-European networks", or others, which are more complex, such as, "free movement of goods", "common market organisation" or "[pre-accession] candidate countries".

2.2.2 Metaphors

All the changes in meaning noted so far have come about thanks to the existing likeness between the original sense and the newly acquired sense, such as in "directive". Sometimes, however, a shift from the literal to a figurative meaning of a word or expression occurs. What happens here is not simply the semantic enrichment of a term but more precisely its use in a metaphorical function. Among the many metaphors that have become part of the EU vocabulary we might cite examples such as "Eurobarometer", used to denote an opinion poll carried out periodically to "take the temperature" of citizens on different topics of EU interest. Another eyecatching metaphor is the "ministerial *troika*", which describes the meetings between the current, former and succeeding presidencies of the Council. More recently, the word *troika* has come to describe the group composed of the European Commission, the European Central Bank (ECB) and the International Monetary Fund (IMF), monitoring the progress of countries within the eurozone which are in danger of default. The French term *conseil jumbo* ("Jumbo Council" in English), meaning the joint sessions of the Ministers of social affairs, economy and finance, follows a similar model. We can conclude this part of the discussion with two colours: green and white, both of which have given rise to several figurative expressions: the adjective "green" is frequently found in terminology used to describe agricultural and environmental policy with terms such as "green accounting", which denotes economic instruments linked to the measures that accompany environmental and energy policies. Another example which merits its own discussion is to be found in the so-called "green papers", like those on commerce or innovation. These concern European Commission documents, distinguishable by the colour of their covers, which establish the fundamental political objectives due for debate before the public. In contrast, "white papers" are documents made up of concrete proposals in a specific policy area: among the most well-known of these are

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the stronger social authority and effectiveness will be, the happier and more prosperous the condition of the State."

[19] Nystedt 2000b, p. 273.

the "white papers" on the completion of the internal market, on growth, competitivity and employment, and on EU "governance".

2.2.3 Derivatives

One of the most common methods of forming new words is through the insertion of prefixes or suffixes. The greatest number of new words that fall into this category, which have increased at an exponential rate in the last few years, are those beginning with the prefix "Euro". Even so, perhaps contrary to popular belief, words that start with "Euro" in actual use in official EU documents are in fact very few (examples include "Euro-partnership", "Euro-infopoints", "Eurobarometer" and "Euro-Mediterranean"), compared with those that feature in the language of the media. Here, the expressions range from those that are well established, like "Eurocrat", "Eurosceptic", "Euro-optimism", "Euro-pessimism" and "Europhobia", to more recent terms: "Euro-tenders", "Euroconference" or "Euroland". This expression was used by the English-language press to denote – not without a degree of sarcasm directed at what it believes to be the haphazard nature of the project – the grouping of Member States adhering to a Monetary Union. In the weeks that followed the introduction of the single currency, in 1999, the above term was such a hit in some languages that it even entered the terminology used in some official EU texts, despite its initial sense being loaded with pejorative connotation. It was not liked, however, and in a timely official note, the *Académie française* railed against the introduction of the neologism, not so much out of a concern for semantic correctness but rather for its feeling that borrowing such a calque from English served no apparent purpose. For want of a more appropriate alternative, drafters and translators nonetheless adopted the term, all the more so because another possible solution, "Euro area" was deemed unacceptable. Indeed it was felt that, due to its similarity to expressions such as "Dollar area" or "Yen area", the term "Euro area", instead of referring to the group of Member States adhering to a single currency, might be taken to mean all the countries of the world that accept the Euro as a monetary unit for conducting international transactions while continuing to use a different currency at home. The problem of finding an alternative to the awkward expression "Euroland" in official documents was temporarily resolved partly thanks to the Italian economist Tommaso Padoa-Schioppa, member of the Board of Governors of the ECB, who, through various articles and public speeches made repeated reference to the "system of the Euro" or "Euro-system". Over time, however, the term that seems to have best established itself is the "eurozone".

Other words that have entered the EU lexicon via prefixes and suffixes besides "Euro" include the following: "comitology" , also referred to as the "committee procedure", referring to the procedures involving given consultative committees composed of national experts; the recently-coined term "post-Maastricht", used adjectivally and mainly in English; and the rather ugly French budgetary term, *surbudgétisation*, which in many other languages is expressed by a derivative, in Dutch: *overbudgettering*, in English: "over-budgetisation", in German: *Überdotierung*, in Portuguese: *sobreorçamentação*, and in Spanish: *sobreestimación*, while in Italian, a circumlocution is used: *dotazione (finanziaria) eccessiva*.

2.2.4 Acronyms

Finally a few words on acronyms, among which are to be found some of the most expressive neologisms in the EU lexicon. The production of acronyms by the EU administrative services takes place on a massive scale, so much so that at times glossaries have had to be compiled especially to deal with them. The most striking examples are without doubt those whose formation leads to the birth of a new term belonging to the same semantic field as its component parts. The best known of these is the previous name given to the single currency, the "Ecu", which, when dismantled, stands for "European currency unit". When contemplated at greater length, however, it recalls an antique coin, the *écu*, *scudo* or *escudo*. Some of the acronyms employed to describe EU programmes do not immediately reveal an abbreviation, but if we take the example "Eureka", besides being the famous cry let out by Archimedes, it is also the abbreviated name for the "European Research Coordination Agency". The name for the "Erasmus" programme is not only a worthy homage to the great Dutch humanist, but also stands – almost perfectly – for the *European Community Action Scheme for the Mobility of University Students*. Another programme which, for a time, covered not only "Erasmus" but all EU education and training programs, was called "Socrates", an elaborate abbreviation standing for "System for Organising Content to Review and Teach Education Subjects". It seems that Ancient Greece has served as a reservoir to supply names for the various EU programmes: after "Eureka" and "Socrates", we find a whole series of similarly sourced acronyms: "Ariane", "Helios", "Daphne", "Echo", "Oracle" and "Poseidon".

2.3 Integrating EU lexicon into standard language

In 1944, some years before the long-standing dream of a united Europe became reality in the Treaties of Rome, Alberto Savinio, brilliant in his craftsmanship with the Italian language, would claim: [20]

> The Italian language has been left some way behind if we think about the constant flow of new things to be named and new feelings to be expressed; so it is only natural that an Italian writer who wishes not to remain confined to purely national intellectual borders, should use foreign terms every time a concept is lacking from the Italian. It is a question of preparing the Europe of the future with every means available.

To understand just how perceptive was Savinio's observation in relation to Italian, we need only be reminded that of all the terms pertaining to European law mentioned up to now not one has been coined independently in the respective EU languages, but are all the result of a development on or adaptation to the lexical forms of each of them. One of the paradoxes of Eurocratese can be seen precisely in the dichotomy, noted in section 2.1.1, between its features as a specialised language and the process by which it is formed. Contrary to what happens with other kinds of specialised discourse, which develop and are spread in an endogenous context, the "Euro-dialect" does not usually originate from a linguistic-theoretical process brought about by native-language speakers, but generally comes out through the translation

[20] Savinio 1975, p. 107.

activity and lexical adaptation carried out within the EU institutions and codified in official texts in all EU languages. There is no choice but to opt for this solution: the EU lexicon covers terrain which is clearly different from that confined within national boundaries thus giving rise to the need for ways of expressing this difference. Given that not everything can be expressed on the basis of existing terminology, the most widely-used working languages of the Union are frequently used as models on which to try out new terms and expressions.

The following sections feature an analysis of the lexical contributions to EU languages, referring both to the categorisation of linguistic loanwords introduced by Dardano and Trifone, as well as to variations found in other authors, according to whom the linguistic loanword may take the following forms:[21] non-integrated, partially-integrated and fully-integrated loanwords; calques.

2.3.1 Non-integrated loanwords, partially-integrated loanwoards and fully-integrated loanwords

A loanword is the adoption of a foreign linguistic element (usually a single word) into a language. In recent linguistics textbooks, there is a trend of subdividing loanwords into categories according to their degree of "integration": up to a point we will follow this trend, distinguishing loanwoards as follows:[22]

1. **Non-integrated loanwords**: their meaning is not immediately clear to the native-language reader. In EU texts they are therefore accompanied by an outline translation or at the very least by a definition and some typographical indication (inverted commas or italics) to highlight their non-indigenous origin. Non-integrated loanwords feature most frequently in highly technical or descriptive texts that pertain to the experience of a Member State in a specific policy area and, according to Tvede-Jensen, "function as an additional explanation to the (…) definition so as to avoid misinterpretation".[23] In practice, EU translators tend to find ways of transposing the untranslatable foreign term through the use of a noun or verb phrase or through a circumlocutional construction, but when this is done it is necessary to keep the original term too, which will denote the intended concept (at least for those who know it) without beating about the bush. The distinction between non-integrated loanwords (accompanied by an explanation or translation) and partially-integrated loanwords (left unexplained because they belong to a given semantic context; see below) is often

[21] See Dardano and Trifone 1985, p. 361; Dardano 1991, p. 176; Gusmani 1981; Scarpa 2002, p. 32.

[22] The categorisation presented here, while partly adhering to the terminology of Dardano and Trifone (1985, p. 361), differs from it with regard to the meaning which the authors attribute to the concept of "integration". According to them, a loan is "non-integrated" when a foreign term is understood in Italian and recognised as such by the ordinary speaker ("film", "bar", "leader"). A loan is "integrated" when it is unrecognisable due to an adaptation that has "hidden" its foreign origin (*blu* from the French *bleu*, *gilé* from the French *gilet*). Finally, Dardano and Trifone do not speak of "partially-integrated loan". The taxonomy presented in this section is adapted to the use of loans in Italian EU texts, according to the approach followed by Tvede-Jensen (1997) in his study of Anglicisms in the Italian documents of the EEC.

[23] Tvede-Jensen 1997, p. 139.

blurred. This occurs where, for example, foreign terms are translated in different ways depending on the document which is under consideration. This can be exemplified in the "principle of *non-refoulement*", a technical term taken from immigration law. In some texts, the term *refouler* is combined with the English translation "return", but usually left in its original form, as can be seen in the following passage from the Presidency Conclusions of the Tampere European Council of 15-16 October 1999 (item 13):

> 13. The European Council (...) has agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention, thus ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement.

Some examples of non-integrated English loanwords present in other languages can be found in the White Paper "European transport policy for 2010: Time to Decide". We have made use of this document to provide a brief analysis aimed at identifying all three types of loanword. The results are explained alongside a description of each category in order to underscore the lack of coherence and inconsistent treatment of terms of foreign origin. Several non-integrated loanwords are present in the Italian version of the document, alongside the corresponding native-language terms, due to the highly technical nature of the text: "hub and spoke" (in Italian, *reti a stella*) (p. 36), "hubs" (*nodi centrali*), "hushkits" (*aerei subsonici civili a reazione modificati e ricertificati*) (p. 41). In conclusion, we should also note the lack of typographical consistency, evident in the fact that some foreign terms are presented in italics while others are presented in both italics and inverted commas. The decision to give the Italian reader an explanation for a term such as "hub" is also striking, given its frequent appearance in standard and media language especially since the expansion of Milan Malpensa airport in 1998.

2. **Partially-integrated loanwords** are untranslated specialist terms which are generally taken as not requiring any further clarification in their respective contexts given that they are employed only in some kinds of specialised discourse.[24] The use of contemporary political terminology typical of the Anglo-American sphere is frequent in EU texts. Terms of this nature are not usually given further explanation because their meaning is taken for granted but they tend to fall quickly into overuse. One example is "benchmarking", mainly used in its English form in many EU texts but sometimes translated as the French *étalonnage des performances* or the Italian *analisi comparativa*.[25]

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[24] Tvede-Jensen 1997, p. 140.

[25] In a study by Falco (2003, p. 36) on the discourse of what is known as the "Third Sector" in English, the author, while acknowledging the tremendous efforts made by EU drafters and translators to make the content of the various documents as understandable as possible, emphasises the difficulties of interpretation encountered as a user of the texts (as well as an Anglicist), due to the use of foreign words such as "mainstreaming", "empowerment" or "benchmarking", knowledge of which by the ordinary Italian readership is generally taken for granted.

The best-known term in this category must, however, be *acquis communautaire*, also known as "Community *acquis"* or "EU *acquis*". The French word *acquis* is used to describe the wealth of legal and social gains made by the EU in all of its activities or in a given political domain. The French term is used in many of the official languages but there are some exceptions, including German (*Besitztand*) and Spanish/Portuguese (*acervo*). In other languages, such as English or Italian, different attempts have been made to translate it. However, for the latter, the general tendency has been to prefer the use of the French word connected to the Italian adjective resulting in the hybrid linguistic construction, *acquis comunitario*.

The use of the term "governance" at the EU level (also see section 3.1.2) has had a more troubled history. Having asserted itself in the early 1990s in the Anglo-American language of international relations, it began to appear discreetly in EU documents from 1996 onwards. It crops up, sometimes in parentheses alongside the Italian term *governo*, in a series of official speeches by then president of the Commission, Romano Prodi, such as the one given before the 32nd plenary session of the Committee of the Regions in April 2000 (see also Chapter 9), where the following sentence appears:

> La nostra riflessione sul governo (governance) su scala europea dovrà tenere conto di questa chiara tendenza verso nuove forme di decentramento.
>
> *[Our reflection on the process of governing (governance) on the European scale has to take into account this clear tendency towards new forms of decentralisation.]*

When it had already become clear that the pervasiveness of the term made clarification of the language necessary, the coordinators of all the language sections at the Commission mobilised to devise a possible official translation of the English term in the different languages. This was all the more pressing in the context of an upcoming publication by the Commission of a white paper on the issue.

The efforts made by personnel within the EU language services to find a prescriptive term that would always be valid for the translation of the English term "governance" in all official EU documents gave rise to a never-ending round of debates and inquiries.[26] These finally culminated in the publication of an official list (in the 11 official languages then in use) put together by the Commission's language coordinators:[27]

Danish:	*nye styreformer*
German:	*Regieren*
English:	*governance*
Spanish:	*gobernanza*
Finnish:	*Hallintotapa*
French:	*Gouvernance*
Greek:	*διακυβέρνηση*
Italian:	*governance*

[26] Solà Gardell's contribution to discussion (2000) on the translation of *governance* in Spanish is worth mentioning, as well as the conclusions presented in the paper on the term "governance" (European Commission 2001a) relating to German, English, Finnish, French and Portuguese.

[27] European Commission 2001a, p. 199.

Dutch: *governance*
Portuguese: *governança*
Swedish: *styrelseformer*

For some languages, however, this process of creating an appropriate solution proved particularly hard. Up until the publication of the white paper, the way "governance" was translated into Italian, for instance, oscillated between the following variations: *forme* / *livelli* / *sistemi* / *stili* / *modalità di governo* ("forms / levels / systems / styles / modalities of governing"), generally accompanied by the English word in parentheses, but it became clear over time that none of these solutions was suitable (how, for instance, would it be possible to translate expressions such as "levels of governance" or "forms of governance" into Italian?). The four following possibilities were thus identified: (i) introduce the new term *governanza*, which was the preferred solution that came out of consultation with the *Accademia della Crusca*; (ii) bring the medieval term *governamento* back into use while also giving it new semantic meaning; (iii) keep the English term "governance"; or (iv), start out by using the original term together with the Italian *governamento* so that over time the latter could acquire the exact required meaning. As we now know, the choice made was the one which best reflects the Italian attitude towards foreign terminology – and it appears it was also the option preferred by the Commission president, in spite of resistance from EU linguists – hence the English original was adopted. The Commission's white paper was therefore presented with the linguistically hybrid title "La governance europea: un Libro bianco".

3. **Fully-integrated loanwords** are those that have now entered our common lexicon and are used without the need for translation or contextualisation (apart, sometimes, from the use of italics), because they are presumed to be known and understood by all. Examples common to many EU official languages include "computer", "handicap", "software", "no profit", and similar types of words that are, moreover, not particularly typical of EU discourse.

2.3.2 Calques

The most widely employed method of adapting the EU lexicon to any official language occurs through the creation of a calque of the original, by translating to the letter either simple lexical elements or higher lexical units originally conceived in a foreign language. Dardano and Trifone make a distinction between the "semantic (or homonymic) calque", when a word brings out new meaning in a foreign word due to their external similarities (for example, the Italian *realizzare*, the original meaning of which is "to carry out" has acquired the meaning "to understand", from the English "realise"), and the "translation calque", where the elements of a foreign compound word are translated to the letter to form a new compound word (the Italian *vagone letto*, from the French *wagon-lit*).[28] Regarding the EU lexicon, the formation of calques tends mainly to reflect the characteristics of the original source, as in the following examples:

[28] Dardano and Trifone 1985, p. 361.

English:	*subsidiarity*	*structural funds*	*internal market*
Italian:	*sussidiarietà*	*fondi strutturali*	*mercato interno*
Spanish:	*subsidiariedad*	*fondos estructurales*	*mercado interior*
Czech:	*subsidiarita*	*strukturální fondy*	*vnitřní trh*
Danish:	*subsidiaritet*	*Strukturfondene*	*indre marked*
German*:*	*Subsidiarität*	*Strukturfonds*	*Binnenmarkt*
Estonian:	*subsidiaarsus*	*Struktuurifondid*	*siseturu*
Greek:	επικουρικότητα	διαρθρωτικά ταμεία	εσωτερική αγορά
French:	*subsidiarité*	*fonds structurels*	*marché intérieur*
Latvian:	*subsidiaritāte*	*Struktūrfondi*	*vietējais tirgus*
Lithuanian:	*subsidiarumas*	*struktūriniai fondai*	*vidaus rinka*
Hungarian:	*szubszidiaritás*	*strukturális alapok*	*belsõ piac*
Maltese:	*sussidjarjetà*	*fondi strutturali*	*suq intern*
Dutch:	*subsidiariteit*	*Structuurfondsen*	*interne markt*
Polish:	*pomocniczość*	*fundusze strukturalne*	*rynek krajowy*
Portuguese:	*subsidiariedade*	*fundos estruturais*	*mercado interno*
Slovak:	*subsidiarita*	*štrukturálne fondy*	*vnútorný trh*
Slovenian:	*subsidiarnost*	*strukturni skladi*	*notranji trg*
Finnish:	*subsidiariteetti*	*Rakennerahastot*	*Sisämarkkinat*
Swedish:	*subsidiaritet*	*Strukturfonder*	*inre marknadet*
Irish:	*coimhdeacht*	*cistí struchtúracha*	*margadh inmheánach*

Each of the terms presented in the three columns above match perfectly on a semantic level. Remarkably, the EU notion of subsidiarity (first column) appears to be a novelty for all the recently added official languages. This creates the impression that many of the terms devised to express this concept appear to have forced the lexical and phonetic conventions of their respective languages (with the exception of the Polish *pomocniczość*, the Greek *επικουρικότητα*, and the Irish *coimhdeacht*, all formed from indigenous root terms). The same goes for the two phrase neologisms that feature in the second and third columns: once created, usually in English, a collocation is often subjected to a literal adaptation to the other official languages. For example, the Latin origin of the expression "structural funds" is kept not only for the Romance and Germanic languages, but also in the Slavic tongues and in two non-Indo-European languages such as Maltese and Estonian, which presumably have specific roots for the concepts of "fund" and "structure". There are very few languages that draw entirely on their own lexical resources: the only examples that can be cited are Finnish, *rakennerahastot* (*rakenne* = structure, *rahasto* = fund), and Greek, *διαρθρωτικά ταμεία* (*διαρθρωτικός* = structural; *ταμείο* = fund), while Hungarian, Slovenian and Irish make use of hybrid solutions. The expression "internal market", finally, is made up of two component terms that are to be found among those most commonly used in

standard language, and thus it was easy to come up with corresponding terms in the different official languages.

The parallel creation of a specialised EU lexicon in all EU official languages leads to a significant impact on translation, in that each of the official languages will now possess exactly equivalent concepts and terms, irrespective of their greater or lesser likeness in form to one another. This would certainly not occur if the EU lexicon were to be adopted through a process of comparison of the legal terminology of each and every one of the 28 Member States. In the legal procedures of different languages it is virtually impossible to find entirely parallel concepts and lexical elements, even for concepts that may appear analogous. In European Union law, however, not only do these parallel concepts exist, indeed they represent a prerequisite for the presence of a supranational legal framework such as that which exists for the EU (see section 7.1 onwards).

The process of having to adapt and make the lexicon of two languages correspond perfectly comes into play particularly when one is dealing with original concepts found in EU law, precisely because this corresponding terminology is created from scratch. In contrast, the system can sometimes break down when EU law is required to tackle notions that already exist in Member States and for which there is already an established terminology. Here, for one reason or another, the lexical adaptation from one language to another may at times turn out to be incorrect.

There are several problems related to the formation of calques in EU terminology. One of these arises when, in spite of there being a clear resemblance between the original term and the calque in the target language, their semantic meanings are totally different (along the same lines as the semantic calques discussed at the beginning of this section). Given that many EU original texts are still drafted in French, there is a high risk of interference when translating into other Romance languages as well as English. One example received particularly heavy criticism from the Italian press. It concerns the text of Article 52 of the founding Treaty of the European Community, visible in the French (presumably original) and Italian texts (followed here by the English version):

> Article 52
>
> Dans le cadre des dispositions ci-après, les restrictions à la liberté d'établissement des ressortissants d'un Etat membre dans le territoire d'un autre Etat membre sont progressivement supprimées au cours de la période de transition. Cette suppression progressive s'étend également aux restrictions à la création d'agences, de **succursales** ou de **filiales**, par les ressortissants d'un Etat membre établis sur le territoire d'un Etat membre.
>
> Articolo 52
>
> Nel quadro delle disposizioni che seguono, le restrizioni alla libertà di stabilimento dei cittadini di uno Stato membro nel territorio di un altro Stato membro vengono gradualmente soppresse durante il periodo transitorio. Tale graduale soppressione si estende altresì alle restrizioni relative all'apertura di agenzie, **succursali** o **filiali**, da parte di cittadini di uno Stato membro stabiliti sul territorio di uno Stato membro.

> Article 52
>
> Within the framework of the provisions set out below, restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be prohibited. Such prohibition shall also apply to restrictions on the setting-up of agencies, **branches** or **subsidiaries** by nationals of any Member State established in the territory of any Member State.

At first glance the French and the Italian versions appear to be perfect matches but, when they are studied closely, what shows up is that the Italian contains a translation error: while the original in French uses *agences*, *succursales* and *filiales*, the Italian gives *agenzie, succursali o filiali*. In Italian, the two terms *succursale* and *filiale* are synonymous, in that they both denote a secondary branch of a company. The translator of this article did not, however, take note of the fact that the French *filiale* has a different meaning from the Italian and is more along the lines of "affiliation" or company "under the control of" another company. This error found its way into several legal texts, including the eleventh Council Directive 89/666/EEC of 21 December 1989, in which the term *filiale* is wrongly used several times, quite rightly provoking some considerable headscratching from journalists and financial experts.[29] The problem does not occur for the other language versions: in the English and German texts, for example, "subsidiary" and *Tochtergesellschaft* are used for the French *filiale*, while *succursale* is translated into English by using "branch" and into German with *Zweigniederlassung*.

In other examples, where the consequences may be less serious, the term that is adopted from a foreign language may constitute a transparent translation solution when it comes to meaning, but may not conform to the conventions of the target language. One example is the Italian *collettività regionali e locali* (in English "regional and local communities"), cited in Article 170 of the EU Treaty: this is based on the French *collectivités régionales et locales*, but does not take account of the fact that in Italian administrative law the term in use is usually *enti*. EU texts are frequently riddled with such "neologisms of convenience", which immediately reveal the expression's foreign origin and which could, if desired, be replaced by a term that would be more understandable to a mother-tongue reader. As for Italian, however, this is a trend not dissimilar to what occurs in the language of economics and journalism, neither of which appear to be averse to this type of mixed solution. Many examples can be taken from official texts, even though they are not always directly related to European Union law. The following are examples of hybrid terms, although they now occur so regularly that they have been made all but official: *filiera*, from the French *filière*, "sector, industry, field"; *proattivo*, from the English "proactive", usually used in place of more predictable solutions such as *dinamico*, *fattivo*, *attivo*, and many others.

[29] Faini 1990 and Pietralunga 1990, cited in Urzì 1997, p. 10.

3

Drafting and textual issues

3.1 The need for clarity in EU documents

In one of the few studies on EU discourse conducted outside of the institutions' language services, the author, Arturo Tosi, does not present a very edifying picture when it comes to how the Italian language is treated within the EU institutions.[1] Making reference to a conference of Italian teachers held in Turin in 1997, Tosi ponders the difficulties in understanding demonstrated by participants when faced with an important EU preparatory document, the White Paper on Education and Training "Teaching and Learning: Towards the Learning Society". The passages used as examples, two of which are reproduced below in both Italian and English, would appear to leave little doubt as to who should be blamed for their lack of understanding – the drafters and/or translators of the text, or its target readers:

> Per mantenere la sua diversità, la ricchezza delle sue tradizioni e delle sue strutture, l'Europa diventerà sempre più, anche per effetto dei prossimi allargamenti, un livello pertinente d'intervento per via della necessaria cooperazione in tali settori fra l'Unione europea e gli Stati membri.
>
> If it is to preserve its diversity, its wealth of traditions and structures, Europe has to become – and increasingly so as successive enlargements come about – a focal point of action through the essential cooperation in these fields between the EU and its Member States.
>
> Lo scopo è di permettere ad esempio ad una persona sprovvista di diploma di presentarsi ad un datore di lavoro ed essere in grado di comprovare una competenza riconosciuta in espressione scritta, in lingue, in trattamento testi e di suscitare un

[1] Tosi 2001.

> interesse grazie alla combinazione delle competenze parziali che ha saputo crearsi, pur non disponendo del documento qualificante rappresentato dal diploma di segretariato.
>
> In this way, for instance, someone with no paper qualifications can approach a prospective employer, show that they have accredited drafting, language, word processing and spreadsheet skills, and thus attract interest in the range of skills they have put together, even though they do not have the piece of paper giving them the status of a qualified secretary.

These, like other passages cited by Tosi, would seem to indicate an impasse in the dialogue between the citizen-on-the-ground and the supranational Union: in spite of the fine-tuning of so many measures in recent years to bring EU citizens closer to their institutions, the lack of clarity in EU discourse frequently reveals itself to be the chief cause of distance between the two parties. Tosi concludes that the Italian text not only fails to conserve the general sense of the original, but worse still, it basically gives the impression of being a poor translation. [2]

The mediocre outcomes stemming from the transposition of expressions are even less justifiable when one recalls that "EU Italian", unlikely though it may sound, is a language variety that rarely exists in an original form but is found instead only as the end-result of translation. A text drafted in EU Italian, having legal force or vested with a degree of non-binding legal authority, is "born" as a translation and will sooner or later enter the Italian cultural sphere through the customary channels (*Gazzetta ufficiale della Repubblica italiana*, the Press, Internet, and so on), where it will take on a form that resembles any other text originally drafted in Italian. This anomaly is linked to the way in which EU laws are transposed – first among them regulations and directives – into the legal systems of Member States. EU Regulations are enacted in national law without further modification to the texts which are finalised in Brussels. This means that such instruments have direct legal force for EU citizens and may be invoked like any of the Member States' laws, using and incorporating their terminology despite the fact that they may originally have been drafted in another language and then submitted to the translation process. Concerning EU directives,

[2] Tosi, p. 255. In a review of the first Italian edition of this volume, which appeared in the journal *Inter@lia*, produced by the European Commission, the allegation concerning the lack of clarity of EU legislation (or at least some of it) is rejected as an unsubstantiated cliché. The author adds, with regard to the text quoted by Tosi, that "probably the translation was done by freelance translators" and not revised, while admitting that outsourced translations also fall under the responsibility of the Directorate General of Translation of the European Commission (Ranucci 2003, p. 11). We may add to this that the reader has no way of finding out whether a document has been produced inside or outside of an EU institution, since nowhere is this specified, so it is quite natural that the institution in charge of its publication should be accountable for its lack of clarity. As for Tosi's example, it has been quoted in these pages because it illustrates a basic problem for the drafting of EU legislation. Nevertheless, the reality shows that this is an exception – qualitatively speaking – as compared to the bulk of translations produced by the EU institutions. It is therefore surprising that this single excerpt is also taken elsewhere (Tosi and Visconti, 2004) as the sole example of translation, despite there being over seven million translated pages produced annually by all EU institutions. The result is a misleading image of EU translation activity, based on a limited selection of examples rather than on a wide-ranging scientific analysis.

these instruments impose a given result on Member States but leave it up to the individual States' legislatures to select the best form for the laws and manner with which to achieve the objectives cited by the directive.[3] Even in the case of directives, their incorporation into national law does not always result in a reformulation of the text adopted at the EU level.

None of the above necessarily means that the drafting of regulations and directives implies the use of improper language models, but only that those models are not, as it were, "first hand", given that they are the outcome of a process of transposition between languages. As it happens, in most cases EU laws do not cause problems in relation to their conformity and consistency with the current lexicon, but when translation errors or even plain mistakes in the drafting of the source text occur, these can be reproduced in successive versions of a document and even made official in the definitive version. This can lead to easily imagined long-term distorting effects.

Returning to Tosi's observations, it is difficult to refute his criticism of the Italian version of the above White Paper, although it is tempting to try and put it in another perspective, or at least reconsider the question alongside the source text. With the knowledge that the White Paper "Teaching and Learning: Towards the Learning Society" was drafted in 1995 on the initiative of then French Commissioner, Edith Cresson, one can be reasonably sure that it was the French draft that was used as a source for all other language versions. The similarities between the Italian and French versions leave little doubt as to this fact and can be confirmed by looking at the two passages cited above, this time in the original draft:

> L'Europe, pour préserver sa diversité, la richesse de ses traditions et de ses structures, va devenir, et plus encore au fur et à mesure des prochains élargissements, un niveau pertinent d'intervention par la nécessaire coopération dans ces domaines entre l'Union européenne et ses Etats membres.
>
> Le but est de permettre, par exemple, à une personne dépourvue de diplôme de se présenter devant un employeur en justifiant d'une compétence accréditée en expression écrite, en langue, en traitement de texte et en tableur et de susciter un interêt pour la combinaison de compétences partielles bien maîtrisées qu'elle a su construire, même si elle ne dispose pas de la sanction qualifiante que donne le diplôme de secrétariat.

Notwithstanding the diversity of issues involved, whether dealing with an original or translated text, it will be clear even to those who do not master the French language that the passages shown in their original form are as difficult to fathom for a native French speaker as those in translation are for an Italian speaker. In other words, they illustrate a feature of drafting that is not confined to translation but which risks being defined as something inherent in the production of certain types of EU document, in other words their lack of clarity. Further explanation and illustrations of the various facets of this phenomenon will be given later in the book, but for now these will be observed only at an intuitive level. It is interesting to note, at this point in our study, that such an issue is common to all official EU languages, as the following examples

[3] Borchardt 2000, p. 96.

demonstrate (taken from differerent types of official documents in English, German and Portuguese):

> In relation to a more general public service activity than the more specific professional qualifications required to accede to that public service work, it is still true that a recognition process could take place in the context of the specific professional concerned, with perhaps even more flexible application of the principle of mutual confidence due to the fact that the qualifications required relate more to the general level of professional activity required than the particular elements of knowledge relevant to each specific profession. Grading within the public service and other means could be used to take account of some of the differences in the relevant professional qualifications in the absence of sufficient justification for a refusal. This kind of analysis would need to be further tested before final conclusions could be drawn. [4]

> Der neuen Regelung zufolge gilt eine Rechtssache in Zukunft dann als rechtshängig, wenn der Antrag bei Gericht eingegangen ist, oder im Falle daß der Antrag vorher zugestellt werden muß, dieser Zeitpunkt, vorausgesetzt, daß der Kläger im weiteren Verfahren alle vernünftigerweise zu erwartenden Schritte unternimmt, damit das jeweils andere Element später verwirklicht wird. [5]

> Na documentação de carácter económico explica-se que existe um grande nível de substituibilidade entre as diferentes restrições verticais. Isto significa que o mesmo problema de ineficácia pode ser resolvido por diferentes restrições verticais. Por exemplo, tal come explicado supra, o problema do «parasitismo» entre retalhistas ou o problema do seu reconhecimento pode ser resolvido através da distribuição exclusiva ou MPR fixos ou mínimos. Isto é de grande importância, uma vez que os efeitos negativos sobre a concorrência podem ser diferentes entre as várias restrições verticais. Tal desempenha um papel importante quando o carácter indispensável é apreciado no âmbito do n° 3 do artigo 85°. Uma vez que a MPR é geralmente considerada menos aceitável de um ponto de vista de concorrência, é apenas por essa razão que se permite a distribuição exclusiva ou otras restrições menos graves e não a MPR.

It is always risky to generalise, and this is particularly true for the above examples, which originate from different types of texts both in terms of their respective levels of importance and the manner in which they are conceived and translated. Nonetheless, it is possible, on the basis of the preceding examples, and partly based on Tosi's

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[4] This passage was cited as an example of hazy English as part of the "Fight the Fog" campaign, sponsored by the English translation service of the European Commission to encourage drafters and translators to write more clearly (see section 3.1.2). When the European Commission officials' magazine *Commission en Direct* launched a competition to reformulate it more clearly, the following was considered to be the most successful attempt: "When dealing with a more general public service activity where the accent is on general expertise rather than specific professional qualifications, it could still be possible to recognise each individual's qualifications, through applying the principle of mutual trust more flexibly. If the official fulfilled the general admission criteria differences in qualifications among candidates could be reflected by entry at different grades or in some other way. However any such procedure would have to be tested before implementation."

[5] This and the following passage are taken from a paper by Múrias (1999) on the responsibilities of authors of EU texts in view of the subsequent translation process.

categories,[6] to give a general outline listing features which can hinder the passage of discourse from the source document to target texts:

– The complexity of syntax (e.g. "In relation to a more general public service activity than the more specific professional qualifications required to accede to that public service work, it is still true that a recognition process could take place in the context of the specific professional concerned, with perhaps even more flexible application of the principle of mutual confidence due to the fact that the qualifications required relate more to the general level of professional activity required than the particular elements of knowledge relevant to each specific profession");
– The existence of expressions that lack clarity (e.g. *niveau pertinent d'intervention, sanction qualifiante,* "principle of mutual confidence"*, "parasitismo" entre retalhistas*);
– An excessively formal stylistic register (e.g. *suscitare un interesse grazie alla combinazione delle competenze parziali che ha saputo crearsi*);
– The frequent use of abstract or generic terms (e.g. "recognition process"*,* "grading within the public service"*, nível de substituibilidade entre as diferentes restrições verticais*);
– The juxtaposition of words and expressions which are obviously synonymous with one another and where the intended difference in meaning is frequently unclear (e.g. *diplôme – compétence accréditée – compétences partielles bien maîtrisées – sanction qualifiante*, "public service activity – public service work", "elements of knowledge relevant to each specific profession – relevant professional qualifications").

The issue of how comprehensible a European Union document is becomes more acute the greater its legal or political significance for European citizens. This is particularly true in cases where a certain type of wording binds those who are subject to the law to specific practices. It is clear that in such circumstances, any linguistic ambiguity can have serious repercussions in practice. This can occur when, for instance, the scope of application of a given law is defined: if the full definition of subjects of legislation in all their various capacities is not entirely without ambiguity, it is likely to have an invalidating effect on the legal act, not on account of its content (in other words some shortcoming in the legal provisions), but rather for its form (in other words the inaccuracy of the wording). This seems to have happened in relation to the definition of "financial institution", in Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering:

> "financial institution" means an undertaking other than a credit institution whose principal activity is to carry out one or more of the operations included in numbers 2 to 12 and number 14 of the list annexed to Directive 89/646/EEC, or an insurance company duly authorized in accordance with Directive 79/267/EEC, as last amended by Directive 90/619/EEC, in so far as it carries out activities covered by that Directive;

[6] Tosi 2001, p. 255-256.

this definition includes branches located in the Community of financial institutions whose head offices are outside the Community.

Above and beyond the difficulties related to syntactic complexity, it is impossible to understand the definition – and thus establish whether or not a given institution falls within the cases provided for by the law – in the absence of the other three directives cited. In this case, therefore, yet another factor obstructs clear comprehension of the text, namely the excessive number of references to other legal acts.

3.1.1 Where ambiguity begins

Apart from the subjective features of style that are inherent in any text drafted by an individual, it is possible to attribute the ambiguity present in EU documents to several causes related mainly to the evolutionary process of European integration. The aim here is not to justify EU officials faced with the difficulty of communication between the Union and its citizens, but rather to seek to establish the extent to which problems of poor communication – which doubtless exist and are subject to ever-increasing scrutiny at all political levels – can be traced back to characteristics intrinsic to the very nature of the European project. It is certainly true that EU documents abound with clichés such as "democratic deficit" and slogans like "close to the citizens" or "bringing citizens closer to Europe". Many of these originate in the commonly-felt need to increase citizens' interest in the work of the EU institutions and encourage them join the cause of the European integration project. Even so, such a "deficit" or desire to "bring the EU closer" are rarely associated with the need for a change in, or at the very least for a close analysis of, the language with which the institutions enter into the lives of EU citizens. The following points may therefore serve as the basis for reflection precisely because they place the spotlight on certain aspects of daily institutional practices which would not appear to have a direct impact but which are, in reality, closely bound up with this question:

(a) EU lawmakers – or those who are charged with describing the legal and administrative situation in the Union – often need to use a language that is adept enough to depict the novelties of Community legislation and which does not bring to mind any legislative arrangements already existing at the national level. It should not be forgotten that one of the most typical attributes of all EU legislation passed so far (the cumulative body of EU law referred to as the *acquis communautaire*, or simply the *acquis*) is that it may not make reference to any individual national situation, but must concern a far broader and heterogenous geographical, social and cultural sphere. Generally speaking, EU legal texts must be applicable in 28 Member States, available in 24 languages, and thus accessible to around 500 million people. For these reasons, the bulk of such documents pertains to general fields of interest rather than to circumstances connected with the culture, history, or customs of any individual Member State.

The next section will focus in greater detail on the need to conserve a certain degree of terminological and conceptual consistency across all the official languages, but to give an indication of just how complex the situation can be, here is an example of one of the many instances of EU legal acts where a unique concept made it necessary to go further than usual in enhancing specificity: Directive 98/5/EC of the European

Parliament and of the Council, of 16 February 1998, to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained. In order to eliminate all doubt as to the professions to whom this directive applies, EU lawmakers felt it necessary to insert a table into the act outlining the precise titles that denote this professional figure in each of the Member States at the time (Article 2, Letter a):

in Belgium:	*Avocat / Advocaat / Rechtsanwalt*
in Denmark:	*Advokat*
in Germany:	*Rechtsanwalt*
in Greece:	Δικηγόρος
in Spain:	*Abogado / Advocat / Avogado / Abokatu*
in France:	*Avocat*
in Ireland:	*Barrister / Solicitor*
in Italy:	*Avvocato*
in Luxembourg:	*Avocat*
in the Netherlands:	*Advocaat*
in Austria:	*Rechtsanwalt*
in Portugal:	*Advogado*
in Finland:	*Asianajaja / Advokat*
in Sweden:	*Advokat*
in the United Kingdom:	*Advocate / Barrister / Solicitor*

What set out to be an attempt at clarity nonetheless raised new queries on such issues as, for example, whether the professions of "barrister" and "solicitor" in Ireland, or "advocate", "barrister" and "solicitor" in the United Kingdom, were considered to be on an equal footing for the purposes of the directive's applicability. As a result, the text had to be supplemented with further explanatory provisions, this time detailing the distinctions between the different language versions (which can be seen in Article 3, paragraph 3).

(b) A second cause of ambiguity originates in the political character of texts (see section 7.2 and after), which are sometimes intentionally drafted in a vague form. This occurs as much in the preliminary stages of drafting as it does in the final versions. The reasons for this, in the preliminary phase, can be explained by a desire to establish a point of departure for discussion with the objective of reaching consensus. In the definitive version of a text, an intentional lack of clarity may be left in place as a form of compromise to satisfy differences of opinion. With regard to political decisions which require unanimity or an overwhelming majority of votes, the vagueness of a final draft may often depend on the need to overcome the issue of fundamentally different positions which could otherwise rule out any possibility of reaching agreement. According to Heynold, a pattern emerges whereby the compromise formula becomes all the more hazy as the number of parties involved in discussion increases.[7] As a result, such texts are progressively more tedious for a reader.

[7] Heynold 1999, p. 6.

Elsewhere, the unfathomable or overly-generic nature of a document may serve the function of its being open to the widest possible interpretation, visible in the two following passages taken from a resolution on the priorities of the Committee of the Regions (points 12 and 38):

> [The Committee of the Regions] believes that it is necessary in the next few years to take steps towards further European integration, in order to give Europe a leading role in the world, but that the integration must be limited to areas where the EU has a specific added value, in order to get the highest possible level of acceptance and to achieve that Europe can truly speak with one voice.
>
> [The Committee of the Regions] reaffirms the need for European policies to focus primarily on the Europe-wide promotion of local development and on unleashing all the potential of the resources available throughout the EU's regions.

(c) A further point relates to the practical conditions in which EU documents are drafted. Aside from the problem related to EU officials who write in languages in which they have only a functional knowledge (usually English or French), in many instances texts have to be produced within stringent deadlines and in chaotic conditions. Some political documents, for example, need to be modified following emergency meetings that have gone on all night and for which amendments drafted in 24 languages have been proposed. These and other such factors can but work against a text's readability.

(d) Another source of ambiguity derives from the need for legal texts to guarantee the highest level of conformity and least possible disparity both in form and in substance, especially if dealing with primary law, between all different language versions. These findings emerge from analyses carried out across the different language versions, even where relatively complex language constructions are employed. Article 16 of the Treaty establishing the European Community is a case in point, shown here in the Italian, French, English, German and Dutch versions:

> Fatti salvi gli articoli 73, 86 e 87, in considerazione dell'importanza dei servizi di interesse economico generale nell'ambito dei valori comuni dell'Unione, nonché del loro ruolo nella promozione della coesione sociale e territoriale, la Comunità e gli Stati membri, secondo le rispettive competenze e nell'ambito del campo di applicazione del presente trattato, provvedono affinché tali servizi funzionino in base a principi e condizioni che consentano loro di assolvere i loro compiti.
>
> Sans préjudice des articles 73, 86 et 87, et eu égard à la place qu'occupent les services d'intérêt économique général parmi les valeurs communes de l'Union ainsi qu'au rôle qu'ils jouent dans la promotion de la cohésion sociale et territoriale de l'Union, la Communauté et ses Etats membres, chacun dans les limites de leurs compétences respectives et dans les limites du champ du présent traité, veillent à ce que ces services fonctionnent sur la base de principes et dans des conditions qui leur permettent d'accomplir leurs missions.
>
> Without prejudice to Articles 73, 86 and 87, and given the place occupied by services of general economic interest in the shared values of the Union as well as their role in promoting social and territorial cohesion, the Community and the Member States, each within their respective powers and within the scope of application of this Treaty, shall take care that such services operate on the basis of principles and conditions which enable them to fulfil their missions.

> Unbeschadet der Artikel 73, 86 und 87 und in Anbetracht des Stellenwerts, den Dienste von allgemeinem wirtschaftlichem Interesse innerhalb der gemeinsamen Werte der Union einnehmen, sowie ihrer Bedeutung bei der Förderung des sozialen und territorialen Zusammenhalts, tragen die Gemeinschaft und die Mitgliedstaaten im Rahmen ihrer jeweiligen Befugnisse im Anwendungsbereich dieses Vertrags dafür Sorge, daß die Grundsätze und Bedingungen für das Funktionieren dieser Dienste so gestaltet sind, daß sie ihren Aufgaben nachkommen können.
>
> Onverminderd de artikelen 73, 86 en 87 en gezien de plaats die de diensten van algemeen economisch belang in de gemeenschappelijke waarden van de Unie innemen, alsook de rol die zij vervullen bij het bevorderen van sociale en territoriale samenhang, dragen de Gemeenschap en de lidstaten er, in het kader van hun onderscheiden bevoegdheden en binnen het toepassingsgebied van dit Verdrag zorg voor dat deze diensten functioneren op basis van beginselen en voorwaarden die hen in staat stellen hun taken te vervullen.

It is not difficult to observe how, in legal texts of a certain importance, such as the above, drafters and translators alike end up opting to produce a source draft and its translation "in parallel" so that the order of placement of the various parts of the sentence remain unchanged. This gives the greatest possible scope for measuring one language version against the next. Article 16, as it turns out, which is made up of one long sentence, can be conveniently broken down into six parts: [8]

1) "Without prejudice to Articles 73, 86 and 87,"
2) "given the place occupied by services of general economic interest in the shared values of the Union,"
3) "as well as their role in promoting social and territorial cohesion,"
4) "the Community and the Member States,"
5) "each within their respective powers and within the scope of application of this Treaty,"
6) "shall take care that such services operate on the basis of principles and conditions which enable them to fulfil their missions."

The syntactic development throughout the six parts is symmetrical in all the language versions, although clearly it has been adapted to the grammar of each language. This means that there is a conscious effort to maintain a degree of uniformity throughout EU official languages both in terms of content and in form, mainly with the aim of avoiding problems in the interpretation and application of the given regulatory instrument. It follows that certain versions can easily seem forced and unnatural, since they have been adapted to exogenous models of articulation of written discourse. For this reason, some scholars of translation class EU legal documents, together with those of a more political orientation, in the category of so called "hybrid texts". Coined by Schäffner and Adab (1995), and used again later by Trosborg (1997) [9], this designation refers to texts which have become standardised as a result of a translation process that does not privilege the usual drafting models of a target language over those of the source language. The category can therefore be defined as neither "source-oriented"

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[8] European Union — Consolidated versions of the Treaty on European Union and of the Treaty establishing the European Community (2002).

[9] See also Raus 2010.

nor "target-oriented" according to the meaning proposed by Eco (1995), but rather it can be said to remain neutral across linguistic cultures.

(e) Lastly, it might not be too much to suggest that on occasion the lack of readability of a document can simply be put down to a lack of sensitivity concerning the language being used. This can be basically due to poor drafting skills and/or the propensity to use catchy terminology (hence, for example, the frequent employment of Anglicisms), as well as a dull lexicon that may well be more understandable. This problem sometimes occurs – giving rise to not a few concerns in terms of political opportunism – where documents are not drafted by EU administrators or officials but instead by appointed representatives (a common feature of texts drafted by the two consultative bodies, the CoR and the EESC), or by their experts, who generally live and work within their Member States and have only a partial knowledge of the requirements and working practices employed within the institutions with which they collaborate. As for the ambiguity of translated texts, this can result from the fact that translators are at times reluctant to employ solutions that appear to stray too far from the original text – especially if their interpretation may be complex – and which may therefore seem a little too daring or innovative, and thus they stick to generic terminology (see section 7.1.1.2), which can itself hamper understanding.

3.1.2 Tackling ambiguity in EU-speak

The need for greater clarity in official texts is widely acknowledged both by officials working within the EU language services and by the institutions themselves, which in many instances have committed to producing more transparency in their own documents. This commitment has led to the creation of several policy papers, such as the own-initiative opinion adopted in 1995 by the EESC on plain language. The opinion clearly warns against the harmful effects that overly cryptic official language can cause to the rapport between Europe and its citizens. The opinion affirms, moreover, that if clear language were to be used (point 2.1.1),

> People would understand official documents more easily. Translation would be easier, quicker and cheaper. Above all, hostility to European ideals and principles would be reduced because the people of Europe would feel more at ease with European institutions, rules and the people in charge of European matters. European documents would become an influence towards harmony and cohesion in Europe.

What makes this document even more interesting is its criticism of an important policy paper, namely the Council Resolution of 8 June 1993 on the quality of drafting of Community legislation. The Resolution sets out with the precise objective of making EU legislation more accessible and yet, according to the EESC (point 2.3.3), its very wording seems to be peppered with those same woolly expressions that EU administrators are so fond of and which appear to be so difficult get rid of.

Another significant effort to bring some order to this highly elusive topic is the Interinstitutional Agreement of 22 December 1998 on common guidelines for the quality of drafting of Community legislation (1999/C 73/01). This document also features a series of declared principles, such as point 1, according to which

> clear, simple and precise drafting of Community legislative acts is essential if they are to be transparent and readily understandable by the public and economic operators.

Furthermore, a series of concrete measures are set out, geared, for example, towards the clear structuring of a legal act or signalling the criteria to be followed when using internal and external references. Taken at face value, this is a commendable document which seeks to rationalise drafting practices at the structural level, in view of the difficulties posed for each drafter at the stylistic level. The problem with this document lies in the fact that it loses credibility when the reader encounters passages with wording like the following (point 17):

> A reference made in the enacting terms of a binding act to a non-binding act shall not have the effect of making the latter binding. Should the drafters wish to render binding the whole or part of the content of the non-binding act, its terms should as far as possible be set forth as part of the binding act.

It frequently occurs that ambitious objectives (in the present case, the clarity of drafting) are not accompanied by the adoption of measures that are capable of ensuring they are applied. This feeling also concerns certain political decisions, particularly when the previously-mentioned requirement to close the gap between EU citizens and their institutions is at stake. The concept of "European *governance*" (see section 2.3.1), promoted in the EU context by then president of the European Commission Romano Prodi, is a case in point. The idea was made official in a White Paper on the future organisation of the Union. Before the White Paper's publication, Prodi illustrated the key points of his new political project in an address to the Committee of the Regions' plenary session in February 2000:

> What I am proposing is a new division of labour between us a new, more democratic form of partnership between the different levels of governance in Europe. The need for this is now very clear. Our citizens are unhappy with the way things are done at European level. They feel remote from "Brussels", which many perceive as a sort of conspiracy of technocrats and bureaucrats working behind closed doors. (...) They do not understand the roles of the different European institutions and the interface between the national and the Community dimension.

It seems clear from the passage cited that the objective here is once again to close the gap between European citizens and the supranational institutions which, through an organisational system of public concerns, aims to make them more involved. Needless to say, this is a worthy objective, but it may also be fair to question the effect that a document like the White Paper on European governance might have on citizens, starting from its title. The first footnote (found on p. 8 of the White Paper) seeks to give a comprehensive explanation of the meaning of the English term:

> "Governance" means rules, processes and behaviour that affect the way in which powers are exercised at European level, particularly as regards openness, participation, accountability, effectiveness and coherence.

What is really meant by this term; what the difference is between "governance" and, say, "government" or "management"; and why, ultimately, an English term was chosen to name a political approach conferred with so much importance, are

questions that in all probability anyone who has had dealings with the document has subconsciously asked themselves. It is not difficult to see in this example how, once again, aside from the validity and success of the initiative, dialogue between the Union and its citizens can be impeded by lexical choices that presume a degree of knowledge of contemporary political mechanisms (and their related terminology) that is far beyond the majority of European citizens. This reveals a contradiction that has not escaped the number of pages and condemnation of the media and of the European institutions themselves. For example, the Parliament *rapporteur* on the "European governance" White Paper, Spanish MEP Manuel Medina Ortega, raises the issue in relation to the Castilian language with observations that might also be made for other language versions:

> The term "European governance" does not exist in the day-to-day language of European citizens. In Spain, in the eighteenth century, the phrase existed as a Gallicism, but it disappeared in subsequent centuries. Today it has reappeared as an Anglo-Saxon term of political science (governance), but its translation into Spanish as "gobernanza" has little significance for the average citizen. The introduction states that "governance" concerns the way in which the Union uses the powers transferred to it by its citizens, and that the white paper proposes opening up the political decision-making process to get more people involved. If this is the aim of the governance exercise, it would be preferable to use some other expression more easily understood by the citizens, such as "democratic government" or "improvement of decision-making processes".

Going back to the attempts that have been made to deliver greater clarity to EU documents, it seems that this form of intervention has been most successful where, rather than being conducted as a strategic measure, it has been driven through a bottom-up approach, in other words, by the officials employed in the language services themselves. Besides the different activities that are promoted at this level (conferences and seminars for translators, distribution of inter-institutional drafting guidelines, publication of specialist journals, and so on), the most significant move to prick drafters' consciences on the need for a careful use of the written word in EU documents is known as "Fight the Fog". This campaign, launched by the Commission's English-language translators, strives to encourage the use of clearer English within the institutions through a series of initiatives: information sessions for English-language drafters and translators, publication of a series of pamphlets on the correct use of English, monthly conferences, even the holding of competitions to rewrite the foggiest of official English-language documents, and in general a broad raising of awareness on the question of reader accessibility. [10]

One of the best examples of heavy-handed drafting, cited in connection with "Fight the Fog", concerns an important text of EU primary law, Article 130 G of the Single European Act of 1985, the English version of which reads: [11]

[10] See note 4 of the present chapter.

[11] See Wagner and Martin 1998, p. 134.

> Article 130 G
>
> In pursuing these objectives, the Community shall carry out the following activities, complementing the activities carried out in the Member States:
>
> (a) implementation of research, technological development and demonstration programmes, by promoting cooperation with undertakings, research centres and universities;
>
> (b) promotion of cooperation in the field of Community research, technological development and demonstration with third countries and international organisations;
>
> (c) dissemination and optimisation of the results of activities on Community research, technological development and demonstration.

The poor readability of this article can be attributed to two main factors: the presence of several terms deriving from Latin (in particular, "complementing" and "optimisation"), making the style excessively solemn, and the use of nouns denoting abstract concepts ("implementation", "promotion", "dissemination" and "optimisation"). These two features, in all probability originating from a French source, are precisely those which – according to English-language translators – cause problems for a lay reader's understanding of a text. An attempt at clarity was thus made by "rewriting" the article, with the following results:

> Article 130 G
>
> In pursuing these objectives, the Community shall:
>
> (a) promote cooperation with businesses, research centres and universities interested in carrying out research, technological development and demonstration programmes;
>
> (b) promote cooperation with non-member countries and international organisations in such programmes;
>
> (c) publicise and exploit the results of such programmes.

As can be seen, efforts to simplify the article also took into account the repetition of the expression, "research, technological development and demonstration programmes", which recurs three times in the original wording and just once in the revised article. Elsewhere, the two expressions "undertakings" and "third countries" are replaced with the more familiar terms, "businesses" and "non-member countries".

The revised and reworded version put forward by English-language translators certainly appears to comply with a more up-to-date use of language. However, while it may be true that the official version in English is awkward to read, it should be remembered that it merely strives to remain faithful to all the other language versions (see preceding section), not least so as to avoid problems, including those of a legal nature, that may otherwise occur in its application. For example, the first line of the article, which "Fight the Fog" translators partly deleted because it was taken to be redundant, recurs with practically identical wording in all the other language versions, meaning that were it to be found "absent" from the English version, this version could not be considered consistent with the others at an intertextual level.

Beyond efforts to rewrite documents, which can have a greater or lesser degree of success but which seem above all to be intended as a provocation, the real value of the "Fight the Fog" campaign will probably never be fully acknowledged. It was the first attempt to act within the EU's civil service, endeavouring to balance the political demands of the Union with those – often neglected – of language, and brought about a

positive chain reaction both from other language units, where similar initiatives have since been launched, and the end-user services, which have subsequently become more open to requests for collaboration with the language services and generally more aware of the problems that arise once texts are discharged to end-users.

The "Fight the Fog" campaign illustrates how great a contribution those within the EU language services can make in terms of raising awareness about the language question and improving the quality of drafting in source texts. At the same time, the positive outcomes of this campaign, led by English-language translators, can also be attributed to their success in bringing about a fruitful collaboration with Commission administrators, in other words those very individuals who draft the material which is then transferred to the translation services. The situation can be quite different, however, in the EU bodies where, instead of EU administrators drafting the texts which then go forward for translation, this activity is carried out by individuals who are based outside the institutional administration. This is frequently the case for the opinions drafted and adopted by the Committee of the Regions and the European Economic and Social Committee. Here, communications between the language services and the individuals or work groups preparing documents are not direct, but instead pass through the Secretariat staff, a procedure which can prevent the development of a trusting relationship between drafters and translators, one that would help to improve language use. As noted above, in such cases, the people drafting the texts (be they appointed members or their respective experts) hail from a wide variety of professional contexts. They can often, as a result, be unfamiliar either with the working methods of the institutions for which they are preparing documents, or the prevailing drafting norms that are in practice in these institutions, even when the standards to be followed are clearly set out in the relevant internal rules and procedures. This means that the measures adopted by the EU institutional administration to improve text readability have frequently fallen on deaf ears with the end result that they are, in effect, a dead letter. In 2000, the EESC adopted a *Handbook for the authors of texts to be sent to the translation and document production services*, the introduction to which opens as follows:

> Brevity, clarity and readability are the key criteria which Committee documents, particularly opinions, should meet. The impact of the Committee's work, the effectiveness of its consultative role and its image all depend to a large extent on the quality of its texts. [12]

The *Handbook* features, among other things, a series of practical and rational criteria for the production of source texts, but it inevitably comes up against the problem of responding to two distinct but equally pressing requirements: on the one hand, guaranteeing texts for the general public that are, as far as possible, clear and readable and, on the other, permitting members appointed by their national governments to express themselves with the greatest possible freedom and without any form of constraint. As can be easily imagined, finding the right balance is an ongoing challenge.

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[12] European Economic and Social Committee 2000b, p. 3.

3.1.3 The Joint Practical Guide for the drafting of legislation within the Community institutions

The most accomplished effort to provide guidelines to legal drafters is indiscutably the *Joint Practical Guide of the European Parliament, the Council and the Commission for persons involved in the drafting of legislation within the Community institutions* (its full title), which was adopted in 2003 by the legal services in the three institutions named in its title. The *Joint Practical Guide* is set out in the following five sections:

1) General principles;
2) Different parts of the act;
3) Internal and external references;
4) Amending acts;
5) Final provisions. [13]

The *Guide*'s preface, aligning itself with the initiatives already undertaken to harmonise drafting standards, reiterates the need to close the gap between the institutions charged with enacting EU legislation and the citizens of the Union it is destined for:

> In order for Community legislation to be better understood and correctly implemented, it is essential to ensure that it is well drafted.

It goes on:

> Acts adopted by the Community institutions must be drawn up in an intelligible and consistent manner (...) so that citizens (...) can identify their rights and obligations (...).

Beyond these general statements, the premise of which plainly does not differ greatly from those proposed by the agreements or *Handbook* cited above, what sets the *Joint Practical Guide* apart from the former is the attention paid to a range of questions pertaining to language. It deals, in particular, with the following: the use of technical and non-technical language side by side within the framework of EU multilingualism, the legitimacy of using an EU idiolect, and the problems posed by translation operations and the coexistence of 24 language versions for each and every act of EU law. The *Guide*'s greatest strength lies in the fact that, for the first time in attempts at rationalising drafting techniques, issues of a legal nature are tackled jointly with those of a linguistic character, and this is done so seamlessly that it is impossible to ascertain whether one or the other discipline prevails over the other. With such an approach, the *Guide* would seem to tacitly acknowledge that this mix or amalgam of legal and linguistic features is the true distinguishing mark of the EU legislative set up, in the face of national systems which are not required to transpose laws across cultures and languages. Giving some consideration to the general issues that crop up with translation might appear trivial or uninteresting but this is not the case here. Indeed, the topic springs to life when analysed in a context where, as noted several times already, the intervention of the translator as being complementary to

[13] European Communities, "Joint Practical Guide of the European Parliament, the Council and the Commission for persons involved in the drafting of legislation within the Community institutions", Office for Official Publications of the European Communities, Luxembourg, 2003; http://eur-lex.europa.eu/content/pdf/techleg/en.pdf.

the work of the legislator is categorically denied in order to maintain the legal fiction which is co-drafting (see section 1.4). These issues are taken on mainly in the first part of the *Joint Practical Guide*, under the heading "General Principles".

The *Guide*'s basic stance is reflected from the very first point set down in the "General Principles". The statement with which the section opens, stipulating that "Community legislative acts shall be drafted clearly, simply and precisely" (Guideline 1), is immediately associated with the need to produce a legal act "which must fit into a system which is not only complex, but also multicultural and multilingual" (Guideline 1.2.1). This concept is developed in Guideline 5, which can be seen in the following fundamental statement:

> Throughout the process leading to their adoption, draft acts shall be framed in terms and sentence structures which respect the multilingual nature of Community legislation; concepts or terminology specific to any one national legal system are to be used with care.

The need to adhere to Council Regulation no. 1/1958, prescribing the use of all the official languages for the drafting of EU legal acts, places an obligation on the drafter to take account of a range of "additional requirements beyond those which apply to the drafting of a national legislative text" (Guideline 5.1). This clearly refers to the unique status of documents which are conceived at the outset in the knowledge that they will be subject to a translation process. The logical consequence of this is the recommendation that texts be drafted, where feasible, as simply, clearly and directly as possible, given that

> any over-complexity or ambiguity, however slight, could result in inaccuracies, approximations or real mistranslations in one or more of the other Community languages (Guideline 5.2).

In subsequent points, the discourse moves more specifically towards requirements pertaining to the translatability of a legal text. It is not enough, in other words, to have precise and understandable wording simply in the language in which a text is drafted. Instead, this requirement must be consistent in an absolute sense, meaning a text's wording must survive the test of transfer from one language to another. Following this line of reasoning, a series of pertinent observations can be made, all of which are concerned with the text's translatability: the need to draft correct documents from the viewpoint of grammar (Guideline 5.2.3: "The grammatical relationship between the different parts of the sentence must be clear"), syntax (Guideline 5.2.1: "Elliptical turns of phrase or short cuts are to be avoided"; Guideline 5.2.2: "Overly complicated sentences, comprising several phrases, subordinate clauses or parentheses (interpolated clauses) are also to be avoided"), and terminology. Concerning the technical terminology to be used, especially where it may be linked to the language or legal system of the person who is actually drafting the text, the following point is made:

> Certain expressions in one language — and in particular quite common ones such as the French "sans prejudice" — have no equivalent in other Community languages. In those languages, they can therefore only be translated using circumlocutions and approximations, which inevitably result in semantic divergences between the

> various language versions. Expressions which are too specific to one language should therefore be avoided as far as possible (Guideline 5.3.1).[14]

The obvious outcome of such an approach is to encourage the use of a generic terminology free of connotations linking it to any one or other legal culture and this can be seen in the fact that the use of hypernyms appears to be one of the defining features of EU legal output. Given the relevance of this phenomenon, it is given due consideration in section 7.1.1.2, rather than in the present chapter.

It is, however, worth considering for a moment the awareness of the close relationship that exists between the text which is undergoing the process of drafting and subsequent or parallel translation activities, clearly a constant thread running through this section of the *Guide*. A feature which can never be emphasised enough, however, is that translation, for better or for worse, is an integral part of the EU legal drafting process, and to underestimate its significance or to give it no thought whatsoever can only be detrimental to the desired result in terms of readability. It is revealing that the authors of the *Guide* went right to the heart of this entirely unofficial rapport to focus on aspects which in any other context might have been taken as quibbles of little relevance (for instance, Guideline 5.5.1 on the need to provide the translator with all pertinent references: "the author must ensure that translators can immediately identify the [legal] sources drawn on in the original text"). Most important of all, perhaps, the *Guide* gives fair credit both to the function and role of the translator in the evolution of drafted texts. To this effect, Guideline 5.5.2 states:

> the author must realise that comments from translators and, more generally, all departments which carry out a linguistic check of the text can be extremely useful. Such checks provide an opportunity to identify any errors and ambiguities in the original text, even after a lengthy gestation period and even — perhaps especially — when the drafting has been the subject of much discussion between a number of people. The problems encountered may then be brought to the attention of the author. In many cases, the best solution will be to alter the original, rather than the translation.

Two points emerge when considering this passage. First, there is a clear acknowledgement that the translator is above all a critical reader, or should, rather, be deemed *the* critical reader *par excellence* of legal drafts. As a figure devoted to the dissection of texts, therefore, the translator plays a central part in the production of legal acts, even though the reality shows that legal services and translation services frequently operate in units which are sealed off from one another. Furthermore, since the reading of texts as part of the translation process has been recognised as one of the analytical procedures that more than any other serves to untangle any potential ambiguity or incoherence present in a text, it would appear logical that the best solution may often be to modify the original text, and not the translated version. The *Guide*'s underlying message appears to be that only a synergy between legal services and translation services can overcome much of the criticism that is directed against EU legislation, which continues to be regarded as something alien (Guideline 5.4).

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[14] In English-language EU legal texts, this expression is commonly reproduced with the phrase "without prejudice to", whereas in other languages no exact equivalent is to be found (see the Italian variations, *senza pregiudizio*, *fatto salvo*, *fermo restando*).

Where, however, the intervention of the linguist in the work of the lawyer-drafter is perceived as excessive interference, what results is a momentary loss of the fundamental basis of EU legislation – which is, ultimately, its reason for being – in other words, its multilingual character.

The last part of the *Guide*'s first section covers textual consistency, and is clearly divided between, on the one hand, formal consistency, concerning terminology, and on the other, "substantive consistency, in a broader sense, concerning the logic of the act as a whole" (Guideline 6.1). This distinction, reflecting the classic dichotomy which scholars of linguistics refer to as (lexico-grammatical) "cohesion" and (textual) "coherence", is further deciphered so that a series of clear tendencies are arrived at which can be summed up as follows:

– technical terms should be used uniformly if indicating the same concept; where this is not the case, another term should be used (Guideline 6.2);
– consistency in terminology should be maintained even more carefully in the broadest sense, consistent with the legislation in force, so that contradictions between provisions can be avoided (Guideline 6.2.1);
– when a term has one meaning in everyday language and another, more particular meaning in legal language, sentences should be worded in such a way as to avoid ambiguity (Guideline 6.2.2);
– where necessary, technical terms should be accompanied by a definition (Guideline 6.2.3);
– terminology should also be checked in relation to the content of the act, to avoid semantic and therefore interpretative inconsistency (Guideline 6.3);
– the terminology used must be consistent with definitions throughout the entirety of the act (Guideline 6.4).

To sum up, it is hard to underestimate the remarkable clarity and prescriptive value of the *Joint Practical Guide* in its dealing – perhaps even more effectively than any of the initiatives put forward by the language services – with one of the key problems met by drafting staff at the EU level. Paying due attention to language use in general and to the greater caution required in relation to texts that cannot ever be considered in isolation, but which instead should always be perceived as translation source texts, are factors central to EU document production. Approaching language as a living resource loaded with meaningful content is the essential but clear guideline that stands out here, which is a point not only applicable to the drafting of legal acts, as was the intention of the authors, but one which could easily and beneficially be extended to all aspects of EU drafting.

3.2 Language interference in EU-related discourse: the case for English and Italian

A second problem which relates more to drafting practices in official documents than to a discernible evolution in the lexicon of official languages can be seen in the brief overview given in introduction to this part of the volume (see section 2.1). In recent years there seems to have been a growing number of calls – not only from language specialists, but also by the press – for the protection of national languages. These would appear to be at increasing risk of losing their identity and increasingly

succumbing to the allure of languages that are either more widely used or carry more clout in the EU political arena. It is plain to see that the standardisation of language, mainly as an effect of the spread in the use of English across all disciplines cannot be limited to the EU institutional context. This concerns a phenomenon that EU translators are more than familiar with and which – for reasons that will become clearer later on – causes them no end of frustration. The latest surveys carried out to establish the language skills of EU officials demonstrate, unsurprisingly, that English and French are spoken, or passively understood at least, by virtually all EU officials. [15] The truth hidden behind this situation is that we have in fact moved very quickly from a situation, dating from not so long ago, where the majority of first-generation EU officials (those hired between the late 1950s and the early 1960s) had no knowledge of English – when it was not yet an official language – and for the most part expressed themselves solely in French. In a second phase, it would be fair to say that a balance was found between these two vehicular languages. In a third phase, however, which could be seen to have begun particularly with the accession of Sweden and Finland, this balance shifted towards a decisive prevalence of English. The enlargement of the EU to take in the countries of central and eastern Europe, where the knowledge of western languages still appears limited, tipped the scales still further in favour of English, to the increasing detriment of *de facto* multilingualism. The use of English today already appears pervasive in working and interpersonal relationships among EU officials – though the disappearance of French as a *lingua franca* is still quite far off – so it is only logical that such a spread also be reflected to a considerable degree in EU documentation.

It is not hard to identify at least three levels of language interference between the official and unofficial languages of Brussels. The first level is not directly pertinent to the EU institutions, but concerns the sphere of consultants and experts involved in projects and more generally with EU legislation who, in different capacities, revolve around the Brussels institutions. This appears symptomatic for the purposes of our discussion, given that they work in direct contact with the EU institutions and can often be seen as the first link in the chain connecting the institutions with European citizens.

A few years back, an information session was held in the Belgian capital, in Italian, on project development in the context of the EU PHARE and TACIS programmes. Although a considerable amount of official documentation exists in Italian on this topic, with its own terminology, the presenter failed to take this into account and instead employed a host of terms and expressions prevalently of English origin. The use of Anglicisms became almost too much to bear when it came to discussing the question of upcoming projects. The following passage is taken from a booklet that was handed out during the course of the information session (italics have been added for the non-Italian terms):

[15] Born and Schütte 1995, pp. 391-392.

Il primo *budget*

- Cominciate a fare ipotesi di *budget* (in Euro), usando da subito la struttura PHARE/TACIS (riportatela in Excel/Lotus e salvate tutte le versioni intermedie; automatizzate il *file* con il massimo numero di formule e macro possibile): se non ci sono abbastanza soldi, non partecipate!
- *Fees*: le *fee* per esperti vanno espresse in *person/days* o *person/weeks* per *short term experts*. In *person/month* per il *Long term*. Ricordate che ci sono 22.5 giorni lavorativi per mese e 10.5 mesi/anno.
- *Direct expenses*: *Per diem/Daily allowances* (*UN rate*) per *short term* (< 6 mesi attività); *Housing allowance* per *Long term*. Inoltre tutte le spese non rimborsabili su ricevuta: ufficio (verificare), segretaria, posta, viaggi interni, *telecom*, fotocopie, affitto sale riunioni, *unforeseeable* ecc.
- *Reimbursables*: biglietti d'aereo (*Saturday night rule*), visti (verificare).

The above passage obviously illustrates an extreme case of linguistic syncretism but is, in fact, not uncommon in situations where technical issues pertaining to the whole of the EU are dealt with. In reality, this shortcoming in lexical accuracy, which might seem scandalous to purists, can be easily justified: the above session was aimed at administrative officials from the Brussels-based representations of three Italian regions and had a very practical objective, that is to inform them on the procedures for participation in EU calls for tender. While, as noted above, the terminology in Italian certainly exists in such a field, the proposals that are sent for examination and subsequent approval by the European Commission are usually drafted in English, so using the precise Italian terms becomes, paradoxically, either superfluous or worse still, confusing. In short, what was being implied by the booklet distributed during the session was that in order to win EU tenders it is necessary to gain familiarity with the relevant English terminology.

A second level of language contamination between Italian and English concerns the limited categories of texts which are originally conceived and drafted in Italian (European Parliament, EESC and CoR consultative papers which start out in life written in Italian, minutes of speeches given by Italian personalities, questions put by Italian Members of the European Parliament or minutes of their related interventions and so on) this time within the institutions. This mainly involves texts that do not undergo any form of reworking on the part of the translation services and are published just as they appear in their original spoken or written form. Being exposed on a continual basis to a multilingual work place, as well as to attendance at mixed-language commissions and working groups, as MEPs and members of the two EU consultative bodies are, needless to say gives rise to an overuse of loanwords, especially from English but occasionally also from French. This leads to another paradox whereby the texts that are either drafted in or based on speeches originally given in Italian can be subject to greater lexical interference than those which are translated. This phenomenon is exemplified in the three passages that follow, all taken from Italian originals: the first two from working documents used in preparation for an EESC opinion, the third originating from a question put by an Italian MEP during a European Parliament session.[16] Not only is there an abundance of English loanwoards in evidence here, but even the Italian wording shows heavy lexical interference (italics have been added):

[16] Turco 2001.

> La linea di intervento e gestione dedicata alla ricerca e innovazione incrementale dovrebbe avvalersi non solo degli strumenti di ricerca collettiva e cooperativa, ma anche di progetti sperimentali, di *network*, intelligenza economica e valutazione di impatto innovativo, di *benchmarking* e *road-mapping* interregionale, di attivazione congiunta con gli altri fondi e strumenti comunitari, in particolare BEI e FEI, di tutoraggio dei progetti, specie per riconoscimenti di fattibilità, reti finanziarie per sviluppo tecnologico e servizi di *spin-off*.
>
> L'incertezza quindi sui tempi per l'avvio della ripresa è forte poiché a fatti oggettivi si aggiunge l'aumento dell'avversione al rischio («*world-wide feeling of insecurity*») e di un atteggiamento di attesa («*wait and see attitude*») sia delle imprese che delle famiglie. Si ipotizza che l'aumento del rischio influenzerà in special modo gli investimenti stranieri diretti.
>
> Il *Working Party* istituito dalla direttiva 95/46/CE ha elaborato la raccomandazione 2/99 in merito al rispetto della *privacy* nel contesto delle intercettazioni delle telecomunicazioni, nella quale si specificano i requisiti che le leggi nazionali devono rispettare perché le intercettazioni compiute da organi statali siano conformi al rispetto dei diritti umani e delle libertà fondamentali ed all'articolo 8 della Convenzione europea per la salvaguardia dei diritti umani e delle libertà fondamentali.

The use of foreign terminology in the above three examples seems to follow a different pattern in each case: in the first, the author uses Anglicisms in what could be called an absolute sense, as if the Italian language were not sufficient to provide alternatives for the required usage or because the Italian wording might lead to doubt over the intended meaning. The only attempt to translate an English word in any way here can be seen in *tutoraggio*, an obvious calque based on the term "tutoring", so that throughout the whole passage the reader gains the impression of reading an original English text "behind" the Italian version, perhaps due also to the text's high density of noun phrases. The second example is worse still and the two citations that feature in English – they are no more than citations – seem gratuitous, adding nothing at all to the Italian text to which they pertain, especially the first, which actually makes it appear hackneyed. They seem to be connected to a poorly disguised linguistic snobbery by which the learned author is suggesting to the reader that their use is partially based on and therefore validated by the reading of foreign-language technical documents and therefore the said author could never be accused of parochialism. Another factor is at play in the third example: here, we are dealing with a use of English which, rather than betraying a form of snobbery, is influenced by the multilingual work place. The text's author, used as s/he is to daily contacts with colleagues who speak of "working parties" and "privacy", felt no need to translate such terms into Italian, especially as they are seen as part of the *lingua franca* which is heard along the corridors of the EU institutions and is therefore accessible to all. It is telling that in the response given by Commission representative Bolkestein, which underwent a translation process, the correct Italian equivalents for the two expressions "working party" and "privacy" are used (see below, italics added): [17]

> La Commissione tiene conto della raccomandazione 2/99 del *gruppo di lavoro* sulla *protezione dei dati* in sede di elaborazione delle proposte che adotta, in particolare

[17] Turco 2001.

> la proposta di direttiva relativa ai trattamenti dei dati personali e la tutela della vita privata nel settore delle comunicazioni elettroniche, oltre che all'atto del controllo dell'applicazione del diritto comunitario.

The last two examples show how an original text in Italian can illustrate a higher level of linguistic interference than one which is produced by the translation services. In fact, in translated documents, foreign terms are used only where it is felt that to do without them would be detrimental to the clarity of the text. In the best-case scenario they accompany rough or not yet formalised translations to help explain the meaning of a concept, as in the following example:

> L'articolo ribadisce l'obbligo degli Stati membri di non espellere rifugiati e di rispettare nei loro confronti il principio di non respingimento (*non-refoulement*).

The non-Italian term is not always presented alongside a loose translation, however, as in the above example, particularly when they are well-known expressions (for instance, *acquis communautaire*) or their meaning is obvious and familiar to most users ("marketing", "audit", "franchising"). On other occasions the term may be deemed untranslatable because it relates to a situation connected with a specific geographical area (see section 7.1.2.1). It is important to underline, ultimately, that the use of foreign terminology in translated documents largely appears to constitute genuine content and is undoubtedly employed less here than in certain types of original draft, such as the language of the press (for further discussion and examples of this see section 2.3.1).

No section on language interference in EU-related discourse would be complete without first looking at some of the consequences of using English and French as the main vehicular languages in the EU institutions, which in some cases can lead to the creation of a sort of "reverse" contamination. EU officials, with the exception of those employed in the language units, tend to write, express themselves, and generally become familiar with most technical terminology related to their field of activity either in English or in French, and sometimes do not even know the equivalent terms in their native languages. Going by Crystal's definition,

> "Euro-English" is a label sometimes given these days to the kind of English being used by French, Greek, and other diplomats in the corridors of power in the new European Union, for most of whom English is a foreign language. [18]

A merely functional knowledge of English can also be a problem. The language services of the EU institutions sometimes receive complaints about the quality of texts published in English, given that there is a general assumption – which it should be pointed out is mistaken – that all documents drafted in English, and thus even those punctuated with errors, are somehow the work of the translation units. [19] All that can be said in defence of the translators is that the blame should certainly not be laid at their doorstep: they are all, of course, native speakers; but, rather, with the non-Anglophone officials who take on the task of drafting documents in English even though their knowledge of this language may be patchy and limited to a narrow field. The result

[18] Crystal 1997, p. 136.

[19] Wagner and Martin 1998, p. 133.

is often the birth of a hybrid text made up of English terms placed within syntactic structures that belong to other languages, visible in two examples cited by Wagner and Martin which concern the first and second versions of a document drafted within the Commission.[20] The first sentence was drafted in English by a non-Anglophone administrator but appears to be structured on an exogenous syntactic model, while the second shows a revised text which has been corrected in its final version for adoption:

> The Ministry performs assessment of the impact of environmental measures on industrial competitiveness and eventual intervention.
>
> The Ministry assesses the impact of environmental measures on industrial competitiveness and takes whatever action is needed.

The second vehicular language of the European institutions, French, finds itself in a similar position to English. However, as Tosi notes, the fact that the EU institutions are located in French-speaking countries like France, Belgium and Luxembourg means that it can serve to nurture contacts between EU officials and the French culture, at the same time helping to conserve the language.[21] Furthermore, it would appear that those who do not possess a suitable level of fluency in French tend to refrain from writing it, not least because of the complexity of its spelling. The same cannot be said for English, which is considered to be a relatively easy "pidgin" form to employ in direct communication, backed up by the widespread idea – to repeat Wagner's disheartened view – that the language of Shakespeare "belongs to everyone and seems to know no rules".[22]

[20] Wagner and Martin 1998, p. 133.
[21] Tosi 2001, p. 252.
[22] Wagner 2000, p. 11.

PART II

The characteristics of EU translation

Il traduttore è con evidenza l'unico autentico lettore di un testo. Certo più d'ogni critico, forse più dello stesso autore. Poiché d'un testo il critico è solamente il corteggiatore volante, l'autore il padre e marito, mentre il traduttore è l'amante.

G. Bufalino, *Il Malpensante*

Abbiamo letto il libro sulla teoria delle fortificazioni, ch'Ella ha tradotto. I dialoghi sono tradotti molto bene e chiaramente. Ma il modo con cui si deve imparare a costruire fortificazioni è tradotto in maniera molto oscura ed inintelligibile, e nella tabella non si dànno le misure: accludiamo qui il relativo foglio in redazione corretta, e Le mandiamo anche il vecchio foglio, strappato dal resto affinché Ella possa veder da sé quello ch'è falso o inintelligibile. E per quanto riguarda il libro ch'Ella va traducendo ora, deve sforzarsi di dare una traduzione più intelligibile, specialmente dei punti che insegnano come si agisce praticamente. E nella traduzione non occorre attenersi al testo parola per parola: sibbene, dopo aver capito il testo, renderlo nella propria lingua nella maniera più intelligibile.

Lettera di Pietro il Grande al traduttore Zotov, febbraio 1709 (cit. in V. Gitermann, *Storia della Russia* [trad. G. Sanna], Firenze, La Nuova Italia, 1973, p. 912-913)

4

Translation practice in the European Union institutions

4.1 EU translation in figures

Despite the efforts of the European institutions to increase EU citizens' knowledge about their activities, a number of myths resulting from misinformation, and at times sheer aversion to the EU political experience, continue to circulate and sway public opinion. Among the topics which are controversial, the budgetary impact of the activities of translation and interpreting services never fails to stir up a sensation, especially when, as often happens, bloated figures are quoted or no reference is made to their weight in percentage terms within the EU general budget. Bearing in mind the public's legitimate right to question the costs of EU multilingualism, it seems appropriate to open this chapter by presenting the most reliable data possible on the translation requirements of the European institutions and their cost as a percentage of the EU budget. Such data may be considered the quantitative dimension which complements the theoretical considerations on multilingualism explored in the first chapter.

By comparing the statistics available from the inside,[1] the annual output of the EU language services is estimated to amount to more than seven and a half million pages, of which more than two thirds are produced by the European Commission, the Council of the European Union and the European Parliament. More difficult to ascertain is the total number of translators employed by the EU: no precise inter-institutional data exists and a figure can be arrived at only on the basis of the organisation charts of the individual institutions. Such a calculation is complicated by the fact that the figures

[1] It is nevertheless to be underlined that at the moment, there is still no single inter-institutional method to calculate output statistics, every institution providing figures according to their internal methods

relating to language services staff include not only translators but also secretarial staff, terminologists and such like. While allowing for partiality and above all the fluctuating nature of available data, it would be a fair estimate to say that the EU employs no less than 4,100 translators out of a total of just over 40,000 EU permanent and temporary officials.[2] The majority are accounted for by the organisation chart of the Commission, which quite rightly boasts the largest translation service in the world, but translation units are also to be found at the Council (Brussels), the European Parliament (Luxembourg), the Court of Justice of the European Union (Luxembourg), the Court of Auditors (Luxembourg), the European Central Bank (Frankfurt) and the European Investment Bank (Luxembourg), as well as a joint service shared by the two consultative bodies of the Union, the European Economic and Social Committee and the Committee of the Regions (Brussels). As for the more than 30 EU decentralised agencies, entrusted with specific tasks of a scientific or technical nature, they do not avail of their own translation services, but instead have their documents translated via the Translation Centre for the Bodies of the European Union, based in Luxembourg (CdT).

In 1991 Coulmas deduced that, despite the fact that some institutions had restricted their number of working languages, the costs of managing multilingualism (in a Union which at that time was still working with only nine official languages) absorbed about 40% of the budget set aside for administration, equal to about 2% of the entire EU budget. In fact, though they may appear high, the costs of managing EU multilingualism should not be considered excessive in relative terms. According to the European Commission DG Translation estimates, the annual cost of translation for the European Commission is approximately 300 million Euro, equivalent to 0.8% of the entire EU budget and 13% of its administrative costs, whereas the cost for translation services provided by all EU institutions is about 800 million Euro. If that number is divided by the some 500 million EU citizens, the cost of translation for each EU citizen is equal to 1.6 Euro, a figure deemed by Jacques Delors, the former European Commission President, "the price to pay for Europe".[3] Generally speaking, the total administrative expenditure of all EU institutions as part of the general EU budget is slightly below 6%.[4]

4.2 The state of play in the EU institutions and bodies

4.2.1 The European Commission

The European Commission hosts the largest and by far the most complex translation service in the world, with 1,760,615 pages translated in 2012 and a staff of about 2,200, including 1,500 linguists and 700 assistants and other administrative

[2] According to the General Budget for 2014, the EU employs a total of 40,673 people, of which 38,372 are permanent officials and 2,301 temporary staff.

[3] Jacques Delors, cited in Heynold 1999, p. 8.

[4] Source: *The European Union Budget at a Glance* (European Commission 2010). For the sake of comparison, the other areas of expenditure mentioned which are included in the EU budget, along with their corresponding percentages, are: Competitiveness and cohesion (44.6%), Natural Resources: agriculture, rural development and environment (42.5%), Citizenship, freedom, security and justice (1.3%), External actions (5.7%).

staff.[5] The European Commission Translation Service, whose beginnings date back to 1951 with the appointment of the first translators by the European Coal and Steel Community (ECSC) High Authority, was replaced in June 2002 by the Directorate General for Translation (DGT), whose staff is split between Brussels and Luxembourg.[6]

The DGT is divided into six directorates, of which the first four (A, B, C and D) comprise the 24 language departments corresponding with the official and working languages of the Union, as well as terminology coordination, while the remaining two (R and S) deal with more horizontal issues such as human and financial resources and customer relations, including the management of translation outsourcing.

Each language department is in turn divided into a varying number of units (from 1 for Irish to 4 for French and German) specialising in the various EU policy areas: financial and monetary affairs, agriculture, competition, education and culture, employment, energy, transport, the environment, external relations, trade, regional policy and many others.

The Commission, often referred to as the engine or the backbone of the Community system, fulfils some of the most delicate roles in the European institutional set-up:

– Legislative initiative, under which it plays the exclusive role of putting forward new legislation to the Parliament and the Council;
– The executive role, under which it implements and enforces EU policies;
– The role of representing the Union on the international stage, for example by participating in negotiations for the signing of international agreements;
– The role of "guardian of the Treaties", according to which it monitors the implementation of EU law by Member States.

The documents translated by the language services of the Commission reflect the latter's many areas of expertise and the importance of its authority, above all its law-making function, the logical outcome of which is the adoption of EU draft legislation. The process which leads to the drafting of a European Union directive or regulation is lengthy and complex, and can be broken down into three phases: the preparatory phase, the legislative phase proper and the implementation phase, each of which is characterised by specific types of documents. The preparatory phase usually begins with the drafting of an outline text within the scope of the relevant Directorate General. This may be accompanied by studies, documents deriving from internal discussions, presentations given to the public to illustrate the proposed legislation, minutes of meetings of advisory committees, and white or green papers (see section 2.2.2) destined for the general public. The legislative phase proper is marked by the adoption of the final version of the draft to be submitted to the Council and Parliament. The final text is the result of successive modifications proposed at the various meetings of the working group in charge of drafting the document. The post-legislative phase may also take on board press releases illustrating the proposal, the speaker's notes destined for the Commissioner responsible for its presentation and any amendments

[5] For the EU language services, a translated page is equivalent to 1,500 characters, excluding spaces (approximately 300 words).

[6] Similarly, in 2003 the Directorate General for Interpretation was set up, which replaced the old Joint Service "Interpretation-Conferences" or SCIC (pronounced /skik/).

that may be tabled by the Parliament and the Council. The implementation phase, finally, comprises documents such as Member States' reports on the application of the law, replies to parliamentary questions, and Commission reports to the Council and the European Parliament on the implementation of the directive or regulation in the Member States.

All of the document types mentioned above are translated mainly into the Commission's three procedural languages (English, French and German, see section 1.3), at least in the early stages of the law-drafting process. Exceptions are made for documents intended for the general public or those which have a particular importance and are therefore required in all official languages: green and white papers, draft directives (final version) and any amendments, press releases and implementation reports in the Member States.

Beyond the preparation of legislative texts there is much more to the work of Commission translators: official speeches, international agreements, policy statements, periodical publications, administrative information for staff, guides, reports and correspondence with the public. In the last few years, a unit has been set up within DGT with the task of translating all texts to be published on the Internet.

The most recent statistics on the translation activity of the Commission illustrate that about three quarters of the documents submitted for translation are drafted in English (about 73%), then French (12%), followed by German (3%) and all other EU official languages (12%). The situation is more uniform with regard to target languages: the data for 2012 show that the greatest number of documents are translated into English (14.92%), French (8.25%) and German (6.47%), while the remaining languages range from 3.37% to 4.4%. To cope with the considerable workload, the Commission also outsources tasks to freelance translators, usually through tender-winning companies. In 2012, the percentage of outsourced work was 24% of the total.

4.2.2 The Council of the European Union and the European Council

The Council translation service, based in Brussels in the *Lex* building, is the third largest after those of the Commission and the Parliament. It has about 630 translators spread over 24 language units, each with an average of 26 translators and 9 assistants.

The General Secretariat of the Council of the European Union, which comprises the translation units, serves two institutions: the European Council and the Council of the European Union.

The European Council, set up in 1974, at first as an informal forum for discussion and later as a guiding body behind European policies, was granted the status of "institution" by the Treaty of Lisbon of 2009. It is composed of the Heads of State or Government of the Member States and has the task of defining the general policy guidelines and priorities of the EU. The Council of the European Union plays a central role in the EU legislative structure, intervening in virtually all policy areas of EU interest. This entails the need for its translators to demonstrate general translation competence which – unlike at the Commission – does not provide for any kind of specialisation. An exception to this multidisciplinary role is the existence of "functional groups" (*associations fonctionnelles*), small associations of translators mainly charged with working on documents pertaining to particularly complex

fields, such as Justice and Home Affairs, Economy and Finance (ECOFIN), Common Foreign and Security Policy, and Environment. This does not mean, however, that translators belonging to a functional group are exempt from translating other types of documents. Likewise, translators working outside the functional groups can be requested to translate documents relating to these specialist topics.

The basis of the Council's institutional activity – and, consequently, that of its translation service – is usually formed by legislative proposals coming from the Commission (referred to as COM documents, after their reference code), which are discussed and modified several times before the adoption of an EU directive or regulation and its publication in the *Official Journal of the European Union*. The production of a legislative text originating from a Commission document passes through a varying number of working group meetings (generally attended by delegates of the various national ministries responsible for a given policy area), mostly based on what is called the "ordinary legislative procedure". The latter, introduced by the Lisbon Treaty in replacement of the previous "codecision procedure", consists of three phases that involve numerous steps in close cooperation between the Council and Parliament. In a nutshell, in the first phase the Parliament draws up a position on the basis of the Commission proposal and submits it to the Council. If the Council does not table any amendments, the proposal is adopted as formulated by the Parliament. Otherwise, the Council adopts its own position and communicates it to the Parliament. In the second reading, and within a period of three months, the Parliament may adopt the Council's position, reject it or propose further amendments. If the Council approves the Parliament's amendments, the legislative act is adopted. Otherwise, a phase of conciliation starts, aimed at drawing up a common project destined for both the Parliament and the Council. In the third reading, the Parliament and the Council may approve the common text or reject it, in which case the act is definitively deemed "not adopted".

Though this may be a somewhat cursory description, it nonetheless explains how the delicate political role of the Council also has a knock-on effect on translation practice. Most documents related to the above phases are translated into the 24 official languages, as are the administrative texts, minutes of meetings and memos covering developments over successive meetings. Before publication in the *Official Journal*, legal texts are submitted to the lawyer-linguists service (see section 5.6) for a final check in terms of legal compliance. Moreover, one should bear in mind that a document produced by the Council that will go forward for publication in the *Official Journal* is an act having the force of law. Unsurprisingly, then, the interlingual passage from L1 to L2 calls for the utmost clarity and rigour. Each and every problem of a lexical or translational nature must be resolved in the most effective way: to this end, a number of translators from each unit is also entrusted, beyond their ordinary tasks, on a rotating basis, with terminology research, and is therefore on hand for the whole unit to answer queries and solve specific difficulties. If, even with the intervention of terminologists, the problem still cannot be resolved, translators resort to experts (usually within the relevant national ministries) or, through a centralised language coordination system, to the same services of the Council which have requested the translation. Apart from the constraints imposed by the legal and political import of

documents, a second problem faced by the translators of the Council is the speed at which work must be executed: the most telling example can perhaps be seen in the provision of conclusions of the European Councils (the summits of Heads of State and Government), which, as one may imagine, are awaited impatiently by both the press and policy-makers around the world. This results in extremely tight deadlines and, in general, places the entire translation service under a great deal of pressure.

As regards working languages, in the last few years the traditional predominance of French has been noticeably eroded by English. According to the latest available data English accounts for approximately 90%, as compared to 4% of documents drafted in French. The remaining 6% is made up of texts written in all the other official languages. Concerning workload, in 2013, the number of translated pages produced at the Council grew by 10% compared to 2012, to reach approximately 2,000,000 pages. For the sake of protecting confidentiality, given the delicate institutional role of the Council, the percentage of translations outsourced to freelancers is almost nil.

4.2.3 The European Parliament

The European Parliament's DGT is located in Luxembourg. It employs about 760 translators, divided up into 24 language units, and some 300 assistants, amounting to a total of over a thousand employees. 1,700,000 translated pages were produced in 2012, about 30% of which was outsourced. [7]

Passing over the role played by the Parliament in the different phases of the ordinary legislative procedure (for which the comments made above in the section devoted to the Council apply), the strict observance of the principle of multilingualism at the European Parliament has given rise to a fully-developed translation system whereby at least some types of documents are translated from all and into all official languages. Of particular interest are the parliamentary questions and the answers they elicit, texts that can be presented in oral or written form and which, despite usually being concise, can prove especially thorny from an interlingual perspective. [8] For a start, the fact that they can cover the most varied topics of interest to MEPs and their constituencies, and are therefore not necessarily related to the usual areas of activity of the European institutions, may require considerable effort in terms of terminological accuracy (most notably the frequent queries on issues relating to local situations unfamiliar to other parts of the Union). Moreover, MEPs usually submit questions in their respective native languages so that they are expressed in as clear and precise a way as possible. It naturally follows that the staff of each translation unit must cover all the official languages of the EU.

Aside from the minutes of meetings and parliamentary queries, the types of text dealt with by translators at the European Parliament include political papers, for instance resolutions, reports and opinions through which the EP performs its advisory role, as well as administrative texts such as meeting agendas and bulletins on the Parliament's ongoing activities or their scheduling. The European Parliament's

[7] Source: Annual Activity Report 2012 of the European Parliament's DG Translation.

[8] Wagner, Bech and Martínez point out that the shortest answer ever given to a parliamentary question was "No" (2014, p. 54).

linguists also translate texts related to the European Ombudsman, an institutional figure whose task is to examine citizens' complaints about the institutions and EU organisations in cases of alleged maladministration. Complaints to the Ombudsman may be submitted in all official languages and receive a reply in the same language. This is yet another case in which operational translation competence is needed in all official languages of the Union, and not only in the most widely-spoken ones.

4.2.4 The Court of Justice and the General Court

The Directorate of Translation serving the Court of Justice and the General Court, which has to deal with a workload of over 1,000,000 pages per year, employed 924 officials in 2012, which amounts to about 45% of the institution's entire staff.[9] The French language unit is the largest, owing to the status that this language enjoys within the Court and the requirement that all documents relating to the various legal proceedings be available in French.[10]

At the start of any proceedings before the Court of Justice or the General Court, it is first necessary to reach agreement on what is referred to as the "language of the case". This can be any of the 24 official languages of the EU, which means that both Courts must work in full accordance with the principles of multilingualism. The language of the case, the only one in which the text of the judgment is officially binding, may be that of the national judge who has referred to the Court in the case of preliminary rulings (see below). For direct actions, the language of the case may be chosen by the applicant regardless of their nationality. Only where the defendant is a Member State does the language of the case coincide with one of its official languages. In deliberating, the Court uses a *lingua franca*, traditionally French, into which all documents filed by the parties in the language of the case are translated so as to form a dossier.

Unlike other institutions, translation within the Court of Justice is a specialised activity concerning only one field of expertise, the legal sector.[11] In fact, all the translated documents here are highly technical legal texts, written by and for lawyers covering the jurisdictional activity of both Courts. For this reason, rather than employing linguists, the translation service of the Courts only recruits graduates in law who have an operational knowledge of at least two languages other than their native tongue, referred to as lawyer-linguists (see section 5.6).

Texts that require translation at the Court of Justice can be divided into internal and external documents. The first category includes judgments and orders of both the Court of Justice and the General Court, which are translated from the working language of these institutions into all other languages for immediate publication on the Internet and subsequent publication in the various language versions of the Reports of Cases. These texts are produced within the institutions themselves and therefore present a degree of lexical and stylistic uniformity, which makes it relatively easy for them to be transposed into other languages. Problems faced when translating judgments

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[9] These and other data are taken from the web pages of the translation service of the Court: http://curia.europa.eu/jcms/jcms/Jo2_10742/.

[10] See Gallo 2005.

[11] See Lombardi 1999, p. 181.

relate in particular to the obligation for language units to provide versions in all the official languages on the same day as the judgment, which makes for tight deadlines. Such documents usually contain numerous references to previous judgments or EU documentation so they cannot be freely translated, but necessitate a parallel study of legal sources. Other texts drawn up internally by the Court include the conclusions of the Advocates General, usually read out by each Advocate General in their respective mother tongues, which often do not comply with any particular stylistic or linguistic standards as they derive from an individual and uncodified drafting activity. Conclusions are reasoned opinions on cases, drawn up impartially and in absolute independence, to which Advocates General resort in order to assist the Court in its tasks. More often than not they are long and complex texts, of undeniable import, which examine the legal issues raised by each case. [12] Their translation and revision therefore require an acute sensibility to language as well as a solid knowledge of the law, given the potential impact they may have.

A second category of texts is not drafted within the institution itself, but is provided by the Member States largely through the mechanism of preliminary rulings by national courts. In accordance with Article 267 of the TFEU, [13] in fact, the Court of Justice has authority to give preliminary rulings concerning:

– the interpretation of the Treaty;
– the validity and interpretation of acts passed by the institutions of the European Union and of the European Central Bank;
– the interpretation of the statutes of bodies established by an act of the Council, where those statutes so provide.

The article adds:

> Where such a question is raised before any court or tribunal of a Member State, that court or tribunal may, if it considers that a decision on the question is necessary to enable it to give judgment, request the Court to give a ruling thereon.

Texts of this kind lead to the usual problems related to interlingual comprehension and transposition that inevitably arise where no direct relationship exists between the author and translator. Moreover, it is easy to imagine the variety of terminology and context to which lawyer-linguists of the Court of Justice are exposed, that "escapes the gradual levelling of the Community language". [14]

Finally, between 20% and 25% of the overall volume of texts are outsourced to freelance translators. Outsourcing is nevertheless limited due to technical constraints, as well as the complexity and the confidential nature of many of the documents handled by the Court.

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[12] Lombardi 1999, p. 183; Gallo 2005.
[13] 2012 consolidated version; ex Article 234 TEC.
[14] Lombardi 1999, p. 181.

4.2.5 The two EU consultative bodies: the European Economic and Social Committee and the Committee of the Regions

While the EESC and the CoR may be the smallest EU bodies in terms of staff, and though they may be limited to an advisory role in the EU decision-making process, the translation work carried out by their language services has been, due to its peculiarities, the subject of various analyses.[15] The decision to deal with these institutions in the same paragraph can be explained by the fact that, despite the specificity of their respective areas of authority and their autonomy in work practices, to date they have shared a single translation service within the framework of a number of "joint services".

Set up in 1957 by the Treaties of Rome, the EESC is a consultative assembly composed of 353 members appointed by the Council at the proposal of their respective national governments. EESC members, representing various sectors of economic and social life, are organised into three main groups: Employers, Workers and Various interests (including artisans, farmers, consumers, cooperatives, etc.). The CoR is the youngest of the European institutions, established in 1992 by the Maastricht Treaty for the purpose of expressing the views of local and regional authorities in the EU legislative process. It, too, is made up of 353 representatives of local and regional authorities, either elected or accountable to an elected assembly, in the various Member States. The main task of both the EESC and the CoR is to issue "opinions" on draft laws or other issues of EU interest. Opinions are drawn up "by referral" when – as in most cases – the Council, the European Parliament or the Commission officially ask the Committees to express their views on a given topic. Conversely, "own-initiative" opinions are those not requested from the outside, but put forward autonomously by the Committees.

In terms of translation practice, there is a distinct difference between opinions by referral and own-initiative opinions. Generally speaking, opinions by referral in most cases concern legislative proposals drawn up by the European Commission. In other words, they are based on a document with its own specific terminology, which translators must retain as far as possible for the sake of consistency between the different language texts, all the more so when the subject matter is of a technical or complex nature. As for own-initiative opinions, they deal with topics which the EESC or the CoR deem to be of key significance to the institution itself. Although they may sometimes be based on a reference document (white or green papers, communications or even legislative proposals), they are not necessarily based on a standard terminology. However, in this case, too, the two successive phases of terminology identification and translation must take into account existing literature in the EU context (whether legal or not) and adhere to the corresponding specialised language.

Compared to other EU institutions whose working languages are limited mainly to English and French, the activity of both Committees is carried out in all EU official languages. In fact, while English and French prevail as source languages for administrative documents, an opinion on a particular policy area will usually be drawn

[15] See in particular Born and Schütte 1995, Giambagli 1992, Ponzoni 2002, and Cosmai 1999 and 2002.

up in the language of the member, referred to as a "rapporteur", who is designated to draft it. This means that each of the 23 language units of the EESC/CoR, made up on average of 17-18 people (except the English, French and German units, with about 30-35 staff each), must cover all remaining official languages. In fact, even though the number of texts in French, English and, to a lesser extent, German appears higher in percentage terms, the use of other official languages is nevertheless widespread. Consequently, each translation unit aims to have at least one translator with a passive knowledge of the EU's less widely-spoken languages. For this kind of text there is a more consistent ratio between the amount of documents produced and the language of production. However, the number of members of the Committees – and thus potential rapporteurs – is not the same for each State, but varies depending on their national populations (for example, Germany, France, Italy and the United Kingdom have 24 representative members, while Malta has 5). As a result, lesser-used official languages tend in principle to be under-utilised compared to those which are more widely used.

In addition, since the EESC and the CoR deal with virtually the whole range of EU policy issues, their documents present a technical character that often requires translators to carry out in-depth preliminary terminological analyses, in parallel with the operational phase of translation, as well as to familiarise themselves with all topics of EU interest, especially because EESC/CoR translation units are too small to be divided into thematic groups, as is the case with the Commission or the Council. It can be argued, therefore, that the daily practice of EESC/CoR translators is marked by a twofold need: the first, to translate texts written in a wide range of source languages (each translator works from between 3 and 6 languages into their mother tongue, bar rare exceptions, as is the practice in all of the EU institutions); and the second, to be competent in dealing with a broad variety of topics.

Finally, some figures: in 2013, the 337 translators of the EESC and the CoR produced 345,622 pages of text, of which about 54% for the EESC and 46% for the CoR. There is a somewhat limited rate of outsourcing (approximately 3%).

4.2.6 The European Court of Auditors

The European Court of Auditors, based in Luxembourg, has the task of examining all revenue and expenditure connected with the EU budget as well as the accounts of all EU agencies and other bodies set up by the European Union. The Court comprises 28 independent members, one from each Member State, with specific responsibilities in the field of external audit of public finances. The Court draws up audit reports (annual, special and annual specific) and issues opinions on all areas of activity of the European Union. The publication of such documents in the *Official Journal of the European Union* means that they must be translated into all 24 official languages. According to the Rules of Procedure of the Court (Article 28), the official languages and the languages of publication of the institution coincide with all EU official languages. Concerning the Court's internal functioning, it was decided to limit the number of working languages to English and French, although the need to prepare texts due for publication in all 24 editions of the *Official Journal*, mentioned above, makes it necessary to employ staff who can translate into all official EU languages. The Directorate of Translation of the Court of Auditors is composed of a management

unit, a coordination unit and 23 translation units, which in 2013 were made up of 150 translators and assistants. A translation unit generally consists of a head of unit, four translators and an assistant, while the French and the English units have more translators, given the greater demand for translations into these languages. Given the highly technical nature of the documents produced by the Court and the need for translators to be well acquainted with the mechanisms related to EU audit and budget, the percentage of outsourced texts amounts to less than 10% of all translation requests.

4.2.7 The European Investment Bank

The European Investment Bank (EIB), also located in Luxembourg, is the financial institution of the European Union and, as such, finances projects aimed at achieving the objectives of the Union. The working languages of the governing bodies of the EIB are limited to English, French and, to a lesser extent, German for the Steering Committee (the executive body of the Bank), while for the Board of Governors (consisting of the Finance Ministers of the 28 Member States), all 24 official languages are used. The Translation Division of the EIB is made up of 26 officials, including the head of division, divided between the various language sections according to practical need based on the frequency of use of each language. The Bank regularly relies on outsourcing for translation, but while the use of freelance translators is common for less frequently used languages, it is more limited for those most in use.

4.2.8 The European Central Bank

Even the European Central Bank (ECB), responsible for the management of monetary policy for the Euro area, has a small translation service, composed of about seventy translators (in 2011) based at the ECB headquarters in Frankfurt am Main. The ECB, whose working language is English, also has a small division of lawyer-linguists charged with implementing the institution's language policy throughout the preparation, adoption, notification and publication of documents and legal acts, which must be available in all official languages. The tasks of lawyer-linguists, who must hold a university qualification in law, are essentially made up of revision and editing (especially for those who are native speakers of English, who must check texts written in English by both Anglophones and, more often, by non-Anglophones) but also translation from at least two other official EU languages. The percentage of work outsourced by the ECB – which even on the question of languages works in close collaboration with the national central banks of the EU Member States according to the principle of decentralisation – is very high.

4.2.9 The decentralised EU agencies and the Translation Centre

The European Union currently has 35 decentralised agencies, commonly known as agencies, that provide assistance and advice to Member States and citizens alike in specific areas of a technical and scientific nature:

- Agency for the Cooperation of Energy Regulators (ACER) – Ljubljana, Slovenia
- Body of European Regulators for Electronic Communications (BEREC) – Riga, Latvia
- Community Plant Variety Office (CPVO) – Angers, France

- European Agency for Safety and Health at Work (EU-OSHA) – Bilbao, Spain
- European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX) – Warsaw, Poland
- European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (EU-LISA) – Tallinn, Estonia
- European Asylum Support Office (EASO) – Valletta, Malta
- European Aviation Safety Agency (EASA) – Cologne, Germany
- European Banking Authority (EBA) – London, UK
- European Centre for Disease Prevention and Control (ECDC) – Stockholm, Sweden
- European Centre for the Development of Vocational Training (Cedefop) – Thessaloniki, Greece
- European Chemicals Agency (ECHA) – Helsinki, Finland
- European Environment Agency (EEA) – Copenhagen
- European Fisheries Control Agency (EFCA) – Vigo, Spain
- European Food Safety Authority (EFSA) – Parma, Italy
- European Foundation for the Improvement of Living and Working Conditions (EUROFOUND) – Dublin, Ireland
- European GNSS Agency (GSA) – Prague, Czech Republic
- European Institute for Gender Equality (EIGE) – Vilnius, Lithuania
- European Insurance and Occupational Pensions Authority (EIOPA) – Frankfurt am Main, Germany
- European Maritime Safety Agency (EMSA) – Lisbon, Portugal
- European Medicines Agency (EMA) – London, UK
- European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) – Lisbon, Portugal
- European Network and Information Security Agency (ENISA) – Heraklion, Greece
- European Police College (CEPOL) – Bramshill, UK
- European Police Office (EUROPOL) – The Hague, Netherlands
- European Railway Agency (ERA) – Valenciennes/Lille, France
- European Securities and Markets Authority (ESMA) – Paris, France
- European Training Foundation (ETF) – Turin, Italy
- European Union Agency for Fundamental Rights (FRA) – Vienna, Austria
- Office for Harmonisation in the Internal Market (OHIM) – Alicante, Spain
- The European Union's Judicial Cooperation Unit (EUROJUST) – The Hague, Netherlands
- Translation Centre for the Bodies of the European Union (CdT), Luxembourg
- European Defence Agency (EDA) – Brussels, Belgium
- European Union Institute for Security Studies (EUISS) – Paris, France
- European Union Satellite Centre (EUSC) – Madrid, Spain

Most of the EU decentralised agencies do not have translation services of their own: their translation needs are covered by the Translation Centre for the Bodies of the European Union, generally known as the "Translation Centre" (CdT). Set up in 1994 in Luxembourg, the Centre, which in 2013 had a permanent staff of about 200

members, also serves institutions and bodies that already have their own translation services, on the basis of bilateral cooperation agreements. The Translation Centre can also make use of freelance translators. In 2009 the Centre produced 736,000 translated pages.

5

Translating for the European Union: the operational dimension

5.1 EU translators

It makes little sense to provide an abstract and generalised definition of EU translators, not least because the officials of the EU institutions' language services originate from a very wide variety of training and working paths, and their qualifications and skills cannot be reduced simply to the knowledge of one or more foreign languages. A booklet published a few years ago briefly outlined the characteristics considered necessary for a career in the EU language services: excellent drafting skills "to produce documents that do not 'sound like translations'", the need to remain faithful to the meaning of source texts and render with exactness and precision the information contained therein, the ability to conduct thorough terminological and background research, the ability to gather information, a sense of initiative as well as good organisational skills, adaptability and the ability to meet tight deadlines.[1] Such requirements do not appear to differ greatly from those required for most translators whatever their professional context and wherever they are operating. EU translators cannot really be defined as a separate breed in the sphere of interlingual mediators, except for the fact that the environment in which they work is for many reasons atypical and – though some hasty comments might have been passed on their negligible status within the EU institutions – they enjoy distinctly favourable working conditions, when compared overall to their fellow linguists, whether these be employees or working freelance.[2] This does not mean that everything is always for the better: everyday work is of course subject to a certain routine and can easily

[1] European Communities 2001b, p. 7.

[2] Wilss 1999, p. 108-109, cited in Scarpa 2001a, p. 207.

become repetitive, but on the whole it is undeniable that it is a rewarding professional experience, unique in its kind.

EU translators are well aware of the importance of their role as guarantors of a smooth dialogue between EU citizens and their institutions. Language units periodically witness lively discussion on different aspects of the language of EU texts, either through conferences or training workshops, or through internal and external publications on language and translation.

Among the publications produced by the EU language services, the most influential for over fifteen years, from 1985 to 2002, was the quarterly *Terminologie et Traduction (T&T)*. Epitomising the EU ideal of multilingualism, *T&T* is remembered as the only journal of linguistics and translation studies in the world to accept articles in the 11 (at that time) EU official languages and in some cases even non-EU or lesser-used languages. Over the years, it hosted countless papers on language policy, terminology and translation theory, enriching the ideas of EU linguists irrespective of their institutions, as well as bolstering their sense of shared identity. Under the direction of Pollux Hernúñez, *T&T* reached a circulation of 5,000 copies and gained a solid reputation that earned it the support of and attracted contributions from world-renowned scholars such as Christine Durieux, Peter Newmark, André Martinet, Susan Šarčević, Danica Seleskovitch, George Steiner and Sergio Viaggio.

There are several language units, particularly within the Commission Translation Service, that publish periodical bulletins for internal use, with papers on terminology issues relevant to translation activity within the EU institutions. The Italian translators' quarterly newsletter, *Inter@lia*, previously known as *Tracce*, the fortnightly magazine in Spanish *Puntoycoma*, the Portuguese *A Folha*, and, among the more recent language units, the Maltese translators' newsletter, *L-aċċent*, feature among these.

5.1.1 The career path of EU translators

The European Union is the world's largest employer of translators. Its current system of 24 official languages, allowing for no less than 552 linguistic combinations, including many unusual ones, makes it a unique working environment in terms of workload and requisite language skills. Under Regulation no. 31, of 14 June 1962, and successive modifications, better known as the *Staff Regulations of Officials and conditions of employment of other servants of the EU*, translators are recruited when they have passed a competition based on either qualifications or tests, or both qualifications and tests (Article 28, letter d).

Open competitions for translators are held every year. To participate, applicants must prove that they have excellent knowledge of one or more specific source languages (generally including English, French or German) and total mastery of a target language. In fact, translation activity in the EU institutions is always passive (see also section 8.2), meaning that it takes place from the foreign language into the translator's native language. In order to be eligible for an open competition, applicants must hold a university degree, not necessarily in languages or humanities, or have equivalent work experience. Since July 2002, open competitions for all the EU institutions are organised by a single body, the European Personnel Selection Office (EPSO), and regularly advertised on its website. The relevant vacancy notices are published in the

C series – Section "Competitions" of the *Official Journal of the European Union* and sometimes publicised in the national press of EU Member States.

Open competitions for linguists generally include written and oral tests, following preliminary multiple-choice tests. Written exams consist of one or more translations of general or technical texts, from one or more specific source languages. Moreover, candidates may choose to prove their knowledge of other languages, in addition to those requested by the competition, through optional translation tests. Under certain circumstances the evaluating panel may allow candidates to use monolingual or bilingual dictionaries. Oral examinations generally consist of an interview between the panel and the candidate – focusing on topics such as current international affairs, history and the latest developments in EU integration – in the candidate's mother tongue and in the source languages of the written tests. Once oral tests are over, a shortlist is drawn up. This lists candidates who have passed the competition, and may be used for the allocation of vacancies to be filled straight away and for those that might become available in the future. Shortlisted candidates may receive an employment offer from any EU institution. If they accept, they must undergo a preliminary medical test, after which a 9-month probationary period begins. Once this period is over, newly-recruited translation staff are admitted to the highest hierarchical level, the so-called AD (administrators) category. Under the latest version of the *Staff Regulations*, which came into force on 1 January 2014, the career of an EU language service official starts at grade AD 5 (junior translator) up to grade AD 12 (principal translator or reviser). Proceeding from grade AD 5 to AD 12 usually takes a couple of decades, while relatively few translators attain the position of head of a language unit (grade AD 9 to AD 14). Salaries start at 4,349 Euro for a newly-recruited official at grade AD 5 (the first level of seniority) and can reach over 16,000 Euro for an official in grade AD 14 (uppermost level). [3] It is worth noting that it was in the preceding version of the *Staff Regulations*, adopted on 1 May 2004, that the traditional distinction that existed between administrators (the old A category) and linguists (old LA) was annulled, incorporating all of them into a single AD level. This means, among other things, that the successful candidates of an open competition for translators can apply for any vacancy within the EU civil service, and not just for linguists' positions. In addition to permanent officials, the EU translation services employ a range of external staff such as temporary agents, auxiliary agents and trainees (all of whom hold fixed-term contracts), and freelance translators.

5.2 The categories of translated texts

Texts submitted for translation within the EU institutions are by nature extremely heterogeneous and lend themselves to a variety of possible classifications according to the comparative criteria that have been selected. Consequently, it is possible to imagine, for example, a taxonomy of EU texts based on their subject matter, in order to highlight the relative weight of the various EU policy areas taken within the full range of EU document production. Alternatively, texts may be broken

[3] Almost every grade consists of 5 echelons. Source: *Staff Regulations of Officials and conditions of employment of other servants of the European Union*.

down according to the type of EU legislation (regulations, directives, decisions, recommendations or opinions, but also the so-called "atypical acts", such as Council resolutions, Commission communications, etc.). Particularly notable, among the various descriptions of EU documents from a thematic standpoint, are the five categories identified by Goffin, which distinguish between legislative texts of primary and secondary law, administrative texts, texts relating to common policies, descriptive texts of the legal and social systems of Member States and scientific-technical texts.[4] Goffin states that the criterion selected for this taxonomy relates to the more or less legal nature of EU texts, but it seems fair to say – not least on the basis of what he states in the introduction to each text type – that his classification is mainly based on the degree of EU-specific terminology contained in them. In this section we have adopted a pragmatic selection criterion, irrespective of the degree of terminological peculiarities within the texts, allowing us to identify specific approaches to their translation. As a consequence, the following four categories have been singled out:

1. regulatory acts;
2. political documents;
3. administrative documents;
4. informative texts.

It should be stated from the outset that this taxonomy will not be sufficient to cover the full range of extremely diverse texts that are issued by the EU institutions, all the more so since the categories of text that have been identified, far from being independent entities, are, in different ways, clearly related to one another. It is proposed here, however, not only for the sake of providing a ready means of differentiation, but also because the texts that pertain to each of the listed categories seem to form separate groups in their own right, not only from the terminological and the stylistic perspective, but also in terms of the approach used by translators of these expressions.

5.2.1 EU Law: Regulations, Directives, and Decisions

"Legislative acts", means texts of EU primary law (more specifically, the Treaties establishing the European Union), as well as the first three acts of secondary legislation (known as "typical" acts), as listed in Article 288 of the TFEU:[5]

– *Regulation* – This is the legislative EU act *par excellence* and possesses all the characteristics of a national law.[6] Its main features are: general scope, which implies that its application to all recipients will be general and without any distinction; obligatory character "in its entirety", distinguishing it from the Directive, and thus obliging Member States to apply it in its entirety; and direct applicability in all Member States, that is without the need for any internal ruling as to its adaptation to national law, despite the diversity of those national laws;

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[4] Goffin 1990, p. 14. A less satisfactory classification, based on the dichotomy between legislative and informative texts can be found in Edmar 1998, p. 19-21. More recently, Cao has identified four major variants or sub-varieties of legal text: legislative texts, judicial texts, legal scholarly texts and private legal texts (Cao 2007, p. 9-10).

[5] Formerly Article 249 TEC; see Craig and De Búrca 1997, p. 97-101.

[6] See Draetta 1995, p. 205.

– *Directive* – A directive is binding upon the Member State to which it is addressed as to the result that is to be achieved, but it leaves national authorities free to choose the form and means by which to apply it.[7] In practice,

> it is a "mixed" act, which arises in EU law but is fine-tuned under the laws of the Member States, its recipients, who are required to implement the requirements of the directive by dint of their own internal measures.[8]

– *Decision* – A decision is binding in its entirety upon its stated recipients, whether individuals or Member States. It is their narrow focus, that is the fact that they are addressed to one or more identified or identifiable subjects, that distinguishes decisions from regulations, the scope of which is general.[9] What are referred to as "*sui generis* decisions" are acts having no recipient "whose effectiveness is purely internal, that is limited to the institution which has adopted it".[10]

5.2.2 Political documents

There are, as previously mentioned, a wide array of so-called "atypical" acts which are not explicitly listed in the Treaty. The more general title "political documents" is preferred here to define those documents which are not legally binding, since they perform the function of overall policy coordination of the Union.[11] This category can be further broken down into two groups in order to differentiate between, on the one hand, documents with contents broadly related to planning – occurring, as it were, in "isolated" form, such as conclusions to European Councils, statements issued by single institutions, inter-institutional agreements and so forth – and, on the other, more technically detailed documents marking the preparatory stages of the EU decision-making process, which therefore appear prior to the publication of a legislative act. The latter may also be considered political documents, since they can be used to shine the spotlight on a single policy area or, when published in reaction to a planning document, change the slant of the preliminary discussion phase. They also include documents aimed simply at launching a debate on an individual topic worthy of EU-level attention, such as white and green papers and Commission communications, whereas the usual basis for the law-drafting process resides in legislative proposals addressed by the Commission to the Council and Parliament. Preparatory documents of EU legal acts also include "opinions", the fifth "typical" act of secondary legislation, as well as their successive phases of preparation, under Article 288(5), of the TFEU. Opinions are non-binding documents that express the point of view of the EU body that issues them with respect to a given topic. They are, in particular, the main instrument through which the EESC and the CoR participate in the ordinary legislative procedure.

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[7] Article 288, para. 3, TFEU.
[8] European Commission 1995, p. 133.
[9] See Draetta 1995, p. 212.
[10] European Commission 1995, p. 135.
[11] European Commission 1995, p. 136.

5.2.3 Administrative documents

A category of texts that have no institutional import but which occur with considerable frequency in the daily practice of translators are administrative documents. They are mainly related to the practical functioning of individual institutions, but they can also serve a communication function, conveyed through the translation process, or may be related to the organisation of meetings. A non-exhaustive list includes:

– meeting agendas;
– invitations to meetings;
– information memos and internal memoranda;
– summaries of decisions;
– minutes, etc.

5.2.4 Texts destined for the EU citizen

Informative texts destined for EU citizens cover a wide range of publication types aimed at raising public awareness of EU activities. They include regular publications such as the monthly European Union Bulletins and the annual General reports on the Union's activities, guides, manuals and brochures on single institutions, published by the institutions themselves, or on the various EU policies, normally published in all official languages by the Publications Office of the European Union.

5.3 Autonomy and constraints in translation

The aptitude for constant renewal that is typical of the European Union lexicon, explored elsewhere in these pages (Chapter 2 in particular), might give the impression that EU translators are somehow entitled to remedy any problems connected with the incorporation of concepts from one language into another (for example, the lack of equivalence owing to the diversity of legal cultures in the source and target languages) through the performance of creative operations on the target language's lexicon. The reality is quite the opposite: the inspiring and optimistic vision of EU translators innovating in their own mother tongues by creating neologisms is in striking contrast with real practice. Indeed, EU translators have a markedly conservative approach to lexicon, all the more so when their context is compared with those where far less restraints are in place, like in the media. [12] Any reflection on the room for manoeuvre available to EU translators on the level of lexical innovation cannot but take into account the overall context in which they operate. Anyone who is a member of the EU language services knows that every translation choice that is of importance from the political viewpoint must be carefully monitored, to the extent that, more often than not, solving a translation problem means being able to carry out the right search among the many available documentary and terminological databases (see sections 6.1 and 6.2). Newly-recruited translators quickly learn that any brilliant new solution to a terminology problem must be supported by existing EU literature or technical texts written in the target language, otherwise it is likely to be replaced in the revision phase with a more customary or "ingrained" alternative. Beyond any general comment on the scope for lexical innovation available to EU translators, the

[12] See Tosi 2001, p. 253.

degree of autonomy they enjoy can be assessed more clearly by referring to three different levels of expression detected in EU texts by Anna Giambagli, who, in turn, draws on the work of Vassilis G. Koutsivitis.[13] This three-way differentiation, which summarises the factors conditioning translation practices in the EU context, includes three categories corresponding to the degree of constraint (from highest to lowest) faced by the individual translator *vis-à-vis* the target text, irrespective of any possible deviation that may be visible in the foreign-language text:

1. standardised formulas;
2. technical terminology;
3. free text.

With regard to standardised formulas, Giambagli points out that

> many EU documents can be identified, either broadly or strictly speaking, as legal texts, since the primary institutional aim of the European Community is the issuing of provisions having the force of law to be subsequently transposed into national law. Therefore, these documents often present an outward appearance that is heavily normalized with regard to both form and drafting practices, according to codified schemes and according to pre-established language matches. As a result, it no longer makes sense to speak of translation, but rather simply of reproduction of the originally translated formula.[14]

Indeed, the issuing of EU legal acts is bound to compliance with several formal requirements set out in the Treaty (see Articles 190 and 191). In the event of non compliance with such requirements, a complaint due to legal flaw is likely. If this should arise, the Court of Justice can repeal the act (Article 231). EU acts are drawn up on the basis of a structural model consisting of a title, a preamble, a set of provisions and a final formula.[15] This outward form is unalterable, especially in its opening part, or preamble (introduced by the expressions "Having regard to" and "Whereas"), which constitutes the document's reason for being and includes, among other things, the statement of its legal basis and explicit reference to proposals made by the Commission and any other required opinions. For example, a directive of the European Parliament and of the Council has to comply, in its opening part, with the following format:

DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL
of.....

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union
[and in particular article(s) ..... ,]
[seen ..... ,]
[Having regard to the proposal from the European Commission,]

[13] See Giambagli 1992, p. 64; Koutsivitis 1989, p. 36.
[14] Giambagli 1992, p. 64.
[15] See Ballarino 1990, p. 104.

[After transmission of the draft legislative act to the national parliaments,]
[Having regard to the opinion of the Economic and Social Committee,]
[Having regard to the opinion of the Committee of the Regions,]
[Acting in accordance with the ordinary legislative procedure,]
[Whereas ..... ;]
Whereas ..... ,
HAVE ADOPTED THIS DIRECTIVE:

This format displays a certain flexibility, as can be inferred from the optional formulas presented in square brackets. The preamble to the opinions adopted by the EESC is less flexible, though it still describes, through a few minor changes, a wide range of institutional possibilities. Whenever this document is drawn up at the request of the Council or the European Parliament (the "opinion by referral"), it is preceded by the following formula:

On… the Council of the European Union / The European Parliament / The European Commission ... decided to consult the European Economic and Social Committee, under Article … of the Treaty on the Functioning of the European Union, on the (title of the Commission document)
(COM (...) ...) .
The Section for …, which was responsible for preparing the Committee's work on the subject, adopted its opinion on ...
At its … plenary session, held on … (meeting of …), the European Economic and Social Committee adopted the following opinion by ... votes to ..., with ... abstentions.

It does, however, provide a number of more or less standard variants to account for any peculiarities in the evolution of the document. This will be the case, for example, when the decision to adopt the document has been taken by the EESC itself (in which case the text type is that of the "own-initiative opinion"), that is, without waiting for referral from one of the three main institutions.

The formal appearance of an act of EU law does not concern solely the preamble and in some cases can illustrate a decidedly more complex texture. If we consider, for example, directives and regulations, the entire framework of the document is standardised, that is, not only the preliminary part, but also the entire set of provisions. Such formulas are so restrictive for translators that, even when the foreign-language text makes use of a slightly different formula from that which is customarily used, they would still be obliged to abide by the established model for the target-language text, and would not introduce any change even if it were to appear in the original. For this level of expression, it seems almost inappropriate to speak of translation: translators do not, in fact, decide the most appropriate solution nor, in truth, do they spend any time pondering the source-language text, but merely "paste" fixed and immutable segments onto the text-product. According to Koutsivitis, those segments "occupy the extreme (–) with regard to the freedom of translation and the extreme (+) with regard to fidelity". [16]

[16] "Occupent l'extrême (–) en ce qui concerne la liberté traductive et l'extrême (+) quant à la fidélité", Koutsivitis 1989, p. 36.

The intermediate level of expression is made up of technical terminology, which Giambagli locates

> on a median line between the need to identify the exact equivalent in the target language and the scope for interpretation provided to the translator according to the context, so that the translating operation often cannot be limited to a direct and solely lexical transfer from the source into the target language. [17]

The intermediate position of technical terminology in an ideal taxonomy depends, in other words, on how unavoidable a technical term is. The use of a given technical term is unquestionably necessary when the document to be translated refers to a pre-existing text on the subject (a directive modifying an earlier instrument, or an EESC opinion on a given Commission paper), or when there is simply no lexical alternative. However, when this is not the case, terminology may lose its binding character and be translated according to the individual translator's intuition and preferences. The following excerpt is taken from the French original of an opinion adopted by the CoR with a high concentration of technical terms, concerning the "Proposal for a Regulation of the European Parliament and of the Council concerning the granting of Community financial assistance to improve the environmental performance of the system transport goods":

> Le calcul proposé qui tient compte des accidents, du bruit, des polluants, des coûts climatiques (CO_2), de l'infrastructure et de la saturation, mais en excluant la pollution des sols et des eaux et l'affectation des sols, et qui aboutit à une subvention de 1 euro pour chaque transfert de 500 km à partir du transport routier (à ajuster en fonction de la réduction effective des coûts externes de l'utilisation du transport ferroviaire, du transport maritime à courte distance ou de la navigation intérieure), apparaît comme relativement arbitraire et très inférieur au gain théorique de coût externe calculé pour chaque mode.

The passage mentions, not without criticism, the calculation method referred to in the Commission paper. It goes without saying, therefore, that the technical terms relating to the said calculation (*accidents*, *bruit*, *polluants*, *coûts climatiques*, *pollution des sols et des eaux*, *affectation des sols*, *transport routier*, *transfert*, *transport maritime à courte distance*, *navigation intérieure*) should be translated so as to ensure compliance with the terminology of both texts. Let us now consider the following passage, taken from the same text:

> La navigation intérieure est aujourd'hui adaptée à tous les trafics dès lors que sont aménagées les conditions de la massification. Pour répondre convenablement à cette demande de trafics pour les vracs et les conteneurs, les produits chimiques ou les matières dangereuses ainsi que les colis lourds, il importe que l'Europe dispose d'un réseau à grand gabarit maillé permettant une plus grande fluidité du marché entre les différentes régions de l'Union. Le Comité recommande donc que soient poursuivis les efforts en matière d'infrastructure contribuant à ce maillage.

Here the CoR expresses views that, though perhaps resonant with what is stated in the reference text, do not contain the same terminology. This excerpt, too, includes several technical terms (*vracs*, *conteneurs*, *colis lourds*, *réseau à grand gabarit maillé*,

[17] Giambagli 1992, p. 64.

maillage), but, once a check has been performed to see that they do not appear in the reference document, the translator is free to conduct the necessary terminological search by drawing on other sources (not necessarily EU texts) and therefore translate the text unhindered by such restrictions, with the following result:

> Inland waterway transport is now suitable for all kinds of traffic once the conditions for expansion are established. In order to meet this demand for bulk and container traffic, and the transport of chemical products, dangerous materials and heavy packages, it is important for Europe to have a wide-gauge network providing a more fluid market between the various regions of the Union. The Committee therefore recommends further efforts to provide the infrastructure for such a network. [18]

In other words, the approach to translation in this case can be associated with the third level of expression, free text, which allows the translator more freedom in terms of interpretation and text rearrangement into the target language. In turn, this means that, despite the presence of some degree of technical terminology, the meaning of the statement might have been transferred in any number of ways on the basis of the translator's personal intuition and methodological approach, in order to hit upon, according to Koutsivitis, "the appropriate new equivalence capable of transferring meaning while respecting the genius of the target language". [19] However, without affecting the translator's ability to operate significant changes at clause and text level to convey the message carried by the original, even in this case it is clear that the passage from source into target language is conditioned by a number of factors, first and foremost the need to maintain an appropriate lexical and stylistic register to match the political bearing of the documents undergoing translation.

5.4 Revising and editing EU translations

No description of the daily practice of translation in the EU institutions should overlook one of its most salient and controversial features: the role of revision and, broadly speaking, the interaction between translator and reviser in the final stage of the translation process. [20] The importance of revision for the sake of accuracy in the translation-end product is unquestionable, and even if this operational step is sometimes skipped due to heavy workloads or tight deadlines, it remains an essential procedure for documents of greater importance. As to the controversial nature of revision, it originates from two interrelated factors. To begin with, the broad meaning

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[18] Opinion of the Committee of the Regions on the "Proposal for a Regulation of the European Parliament and of the Council on the granting of Community financial assistance to improve the environmental performance of the freight transport system" (2002/C 278/05).

[19] "L'équivalence inédite pertinente qui transfère le sens et respecte le génie de la langue cible", Koutsivitis 1989, p. 37.

[20] In the technical literature on the topic, which is not particularly abundant, the term "revision" is often associated with the generic activity of checking and possible improvement of a translated text, carried out by the translators themselves who critically read their own work (the so-called "self-review", see Scarpa 2001a, p. 174). While the observations made in this section may in part lead one to assume that the translator and the reviser are the same person, in general these two professional functions should be considered as separate to better highlight the idea of interaction between the two roles.

that is attributed to this notion, which, depending on the situation, can range from a simple proofreading or checking activity to stylistic reformulation or even rewriting; secondly, the lack of consistent methodological and operational criteria applied to revision. Such consistency would provide a uniform, though perhaps not scientific, basis of reference for an activity which is all too often marked by an entirely subjective aesthetic approach to language and text.

The lack of uniformity in the use of the term "revision" has been remarked by many scholars and it has already been mentioned in passing that such a lack of consistency also affects EU translation units.[21] This is hardly surprising given the fact that in daily working practice no single approach is visible even with regard to translation. However, whereas the outcome expected at the end of a translation process is more or less unanimously agreed (ideally, a product consistent with the source text in terms of content and information, complying with the stylemes and morpho-syntactic structures of the target language and, at best, readable as an original text), in the case of revision there seems to be no agreement on the objectives to be pursued and the nature of the changes needed to achieve them. Therefore, a whole range of methodological variations exist, depending on the rigour of editing activity performed on the translated text. On this basis, a taxonomy of revision can be attempted, from the most flexible to the most intransigent approach:

1. **Simple reading** of the target text (also called "editing"), the only purpose of which is to ensure clarity and consistency throughout the latter. In this case, the target text is taken to be an autonomous text, rather than the product of translation activity. Therefore, in principle, reference to the source text is made only if doubts or misgivings arise regarding the final version. This means that any decision to modify the translated text does not originate from concerns related to the original text, but only from the need to ensure correct expression in the target language. This approach can be chosen for a number of reasons: because none of the available revisers knows the source language, because the source text is not considered particularly challenging or important and therefore does not deserve any further effort once the translating phase is over, because the translator is deemed reliable, and so on.
2. **Cross-reading** of the source and target texts with the basic aim of ascertaining from an interlingual perspective, rather than critically examining, the pertinence of the translation solutions. Revisers opting for this approach limit themselves to checking the semantic match between both texts, and generally refrain from interfering in the translator's lexical and stylistic choices.
3. **Lexical and terminological revision**, which is usually the last phase of specialised translation, is aimed at checking technical terminology, but by and large remains faithful to the translator's style.
4. **Lexical and stylistic revision**, that is, a complete check of the translation process from the source to the target text with the aim of improving all the formal aspects of the latter for the sake of brevity, clarity or simply compliance with the stylistic expectations of end-users. Again, as with cross-reading, the starting point is an interlingual comparison between source text and target text, but with a different

[21] See, for instance, Scarpa 2001a, p. 173-174.

conception of the translation-product. In fact, while this may be the outcome of a transfer process, it should look like an original and not as a text based on another language.

None of these methodological approaches should be recommended or condemned outright, because each time a choice is made, it depends on the importance of the text and the role it is expected to play once translated and placed in its appropriate functional context. At times, however, the approach to revision and its outcome can originate from subjective variables which are more difficult to classify. In translation units like those of the EU institutions, which are composed of a number of people who may be assumed to know each other and to have been working together for years, therefore sharing a considerable amount of experience, such variables naturally include the degree of esteem that an individual reviser holds for a fellow translator and, at the same time, the degree of confidence they have in them. In turn, this preliminary assessment of the translator's abilities in relation to a single translation project brings about clear expectations as to the level of severity or leniency that will be required during the revision phase. However, it can also bring about what Jacques Permentiers, Erik Springael and Franco Troiano colourfully term "red-pen lust", that is the mental attitude of those revisers for whom anything that does not comply with their own way of writing is incorrect and needs editing.[22] The danger of such an attitude is clearly expressed in Lorenza Rega's words, according to which:

> Revising somebody else's work is a highly complex matter. The reviser intervenes in another person's writing and has to find a compromise of sorts between what would have been their own choices and what they must accept, like it or not, to avoid having to completely rewrite a text. (...) To translate is to independently produce a text by applying strategies which are unquestionably decided on a rational level, but which at the time of their implementation are also impacted by subjective influences on the individual. Nonetheless, it follows that in many cases the reviser is strongly tempted to make changes that are not strictly necessary or others that are more closely related to the sticky question of style.[23]

This proves to be a risky attitude, therefore, which can be harmful in two different ways. On the one hand it is likely to undermine the translator's confidence in their own approach to written discourse and style; on the other, because in extreme cases it may lead revisers to rewrite the text from scratch, which inevitably leads to a great deal of time wasted.

Going back to the approaches to translation listed above, it is important to point out that they are not necessarily in conflict with or alternatives for one another, and if need be they can coexist as complementary phases of a single revision process. It may occur, for example, that a general language check is combined with a random comparison with the source text in cases of doubt and the occasional introduction of more appropriate lexical, stylistic and textual elements.

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[22] Permentiers, Springael and Troiano 1994, p. 49.

[23] See Rega 1999, p. 117.

On the basis of the categories described by Scarpa and Rega, revision interventions can also be classified in three main groups. [24]

1. **Subjective interventions**: these constitute unnecessary changes motivated by the reviser's own translation and stylistic habits. They represent an alternative to the translator's choices, but do not necessarily improve them, and are often imposed through the discretionary powers that can characterise the revision process, especially where directed at young and inexperienced translators who easily yield their point of view. Subjective interventions particularly concern the lexical level, when they are aimed at replacing lexical units with synonymous terms or phrases, as in the example which follows, or the word order in a sentence, usually at the level of *theme* (the element of the sentence assumed to be already known to the reader) and *rheme* (the new and presumably unknown information). The three texts presented below (the English source text, and the Italian translated and revised versions) show an example of this approach, whereby the modified parts do not undermine the text's comprehensibility and revision interventions are not really justifiable, except perhaps where they emphasise adherence of the target text to the original:

> **Undoubtedly** much of the debate on the future of cohesion action will **focus** on the resource implications this has: how much will cohesion policy cost and how will any additional expenditure be financed? These are important economic and political questions. However these questions **should not be permitted to mask** the significant economic gains that accrue – **both directly and indirectly** – from improving the economic prospects and performance of the Union's disadvantaged regions.
>
> È **fuori di dubbio** che gran parte del dibattito sul futuro delle azioni di coesione **si concentrerà** sul loro impatto in termini di risorse: quanto costerà la politica di coesione e in che modo verranno finanziate le eventuali spese aggiuntive? Si tratta di importanti questioni economico-politiche, **che** però non **devono nascondere** i cospicui vantaggi economici derivanti – in modo **diretto e indiretto** – dal miglioramento delle prospettive e dei risultati economici delle regioni svantaggiate dell'Unione.
>
> È **certo** che gran parte del dibattito sul futuro delle azioni di coesione **sarà incentrato** sul loro impatto in termini di risorse: quanto costerà la politica di coesione e in che modo verranno finanziate le eventuali spese aggiuntive? Si tratta di importanti questioni economico-politiche, **le quali** però non **dovrebbero far passare in secondo piano** i cospicui vantaggi economici derivanti – in modo **sia diretto che indiretto** – dal miglioramento delle prospettive e dei risultati economici delle regioni svantaggiate dell'Unione.

2. **Objectively justifiable interventions**: these are changes that actually improve the target text not only in terms of correctness of the statement and semantic consistency with the source text, but also in terms of clarity, compliance with the established stylistic and lexical norms of the cultural environment of the target text and, ultimately, with the wishes of the expected end-users. Most of the interventions listed in the example below of a translation from German into Italian seem to be founded on such criteria of general readability and adherence to the source text:

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[24] See Scarpa 2001a , p. 175, and Rega 1999, p. 118-130.

Aus heutiger Sicht kann festgestellt werden, dass die Forschungsergebnisse der dargestellten Studie nach zwei Jahre nach ihrem Abschluss nicht an Relevanz verloren haben. Im Gegenteil ist hervorzuheben, dass insbesondere zwei der hier empirisch nachgewiesenen Elemente – nämlich die Leistungsfähigkeit integrierter **Ansätze sowohl** bezüglich der Zielsetzungen regionalentwicklungspolitischer Massnahmen **als auch** bezüglich der in **Politikformulierung** und -umsetzung beteiligten Akteure sowie die Bedeutung der zivilgesellschaftlichen Kraft – Gegenstand der aktuellen Situation um Wege **zur Stärkung** des wirtschaftlichen und sozialen Zusammenhalts in der Europäischen Union, auch im Hinblick auf die Aufnahme der Mittel- und Osteuropäischen Länder, sind.

[Setting out from the current situation it can be seen that the survey results reported in this study have lost none of their relevance, even two years after the conclusion of the research. Indeed, it should be noted that two of the elements demonstrated empirically – i.e. the effectiveness of the integrated criteria both in relation to the objectives of the regional development policy measures and the parties involved in the development and implementation of policies as well as the importance of the strength of civil society – are the subject of the current discussion as to how to strengthen economic and social cohesion in the European Union, including in relation to the accession of countries from Central and Eastern Europe.]

Partendo dalla situazione attuale si può rilevare come i risultati dell'indagine conseguiti nel presente studio non abbiano perso nulla della loro importanza anche a due anni dalla conclusione delle ricerche. Anzi, occorre sottolineare che soprattutto due degli elementi qui dimostrati empiricamente – vale a dire l'efficienza dei **concetti** integrati in relazione agli obiettivi delle misure di politica dello sviluppo regionale e ai soggetti che partecipano alla **formulazione** e alla realizzazione **dei progetti politici** così come l'importanza della forza della società civile – sono oggetto dell'attuale discussione sulle modalità **di rafforzamento** della coesione economica e sociale nell'Unione europea, anche in merito all'accesso dei paesi dell'Europa centro-orientale.

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The reviser's interventions have been aimed at:

- rectifying inappropriate or even misleading wording: *I risultati conseguiti* ("the results achieved") → *I risultati riportati* ("the results reported"), *modalità di rafforzamento* ("ways of strengthening") → *modalità per rafforzare* ("how to strengthen"), whereby the latter solution emphasises a potentiality as compared to a wording that seems to describe an existing state of things;
- finding a more suitable solution in the target language: *concetti* ("concepts") → *criteri* ("criteria") for the source-language *Ansätze*; *formulazione e realizzazione dei progetti politici* ("formulation and implementation of political projects") →

definizione e realizzazione delle politiche ("development and implementation of policies") for *Politikformulierung und -umsetzung*;

– adding a semantic element present in the source text and neglected in the interlingual transfer: *in relazione agli obiettivi delle misure di politica dello sviluppo regionale e ai soggetti che partecipano alla formulazione e alla realizzazione dei progetti politici* ("in relation to the objectives of the policy measures of regional development and to the parties involved in the formulation and implementation of political projects") → *in relazione sia agli obiettivi delle misure di politica dello sviluppo regionale che ai soggetti che partecipano alla formulazione e alla realizzazione delle politiche* ("in relation both to the objectives of the policy measures of regional development as well as to the parties involved in the development and implementation of policies"), whereby the relation between the two elements is emphasised.

An approach to revision based on the need to meet the stylistic and lexical criteria ingrained in the operational context – in which the text was produced and to which it will return once translated – seems to belong to a grey area between the first and second categories. This situation, which Scarpa calls "adaptation to a particular house-style", is not always related to the categories of objectively justifiable or specialised interventions, and at times can only be justified on the grounds of an established practice handed down from one generation of translators to the next.[25] For example, freshly-recruited Italian translators soon learn to refrain from using the term *rapporto* ("report"), which during the revision phase is almost systematically changed to *relazione*, even though the semantic difference between the two terms is difficult to pinpoint with precision. The expression *paesi membri* (literally, "member countries") is customarily replaced by *Stati membri* ("Member States") and, conversely, *Stati terzi* ("third States") is changed into *paesi terzi* ("third countries"), while in specialised texts this difference in use is not maintained.[26] At times, internal practices may be directly borrowed from other languages, especially French. One case in point is the use of the adjective *finlandese* ("Finnish"), which in EU texts becomes *finnico* ("Finnic") when referring to the official language of Finland, and remains *finlandese* when referring to the people of Finland, despite the fact that no such distinction holds in standard spoken and written Italian and in major Italian dictionaries.[27] Beyond the overall house-style, translators operating in relatively small units may also have to face revisers' specific idiosyncrasies and be led, in order to avoid criticism of their work, to match their own lexical or stylistic register with the preferences shown by those who revise the text, especially if the translator-reviser pair has already been fixed before the translation work starts. It is a questionable attitude that falls among the already mentioned "human" variables and can give rise to a range of undiscerning and utilitarian choices, but fortunately seems to be the exception rather than the rule.

1. **Specialised interventions**: typical of specialised translation, this kind of intervention can relate either to technical terminology or style and content, when

[25] Scarpa 2001a, p. 175.

[26] See, for instance, Vedaschi 2002.

[27] See Zingarelli 2004, p. 709.

blatant contradictions are identified within the target text or in comparison with the source. In the following example, drawn from a text based in the field of economics, the reviser's intervention has focused on vocabulary, whereby the translation of two technical terms has been spelled out for greater compliance with current use:

> Following a **budget deficit** of 11% of GDP in 1993, Sweden achieved a **surplus** of 2% of GDP in 1998, a turn-round which is remarkable by any standard.
>
> Dopo aver registrato un **deficit** dell'11% del PIL nel 1993, nel 1998 la Svezia ha ottenuto un **saldo eccedentario** pari al 2% del PIL: un'inversione di tendenza considerevole in base a qualsiasi parametro.
>
> Dopo aver registrato un **disavanzo** dell'11% del PIL nel 1993, nel 1998 la Svezia ha ottenuto un **avanzo** pari al 2% del PIL: un'inversione di tendenza considerevole in base a qualsiasi parametro.

Although this book is intended to be descriptive in its approach and does not purport to have a prescriptive purpose, it is reasonable to ask, in the light of the preceding remarks, which revision strategy proves to be most profitable in the long run in terms of balance between working time and quality of results. However, there is no single answer to this question, given the relative variants occurring each time in this process, and which have been partially mentioned: the strategic importance of the text and its degree of linguistic and drafting complexity, the existence of a relationship of trust between reviser and translator, the translator's experience with a particular text type, their degree of knowledge of the original language and so on. Moreover, it should not be forgotten that in the EU language services, revision is not only meant as a way to improve target texts, but also as an ongoing training activity for new generations of translators. This may explain the apparent rigour of certain interventions, which are sometimes aimed at providing translation alternatives and discouraging young translators from always using the same lexical and stylistic patterns. Such interventions should therefore be considered as didactic aids rather than as tools for penalising a translator. Apart from in certain specific situations as outlined above, nevertheless, it is our opinion that revision should, in general, be targeted as far as possible at simply checking the accuracy of the translation product in terms of transfer choices and inter- and intra-textual coherence, while respecting the original author's style. An "interventionist" approach appears more time consuming, whereby, as Brian Mossop sums up, the revision process answers the question: "How would I have translated this text?", rather than: "Does the text really need to be improved?".[28] In adopting this approach, the reviser ends up standardising somebody else's intellectual product to conform with the peculiarities of their own written expression.

5.5 Lawyer-linguists

As their name suggests, lawyer-linguists (or legal revisers, as they are called in the European Parliament and the Commission) are legal experts with outstanding language skills, currently operating in the four major EU institutions (the Commission, the Council, the Parliament and, especially, the Court of Justice, where they are employed in the translation service, see section 4.2.4). Their task does not amount so

[28] Mossop 1992, cited in Scarpa 2001a, p. 175.

much to carrying out yet another and more thorough revision of the text in terms of translation accuracy and terminological consistency, as it does to making sure "that the text has the same legal effect in all official languages".[29] Such an operation is performed by ensuring "compliance with the rules of legistics, namely the legislation technique" (drafting rules and style).

The main function of EU lawyer-linguists is to further revise (that is, subsequent to the revision already carried out at the translation service level) legal acts for the purposes of legal compliance. On the basis of the texts produced by the translation service, lawyer-linguists proceed to a more "targeted" revision of their respective language version with reference to a so-called "basic text". The lawyer-linguists at the Court of Justice mostly deal with translation and revision of judgments, orders and other documents emanating from the Court of Justice and the General Court, and their work is therefore decidedly less specific in character than that of their colleagues in the other institutions.

Due to the small size of lawyer-linguist units in the various institutions, the inability of those units to be operational from all EU languages and the peculiarity of the lawyer-linguists' own revision activity – that is the assessment of consistency not between source and target versions, but between the target version and the legal system in place in their respective countries –, the languages of all basic texts are limited to French and English. However, as noted by Paolo Martino Cossu, this choice does not mean that these two languages enjoy a position of primacy over the others, since this would run contrary to the provisions of Regulation no. 1/1958 of the Council.[30] Rather, the aim is merely to streamline an activity pertaining to the last phase of legal drafting. In fact, it should not be forgotten that lawyer-linguists intervene

> on an almost definitive text, which has already undergone the scrutiny of the translation service, but which requires an additional check before final adoption.

Against this backdrop, the activity of lawyer-linguists might be defined as a sort of "hyper-revision", albeit one that is more focused on legal features. However, in contrast with the conventional revision process, it may lead to a rewriting of the basic text, wherever it is established that the latter does not meet the necessary technical and legislative drafting criteria. This possibility bestows the rather wide-ranging complementary role of "legal editor" on the lawyer-linguist, which can even entail the rewording of all or part of the text.[31] This double function, restricted to formal interventions where the substance of the legal act cannot be altered, is carried out by the Council's lawyer-linguists in accordance with a procedure that takes into account the dual possibility of intervention on both the basic text (co-drafting) and the translated text (revision). For each text a "project manager" (*chef de file*) is appointed, with the task of preparing a "fine-tuning" (*mise au point*) draft incorporating the proposed changes.

In a second phase, the fine-tuning draft is collectively discussed – preferably with the participation of national delegates to the working group charged with drafting the

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[29] Gallas 1998, p. 290.

[30] See Cossu 1999, p. 152.

[31] See Cossu 1999, p. 152.

act, in order to ensure that the interpretation of the document is as correct as possible – and, where appropriate, further altered. All changes accepted by the working group and incorporated into the text are then translated into each of the language versions, according to a parallel and entirely original method aimed at rethinking the source text and integrating it into the definitive versions.

6

The impact of ICT

The role of ICT in EU translation units was relatively limited until a few years ago. As recently as the mid-1990s, hybrid operational methodologies prevailed. While computers had already become an indispensable tool for the new generation of translators, the older generation of officials was reluctant to get to grips with them and, more often than not, continued to dictate their translations or write them out by hand. Whenever the source text included passages that had already been translated elsewhere, these were manually cut out from the paper texts and glued on to the new versions, thus anticipating the now irreplaceable "cut and paste" ICT function. On taking up their duties, newly-recruited translators were provided not only with the monolingual and bilingual dictionaries corresponding to their working languages, but also with a whole array of glossaries on subjects related to EU policy areas, often compiled by the same EU language services. As for ICT tools, they were basically restricted to the terminology database *Eurodicautom*[1] – which, however, could only be accessed by temporarily closing the word processing programme – and the text corpus *Celex*, whose utilisation remained so complex as to require its very own training course. The introduction of the Internet a few years later, while being hailed with genuine enthusiasm for the opportunities it offered, especially in terms of terminology searches, raised doubts as to its actual usefulness for the purposes of translation. Today, some 20 years on, the situation has undergone such a sea-change that it is barely possible to remember how translators were able, not so long ago, to work differently. It is undeniable that ICTs and the development of the global network have transformed and rationalised working practices to such an extent that, as has been

[1] The trademarks, service marks and names of computer applications mentioned in this section belong to their respective owners.

observed, "translating today means not only finding the right word, but also using the right IT tool". [2] This quiet revolution has been facilitated – or at least complemented – by one particular circumstance: the sharp workload increase in recent years. It is undisputed that until not so long ago translation work took place at less intense a pace than it does today, which meant, among other things, that much more time was available to linger on the various text problems and, where necessary, consult with colleagues of other languages. There was lively collaboration between language units and, in the case of particularly sensitive or complex documents, collective readings of the different language versions were organised to minimise the risk of error. Such a system would be difficult to envisage today: the stepping up of EU institutional activity has made it increasingly urgent to hasten and rationalise the work of translators. This has been done *inter alia* by preventing, as far as possible, the re-translation of already-translated texts, trying instead to exploit the work previously done in order both to avoid wasting time and to develop a system of references and a body of terminology and documentary samples in a consistent and systematic way. To this end, the creation of terminological databases and text *corpora* has been intensified in recent years, as well as the development of a host of computer-assisted translation tools, as will be discussed in the next sections. The role of ICT, however, is not merely limited to the translation phase, but increasingly affects the whole document-management process. For example, the translation of a single document at the European Commission may go through some or all of the following phases (described below in chronological order, together with the relevant ICT applications):

1. the translation request, along with the original document and any reference documents, is sent by the requesting services to DG Translation via the online portal *Poetry*, short for *Electronic Processing of Translation Request*;
2. the translation request is encoded by the demand management unit, which assesses the degree of urgency of the document and assigns it to the relevant translation unit. This happens via *Suivi*, software which shows the entire process that a single document undergoes and highlights the current working phase at any given time. *Suivi* is also used for statistical purposes;
3. the original documents (and any reference texts) are broken down into sentences and stored in a vast linguistic repository called *Euramis* (*European Advanced Multilingual Information System*), acting as the central memory for most of the European institutions, and thereby made accessible for on-line consultation;
4. the "text processing unit" checks whether the whole document, or part of it, has been translated before. Where this is the case, it retrieves any partial translation from the *Euramis* database, as well as any reference document that is quoted in the text to be translated. To this effect it employs the translation-management interface *Dossier Manager*, which, apart from allowing access to the source text, reference documents and target versions of the same document in progress in the other language units, automatically generates the structure of the target text;

[2] European Commission 2001b, p. 5: "Aujourd'hui, traduire, c'est non seulement trouver le mot juste, mais également utiliser le bon outil".

5. the relevant translation unit receives the translation request (for example, through *Suivi*) as well as any previous translation retrieved from *Euramis*;
6. the source document is translated and revised. Translators and revisers have a whole range of terminology databases, textual *corpora*, machine- and assisted-translation software tools at their disposal (see following sections);
7. the revised translation is stored in electronic format and made available along with the original text (with a function for bilingual parallel scrolling) via *DGTVista*;
8. the translated text is sent to the requesting service (*Suivi*).

Of course, the above list is not exhaustive both because numerous variables can intervene in this process (for instance, if the requesting services only need to know the general meaning of a text, they might settle for a rough version drawn up by machine-translation software, see section 6.3), and because of the pace at which working methods progress. Nevertheless, it gives a clear picture of the extent to which the entire translation activity is automatised. Far from being peculiar to the Commission, this situation is reproduced in the language services of all other EU institutions, which use similar systems albeit often with different names and functional features geared to their different specificities.[3] The following sections will deal in depth with some of the tools frequently involved in the translation process itself, that is "step 6" of the workflow described above. Even there, only the most salient examples of tools currently in use will be described. Indeed, reflection from within the EU language services on the interaction between translation and ICT is in full flow, to the extent that analyses of developments seen in recent years would certainly merit their own study.[4]

6.1 Terminology databases

For years, the terminology database *par excellence* of the EU language services was *Eurodicautom*, abbreviation for *Europe dictionnaire automatisé*, created in 1973 by a group of terminologists and translators from the Commission's Translation Service, but the beginnings of which date back to 1962.[5] *Eurodicautom* existed side by side with two terminology data banks designed for the specific needs of the Council (*TIS*, short for *Terminological Information System*) and the European Parliament (*Euterpe*). The parallel development of three major terminological databases in each of the three major European institutions was the result, as Wagner, Bech and Martínez point out, of the incompatibility of the ICT infrastructure used in each of them.[6] However, the *IATE* project (*Interagency Terminology Exchange*, later changed to *Inter-Active Terminology for Europe*), combining all the individual databases in one single institutional repertoire, was finally launched in 2004 after 5 years of research.

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[3] By way of example, the work-flow management system *Suivi* roughly corresponds to the *Ariane* system used in the EESC/CoR.

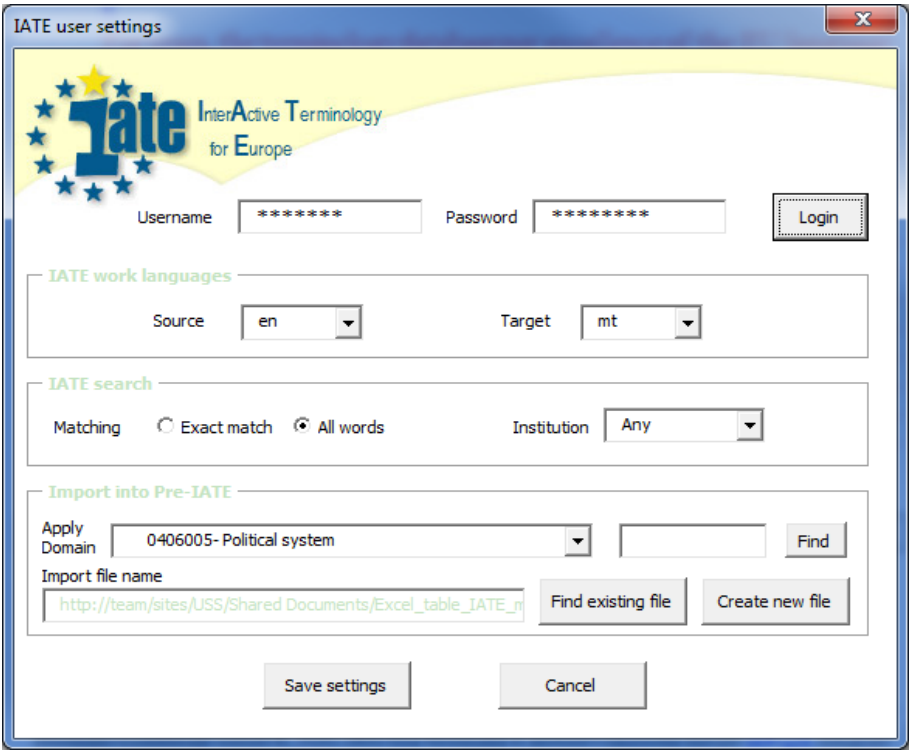
[4] For a more complete and technical survey of this topic (of great interest for the future of translation, not only within EU institutions), see the recent comprehensive brochure "Translation Tools and Workflow" (European Commission 2012).

[5] Goffin 1997a, p. 30.

[6] See Wagner, Bech and Martínez 2014, p. 100.

IATE, initially accessible only to EU linguists and freelance translators, was made partially available to the general public in 2007.

Fig. 6.1 *IATE* – Home page

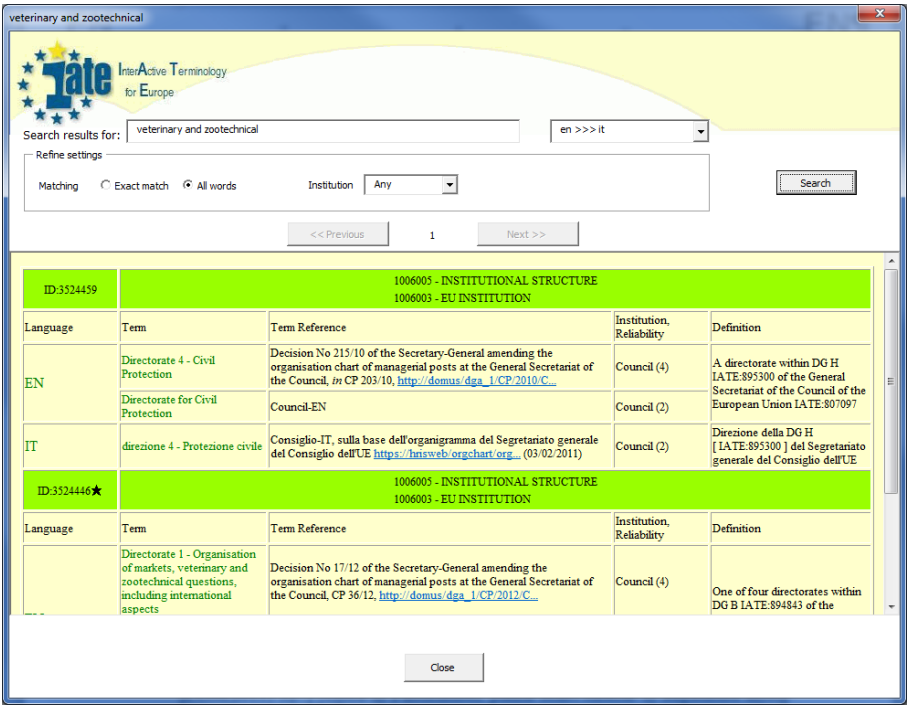


What is arguably the world's largest terminology inventory contains over 8,500,000 terms and abbreviations in the 24 EU official languages, plus Latin and over a hundred languages spoken in every part of the world, from Abkhaz to Zulu. English leads with about 1,500,000 entries, French has over 1,400,000, and German slightly over 1,100,000. According to internal estimates, *IATE* receives a daily average of 15,000 requests from approximately 5,000 users, about 250 new entries are created every day and as many are edited. The home page of *IATE* (Fig. 6.1), in the version used by EU officials, is an interface with three entry fields corresponding to the source language, the target language, and a list of EU institutions, for when a search needs to be restricted to the terminology used in a specific EU body, as well as a field in which the requested term or abbreviation is entered. More defining criteria, at the bottom of the screen, make it possible to refine the search further or extend the number of "hits".

The "hitlist", in its simplest form, shows the source term and synonyms, along with the target language terms, preceded in each case by an indication of the semantic field (Fig. 6.2). By clicking on the sequence number and the languages listed to the left of the screen it is possible to get more information on bibliographical sources, definitions and the degree of reliability of the target term. The latter is gauged through

an appropriate index ranging from 1 (lowest) to 4 (highest). In many cases, the term is contextualised.

Fig. 6.2 *IATE* hitlist



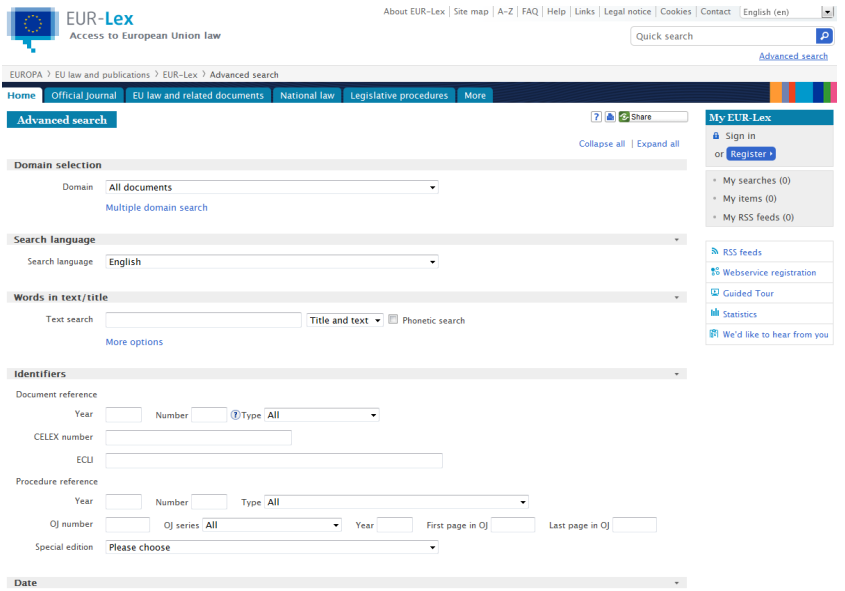
6.2 Multilingual text *corpora*

In terms of translation aids, multilingual *corpora* (collections of texts), which enable users to find an item in the context in which it is used, are a step ahead of even a very sophisticated tool such as *IATE*. The classic EU legislative corpus is the documental database *EUR-Lex*, freely available to the public online (http://eur-lex.europa.eu/), which comprises all the language versions of the texts published in the *Official Journal* from 1952 onwards.

Research on *EUR-Lex* can be carried out (Fig. 6.3) in four ways:

1. by search terms (i.e., searching for single words or strings of words in the titles and texts that make up the database);
2. by file category (by specifying the nature of the required act: directives, regulations, etc.);
3. by document number (the reference number of the document sought, for example Directive 189 of 1994);
4. by publication reference (i.e., when the details of the *Official Journal* in which it was published are known).

Fig. 6.3 *EUR-Lex* – Advanced search parameters

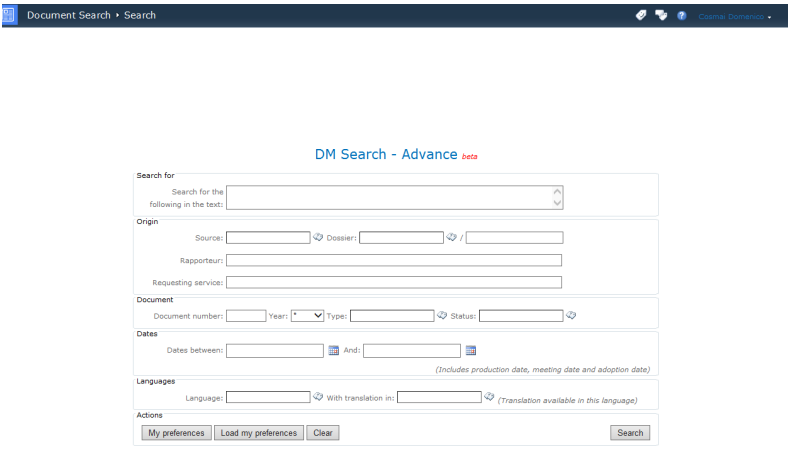


In addition to the *Official Journal* – L (*Legislation*) and C series (*Resolutions, recommendations, guidelines and opinions, information, preparatory acts, notices, announcements*), *EUR-Lex* includes all sources of EU primary law (founding Treaties, accession Treaties and Treaties amending the basic Treaties), all acts adopted by the European institutions in accordance with the provisions of the Treaties (regulations, directives and decisions), acts adopted in the framework of the Common Foreign and Security Policy or cooperation in the fields of Justice and Home Affairs, statutes and rules of procedures of the EU institutions and bodies. There is also the supplement S series (*Public procurement notices*), available for a fee through the *TED* database, as well as links to the legislation in force, classified by topic, to consolidated texts (non-official documents that incorporate a basic act of EU legislation, as successively amended, into a single text) and legislation in the preparatory phase (documents corresponding to the various stages of the legislative or budgetary process, including Commission legislative proposals). The section on case law includes all texts generally found in the European Court Reports (judgements of the Court of Justice, the General Court and the Civil Service Tribunal, opinions of the Court of Justice and conclusions of Advocates General). *EUR-Lex* also comprises parliamentary questions and documents of the European Commission on topics of general interest (white papers, communications, reports, green papers and working documents). Most of these documents are accessible in each language version, but the system can also provide a bilingual or, provided the document is available in HTML version, even a trilingual display (Fig. 6.4). In this case, two or three different language versions are shown side by side (the underlined languages are those in which the document is available), bringing clear advantages in terms of translation consistency.

Fig. 6.4 *EUR-Lex* – Multilingual display

The mechanisms for creating *corpora* of EU texts based on this kind of "parallel concordancers" also include the aforementioned *Vista* (formerly *SdTVista*) of the Commission's Translation Service (see the introductory section to this chapter) and its counterpart at the EESC/CoR, *Document Search*. These tools are less sophisticated than *EUR-Lex* both in terms of their interface (the search parameters are all displayed on a single screen, contrary to *EUR-Lex*) and content, since they limit themselves for the most part to the documents produced in their respective institutions. In particular, *Vista* includes all Commission documents in both source and translated versions from 1 January 1994 onwards, while *Document Search* covers the vast majority of source and translated texts in the EESC and the CoR since 1990 and 1994 respectively, along with the Commission documents that have served as a basis for the consultative opinions produced by the two bodies. Since they are easy to employ and mostly focused on the internal institutional output, these two systems have proved to be valuable tools, which explains the huge popularity they enjoy among translators for both document and terminology searches, based on publication references or search terms (individual words or strings of words).[7]

Fig. 6.5 *Document Search* – Advanced search parameters

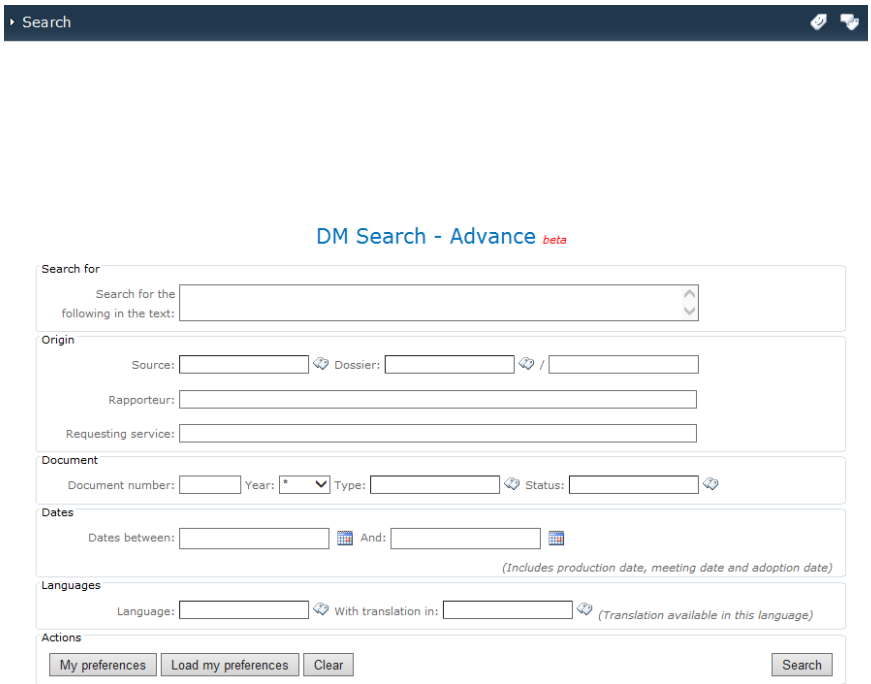


[7] As early as 1998, Scottini and Debart (p. 117) stated that *Vista* was being accessed over 5,000 times per day.

In this context, there is a significant difference in terms of results as compared with a terminological database. While the latter, in fact, presents the hits in the source language and in the target language(s) as if the user had consulted a bilingual or multilingual dictionary, with *Vista* and *Document Search*, the display of the hitlist and its use by the requester may follow this sequence:

1. in the first phase, the system only shows those texts which contain the word or string of words being sought. The search can be further narrowed by using more parameters (Fig. 6.6);

Fig. 6.6 *Document Search* – Hitlist display



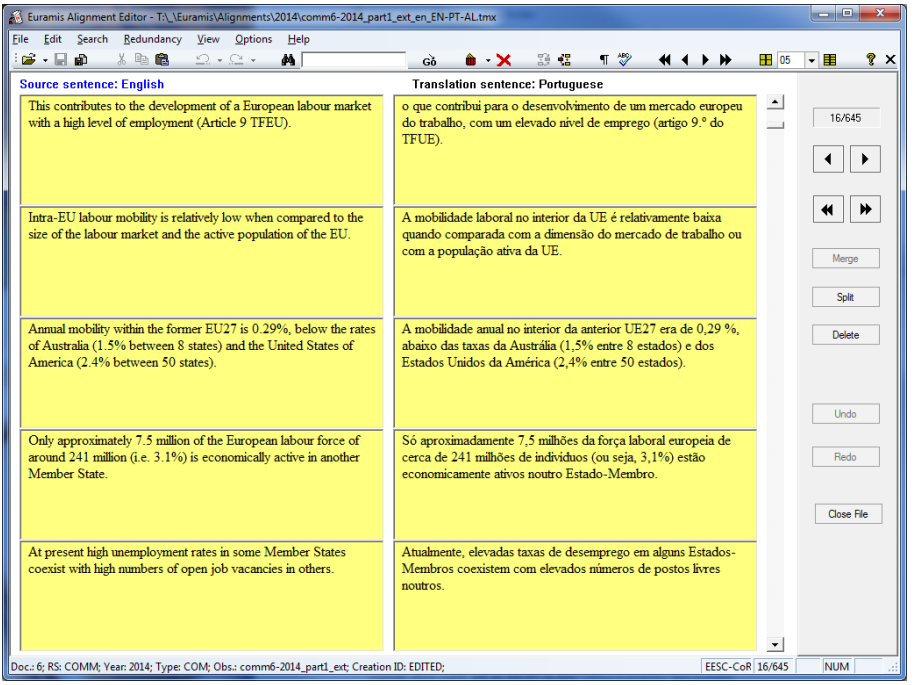
2. it is possible to select one of the texts containing the word sought and open it to check the context in which it appears;
3. the screen can be split into two parts in order to obtain a double display of the text (e.g., in the source language of the text to be translated and in the target language) for comparative purposes. Texts can be scrolled up or down.

By repeating this operation several times, it is possible to get an idea of all the words used to translate a single source-language term, and obtain a relatively precise statistical framework (including from a chronological perspective) of their frequency of use.

The major drawbacks of *Vista* and *Document Search* partly coincide with their two main advantages: ease of use, which makes them the most immediate source of reference for translators and may be a disincentive to carrying out more complex and extensive terminological research, and their authoritativeness on in-house

terminology, encouraging the mechanical replication of certain translation choices in a given working environment, at the expense of a more comprehensive reflection on the meaning of the source-language word.

Fig. 6.7 *Euramis* – Text alignment



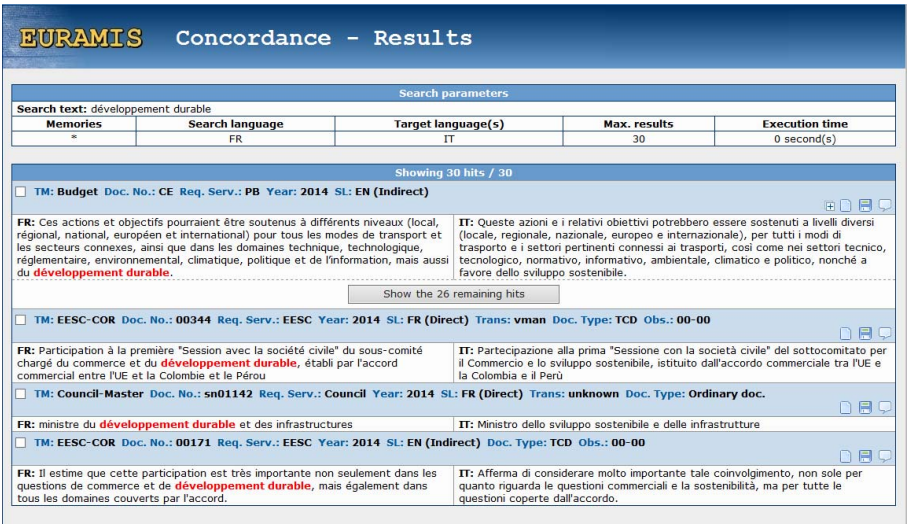
The three-step procedure which characterises the above *corpora* is further simplified in *Euramis Concordance*. This tool is part of the great *Euramis* project which the European Commission launched in 1995 to allow the automatic recovery of translated passages, in order both to avoid the duplication of a translation work (many EU texts are based on passages, not always cited as such, drafted in earlier documents) and promote greater terminology consistency. One of the many applications of *Euramis* concerns text alignment (Fig. 6.7), i.e. the splitting-up of two language versions of the same document into sentences, which are then displayed in parallel. The result is a single file containing all pairs of sentences that make up the two texts. These are placed in a central translation memory and can be retrieved as an aid to translation. Indeed, the "translation memory" which contains all the double text segments, following the operation of alignment, also acts as central database for *Euramis Concordance*.[8]

Memories in the various languages are topped up regularly and, once indexed (usually at night), may be searched. The results are easily summarised (Fig. 6.8). The screen is divided into two parts: on the left the source-language text segments

[8] For a more detailed survey of the *Euramis* project, see the European Commission brochure (2012), "Translation Tools and Workflow".

are displayed (that is the language in which the search was carried out), whereas on the right there are the target-language segments, preceded by the source-document reference. The search can be conducted on individual items or on more complex phrases, which are highlighted in red within the source-language segments. Over the years, *Euramis Concordance* has proven its usefulness in dramatically accelerating the search process, since it skips the steps of document listing and opening of source-language documents. The fact that the word or phrase being sought may appear in a range of real-life contexts is, for many users, the real asset of the system, as it allows an immediate check of the various meanings of the source-language word and possible translations, which in turn encourages more careful reproduction in the target language.

Fig. 6.8 *Euramis Concordance* – Bilingual hitlist display



6.2.1 Metasearch tools

The efforts aimed at developing ever more efficient tools for terminology searches find their most accomplished synthesis in *Quest*, a centralising tool allowing simultaneous browsing of a dozen documentary and terminological databases (those discussed in the previous sections, such as *IATE*, *EUR-Lex* and *Euramis*), but also terminology portals. This is why it is defined here as a "metasearch tool".

Quest has at least three strongpoints: the ability to probe, with a single command, all the main lexical databases and *corpora*, its remarkable speed of execution (the first results appear after only a couple of seconds, and the entire operation usually lasts no longer than 10 seconds), and its ease of use. The indication of the search parameters is reduced to a minimum (Fig. 6.9): the user only has to enter the desired word or string of words, together with the source and target languages. The search can also be refined to a few specific databases or to EU documents only.

Fig. 6.9 *Quest* – Main screen with indication of search parameters

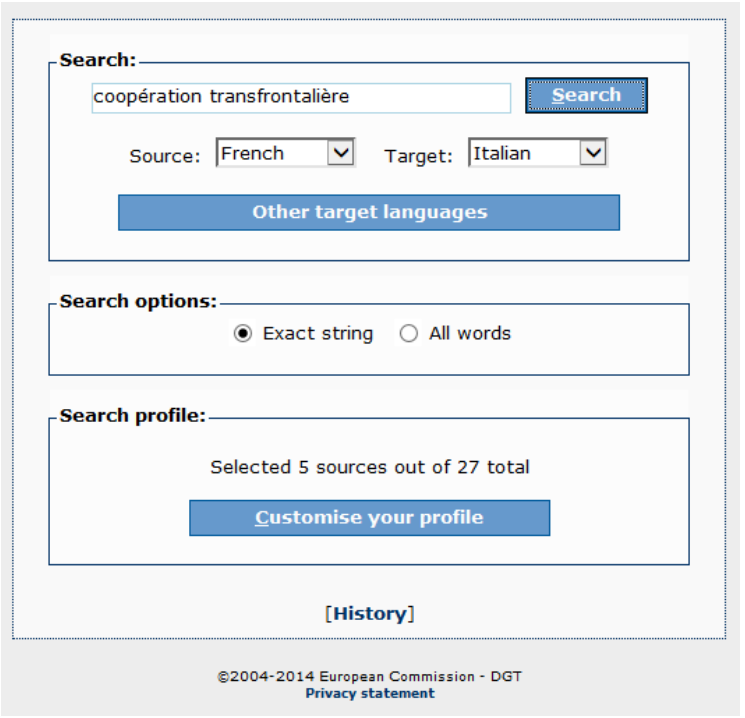
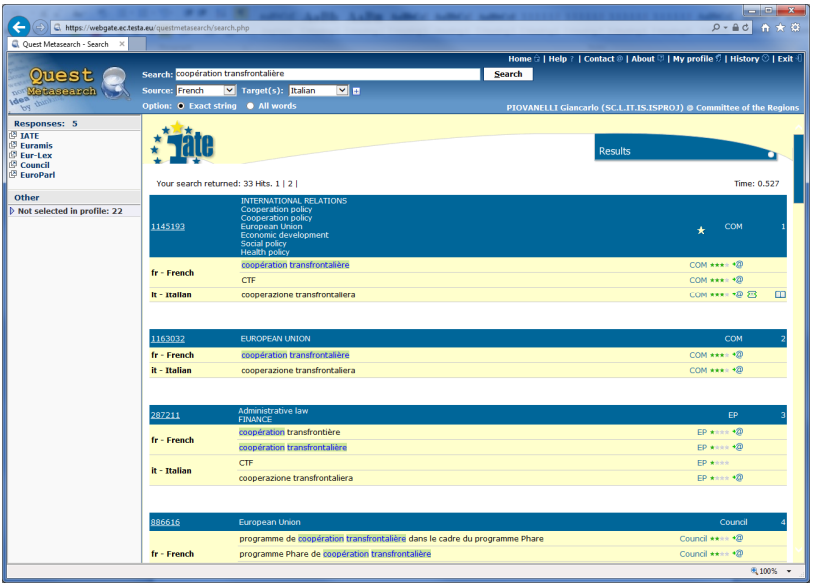


Fig. 6.10 *Quest* – Results relating to the *IATE* database



As Fig. 6.10 shows, the results relating to any source consulted appear by simply clicking on the link corresponding to each database (underlined in the left-hand column). The top left corner of the screen shows the "virtual keys" that give access to the search screens of the respective databases. To launch a new search one needs only to click on the "New Search" key at the top center of the screen.

6.3 Machine-translation software

For years, the most widely used machine-translation software in the EU language services was *Systran* (abbreviation for *System Translation*), the prototype of which had been conceived in 1969 by the American researcher Peter Toma after twelve years of research conducted in the fields of language and technology. At the beginning *Systran* was used by the US Air Force to grasp the general meaning of dispatches and documents written in Russian. In 1973 the Russian-English language pair was followed by the English-Russian prototype and, in 1974, by the English-French one. In 1976 the European Commission purchased the software rights from the American company *World Translation Inc.* and developed, through its own translation service, three language combinations: English-French, French-English (1977) and English-Italian (1978).[9] The machine-translation system was available in sixteen combinations of official EU languages (English, French, German, Greek, Italian and Spanish) and numerous other prototypes were in the process of being developed, when, in 2010, following a ruling by the General Court of the European Union, the Commission discontinued its use of the *Systran* technology and launched the *MT@EC* project, based on the open source tool kit *Moses*.

While *Systran* simply required the sending of an e-mail message to the appropriate European Commission server, specifying the desired language pair in the recipient's field, with the text to be translated in attachment, *MT* is even more intuitive (see Figs. 6.11 and 6.12). A main screen with extremely concise directions allows the user to select the file to be translated or, in the case of short texts ("snippets" of a maximum length of 4,000 characters), paste them directly into a specific field, specify the source language and the target language or languages, and launch the application. The translation of individual files is then sent directly to the requester's inbox.

The average response time is a couple of minutes for the translation of files, whereas snippets are translated in real time. Indeed, *MT*'s greatest strength is its speed: its ability to translate up to 2,000 pages per hour makes it an almost irreplaceable tool for those (especially in the administrative services) who merely need a rough translation of a text written in a language that they do not understand. As a trade-off for these advantages, a series of misgivings are regularly expressed regarding the actual use value of this system for the translation services. Indeed, while any text can be translated and formatted in a very short time, the result in terms of the validity of translation choices is sometimes poor and the resulting translation can never be published without undergoing a thorough check. While it is true that machine translation can save valuable time for translators, it is also true that a considerable amount of time has to be spent, in any case, depending on the degree of difficulty of

[9] Braun-Chen 1998, p. 33.

Fig. 6.11 *MT* – Main screen for the translation of files

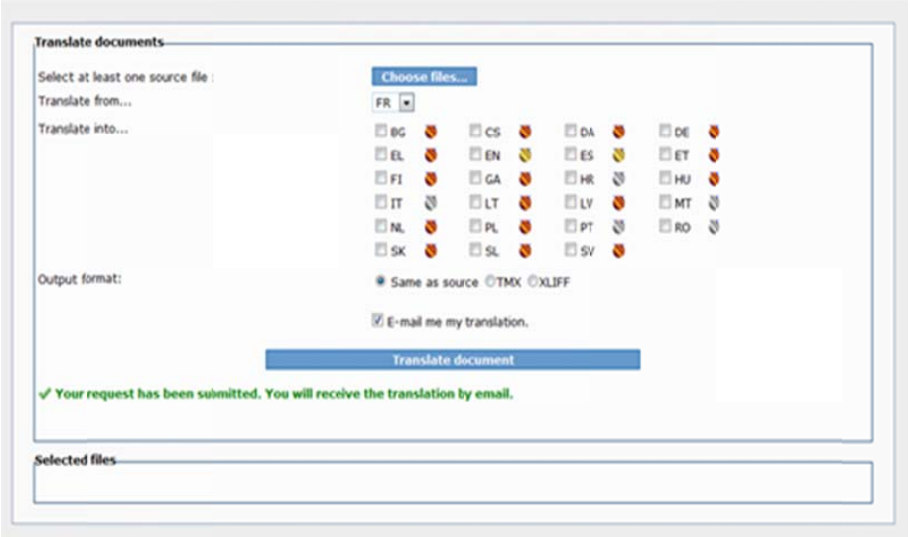
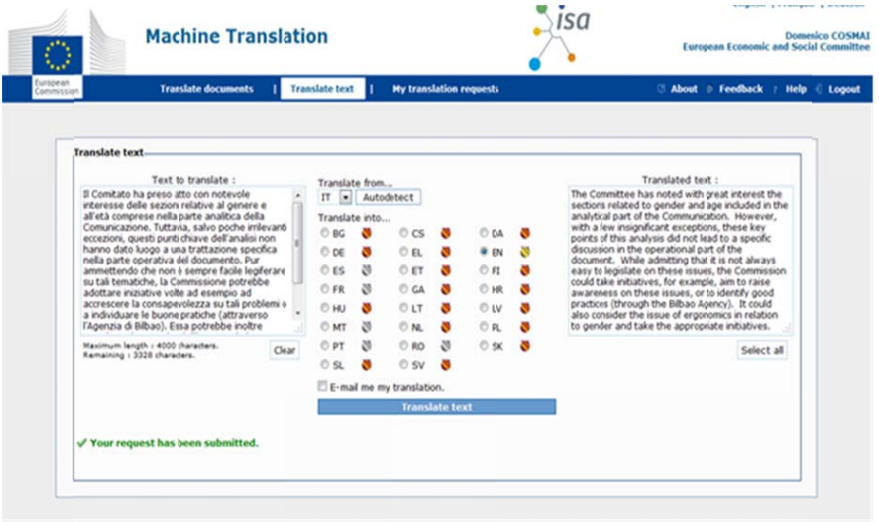


Fig. 6.12 *MT* – Main screen for the translation of snippets



the source-text, on post-editing. Moreover, automatic translation cannot be expected to solve the main grammatical and stylistic problems inherent in a text. The following examples show an Italian original of average difficulty and the result of its automatic translation into English with *MT*, while the third excerpt is the final version:

> Il Comitato ha preso atto con notevole interesse delle sezioni relative al genere e all'età comprese nella parte analitica della comunicazione. Tuttavia, salvo poche

irrilevanti eccezioni, questi punti chiave dell'analisi non hanno dato luogo a una trattazione specifica nella parte operativa del documento. Pur ammettendo che non è sempre facile legiferare su tali tematiche, la Commissione potrebbe adottare iniziative volte ad esempio ad accrescere la consapevolezza su tali problemi o a individuare le buone pratiche (attraverso l'Agenzia di Bilbao). Essa potrebbe inoltre esaminare la tematica dell'ergonomia in relazione al genere e adottare le opportune iniziative.

The Committee has noted with great interest the sections related to gender and age included in the analytical part of the communication. However, with a few insignificant exceptions, these key points of this analysis did not lead to a specific discussion in the operational part of the document. While admitting that it is not always easy to legislate on these issues, the Commission could take initiatives, for example, aim to raise awareness on these issues, or to identify good practices (through the Bilbao Agency). It could also consider the issue of ergonomics in relation to gender and take the appropriate initiatives.

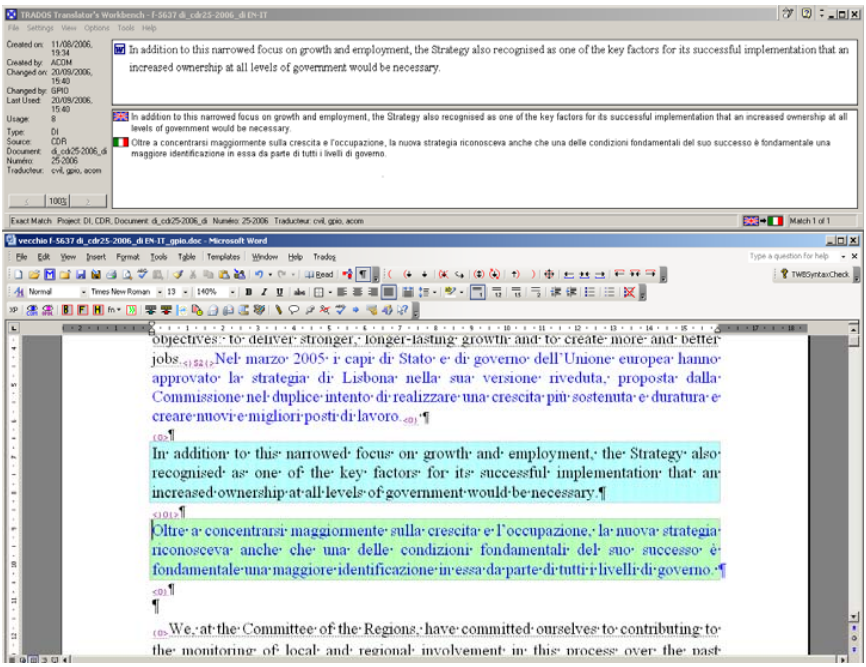
The Committee has taken note with great interest of the sections on gender and age in the analytical part of the communication. However, with one or two small exceptions, these key points in the analysis have not been reflected in the action-oriented part of the document. The issues discussed may not all be easy to legislate for; but the Commission could take initiatives, for instance to raise awareness, or to identify (through the Bilbao Agency) good practices. The Commission could also examine ergonomics in relation to gender and take initiatives.

6.4 Computer-assisted translation

The first translation programme used by EU translators was *Translator's Workbench* (*TWB*), marketed by the Stuttgart-based company *Trados*. *TWB* was acquired by the Commission's Translation Service in 1989, adapted to the special features of EU translation, and used in the second half of the 1990s, in conjunction with the *Euramis* project (see section 6.2) with a view to creating a central translation memory. Its purpose was twofold: to speed up translation activity by proposing text segments already translated in previous documents or recurring in a given text type (for example, the standardised formulas referred to in section 5.3), and to promote consistency in terminology (and, to some extent, style) not only in a single text but also, where appropriate, in a corpus of similar texts by nature or topic. It was therefore a particularly apt instrument for the translation of repetitive texts or those based on other texts. In a nutshell, the software consisted mainly of a translation memory, containing, in turn, a set of bilingual phrases (or text segments) in the source and the target languages, extrapolated from previous documents similar in kind to the one to be translated.

In the translation phase (Fig. 6.13), the original text was in turn segmented into a sequence of sentences. The system associated every source-language sentence with an identical or similar segment retrieved from its memory, and on that basis proposed a translation into the target language. In the absence of identical or similar sentences, *TWB* could be used simply to extract from the local memory (that aimed at the translation of the single text) the necessary technical terms, by using a feature called "terminology concordance".

Fig. 6.13 *Translator's Workbench (TWB)* – Selection of a text segment during translation



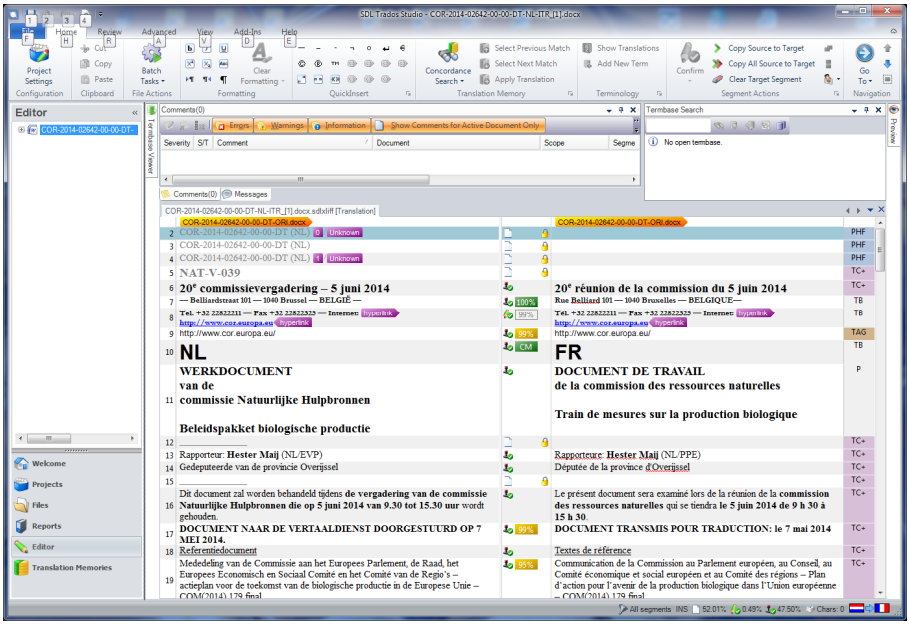
At the beginning of 2013, the European Commission, on behalf of eight EU Institutions (the European Parliament, the Council of the European Union, the Court of Justice, the Court of Auditors, the EESC, the CoR, the Translation Centre and the Commission itself), signed a framework agreement with *Trados GmbH* to equip some 4,300 translators with the *SDL Trados Studio* system, which thus replaced *TWB*.

Studio works in a similar way to *TWB*, recovering sentences or parts of sentences already translated and encoded in the *Euramis* repository, and suggesting terminology solutions for those parts that have not been translated. As compared to *TWB* its advantages are not outstanding, but they can make life easier for the translator: among other benefits, there is a more flexible system of term recognition, whereby all possible solutions are shown in a box and the translator can choose the most appropriate one, an indication of the percentage of text still to be translated and a search engine with an "autosuggest" feature, whereby, on entering the first few letters of a word, the entire term automatically appears and can be used. Furthermore, whereas *TWB* also showed the text before and after the sentence to be translated, *Studio* has a much more linear display, in which the sentence to be translated is isolated from the rest of the text (which is no longer visible) and placed side by side with the translation (Fig. 6.15). However, the fact of not being able to view the source-language text layout during the translation process, but only the individual textual segments in sequence, can be perceived as disadvantageous by some translators as compared to the working habits acquired with the previous interface. In general, the fragmentation of the source text in a successive series of segments can encourage the translator to consider each original

sentence in isolation, temporarily losing sight of the overall context. The system also favours the preservation of the source-language wording, which can create a sense of artificiality for readers.

While the available data does not allow us to clearly state that computer-assisted translation leads to an increase in productivity and translation quality, its use is strongly encouraged in all of the European institutions, especially for certain types of highly repetitive or standardised texts. Furthermore, via its percentage calculation feature, *Studio* allows translators to determine, in real time, the pace at which a translation is carried out. In other words, the system provides management levels with accurate information on the productivity of individual translators, for instance, enabling translation units to manage their workloads on the basis of available resources and day-to-day priorities.

Fig. 6.14 *Trados Studio 2014* – Work screen



6.5 Experiments in co-translation

The need for consistency among different language versions (see section 7.1.1 and subsequent sections), which is central to all translation activity in the European institutions, has brought about a series of experiments, carried out over several years, by the language services of the various EU institutions. The research conducted in this area sets out from the observation that, by the very nature of EU multilingualism, not only must a single translation conform to the original text, but maximum consistency has to be ensured among all the language versions of the same text in order to avoid problems in legal interpretation. These two criteria, which should ideally coincide, are not to be confused. In reality, the differences in interpretation inherent in any source

text, combined with translation constraints imposed by the grammar and vocabulary of any target language, are so numerous that achieving the goal of absolute semantic conformity among the 24 language versions is far from obvious. In other words, two target-language versions that both correctly reproduce the source-text message may not always say the same thing.

Against this backdrop, the creation of virtual areas of cooperation – on a mandatory or voluntary basis – has been pioneered in recent years among all translators who are working on the same document, with a view to solving more quickly the various problems of language and interpretation that may arise and, more generally, to exchanging information, references or simply opinions. One of the results is the co-translation prototype developed a few years ago for the EESC/CoR language units, functioning on the basis of three main options:

1. access to all documents at that moment making up the user's workload;
2. document search via its sequence number;
3. search all translators who are translating the same document into all the EU official languages.

By choosing the third option, the system required the translator to enter the number identifying the document to be translated. After clicking to confirm, a list of all translators working on the same document appeared, preceded by the code of the respective target languages. Some of the language codes were blue and underlined, meaning that the corresponding translators had agreed to join the system and make their translations accessible to colleagues. Where this was the case, by clicking on the language code, a *Word* copy of the translated document would open, while clicking on a translator's name would open an e-mail message addressed to the translator. In early 2007, the use of this application was made mandatory and integrated, with some adjustments, into the EESC/CoR workflow. However, computer-assisted translation systems, which allow access to the different linguistic repertoires and their continuous updates in near-real time with the translation process, have increasingly made the use of co-translation techniques redundant.

A similar function is carried out today at the European Commission by *TraDesk* (*Translator's Desktop*), an interface that allows translators to access all documents that make up their workload, in addition to any reference documents, ongoing translations into the various official languages, and those already completed. This tool also allows communication between translators working on the same document, as well as between them and the requesting services, in order to make any request for clarification concerning the original text visible to all and to avoid the fragmentation of information.

The pre-condition of using a co-translation system was that users would be aware that the available translations were all strictly in progress and might be modified at any time. Yet, despite this element of unpredictability, the importance of the experience acquired in this field should not be underestimated. Especially in those units working according to the "pivot" language system (whereby translation is not carried out directly from the original language, but goes through an intermediate English, French or German translation, see section 8.2), a method that can raise serious ethical questions about the quality of translated texts and make one reconsider the very nature

of translation, the practice of co-translation played a significant role for the purposes of consistency among the various language versions and reducing the time taken. This, combined with the symbolic value of cooperation, according to which everyone could benefit from their colleagues' interpretative solutions, has made co-translation a fundamental step in the application of ICT to the translation of hybrid texts.

7

Distinctive genres in EU translation

7.1 Complexities in legal translation

7.1.1 Consistency between language versions

The Interinstitutional Agreement of 22 December 1998 on common guidelines for the quality of drafting of Community legislation (1999/C 73/01), adopted by the European Parliament, the Council of the European Union and the Commission of the European Communities, includes *inter alia* the following declaration:

> The European Parliament considers that Community legislative acts must be self-explanatory and that the institutions and/or Member States must not adopt explanatory statements. No provision is made for the adoption of explanatory statements in the Treaties and it is incompatible with the nature of Community law. [1]

This is not a new concept: indeed, the Latin expression, *In claris non fit interpretatio*, sums it up nicely, but the Parliament felt it was necessary to stress that explanatory statements were superfluous and undesirable precisely because an EU legal text should in itself be free of ambiguity. In some other language versions of the same declaration, however, such an assumption of clarity was spelled out in an unusual way for an official document, that is by using the English expressions "self-explanatory" or "self-explaining", in brackets, alongside the target-language term, as if the latter were not sufficient to express the concept. The Italian text, for instance, reads:

> Il Parlamento europeo ritiene che le istituzioni e/o gli Stati membri non debbano adottare dichiarazioni interpretative in quanto l'atto legislativo comunitario deve essere

[1] http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31999Y0317(01) (consulted 2 March 2014).

> comprensibile di per sé ("*self-explaining*"). L'adozione di dichiarazioni interpretative non è affatto prevista nei trattati ed è incompatibile con la natura del diritto comunitario.

Yet what appears to be an innocent addition is in fact indicative of the conflict at the heart of the EU legislative architecture between, on the one hand, the legitimate requirement for EU legal dictates to be transparent and accessible, and on the other, the issues related to coherence, which inevitably arise in a geographical and cultural setting where exchanges take place in 24 languages, while 28 national contexts, often foreign to one another, have to be taken into account. The essential requirement is therefore to guarantee that a legal act states exactly the same thing in all authentic versions in force across the whole of the European Union. The importance of this requisite increases in line with that of the text in question and as a result the true litmus test of multilingualism is constituted by the founding Treaties of the Community, in the texts of primary law on which the *acquis communautaire* (the cumulative body of EU laws) is constructed.

Although the objective of absolute linguistic and conceptual uniformity among 24 language versions might appear utopian, it would at the same time be an exaggeration to suggest, in enumerating the linguistic differences to be found in official documents, that EU multilingualism is doomed to failure. Considering the concrete impact of the most glaring inconsistencies among the different language versions of EU treaties and legal acts – which, it should be stated, occur infrequently – these are more to be taken as harmless incidents along the way and are seldom so serious as to have real effects on the validity of a legal text or hamper the activities of the Union. Such events only really become problematic when a lack of equivalence leads to different interpretations of a given legal instrument, creating situations where a degree of disparity emerges between Member States. Where this does arise, it may be that a bad translation choice or even just an inappropriately worded passage in the target language can unleash lengthy disputes between governments and cause misinterpretations that are difficult to put right later on.

In the following discussion, the problems which characterise EU legal translation in particular will be analysed with a view to observing how they do not always necessarily coincide with the issues that commonly arise in the field of legal translation in general. To this end, the study therefore gathers together the common elements which stand out in relation to this translation domain within the EU context, rather than giving a generic overview of perspectives expressed in the recent literature which is growing around the field of legal translation. For the same reason, the discussion will, in part, endeavour to take distance from the usual parameters employed in discussions on semantic equivalence and subdivision into its three respective categories: perfect equivalence, partial equivalence and zero equivalence, on which many studies in the field are based, in order to contextualise it by the criteria of greater or lesser agreement between language versions.[2] The study is therefore divided into two parts, the first focusing on the factors that help to bring about the necessary agreement which is sought in legal translation, the second going into a deeper analysis of specific aspects

[2] See Šarčević 1997, in particular.

of the issue of "untranslatability" and then moving on to a consideration of the main causes of lack of agreement in legal texts.

7.1.1.1 EU law across languages and cultures: the need for equivalence

Studies in legal translation almost invariably point to a definitive inability to harmonise, through the process of translation, legal concepts belonging to different theoretical constructions and linguistic systems. Such untranslatability is likewise to be found in relation to everyday concepts which are generally considered at first sight to be easily rendered in another language, especially where the source and target languages share common ground in terms of vocabulary, or where two regulatory systems make use of the same language.

It is not surprising, therefore, that, in comparison with the relative ease with which the terminology pertaining to many academic disciplines can be transposed into another language, legal translation should be considered a daunting intellectual task. Generally speaking, when using specialised technical terms the relationship between the denoting lexical unit (*signifier*) and denoted meaning (*signified*) remains constant independent of the language code in question: for example, if an English-speaking doctor uses the term "myocardium", no one can be in any doubt that what is being discussed is the same as what, in French, is expressed with the word *myocarde* and in Italian with *miocardio*. This two-way equivalence is maintained even where the term in another language is outwardly very different from the English form, such as the German *Herzmuskel* or the Arabic عضلة القلب (*'aDalatu-l-qalb*), neither of which derive from the Greek but which both have the same etymological meaning, in other words, the muscle tissue surrounding the heart.

This certainty cannot be taken for granted where the given discipline is influenced by factors which are either linked to a geographical situation or conditioned by historical and/or cultural attributes. This is clearly the case for law where, for several reasons, the passage of meaning between languages does not abide by the above conventions. First, the technical terms used in the source language do not necessarily have a corresponding heteronym in the target language; second, concepts which are typical of the L1 legal system may be totally absent from that of the L2; third, it is inevitable that in the target-language text a reader will associate a given translated term with a precise definition, which will rarely coincide with that of the source legal culture; and so on. The situation becomes even more complex when the process of translating meaningful content from one language to another involves dissimilar legal systems for example, the differences between *Common Law*, on which most of the world's English-speaking legal systems are based, and the *Civil Law* tradition, on which most of the European continent's legal systems are based, are such that seemingly insignificant terminology in daily use can have a certain connotation in one legal system and a different one in the next. Furthermore, this can even occur, as noted above, between legal systems that share a common origin, such as the Italian and French systems (for instance, going by the French penal code, it is not sufficient to translate what at first sight seems a basic term, *délit*, with *delitto* in Italian), or systems that share the same language, such as the English and Welsh, Scottish, or Irish systems.

The same issue does not arise in the terminology pertaining to European law, which in this sense can be treated more like an academic or specialist discipline. Each technical term used in EU law corresponds precisely with its heteronym in all the other 23 official languages, and is devoid of any nuances in meaning between one language and another. This instance of semantic parallelism is not to be found outside of legal language hence it is rarely the topic of studies in the field. It is, however, mentioned in passing by Dyrberg and Tournay, specifically in relation to the founding acts of EU law: [3]

> Perfect equivalence is achieved between two lexical units in two languages when they contain the same characteristic traits. This can be seen in concepts pertaining to the European Union such as directive (in Danish *direktiv*), regulation (in Danish *forordning*) and Single European Act (in Danish *Den Europæiske Foelles Akt*). In each of these cases the [English] and Danish terms have exactly the same definition, [4]

Elsewhere, Šarčević uses the cautious expression "near equivalence" to denote an optimal level of equivalence where two legal terms share all of their essential semantic features as well as most of their ancillary characteristics. [5]

The unique status of the EU in terms of its legislation means that over time it has developed a legal system of its own which differs from all pre-existing Member State or national legal systems. As a result, the novel character and, above all, the differences in the evolution of EU law when compared to the systems in place in Member States have given rise to a new lexicon which can encompass these new concepts concerning an entirely new sphere of legislation. This construction of a new level of supranational law has, as previously noted (see section 3.1.1), progressed in a synchronised and parallel fashion in all official languages of the EU. This has brought advantages both to translation, which has in turn been made significantly easier by such harmonious development across languages, and to the consistency between the different language versions of EU texts and hence to legal effectiveness. For instance, translating the following passage raises no lexical issues at all:

> Under the ordinary legislative procedure, the European Parliament gave its opinion at first reading.

This is because the technical terms in use ("opinion", "at first reading", "ordinary legislative procedure") each have heteronyms which correspond precisely in all the official languages and therefore cannot lead to ambiguity. The term "opinion" is a case in point, given that it is not really a technical term and could thus potentially be translated by a wide range of expressions in L2: in German, for example, it can be rendered with *Begutachtung*, *Gutachten*, *Mitbericht* or *Stellungnahme*, but in specific reference to the consultative opinions adopted by either the CoR or the EESC,

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[3] Dyrberg and Tournay 1999, p. 69.

[4] "Il y a équivalence parfaite entre deux unités lexicales dans deux langues lorsqu'elles contiennent les mêmes traits caractéristiques. Il en est ainsi pour les notions communautaires comme par exemple: directive (en danois direktiv), règlement (en danois forordning) et l'Acte unique européen (en danois Den Europæiske Foelles Akt). Ce sont là des termes français et danois qui ont exactement la même définition".

[5] See Šarčević 1997, p. 238.

it is translated solely with the term *Stellungnahme*. The same is true for complex lexical units (such as "subsidiarity principle" or "common market organisation"), the definition for which is more intricate but nonetheless remains constant across different languages, and for procedural terms like "provisional legal protection", "reference for a preliminary ruling", "proceedings for failure to act", "action for annulment", which – in contrast to the standard processes adopted for legal translation – do not require the translator to carry out any preliminary research on the customary procedural forms in place in the target-language national system because they refer to supranational situations and feature in all the different language versions of the treaties. Even on the rare occasions when an EU technical term offers the possibility for a variety of synonyms, the conceptual equivalence concerning the word in the source language stays the same, so choosing to use one or another term in translation has little effect on the target meaning (examples include the expressions "comitology" and "committee procedure"). Finally, it can sometimes occur that the expression used at EU level for a concept that is well established at the national level is questionable. One of the most cited cases is the notion of "lifelong training", reproduced in exactly the same form in all the official languages (*formazione lungo tutto l'arco della vita*, in Italian; *formation tout au long de la vie*, in French; *lebensbegleitendes Lernen*, in German; *opleiding tijdens de gehele loop van het leven*, in Dutch; *formación a lo largo de toda la vida*, in Spanish; *formação ao longo da vida*, in Portuguese; and *διά βίου μάθηση*, in Greek), even though it is more frequent to see other forms being used in these same languages, such as "continuing education" or "continuous education". Even for this last example, however, a translator working with EU documents will tend to prefer the solution which is best recognised across language versions unless the idea is being expressed in a purely generic sense.

7.1.1.2 Lack of clarity and the use of hypernyms

A second factor relating to consistency between different language versions in EU legal texts is the use of vague language, especially where – as in primary law – the reader is faced with declarations on principle and statements having no technical basis. The use of nebulous wording has an impact particularly on legal texts precisely because the legal norms in practice in each Member State have specific characteristics and formalities which are not only difficult to encompass in a single broad-ranging text but also to transpose into different linguistic and cultural systems.

EU documentation relies on a lexicon which is, as far as possible, generic for two reasons: first, to avoid referring too specifically to the system in place in any individual Member State and, second, to facilitate seamless translation into all the official languages. This dual function is explicitly outlined in the *Joint Practical Guide of the European Parliament, the Council and the Commission for persons involved in the drafting of legislation within the Community institutions* (discussed in section 3.1.3), Guideline 5 of which reads: [6]

> Throughout the process leading to their adoption, draft acts shall be framed in terms and sentence structures which respect the multilingual nature of Community

[6] Also see Vedaschi 2002, p. 201-258.

> legislation; concepts or terminology specific to any one national legal system are to be used with care.

Guideline 5.3 continues:

> The use of expressions and phrases — in particular, but not exclusively, legal terms — too specific to the author's own language or legal system, will increase the risk of translation problems.

Paradoxically, certain characteristics of EU multilingualism can lead to the impression that the terminology in use in each Member State's legal system, rather than being a clear instrument denoting precise concepts, is instead a source of problems.[7] This might be because a given technical term causes the reader to identify it with legal concepts known to them because they exist in the legal lexicon of another Member State, thereby confusing the supranational significance of the given concept. Furthermore, a term and concept present in one Member State's language and legal system can force a comparison with the procedures in place in other Member States to see whether it can be adapted to the other official languages or whether, on the contrary, it sounds like a totally foreign lexical element. This last factor, which may seem less pertinent to EU decision-making processes, is explained by the fact that a neologism which is inserted into the body of a European regulation will be received into the laws of each Member State without undergoing modifications of any kind by national legislative bodies. It is therefore essential that in order for legal dictates to be interpreted accurately and unambiguously they must be fully comprehensible. The practical outcome of an approach that seeks to eliminate any direct references to non-EU situations is a general homogenisation of terminology, which in turn imposes the use of generic terms or hypernyms. A concrete example of this can be seen in Guideline 5.3.2 of the *Joint Practical Guide*:

> The concept of "faute", which is well known in French law, has no direct equivalent in other legal systems (in particular, English and German law); depending on the context, terms such as "illégalité", "manquement" (in relation to an obligation), etc., which can easily be translated into other languages ("illegality", "breach", etc.) should be used instead.

It is easy to understand from this example how a variety of advantages can be gained from simplifying texts according to the recommendations of the *Guide*. These can be seen in translation, conducted with greater ease and speed, in improved consistency between different language versions and, last but not least, in the general understanding of the legal act on the part of citizens and judges alike at the national level. There is, however, a negative side: in Guideline 1.4, the *Guide* notes the existence of conflicting interests between the need for simplicity on the one hand and the requirement for precision on the other. This might be problematic both because simplified wording can lead to a lack of precision and because lack of precision, in a legal instrument, can make it more difficult to interpret and apply. A plainly drafted or simplified text does not necessarily mean it lacks in complexity: moreover, the authority of a legal prescription and its function as a reference text mean that it does not

[7] See Vedaschi 2002, p. 149.

always lend itself to the use of the most basic constructions and forms of expression. The main point is, according to Guideline 1.4, that "a balance must be struck so that the provision is as precise as possible, without becoming too difficult to understand". As Vedaschi observes, additionally, even though there may be advantages such as better consistency between the different language versions of a legal act, the use of hypernyms signifies that

> there is a tendency towards a generic use of terminology which (...) risks becoming a source of legal uncertainty: in the case of directives – which, as is well known, have to be transposed into domestic law by each Member State – when faced with generic wording, national governments may be tempted to exploit a wide interpretative margin thereby transposing the instrument according to national interests. This can result in a non-uniform implementation of various laws which in any case is not consistent with the goal of harmonising the legal instruments of different jurisdictions. Concerning regulations, which have direct effect for all Member States and their subjects, generic drafting is presumably the cause of no shortage of sticky issues relating to legal interpretation which end up being deciphered by national judges and the European Court of Justice (…). [8]

The tendency to use hypernyms is not only common in the preparatory drafting of a text, where it is in fact recommended, but also in the translation of documents, where it is not always the most desirable solution. In this case, aside from the need for agreement between different language versions, which is doubtless made easier by the use of more generic terms, and granted that hypernyms do enable translation more readily than technical terms do, it is hard to escape the fact that uniformising or levelling the lexical register can risk undermining the expressive qualities of language. Resorting to a process of uniformising language therefore needs to be approached with considerable caution and, at any rate, on a step-by-step basis. The theme of hyperonymy as a translation device together with its practical implications for semantic accuracy and lexical impoverishment will be taken up and explored further in section 7.1.3 and, in relation to the language of politics, in section 7.2.2 and later sections.

7.1.2 The paradox of untranslatability

Scholarly works on legal translation often highlight the idea of untranslatability in relation to legal language. In one such article on the concept of translatability, Cecioni writes:

> The problem of translatability is extremely complex particularly in the field of specialised languages (...) where they are related to socio-political institutions and to anything concerning customs, habits and traditions, in short everything that pertains to the institutions and rituals that characterise a social community and which are represented by a language. Here, in fact, even though the contents may belong to similar cultures, they are never entirely isomorphic and most of the time their apparent similarities are deceptive. [9]

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[8] Vedaschi 2002, p. 149.

[9] Cecioni 1996, p. 158-159.

Reading this passage, it seems only natural to ask whether it is accurate to speak of untranslatability in relation to translation and more generally in the context of its relevance to EU activities, where by definition it strives to reconcile distinctly different situations and perspectives coming from diverse cultures with the aim of creating a common European model – that is devoid of marked differences across Member States – in a variety of fields of activity.

No problem seems less likely, at first sight, to the eye of the professional translator, than a wholly untranslatable text. It goes without saying that any translation process requires a close study of the source text so as to iron out any inconsistencies that it may conceal as well as any possible discrepancies in relation to the target language and culture. Usually, however, this approach is not seen as problematic since the crux of translators' work lies precisely in their ability to reconcile distinct expressive and conceptual codes and even different ways of perceiving and recording elements of the world around them. The fact that a single conceptual unit, such as that denoting the activity of writing, can be evoked by an English, French, Italian or Russian speaker through lexemes (*writ-*, *écri-*, *scriv-*, *pis-*), while for a speaker of Arabic the same conceptual range will be associated with the three phonemes /k/ /t/ /b/ distributed variously within a word, so that even lexical outcomes which may be less evident to non-Arabic speakers, such as إكتتاب (*iktitâb* = inscription) or مكتب (*maktab* = office, desk), are immediately recognisable as part of the same mental picture, is without doubt indicative of different ways of seeing reality and perceiving the world, but it clearly does not mean that this distance cannot be bridged by translation.

Untranslatability in the absolute sense would therefore seem to be just another of the many intellectual provocations surrounding translation, because any self-respecting translator will always set out from the belief that each of the elements found in a source text can in some way be reproduced in a different linguistic-cultural system. At the same time this vision of translation as a bridge between cultures is challenged by an underlying view that certain types of text cannot be successfully reproduced in translation, including legal texts, as seen above, but also those belonging to the realm of creative literature or, broadly speaking, the writings of great thinkers.[10] Here, the concept of untranslatability touches upon the philosophy of knowledge in the idea of the unique, one-off nature of the intellectual experience which gives rise to the creation of a work of art, making it impossible for this to be reproduced in any other organisational context unless the text undergoes a process of

[10] This idea, expressed in various ways over the centuries, penetrated deeply into the Italian culture of the first half of the last century especially thanks to the influence of Benedetto Croce's thinking. Croce, as is known, admitted the translation of prose, but added that "this possibility is to be restricted to prose that is merely prose, to the prosaic character of prose, because if it were extended (...) to literary prose, it would no longer be true. (...) Plato and Augustine, Herodotus and Tacitus, Giordano Bruno and Montaigne are strictly speaking not translatable, because no other language can make the colour and harmony, the sound and the rhythm of the language which are their own" (Croce 1969, p. 93). As for poetry, it is by definition untranslatable, and, indeed, "the impossibility of translation is the very reality of poetry in its creation and in its recreation" (p. 92). The chapter of the essay "Poetry" from which these two quotes are taken is entitled, quite precisely, "The untranslatability of re-enactment".

complete "reinvention".[11] It is possible to assert, therefore, that there are two types of untranslatability, depending on the perspective from which this issue is observed: on the one hand, "overall" untranslatability, characterised by the failure of the target-language text to grasp the real essence of the source text; on the other hand, "partial" translatability of form.[12]

The first notion of untranslatability refers to a characteristic which is inherent to the text and shows up almost as an ontological flaw. In other words its meaning can only be fully expressed in the source language, while its essence cannot be entirely perceived in the target language (the conception of untranslatability posited by Croce which suggests that any end product of translation will be basically flawed).[13] This essentially means that by subscribing to the idea that a work of poetry is "unique and thus unrepeatable",[14] a claim is being made that such a work of art can never be fully expressed in a language other than the source one. This does not signify, however, that the general sense of the poetic work cannot be transmitted by another language code.[15]

The second type of untranslatability, which is closer to the topic at the centre of this chapter, concerns translation practice and relates mainly to the impossibility of transferring a unique conceptual unit from one language to another because no correspondence can be found with any concept existing in that other language. Yet not even this type of untranslatability fully rules out the possibility of finding a way to express the idea in the target language (through an explanatory footnote, for instance, or by rewording through periphrasis).[16] The difference here is that the element which is deemed untranslatable does not pervade the whole text and it can therefore be circumvented. Turning this question around, the issue of translatability can also be seen as a reflection of the intrinsic shortcomings in a target language, in other words its failure to adapt and "stretch" its own lexical resources to accommodate the desired message with all its semantic and emotive implications. One might conclude that the problem of translatability could be resolved by extending the expressive boundaries of a target language, as is sometimes the case for literary creativity.[17]

Writing on the subject of translation problems in 1967, Arcaini summed up the issue:

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[11] Bemporad 1998, p. 270.

[12] See Cosmai 2014.

[13] See note 10 of the present chapter**.**

[14] Rega 2001, p. 51.

[15] This could otherwise be said of every single lexical element present in Giacomo Leopardi's poetry: think for example of the difficulty in reproducing the full sense of the adjective *ermo* (= hermit-like), from the opening of *The Infinite*, in another language. Rega (2001, p. 51) rightly identifies a sort of *hapax legómenon* (a one-off) which is unique to Italian literature, but in the various English translations of the *Canto* it is usually banalised with the use of "solitary" or "lonely".

[16] See Newmark 1988, p. 79.

[17] Verses 77-81 of *Canto X* of *Orlando Furioso* are exemplary of this phenomenon: Ariosto describes a procession of English knights by translating their original names into Italian and inserting them with ease into the fabric of the poem: Lancaster becomes *Lincastro*, Warwick *Varvecia*, Gloucester *Glocestra*, Norfolk *Nortfozia*, Kent *Cancia*, and so on.

> Should we conclude that translation is impossible? This may indeed be so. But the "practice" of more or less faithful translation remains. A message (...) has little chance of being transferred entirely unmodified even between two speakers who are "willingly" communicating, who are "collaborating", but somehow it gets through, sometimes quite brilliantly. [18]

We might surmise that untranslatability – at least from the perspective of EU legal language – is an artificial problem or, more precisely, an erroneous method of addressing the question of semantic equivalence. It has been stated that EU law, characterised by both its conceptual uniformity across 24 official language versions and its use of "vague" expressions, partly resolves the issue. However, these features aimed at standardising legal language are not enough, on their own, to level out the widespread lexical, conceptual and even syntactic disparities that are a feature of this type of text.

When dealing with the fundamental problem of how to interpret the concept of equivalence in translation, scholars have focused time and again on complex varieties of translation equivalence ranging from formal correspondence (Catford 1965), to communicative equivalence (Nida 1964; Nida and Taber 1969), and functional equivalence (House 1977). Studies of equivalence at the lexical and terminological level, which at first sight would also seem to determine the outcome of a translation, have been fewer and further between.

The lack of attention paid to this area of study among translation theorists is not surprising perhaps, given that it is concerned purely with wording and takes into account neither the extra-lexical context nor extra-linguistic setting. Yet, in reality, no professional translator would attempt to translate a text by simply transferring words from the source text to the target text, employing terms merely deemed to be equivalent in the target language, without first contemplating factors such as the communicative function of a text or its setting. For certain types of specialised translation, the degree of equivalence attainable between technical terms in the source and target languages can be the greatest hurdle to overcome and in highly technical translations, therefore, the issue of terminological equivalence has a crucial impact on the successful outcome of any translation process.

One of the relatively few existing models of terminological equivalence is that of German scholar Otto Kade (1968), which proposes four levels of equivalence:

- **1:1 equivalence**, when an individual term in the source language, or L1, corresponds with only one precise term in the target language, or L2;
- **1: > 1 equivalence**, when an individual term in L1 corresponds with more than one term in L2;
- **1: < 1 equivalence**, when a term in L2 only partially covers the semantic range of a term used in L1;
- **zero equivalence (1:0)**, when a term in L1 possesses no equivalent whatsoever in L2.

Section 7.1.1 demonstrates how the main issue concerning the drafting and translation of EU institutional texts resides in the need to ensure that all official

[18] Arcaini 1967, p. 413.

language versions of a document state exactly the same thing. This would infer that the EU's language services approach the question of equivalence along similar lines to Kade's model, in other words on a purely terminological level, given that it is frequently here, rather than at the level of a text's extra-linguistic setting or function, that the most significant and pressing difficulties emerge. However, studies on equivalence in translation originating within the EU institutions (first among them, Gallas 1998) go further than Kade's model to encapsulate the wider problem of intertextual agreement. To examine this, we have decided to leave aside the generic concept of equivalence and base our discussion on the notion of agreement between official versions of texts. The sections that follow will identify the four principal instances where disagreement occurs between EU legal acts: zero equivalence, multiple equivalence, false equivalence, and uncertain equivalence. Each of these will be illustrated by a series of examples.

7.1.2.1 Zero equivalence

Zero equivalence refers to a situation where a term used in L1 has no corresponding term in L2, because in the legal system – or, more broadly speaking, in the political and socio-cultural sphere – where the latter language is in use, the given concept does not exist. This may concern the names used for legal institutions, public bodies, or elected bodies, but may even extend to agricultural products or species of animals peculiar to a given Member State or geographical area. The most common mechanisms employed to deal with this type of situation are the following:

– a given term is not translated but, rather, is left in its original form – with or without a contextual explanation – because its meaning can generally be grasped from its setting: for example, the German *Land* (plural *Länder*), used to denote an administrative area peculiar to the German and Austrian federalist systems and which cannot be equated with the concept of "region", is deemed untranslatable and is thus usually left unchanged;
– a term may be translated with another word which only partly corresponds with the source-language meaning (or with a hypernym), and which cannot therefore express the term's full sense or make it wholly comprehensible to the reader. This usually occurs with words – especially those left without some contextual explanation – indicating political or administrative roles and institutions. The position of *Oberbürgermeister von Köln*, for instance, lends itself to a translation as "mayor of Cologne": the reader will not understand from this title, however, that in reality this is a higher-ranking administrative role than that of *Bürgermeister*, but will expect this figure to have much the same authority as a mayor in any other jurisdiction. Ultimately, one should always bear in mind that the wording opted for, whatever form it takes, will never be an entirely satisfactory solution. What is important to remember, though, is that despite there being some marginal loss of meaning in the translated text compared to the source text, in any case it will always permit the reader to gain familiarity with the significance of the foreign concept. Semantic ambiguity is likely to increase as the wording in the source-language title grows in complexity. For example, by rendering *Staatsminister für Bundes- und Europaangelegenheiten des Freistaates*

Sachsen as "Minister for European Affairs", queries might be raised over whether or not the two examples of correspondence between *Staatsminister /* Minister and *Bundes- und Europaangelegenheiten /* European Affairs are acceptable. These are translation choices that are difficult to improve upon, however, and even where a literal translation is opted for, like *Bundes- und Europaangelegenheiten /* European Affairs = Minister for Federal and European Affairs, it will always be impossible for the semantic range of the original wording to be expressed fully and at all different levels of complexity. Here, as in some of the cases cited earlier, an optimal translation is purely Utopian, unless one is prepared to integrate a definition, in note-form, into the selected translation solution, but the context often leaves little space for the translator to make such choices;

– a third possibility is to translate the problematic term with a circumlocutory definition: an example taken from the vegetable oil sector is the Italian technical term *sansa* (the pulp that remains after olives have been pressed and which may be pressed again to obtain an inferior quality oil) which is matched by the French equivalent *tourteau* or the Spanish *oruja*. However, this same term needs to be reworded periphrastically in languages like Dutch (*afvallen van oliven*, or "olive residue") and Danish (*presserester*, or "residue after pressing"). A similar example relates to well-known species of fish in Italian: *merluzzo bianco*, *merluzzo*, *eglefino* and *nasello*, all of which correspond with a single Greek term, *μπακαλιάρος* (a word which is not, moreover, native to Greek and is derived – probably through the re-arranging of sounds (metathesis) – from the Dutch *kabeljauw*, just like the Italian *baccalà*, the Spanish *bacalao* and the Portuguese *bacalhau*). This can mean that in a legal act covering more than one of such marine species (for example, Regulation no. 1473/2002), the Greek name will need to be extended or specified in some way, for example by adding the scientific Latin term.

7.1.2.2 Multiple equivalence

Multiple equivalence refers to a situation whereby a term in L1 corresponds not to one, but to several possible words in L2, making it necessary to select the best translation match on a case-by-case basis according to the context and target readership. A good example can be seen in the adjectival use of the word "tax" in English, which can be translated into Italian as *fiscale* (e.g. "tax cut" = *sgravio fiscale*) or *tributario* ("tax law" = *diritto tributario*). As an example of multiple equivalence from a single term in Italian, Gallas cites the the adjective *legale*, for which there are three possible corresponding words in Dutch: *legaal*, *wettig* and *wettelijk*.[19] We might add here, however, that the Italian word also has a synonymous relationship with terms such as *giuridico* or *giudiziario*, and likewise with the terms *regolamentare* o *normativo* when they are employed in their broader sense. It can be said, therefore, that the problem of identifying the right word crops up in both directions of the translation process.

The first part of this chapter (see section 7.1.1 and after) illustrates how the development of a specific technical terminology and the use of "vague" content

[19] Gallas 1998, p. 291.

are both contributing factors to the prevention of language inconsistencies among different official versions of documents. At the same time, however, by conducting a comparative study of these versions we discover, perhaps surprisingly, that while many problems related to agreement are indeed avoided at the level of technical lexicon, there are persistent problems in what seem at first to be more common or everyday terms but which can ultimately be more deceptive than technical terms. An interesting example can be taken from the Nice Treaty of 2001, cited in the German press.[20] In the French original, the last line of Article 217, paragraph 2, reads:

> Les membres de la Commission exercent les fonctions qui leur sont dévolues par le président sous l'autorité de celui-ci.

This sentence, and more precisely the expression, *sous l'autorité de celui-ci*, presents no difficulties for a translation into languages with lexicons derived from Latin, so the lawyer-linguists working into these languages simply used a calque from the French. Hence the English version reads "under his authority", the Italian *sotto la sua autorità* and the Spanish *bajo la autoridad de este*, while the Portuguese translators opted for an expression that is slightly further from the original, *sob a responsabilidade deste.* The real problem emerges in relation to the German text: the word *Autorität* does exist in German, but it usually relates to seniority or the influence exercised by somebody, and in fact the Brockaus-Wahrig dictionary defines it as "consideration, esteem, decision-making influence".[21] German lawyer-linguists thus quite rightly found this translation solution to be unacceptable and, having examined and discarded other possibilities like *Befugnis*, *Aufsicht* or *Herrschaft*, they opted for the term *Leitung* (leadership, guidance), so that the above passage was translated as follows:

> Die Mitglieder der Kommission üben die ihnen vom Präsidenten übertragenen Aufgaben unter dessen Leitung aus.

This inconsistency between different versions did not go unobserved and some even wondered to what extent, aside from their lexical diversity, the different versions of the article were able to express the same concept. Approaching the problem from a purposeful perspective, one needs to identify the core message contained in the expression, "under his authority", better still in the French original, *sous l'autorité de celui-ci*. In using such wording, was the legislator seeking to allude to the power-sharing role held by the President alongside the European Commissioners, to a straightforward guiding role as President of the Commission, which is the message one gains from the German text, or to the general binding institutional powers held by the President, as can be interpreted from the Portuguese version? This is clearly a far from negligible point: asserting that members of the Commission carry out their duties either "under the responsibility" or simply "under the guidance" of the President are two quite different things.

The danger here, as in other similar cases, is that the lawyer-linguist may automatically opt for translation solutions which are assumed to be the customary

[20] Bolesch 2001.

[21] "Geltung, Ansehen, massgebender Einfluss", Brockaus-Wahrig, 1994, p. 265.

forms, while in fact a better method is to use a functional interpretative approach each time a generic phrase is encountered. In contrast to the *acquis communautaire*, where, as has already been stated, technical terminology is created anew in all official languages and thus is able to express concepts which are devoid of any semantic nuances for any of the Member States because they reflect supranational situations, non-technical vocabulary can frequently be deceptive. This problem is exacerbated precisely by the habit of associating this type of terminology with "ingrained" translation solutions that are typically used in the target language, without taking into account the different nuances of meaning that terms can take on in each specific context. It is this meaning, the real sense behind the wording, that needs to be continuously sought out by lawyer-linguists, along with contextual indicators and – wherever possible – a constant analysis of the legislator's objectives. To illustrate this antithesis between formal abstraction and the need for clarity, we can take a French term which is widely employed in EU legal acts, that is *compétence*, which the *Petit Robert* defines in its most common usage as "the legally-recognised aptitude of a public authority to carry out certain actions under given conditions".[22] In the French-language version of Article 2 of the Nice Treaty, concerning substantive amendments, this word crops up 14 times, mainly in the plural. The list below features the solutions used in other language versions of the same text, together with the number of times they appear in parentheses:

– **French:**	*compétence (14)*
– **Portuguese:**	*competência (14)*
– **Italian:**	*competenza (13) – potere (1)*
– **Spanish:**	*competencia (13) – atribución (1)*
– **Dutch:**	*bevoegdheid (13) – bekend staan als kundig [= being recognised as competent] (1)*
– **German:**	*Zuständigkeit (12) – Befugnis (1) – Befähigung (1)*
– **English:**	*competence (7) – power (4) – jurisdiction (3)*

The language in which the translation of this term seems least sure is English, which fluctuates between three different options throughout the text in question with roughly the same frequency. The difficulty of reproducing the French term *compétence* in English is well known among EU translators: indeed, some years back the EESC published an internal manual for use by English-language translators, which proposed no less than 15 different ways of translating *compétence*, to be selected on a contextual basis. Beyond those already listed, the following were included: "terms of reference", "brief", "sphere of responsibility", "province", "discretion" and "remit". Statistically, until recently, a prevailing tendency to use "power" could be observed,

[22] "Aptitude reconnue légalement à une autorité publique de faire tel ou tel acte dans des conditions déterminées", (*Le Petit Robert* 1995, p. 420).

but when compared with *compétence*, this word has a more generic meaning because it corresponds with the ability to do something in a context which is not necessarily institutional, nor is it necessarily carried out by an entity of public law, and, at the same time, seems to have a more dynamic and active overtone. In recent texts, however, the most common option is "competence", especially in its plural form, and this term can be seen occurring with particular frequency in the last three European treaties, those of Amsterdam, Nice and Lisbon. Not a few English-language translators dislike the term because it is considered a calque from French and is quite distant from the way everyday English would express the concept, but it has come to be accepted just like so many other lexical compromises which EU citizens have to come to terms with when they are faced with EU documents, along with the various uses of "proximity", "subsidiarity" and other words in this category.

Alongside the necessity to get to the semantic core of a word in order to achieve both an optimal transposition into the target language and one which also suits the context, the process of EU legal drafting is subject to inputs which could at first be passed off as merely aesthetic touches. For example, in the declaration on the future of the Union attached to the Nice Treaty, the original English text stated:

> The European Parliament should be involved in the discussion.

At the outset, the verb "involved", reproduced in French with *participer* and in Italian with *partecipare*, was translated into German using the term *einbeziehen* (include). The first version of the text was not well received however: the word *einbeziehen* was deemed too weak and almost pejorative, arguably because it appeared to infer a voluntary involvement of the European Parliament where in actual fact the Parliament had a right of participation with full legal effect. Having explored several possible solutions, in the end the German drafters opted for the verb *teilnehmen*, thereby bringing the German version into line with the French and Italian versions, rather than with the English original.

7.1.2.3 False equivalence

False equivalence occurs when pairs of words in L1 and L2, although generally appearing to correspond, present slight but crucial differences in meaning which inevitably mar the precision of the translation and hence agreement between the two versions. This arises both through a tendency to make assumptions about certain cases of terminological equivalence, and when the full semantic sequence that requires translation has not been fully considered. Vedaschi recalls one particularly serious incident relating to this kind of semantic uniformity (or lack thereof) between languages:[23] in Council Directive 75/129/EEC of 17 February 1975, on the approximation of the laws of the Member States relating to collective redundancies, the French term *établissement* corresponds with a whole series of words in the other official languages, ranging from broadly equivalent notions like "company" (the Danish *virksomhed*) and "firm", "company", or "business" (the German *Betrieb*), to the more restrictive "work centre" or "workplace" (the Spanish *centro de trabajo* and the Swedish *arbetsplats*), to "local units" (the Dutch *plaatselijke eenheden*), and

[23] See Vedaschi 2002, p. 106-107.

finally to "establishment" (besides the French term, the Italian *stabilimento*, and the Portuguese *establecimento*, this term was favoured by English-language drafters though here the similarity to the French term seems more related to etymology and formal structure than meaning, especially when considering how widely deployed this particular term is in English). This lack of interlinguistic equivalence, which in a different context could easily have passed unobserved, instead led to a legal dispute for a group of employees made redundant by a Danish firm which was convinced that it was not among those to whom the directive was applicable. The Court of Justice, which was called upon to settle the question, found the Danish company liable by resorting to a definitive interpretation of the term "establishment" meaning "the unit to which the workers made redundant are assigned to carry out their duties".[24] It was made very clear on this occasion that in spite of there being evident semantic discrepancy between the terms used in different language versions, the EU legislator could not impose heavier burdens on some States and lighter ones on others in order to regulate the issue of collective redundancies.

7.1.2.4 Uncertain equivalence

Uncertain equivalence arises when the use of a term or phrase in L1 causes ambiguity in the meaning of the sentence in the source text, obliging the translator to pursue one of several possible interpretations. This can easily lead to variations among the different language versions. We can illustrate this type of problem with two examples of ambiguity, one concerning a single term, the other featuring a grammatical structure. The first example is taken from Article 23, paragraph 2 of the Treaty of the European Union (signed in Maastricht, 1992) Protocol of the Statute of the European Monetary Institute (EMI), which in the English original states:

> The mechanism for the creation of ECUs against gold and US dollars (...) shall be unwound by the first day of the third stage (...).

The past participle "unwound" is derived from the verb "to unwind", generally synonymous with verbs such as "uncoil" or "unravel", which can in turn be translated with suitable equivalents into other languages. In the given context, however, it is difficult to gain a clear meaning from the way it is being used so it is easy to envisage the perplexity of lawyer-linguists who were tasked with translating the paragraph. Those working into Germanic languages were able to dodge the problem by reproducing the term with a formal and/or etymological equivalent: *abgewickelt* in German, *afgewikkeld* in Dutch, *afvikles* in Danish, and *avvecklas* in Swedish. For translators into Romance languages it was impossible to employ such a non-committal approach and they were obliged to take an interpretative stance, as it were, regarding the meaning of the source passage. The outcomes speak for themselves: the French version indicates that the mechanism would be *mis en route*, in other words "activated" or "initiated", and the Spanish and Portuguese versions followed suit, while the Italian version states quite the opposite, that is the mechanism would be *liquidato*, meaning "suppressed", "cancelled" or "made defunct", by the agreed

[24] Opinion of Advocate General Cosmas delivered on 13 July 1995, Case C-449/93.

date. Having established that the correct interpretation was indeed the Italian one, all versions were subsequently rectified to give the same meaning.

The second example refers to a well-known case of syntactic ambiguity related to Article 158 of the Treaty of Amsterdam amending the Treaty of the European Union, the Treaties establishing the European Communities and certain related acts (signed in Amsterdam, 1997), which addresses financial aid for the most impoverished regions of the EU with the objective of improving economic and social cohesion. Here are some of the language versions of this particular article:

> **(English)** In particular, the Community shall aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions or islands, including rural areas.
>
> **(German)** Die Gemeinschaft setzt sich insbesondere zum Ziel, die Unterschiede im Entwicklungsstand der verschiedenen Regionen und den Rückstand der am stärksten benachteiligten Gebiete oder Inseln, einschließlich der ländlichen Gebiete, zu verringern.
>
> **(French)** En particulier, la Communauté vise à réduire l'écart entre les niveaux de développement des diverses régions et le retard des régions ou îles les moins favorisées, y compris les zones rurales.
>
> **(Spanish)** La Comunidad se propondrá, en particular, reducir las diferencias entre los niveles de desarrollo de las diversas regiones y el retraso de las regiones o islas menos favorecidas, incluidas las zonas rurales.
>
> **(Portuguese)** Em especial, a Comunidade procurará reduzir a disparidade entre os níveis de desenvolvimento das diversas regiões e o atraso das regiões e das ilhas menos favorecidas, incluindo as zonas rurais.
>
> **(Dutch)** De Gemeenschap stelt zich in het bijzonder ten doel, de verschillen tussen de ontwikkelingsniveaus van de onderscheiden regio's en de achterstand van de minst begunstigde regio's of eilanden, met inbegrip van de plattelandsgebieden, te verkleinen.
>
> **(Italian)** In particolare, la Comunità mira a ridurre il divario tra i livelli di sviluppo delle regioni meno favorite o insulari, comprese le zone rurali.

Examining these passages comparatively it can be observed that almost all of the versions speak of measures to support less-favoured regions and islands, that is only those regions and only those islands which are lagging behind in development, while the Italian version states "*le regioni meno favorite o insulari*", in other words all of the most disadvantaged regions and all of the islands (irrespective of the developmental status of the latter). One might be forgiven for thinking this was simply a run-of-the-mill translation error which could be put down to the fact that in the English source text, the adjective "least favoured" applies to the two nouns "regions" and "islands", while the Italian translators only associated "least favoured" with "regions" and, as it happens, the Italian version reproduces the English version almost word-for-word. Nonetheless, the failure to formally recognise the role of translation in EU decision-making procedures (see section 1.4) gave rise to a whole series of unforeseen consequences in relation to the above omission. First off, the Italian version of the article, despite being different from the others, was never rectified. The reason for this is clear: according to EU law it is not legitimate to identify translation errors but only to claim a disparity between co-drafted different language versions. The Italian text thus became part of the cumulative body

of EU law (known as the *acquis*) having the same authority as the other versions, and therefore permitting a dual interpretation of the same article. This provoked a degree of position-taking by politicians and representatives of pressure groups and lobbyists, not only Italian, who insisted that the condition of insularity should be recognised in itself as a clear structural disadvantage. The fact that only the Italian version endorsed this interpretation while all of the others expressed the opposite was deemed irrelevant. Even the EESC, an EU body which by its very nature lacks any preconceived positions on the issue, felt the need to express itself as follows:

> The Committee notes that the reference to "islands" in the second paragraph of Article 158 has been translated into the various official languages of the European Union in such a way that its meaning is ambiguous, and even contradictory, from one language to another. According to the linguistic version of the Treaty referred to, insularity is either considered as a special case in its own right, or as a mere geographical precision of little practical significance. It nevertheless considers that there would have been little point in including a reference to islands in Article 158 of the Treaty if it was not to recognise the specificity of the permanent structural handicaps affecting islands. (...) Consequently, the Committee assumes that the correct interpretation of Article 158 is that island status is a source of permanent structural disadvantage. [25]

The debate went on for a long while, with parliamentary questions and interpretative rulings by the Court of Justice, until it was eventually solved after 18 years by adopting unambiguous wording in the Treaty of Lisbon. One thing is certain: what presumably started out as an erroneous translation was for many years used as a pretext to bolster a line of interpretation which suited quite a few. [26]

7.2 Translating political and administrative texts

7.2.1 Political discourse in the context of the EU

The language of politics has always been targeted by criticism and sarcasm for its ability to say the unsaid (and *vice versa*) and to reconcile the most divergent ideological stances and ideals with the explicit aim of averting confrontation on every single issue. Over the years, politicians have demonstrated a remarkable degree of lexical agility, and debate on the administration of public life has often revealed itself to be a testing ground for exercises in philology and style which are of great interest to linguists. What

[25] EESC 2000a, points 2.1, 2.1.1 and 2.1.2.

[26] One of the many developments in this episode was the appeal lodged by the Council of the Isle of Wight to HM Court of Justice against the British interpretation of Article 158, which was unfavourable towards the islands. One of the main arguments was the "great clarity" with which the Italian version mentioned insularity as a permanent disadvantage in the face of interpretation difficulties that characterised the other language versions. In paragraph 35 of the appeal, we read: "(...) the existence of a clear text which appears to contradict another language version in itself gives rise to ambiguity which can only be resolved by a definitive interpretation by the Court of Justice in circumstances such as the present one. This is because each language version is considered to be equally authoritative. The European Court would not simply weigh up how many versions point one way and how many point the other but take a purposeful approach to the text".

has changed over time, however, is the subject of debate: to take the Italian example, while once it focused on "progress in continuity" or "parallel convergence", [27] today the discourse is more orientated towards new political, economic and social objectives and challenges. The result is that new slogans – uttered at every possible opportunity (and frequently out of place) – have been coined, such as "political theatre", "third way", and "bring Italy closer to Europe", to cite those that first come to mind.

A second novel element is the relationship between those who create political discourse and those to whom it is addressed and, more generally, the relationship between political exponents and the geographical and administrative boundaries within which they carry out their activities. In 1973, Umberto Eco made the observation that

> the language of politics is always addressed to a specific audience. Politicians who speak in Parliament or in a small town square are familiar with their listeners' manner of forming opinions and susceptibility to their reasoning. [28]

Clearly this is true, but a new dimension has pushed itself to the fore in this relationship, that is, the notion of Italy's belonging to a supranational entity like the European Union. In fact, while the language of Italian politics today appears just as obscure and ill-defined as in former periods of the country's history, it is also the case that in the last few years, thanks to the growing importance of the European institutions and also to increasing inter-governmental cooperation, new stylistic trends and forms of political address have emerged which merit some analysis. There is no question that the position of Italy as a Member State of the European Union has and continues to have a decisive impact on language use.

The concept of a united Europe has in itself uniquely positive connotations in contemporary Italian, as can be seen from an analysis of slogans such as *portare l'Italia in Europa* ("bringing Italy to Europe") or *avvicinare / adeguare / allineare l'Italia all'Europa* ("bring Italy closer to / adapt Italy to / bring Italy into line with Europe") and similar variations. From the rhetorical perspective, it is interesting to note how in expressions of this kind, which in time have become stereotypical of the Italian political idiolect, the toponym "Europe" is used as a synecdoche, given that it clearly refers not to the whole European continent, but rather to the Member States of the Union. The latter, in other words, are grouped together to form an amalgam which is taken to have some positive value but which in reality does not exist given the differences in situations at the national level. Nonetheless, when speaking about domestic problems or deficiencies, the average Italian politician tends to make idealistic reference to this quasi-mythical entity which is Europe, taking for granted that Europe has already overcome difficulties which continue to be troublesome to national politics.

The status of Italy as an EU Member State is such that it even has an influence on the *modus operandi* of politicians who frequently base their popularity and leadership qualities on rhetoric and a knowledge of the audience they are addressing. Once they enter the European political fray, however, they must quickly realise that things there are slightly different, even though they sometimes commit the error of not grasping

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[27] See Falabrino (1994): *progresso nella continuità*, *convergenze parallele*.

[28] Eco 1973, p. 97.

this fact: that is, once in Europe, a politician's words can no longer reach their audience directly, but by necessity have to be modified through a translation process. This can be deemed a veritable filter and adaptation system for the written or spoken word, which facilitates its movement from the sphere of linguistic and cultural reference which produced it to an "other" code, sometimes radically different from that of its source. As we will see in detail in the following sections, this transition process is not without consequence, in that it often has the effect of subverting the underlying conscious or unconscious mechanisms which go into the preparation of rhetorical discourse, overturning both the speaker's style as well as the overall impression picked up by the audience.

Umberto Eco defines political discourse, which falls within the broader category of deliberative or rhetorical discourse, as being

> intended to convince the listener of the necessity or risk of doing or not doing something which affects the future of the political and economic community. [29]

The politician's duty, in other words, is

> to demonstrate, by reasoning, the acceptability of [certain] basic opinions, or to start out (...) from such opinions (...) in order to reach their conclusions. [30]

One of the conditions for this is, as stated above, an awareness of the needs and expectations of those to whom a speech is addressed, and thus the arguments one can draw on to exercise one's powers of persuasion. In some situations, a politician may even adopt a code of expression which matches the ordinary interpersonal communicative style used by those targeted by a given message, and this is, essentially, a way of adapting one's communication skills to the socio-cultural milieu of the listener. All the same, given that it is already an arduous task to achieve such things within the boundaries of a country like Italy, managing it on an EU-wide scale becomes near impossible given the multiplicity of geographical, social, linguistic and cultural characteristics that can impede the immediate understanding of messages addressed to all European citizens. The risk of a breakdown in understanding or misinterpretation is always present, especially when one considers that those who hold official posts within the European institutions do not usually express themselves in their own language.

The debates held at the European Parliament are typical of the above: each speaker may use their own native tongue while simultaneous interpreting services are provided on site. Here follows an excerpt from a speech given (in Italian) by MEP Marco Pannella before the European Parliament, in Strasbourg, in May 2004. Pannella was speaking on the occasion of the commemoration of two of the founding fathers of the EU, Jean Monnet and Altiero Spinelli:

> Signor Presidente, signora Vicepresidente, signor Presidente del Consiglio, l'Europa di Jean Monnet e di Altiero Spinelli non era in Europa. In Europa i popoli e le istituzioni furono uniti: la Berlino nazista, la Roma fascista, la Parigi vichista, e la Spagna e il Portogallo, erano uniti! Quell'Europa delle patrie non era quella del

[29] Eco 1973, p. 91.
[30] Eco 1973, p. 92.

> Manifesto di Ventotene; era solo l'Europa della Shoah. Nella storia dell'Europa, in un solo caso il popolo europeo è stato unito: come popolo ebreo di tutta Europa, come popolo della diversità, omosessuale o Rom, come popolo della Shoah. Questa era l'Europa! E l'Europa festante, festa, forca, e quello che non voglio più nemmeno continuare a nominare...

Here is the English version, which was outsourced to an external translation agency, as it appears in its first draft:

> Mr President, Madam Vice-President of the Commission, Mr President-in-Office of the Council, the Europe of Jean Monnet and Altiero Spinelli was not in Europe. In Europe the peoples and the institutions were united: nazi Berlin, fascist Rome, Vichy Paris, and Spain and Portugal: they were united. That Europe of Nations was not the Europe of the Ventotene Manifesto; it was just the Europe of the Holocaust. The people of Europe were united in just one instance during Europe's history: as the Jewish population of the whole of Europe, as different, homosexual or roma people: as the people of the Holocaust. This is what Europe was. And the cheerful Europe, the Europe of festivals, executions and of things I do not even want to continue to mention...

This is a fair translation for a text which is not without complexity, but linguists at the European Parliament – charged with overseeing its revision – found it lacking. What struck them was the final sentence of the Italian text in particular, *l'Europa festante, festa, forca…* The speaker is clearly making use here of a parallelism in sound created by the triple alliteration of the voiceless fricative /f/, which would be practically impossible to translate successfully. Besides this, looking beyond the euphonic effect, the problem remains of deciphering precisely what Pannella was inferring with his *festante, festa, forca*, especially the last term, *forca*. The English reviser, suspecting that the version proposed was incorrect, substituted the last part with the following:

> And the jubilant Europe of festivals, pitchforks and of things I do not even want to mention...

Not even this revised version seemed entirely convincing, however, so the Parliament decided to request a second opinion from a reviser in another institution. The latter, having examined the Italian source text, the first translation and the revised translation, and having consulted several Italian colleagues, wrote in a note that it appeared the first reviser had introduced an error into the translation by inserting "pitchforks", and that the source remained impenetrably ambiguous even for native-speaker Italian readers.

It is obvious that only the author will ever know the right solution to this semantic conundrum, but even with the matter closed we are left with the feeling that neither the translator nor the two revisers fully grasped Pannella's intention in using *forca*. Without question, the Italian *forca* is above all a farming implement, so in this sense it corresponds with the English "pitchfork". Yet this solution does not appear consistent with the context of the passage. The second most common meaning for *forca* is that of "scaffold", "gibbet", "gallows", hence what would seem to be a good option in the first translator's "executions". Yet, in contemporary Italian language, political militants commonly employ the term *forcaiolo* to mean "conservative, reactionary". It is highly

likely, therefore, that Pannella had this interpretation in mind and that he simply used the word *forca* rather than the adjective *forcaiola* to conserve the sound parallelism with *festa*.[31] In the above example, the politician's choice of using a language alluding to cultural connotations in the multicultural context of the European Parliament ended up causing a communicative short-circuit, so the rhetorical expedient, which had been well thought out, failed to get the message through.

The question of a multilingualism policy for the EU, which to many seems like an increasingly pointless legacy dating from another era, continues to be the subject of widespread debate, even though it must be admitted that this is usually only at the speculative level on the part of those concerned, mainly EU translators and revisers, while there is far less interest shown at the political-institutional level. This topic will be dealt with in detail in the chapter which follows: most of all, it is important to consider this situation in its contextual framework, something which is often hard to achieve in communications that take place between those who emit and those on the receiving end of political discourse.

One particular case in which the relationship between the intended *signified* and the *signifier* used has appeared problematic concerns the expression, originally coined in Italian, *società civile organizzata*, which has been the *Leitmotiv* of sorts of the past few presidencies of the EESC. The phrase has entered the growing political lexicon generated within the European institutions, even though its use is less widespread than certain terms imposed by the greater power-wielding institutions, such as the Commission and the Council. *Società civile organizzata*, or "organised civil society", is an interesting expression for several reasons: first, because it is part of the extensive framework of actions launched by the EESC since 1999 to bring European citizens closer to the EU institutions, and it therefore links up with the broader discourse, albeit limited with regard to the language question, on the relationship between the producers and end-users of political texts; second, because this is a unique instance of an expression which almost certainly originated in Italian on the initiative of the then president of the EESC, Beatrice Rangoni Machiavelli, before being translated into the other official languages. The concept of "organised civil society" was defined for the first time in an EESC opinion, starting appropriately from the title, *Il ruolo e il contributo della società civile organizzata nella costruzione europea* ("The role and contribution of civil society organisations in the building of Europe"). The document opens with an historical overview of the familiar notion of "civil society" and how thinking on this model has been developed over the centuries by exponents of different schools of sociology, from Tocqueville to Weber, concluding (in point 5.1) that, despite the very frequent reference to the concept,

> [t]here is no hard and fast definition of civil society. Because the term is so closely associated with specific historical developments in individual societies (...). Civil society is a collective term for all types of social action, by individuals or groups, that do not emanate from the state and are not run by it.[32]

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[31] Zingarelli 2004, p. 726.

[32] Opinion of the Economic and Social Committee on "The role and contribution of civil society organisations in the building of Europe", Brussels, 22 September 1999 (p. 5),

Having listed the semantic shortcomings of the term "civil society", deemed to have too many historical and geographical connotations to have objective meaning, the document proceeds to the following definition of "organised civil society" (point 7.1):

> Civil society organisations can be defined in abstract terms as the sum of all organisational structures whose members have objectives and responsibilities that are of general interest and who also act as mediators between the public authorities and citizens. Their effectiveness is crucially dependent on the extent to which their players are prepared to help achieve consensus through public and democratic debate and to accept the outcome of a democratic policy-making process.

Even with this explanation, some fundamental problems remain which become evident if the two concepts, "civil society" and "organised civil society" are compared. For example, one might point out that the term "civil society" already embodies the idea of the organisation of citizens and that the adjective "organised" is therefore superfluous, a point which seems to be backed up by the definition for the Italian term given by the Zingarelli dictionary:

> **S. civile:** l'insieme dei cittadini partecipi di una comunità organizzata; (*est*.) la società considerata dal punto di vista delle sue articolazioni associative, del mondo del lavoro, delle professioni e sim., in contrapposizione all'ambito della politica, degli incarichi pubblichi, degli apparati di partito: *un esponente della s. civile.* [33]
>
> **(Civil society:** the collection of citizens forming part of an organised community; society as seen in relation to its civil organisations, the world of work, professions and likewise, as opposed to the political domain, public roles, party political apparatuses.)

The difficulty in defining the exact semantic range of this term is not restricted to the Italian language, but indeed caused further problems when it came to trying to "fix" a lexical equivalent in other official languages. The different versions presented below illustrate that two methodological approaches were adopted in the absence of linguistic and conceptual equivalence. The choice of methodology depended on whether a literal calque of the Italian term was acceptable or rather, where this was impossible due to lexical and structural features inherent to each language, whether it was preferable to resort to a more explicit or neutral means of expressing the concept (where this option was chosen, the translation was accompanied by the literal meaning). We may also note that as a result of the difficulty in intelligibly reproducing the full extent of the sense and meaning, as well as the communicative intention of the authors as they came to grips with the concept, EU linguists sometimes opted for different translation solutions even within the same language, using them randomly in the various documents where the expression cropped up:

- **Italian**: *società civile organizzata* [most likely the original term];
- **English**: (1) civil society organisations; (2) civil society; (3) organised civil society [calque] (the first two terms occur with similar frequency while the third appears more rarely);
- **French**: *sociéte civile organisée* [calque];
- **Spanish**: *sociedad civil organizada* [calque];

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http://www.eesc.europa.eu/resources/docs/ces851-1999_ac_en.pdf.

[33] Zingarelli 2004, p. 1719.

- **Portuguese**: *sociedade civil organizada* [calque];
- **German**: (1) *organisierte Zivilgesellschaft* [calque]; (2) *organisierte Bürgergesellschaft* [calque modified with the use of the German prefix *Bürger-* in place of the latin-derived *Zivil-*] (the two terms appear with nearly the same frequency although there is a slight prevalence of the former);
- **Dutch**: (1) *maatschappelijke organisaties* [= social organisations]; (2) *maatschappelijk middenveld* [which loosely translates as "social midfield" (= in other words, operators having a central role in society)]; (3) *civil society* [loanword from English]; (4) *georganiseerde samenleving* [= organised community]; (5) *georganiseerde burgersamenleving* [calque (= community / society of organised citizens)] (the first two terms are used with similar frequency, although the second is becoming more prevalent; the latter three terms, though less used, are not rare);
- **Greek**: *οργανωμένη κοινωνία των πολιτών* [calque (= society of organised citizens)];
- **Danish**: *organiserede civilsamfund* [calque];
- **Swedish**: *organiserade medborgarsamhället* [calque (= society of organised citizens)];
- **Finnish**: *järjestäytynyt kansalaisyhteiskunta* [calque (= society of organised citizens)].

This table of comparisons (omitting the newer official languages, which tend to be calques of the English term) can be used to make several observations: first, as already noted in relation to the Italian expression, it is difficult to pin down semantically and trace a clear distinction between the two concepts, "organised civil society" and "civil society", and in actual fact English and Dutch translators tend to avail of the expression "civil society" in many instances. Elsewhere, in the same context, a Portuguese document even mentions *sociedade civil e os seus cidadãos* ("civil society and its citizens"), an expression that creates confusion even though it can be linked to the original interpretation of "civil society" as a union of citizens' organisations. Utimately, a range of possible interpretations exist, each in turn influenced by diachronic and diatopic factors, which have the ability to change the way the term is perceived according to the linguistic and cultural code in which it is presented. Even where using a calque, supposedly the "easiest" translation solution and the one that certainly requires least effort, it can be counterproductive and in some ways paradoxical. While in doing so the translator implicitly makes the assumption that the concept does not exist in the target language, it is also true that by employing a neologism based on an Italian term, it will not help to better define a notion which thus remains unclear to the reader. Among the several solutions listed, one of the few which can actually be classed as a genuine cultural paraphrase as well as a lexical adaptation, is the Dutch *maatschappelijke middenveld*. This expression, which is borrowed from football terminology, is practically untranslatable (it reads literally as "social midfield"), indicating that it neither originated in the EU context nor did it begin circulating there, but had long been employed to denote social key players and citizens' action groups. Aside from the semantic correspondence between the English and Dutch terms, it is not certain whether the equivalence is absolute, but this is not the point: what is sure is that use of the expression *maatschappelijke middenveld* is

widespread among Dutch speakers and thus its meaning appears to be understood without difficulty. In turn, this must also mean that the EESC's political message is to a large extent getting through, which is the ultimate goal of a translation.

It goes without saying that the observations on language presented in these pages are entirely separate from any judgement on the institutional policies of the EESC, which is clearly a matter that does not concern this analysis. Our main objective has been, rather, to shed light on the question of multilingualism, by its very nature something intrinsic to the experience of European integration, and how it can sometimes complicate or thwart attempts at political and cultural harmonisation on the part of different EU institutions and, furthermore, how it deserves to be given far greater consideration than that which has so far been attributed to it by those same decision-making bodies of the Union.

7.2.2 Source-text neutralisation strategies

The difficulty of reproducing a complex concept like "organised civil society" in another language is resolved in several cases by using a circumlocutory definition designed to clarify the original expression. It has been noted that resorting to the use of hypernyms is a trend that is peculiar to the language of the EU.[34] If one looks at the language of politics, however, this usage is even more remarkable since it represents a break with a political tradition which is frequently characterised in the Member States by highly imaginative and metaphorical language, towards a translation practice in the EU institutions which, in contrast, tends towards impersonalised forms, neutral descriptions and which could ultimately be defined as somewhat conservative in the sense that it is rarely prone to new lexical and stylistic input.

There is, by force of circumstance, no tradition pertaining to the language of politics at the EU level, in other words, something common to all 28 Member States. At times, in fact, it even seems that there is a clear divide between the communicative styles preferred by users of the languages of northern Member States and those that are typical of Member States to the south of the Union. Indeed, it can be observed that the former tend to prefer paratactic sentence structures with a bearing towards concision and semantic precision – even though they may at times be embellished by lexical innovation, especially in the languages which are best suited to the use of compound words –, and they are usually inclined to use moods and tenses that are in theory more straightforward. The latter, on the other hand, follow hypotactic patterns and therefore favour a greater use of verbs in compound tenses and complex moods. Over the years, this basic distinction has led to a levelling process resulting in several stylistic models which have been created with a view to application in translation processes and which can be loosely defined as "characteristic" of the EU institutions. To understand how this has come about, we should bear in mind that the process of political translation at the EU level, despite rare acknowledgement of the fact, is not limited to merely transferring information from one language to another, but often engenders a process of adaptation, clarification and explanation, as well as having to interpret correctly the message carried in the source text. The aim of any translation

[34] Among others, see Urzì 1997 and Cosmai 1999.

operation, with the exception of literary passages, is ultimately to get the original message across in as fully comprehensible and reader-friendly a way as possible. This need for comprehensibility, which basically concerns the form of the expression, generally extends to encompass the conceptual level of a text. Contrary to what occurs for literary writing styles, therefore, which must never be altered by the translation process, in political discourse what counts most is the message and so it is not always essential to translate all the formal and rhetorical characteristics of a source text into the target language. It is thus quite likely that a political speech given in one language and characterised by stylistic and rhetorical elements pertaining to this language will have a marked absence of these in the translated versions, both because during the translation process the source text will have been adapted (not just translated) and made to suit a set of historical and cultural reference points which are different from those that produced it, and because it will have been preferable to sacrifice style in order to conserve the political message.

7.2.2.1 Neutralising complex wording

The levelling of source texts and styles appears to be a fairly widely used and at times even indispensable tool deployed by EU translators, so it makes sense to comment on it here, given that the practice of rewording passages in source texts with what are perhaps more restrained and explicit forms in translated versions is particularly frequent in the language of politics. The following example is taken from the appendix to the minutes of the 369th Plenary Session of the EESC, a speech given in 2000 by the then Portuguese under-secretary of State for Foreign Affairs before the EESC's Plenary Assembly on the occasion of the start of the term of office of the Portuguese Presidency of the Council of the European Union. The text deals with issues of common defence and security policy:

> Nós pensamos que a presidência portuguesa deverá aproveitar a oportunidade que é criada pelo novo espírito que a própria presidência finlandesa conseguiu imprimir a esta dimensão e que está muito positivamente reflectida nas conclusões do Conselho Europeu de Helsínquia, com vista a garantir que a dimensão externa da União se pode reforçar e que a política externa da União Europeia pode ter realmente uma eficácia prática de afirmação em matéria de segurança e defesa.

This is a strongly hypotactic text and given its lexical density (the word *que* ["that"] recurs six times both as a conjunction and as a relative pronoun) and the discursive style, it is not easy to follow, at least on first reading. We can be almost certain that this is a direct transcription of an *ad-lib* speech presented without polished notes or publication in mind, a text type encountered frequently by EU translators which does not share the usual stylistic and syntactic features commonly identifiable with either written or spoken language. To start with, if the translator wishes to convey the message, s/he is obliged to simplify the source text by bringing it more into line with standard written forms, both structurally: by cutting or curbing repetition (*a oportunidade que é criada pelo novo espírito que a própria presidência finlandesa conseguiu imprimir a esta dimensão* thus becomes "the opportunity created by the new spirit which the Finnish Presidency itself managed to create in this area of policy" and, in other language versions, by further breaking up the text to include a new

sentence; and conceptually: by bringing implied expressions to the fore, such as *uma eficácia prática de afirmação* (which becomes "genuinely practical and effective in affirming"). The result reads as follows:

> We believe that the Portuguese presidency ought to take advantage of the opportunity created by the new spirit which the Finnish Presidency itself managed to create in this area of policy and which has been most positively reflected in the conclusions of the Helsinki European Council, designed to ensure that the external policy situation of the Union can be strengthened and that the European Union's external policy can be genuinely practical and effective in affirming security and defence.

Elsewhere, the unpolished finish of a passage may not always be due, or at least not entirely, to those characteristics that mark it out as a spoken text. Sometimes complexity is unavoidable because it is inherent to the subject being dealt with, for example when the latter is highly technical. On other occasions, this may instead be due to an enduring propensity to adopt an elevated bureaucratic style and register. In the two passages cited below, taken from the Committee of the Regions' resolution, "Annual declaration on the priorities of the Committee of the Regions", drafted in English,

> The Committee of the Regions welcomes the results of the Lisbon Summit and endorses its integrated approach and the emphasis on giving an impulse to new economic dynamism.
>
> The Committee of the Regions endorses the realistic and result-driven approach announced by Commissioner Wallström, and supports in particular the strong focus on implementation of existing legislation.

words like "approach", "endorse", "emphasis", "impulse", "focus", "implementation", and "result-driven" are typical of a political idiolect that exists in all the languages of the Union and which can at times impede understanding. An expression like "the emphasis on giving an impulse to new economic dynamism" may well have its reasons for being, but it is still likely to confuse even an English native speaker. What the translator can do in cases of this type, rather than attempting to modify the discursive tone of the whole text, is to work on neutralising individual terms which are not immediately understandable, obviously remaining within the limits allowed by the general framework of the document and the room for manoeuvre granted to a linguist, which always depends on the political importance of a given text. Where a neutralisation process is feasible, terms which appear too intense can be modified, so that a word which seems too formal or affected may be substituted – at times periphrastically – by something with a stylistic effect that is less glaring but more transparent. Here are some examples taken from the Italian translated version: "emphasis" → *importanza*, "giving an impulse to" → *promuovere*, "result-driven approach" → *approccio finalizzato al conseguimento di risultati*. The above passages in full were reproduced as follows in Italian:

> Accoglie con favore le conclusioni del Vertice straordinario sull'occupazione di Lisbona, del quale condivide l'approccio integrato e l'importanza attribuita alla promozione di un nuovo dinamismo economico.

> Sottoscrive l'approccio realistico e finalizzato al conseguimento di risultati concreti annunciato dal commissario Wallström, e concorda in particolare con il risalto attribuito all'applicazione della legislazione in vigore.

It is plain to see that substituting terms which are problematic in the source text with more pedestrian solutions in translation does not always resolve the general issue of comprehensibility, but it does help to keep it in check. The most important thing to recall is that for certain types of text the role of EU translators is recognised as going beyond simply "transposing" passages from one language to another, instead promoting the translator to a position as a genuine hermeneutic "mediator" who facilitates the successful delivery of messages, an "editor" of sorts, free within certain limits – as they say – to modify the source text and to proceed to its redrafting in the target language. To gauge how true this is, we need only look as far as the administrative services that are responsible for translation, which, barring rare exceptions, do not concern themselves with possible interpretative difficulties in the texts that they process and pass them on without hesitating to the translation services because they feel secure in the conviction that: a) any such difficulties should be resolved at that level and not when the text is planned and drafted; b) in general, the language features of a text are the exclusive responsibility of the translation services; and c) the "added value" of a translation service which is internal to the institutions lies precisely in making texts more readily accessible, so much so that, were translation activity limited to mere "lexical transposition", any kind of documents could simply be entrusted to outsourced translation agencies. Translation thus becomes exegesis and interpretation, but also redrafting and stylistic levelling or harmonising: whether and to what degree this extended status is a good thing for the translator is another matter entirely.

7.2.2.2 Neutralising metaphors and colloquialisms

A peculiarity of Italian Eurospeak, in relation to the other language versions of this EU idiolect, especially its more northerly forms, concerns metaphors and colloquialisms. One of the chief problems that Translation Studies has faced since it came into existence is whether it is preferable to provide a literal translation or an adaptation – via simplification or by making it more explicit – of the original. In the EU institutional context one may note that texts drafted in some official languages, especially English, demonstrate a use of informal and direct language even in documents of a certain importance, such as the Proposals of the Economic and Social Committee for the Intergovernmental Conference, from which the following passage has been taken:

> Continuity is important but to ensure the adequate flow of new blood, there is a good case for limiting the renewal of appointments so that a member may not serve for more than three mandates.

In order to reproduce the expression, "to ensure the adequate flow of new blood", the Italian translator might have chosen to translate the passage literally, but it was felt that, by doing so, the register of the text would somehow have been lowered. The translator therefore opted for a plainer and more formal language with which to portray the image, with the following result:

> La continuità è importante, ma per garantire un adeguato avvicendamento generazionale è quanto mai opportuno limitare la possibilità di rinnovo dei mandati a non più di tre volte.
>
> *[Continuity is important, but in order to guarantee the necessary generational turnover it is strongly advisable to limit the possibility of renewal to not more than three mandates.]*

Clearly, by adopting the above method, there is a danger of creating a hiatus between the source and target texts, given that the equivalence between the English expression, "ensure the adequate flow of new blood" and the Italian translation, *garantire un adeguato avvicendamento generazionale* is anything but perfect. Moreover, there is a risk that readers will not question the accuracy of an interpretation that may in fact either be erroneous or only partly correspond with an idiomatic expression that can be used for a far greater range of interpretations. This, in turn, could lead to an inevitable lack of agreement between different language versions. In the given context, the Italian translator interpreted the English expression as meaning an opportunity for change among the EESC's political membership. In another language version, however, the German translator passed directly to the next stage of reasoning, that is, by underlining the need for this change (by now taken for granted) to give rise to openings for new ideas:

> Kontinuität sei zwar wichtig, doch müsse ebenfalls sichergestellt werden, daß mit neuen Mitgliedern auch neue Ideen in den Ausschuß kommen; daher sollte die Möglichkeit der Wiederernennung auf insgesamt höchstens drei Mandatsperioden begrenzt werden.
>
> *[While continuity is important, it should also be ensured that with new members also new ideas come to the Committee; therefore, the possibility of reappointment should be limited to a maximum of three terms of office.]*

This translation operation produced two versions of the same text that, without question, did not correspond with one another, even though the message contained in both was quite similar. To overcome this type of difficulty, and in the absence – due to time constraints – of the possibility of directly consulting the person who drafted the text on the exact meaning of certain passages and thereby coming up with a single interpretation for all versions, an alternative could be to translate the text literally. Even this method, however, frequently favoured by French-language translators, can lead to undesired and comic results: indeed, it cannot be denied that the expression, *pour assurer un apport régulier de sang frais*, looks out of place in the given context. The same might be said of the appearance of certain loanwords in EU documents in Italian, the meaning of which is not as evident as it is in the source language and the use of which therefore has the effect of betraying efforts to level or adapt language versions at any cost. The English expression, "to speak with one voice", for example, is one of the real clichés of English political jargon: it would thus be preferable, in translation, to use a more explicit formula rather than literally translating the metaphor, which, though it goes some way to expressing the original idea, does not reflect contemporary or everyday language use. Stylistically speaking, while it may be true that expressions like *esprimere una posizione / una linea politica comune* ("a common position / political stance"), *concordare con qualcuno* ("to agree

with someone") or *esprimere un consenso su* ("to express consensus on") tend to seem duller than the incisive English expression "to speak with one voice", at least they do not run the risk of betraying the original concept described in the source language. A similar process of levelling off the informality that was present in the source text can be witnessed in the following sentence:

> The Committee believes therefore that fewer actions and a strong focus on priorities – also in terms of targeted and effective use of available resources – will offer better chances of success than trying to strike on all fronts at the same time.

While all the other language versions conserve the same highlighted metaphor, the Italian version makes it more explicit, opting once more for that double-edged sword, a precise – but potentially narrow – interpretative stance:

> Il Comitato ritiene pertanto che riducendo il numero di azioni e concentrandosi in particolar modo sugli obiettivi prioritari – anche attraverso un uso mirato ed efficace delle risorse disponibili – vi saranno maggiori possibilità di successo rispetto a un approccio indifferenziato.
>
> *[The Committee therefore considers that reducing the number of actions and concentrating in particular on the priority objectives – also through a targeted and effective use of available resources – there will be a greater chance of success as compared to an undifferentiated approach.]*

It is impossible not to notice the clear change in register here, the effect of which is to transform the text from its informal original version to a "secondary" version which is distinctly plainer and more formal. It is easy to envisage how not everyone would agree that such a change is beneficial. Indeed, in relation to the Italian language of bureaucracy, Beccaria maintains that

> The circumspect neutrality and tendency towards precaution that characterise the language of bureaucracy obviously have their reasons and merits: a desire for clarity, for precision, and an aversion to risk. It relies on legal technical terminology (...), provided it is free of ambiguity and expressive twists, and on words which allow the language to be impersonal and cautiously anonymous. [35]

This is an accurate observation, as long as it is applied to the language of politics in its first-hand form and not to the version that has been modified through translation. It seems, however, that the cautionary measures implemented by Italian translators were due not so much to what Beccaria regards as a fear of taking risks, as to other factors that pertain more to the functional framework of the text. These include: the need – which, incidentally, a translator may never forget – to adapt register and style so that a text is accessible to a vastly diverse readership; the requirement for equivalence between different language versions (even though, as we have seen, making a metaphor more explicit sometimes impedes correspondence between language versions rather than facilitating it); and, last but not least, the awareness that a badly-placed metaphor or colloquialism can disrupt the "serious" tone of political discourse and bring about the undesired effect of distancing the reader.

[35] Beccaria 1988, p. 174.

7.2.2.3 Neutralising politically-incorrect expressions

A similar operation to that which facilitates the understanding of metaphors via circumlocution can be used to soften the tone of political statements where the language employed in the source version is too direct and therefore appears either excessively blunt or even vulgar when the passage is reproduced in translation. One final example serves to illustrate this recourse to euphemistic expressions. The following text in English, taken from an opinion adopted by the Committee of the Regions and concerning a Commission communication on several measures for fighting discrimination, touches on the delicate topic of discrimination in relation to homosexual "behaviour":

> The draft directive draws a distinction between "sexual orientation", which is covered by the directive, and "sexual behaviour" which is not. This could be construed as implying that discrimination against gay men, lesbians and transsexuals is forbidden, but that discrimination against practising gay men, lesbians and transsexuals is not.

The English term "practising" presented a few problems when attempts at translating it were made because a solution was needed that would be both effective and consonant with the style of a political text, without appearing vulgar or offensive, and which could objectively describe the existing legal situation. The Italian translator, casting aside options such as *omosessuali praticanti*, or *attivi*, went for a phrastic or "descriptive" solution, and although the wording may appear awkward, it has the advantage of achieving absolute neutrality:

> La proposta di direttiva distingue tra «tendenze sessuali», le quali rientrano nel disposto della direttiva, e «comportamento sessuale», che ne è escluso. Tale distinzione potrebbe essere interpretata nel senso che la discriminazione nei confronti degli omosessuali maschi e femmine e dei transessuali è proibita, ma non lo è se gli omosessuali maschi e femmine e i transessuali pongono in essere comportamenti sessuali concreti.
>
> *[The draft directive distinguishes between "sexual tendencies", which are covered by the directive, and "sexual behaviour", which is excluded from it. This distinction could be interpreted in the sense that discrimination towards male and female homosexuals and towards transsexuals is prohibited, but not where male and female homosexuals or transsexuals engage in explicit sexual behaviour.]*

Clearly this is not the best possible translation: the verb *porre in essere* is excessively pedantic and the expression *comportamenti sessuali concreti* appears redundant and artificial compared to the unambiguous original wording, but it was important to draw a clear distinction between the attitude of the draft directive with regard to those homosexual tendencies which are not necessarily explicit, and the actual behavioural traits which, in contrast, are. The French translators came up with what may be considered a better solution, which succeeds in being as direct as the original while also avoiding the need for circumlocutions:

> La proposition de directive opère une distinction entre "orientation sexuelle", qui est couverte par la directive, et "comportement sexuel", qui ne l'est pas. Cette distinction pourrait mener à l'interprétation suivante: toute discrimination contre les homosexuel(le)s et les transsexuel(le)s est prohibée; en revanche, toute discrimination contre la pratique de l'homosexualité ou de la transsexualité ne l'est pas.

> *[The draft directive makes a distinction between "sexual orientation", which is covered by the directive, and "sexual behavior" which is not. This distinction could lead to the following interpretation: any form of discrimination against homosexuals (male and female) and transsexuals is prohibited; in contrast, any discrimination against the practise of homosexuality or transsexuality is not.]*

Even with this solution it is hard to deny that an expression such as *la pratique de l'homosexualité ou de la transsexualité* may lead to an interpretation which is not exactly clear and may raise queries as to its logic (one might wonder, for example, how much sense it makes to speak of the "practise" of transsexuality, and what indeed this means precisely).

7.3 Final remarks

Without wishing to fall into bland generalisations and reducing the discussion to mere textual complexity and the need for clarity on the part of citizens, in some cases it is hard not to agree with Umberto Eco' s assertion whereby:

> We cannot ignore the fact that sometimes "rhetoric" is intended as a discourse that, under the guise of empty and bombastic forms, hides a substantial argumentative vacuity. [36]

He goes on:

> A (...) sort of degenerate rhetoric obtains when a rhetorically complex formula is employed to dissimulate a particularly risky or insecure decision or political opinion. [37]

After analysis of the examples provided in the present section it seems only natural to wonder how far a translator can go when it comes to making changes, however slight, to the source text. On this point, it is important to emphasise that the decision to render a document or part of a document less "heavy" can never be taken independently of the requirement to find the right balance between the need for clarity and the need to convey the message contained in the source text. Translators must always, in any case, remain faithful to the tone and content of the source text, which means that the latter can only be adjusted within certain limits while making sure that any changes do not interfere with its style or general character. At times, however, the final document can turn out to be written in a more neutral style while still being identifiable as an example of "Eurocratese", that is a different type of language of bureaucracy. Once more, Beccaria observes that

> The fact is that bureaucrats and penpushers will always go for the term which seems most hazy, and furthest from everyday usage. [38]

On this point, it should be acknowledged that, while it may be true that the language of source texts can at times be pretty deplorable, in many cases the EU translators must take their share of the blame. The truth is that the in-house language that they become accustomed to using over the years can actually prove to be quite painful to read for end-users and can sometimes appear to be a stylistic exercise unto itself.

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[36] Eco 1973, p. 94.
[37] Eco 1973, p. 98.
[38] Beccaria 1998, p. 169.

There are many causes for this, ranging from external factors such as the distance of language-services staff from their native cultural sphere to more subjective reasons, like the long-held belief that the EU institutions are a sort of linguistic enclave, where a specific lexical regime, different from the norms of everyday language, holds sway.

Could it not be, to sum up, that the language employed in the two text types, the document-as-source and the document-as-translation, simply represents two different variants of "Eurospeak"? Not always: clearly, "lightening up", "improving" or "neutralising" source texts within the realm of the possible can be one of the few means available to translators both to facilitating an understanding of the way the EU functions, for those on the outside, as well as to contributing to the much-desired goal of bringing the institutions closer to the citizens they serve. It should never be forgotten, however, that these are merely palliative solutions to an issue that should really be tackled further upstream: that is, via a more systematic approach to continuously monitoring EU official language use, on the part of the decision-making bodies, to that which has been the case up to the present.

8

Translating for the European Union today and into the future

> J'ai ouï dire qu'un roi d'Aragon, ayant assemblé les Etats d'Aragon et de Catalogne, les premières séances s'employèrent à décider en quelle langue les délibérations seraient conçues; la dispute était vive, et les Etats se seraient rompus mille fois, si l'on n'avait imaginé un expédient, qui était que la demande serait faite en langage catalan et la réponse en aragonais.
>
> Montesquieu, *Lettres Persanes*, Lettre CIX

8.1 EU-28 and beyond

In the wake of the Amsterdam European Council of June 1997, the enlargement process of the European Union was formally launched on 30 March 1998. Once the possible candidates had been identified by the Luxembourg European Council, negotiations began with a first set of 6 countries: Cyprus, Czech Republic, Estonia, Hungary, Poland and Slovenia, to which 5 more were added at a later stage: Bulgaria, Latvia, Lithuania, Romania and Slovakia. Meanwhile, Malta, which had shelved its application in 1996 due to political disputes at home, relaunched its bid for membership in September 1998. The Helsinki European Council of December 1999 then reaffirmed the centrality of the enlargement process, under which the then 13 official candidates (the Central and Eastern Europe countries, plus Cyprus, Malta and Turkey) would have the same opportunities.

The Seville European Council of 21 and 22 June 2002 had already stated (item 22 of conclusions) that were the pace of negotiations and reforms at that time to be maintained, the Union would conclude its negotiations with no less than 10 countries: Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. The completion of the accession process was formally confirmed by the Copenhagen European Council on 12 and 13 December 2002, and on 1 May 2004 the 10 accession treaties were signed, whereby the European Union grew from 15 to 25 Member States.

The second round of enlargement concerned Bulgaria and Romania, whose accession treaties had already been signed in 2005, but which joined the Union on 1 January 2007. Finally, the accession of Croatia on 1 July 2013 brought the number of Member States to 28, with a combined total population of 503 million EU citizens.

The strategy involving the countries of Central and Eastern Europe, plus Malta and Cyprus, was the fifth of its kind, after the enlargements of 1973 (Denmark, Ireland and the United Kingdom), 1981 (Greece), 1986 (Portugal and Spain) and 1995 (Austria, Finland and Sweden). It goes without saying, however, that the three latest rounds of enlargement are in no way comparable to those of the past in terms of the number of States and citizens involved, as well as the issues that they raised concerning the implementation of *EU* law by new Member States.

Compliance with the multilingual arrangements of the European Union implies first and foremost that candidate countries have to translate the *acquis communautaire* into their respective languages. Once this has been done, the Publications Office of the European Union ensures publication of what are referred to as the "special editions" of the *EU Official Journal*, containing the official versions, in the new languages, of EU acts in force at the time of accession. This procedure was also followed in relation to the last three rounds of enlargement, although, as mentioned, the situation in these cases has proved far more complex than any of the previous enlargements. In fact, in addition to the remarks already expressed on the "quantitative" extent of the enlargement, another problem has been the sheer amount of legislation that accession countries have been required to incorporate into their respective legal systems: the current *acquis* consists of approximately 60,000-70,000 *Official Journal* pages.[1] To assist the accession countries in the complex task of transposing and then implementing EU law, in 1996 a technical assistance office was set up within the Commission, the "TAIEX" (acronym for Technical Assistance Information Exchange Office), aimed, among other things, at providing support in the translation of the *acquis*. This is in fact a very delicate process that goes beyond mere interlingual transfer, and results in the creation of a new legal culture. According to Gozzi,

> [in Central and Eastern European countries] the meaning attributed for at least half a century (...) to words such as individual, democracy, rights, freedom, growth has been completely different. It is understandable, therefore, that the translation of the *acquis* into the languages of the countries of Central and Eastern Europe also entails the semantic variation of their legal lexicons, and is consequently a work of profound cultural significance. At the same time, the introduction of standards originating from a completely different legal framework into the national legislations of those countries brings about the reformulation and reorganisation of systems that, in an autonomous way, are just beginning to lay down the definition of an original framework of reference. It is therefore easy to understand the vastness and complexity of the task entrusted to the hundreds of translators currently at work in the candidate countries.[2]

Gozzi continues:

> The *acquis communautaire*, authentic and, therefore, equivalent in more than twenty European languages, will be the touchstone of the legal culture for future generations. The words, expressions, sentences that are created and composed by anonymous translators in their own languages today will be used tomorrow in

[1] Gozzi (2004, p. 277) recalls, however, that when referring to a standard page of 1,500 characters, this already daunting figure increases further.

[2] Gozzi 2004, p. 279.

> parliaments and courts, universities and conferences in their own countries. When, at the outset of the European Economic Community, Regulation no. 1/58 was adopted, the idea was simply to comply with a fundamental right of Member States' citizens. It is unlikely that anyone suspected that, through multilingualism, the foundations for a new pan-European legal culture would be laid.

The Union's future currently includes six official candidate countries: Albania (since 24 June 2014), Iceland (since 27 July 2010), the Former Yugoslav Republic of Macedonia (also called FYROM from its English acronym), Montenegro (since 29 June 2012), Serbia (since 1 March 2012) and Turkey. Negotiations for the accession of Turkey began in October 2005, but only one negotiation chapter (Science and Research) had been provisionally closed by the beginning of 2014. Eight more negotiation chapters are pending opening until Turkey agrees to apply the Additional Protocol of the Ankara Association Agreement to Cyprus. As for the Former Yugoslav Republic of Macedonia, so named to avoid confusion with the Greek region of the same name, it was granted the status of candidate country in December 2005, but accession negotiations have not yet been opened.

Two more western Balkan countries fall into the category of "potential candidate countries" or "pre-accession countries": they are Bosnia and Herzegovina, and the territory of Kosovo, which, having unilaterally declared its independence from Serbia, is currently administered by the UN. The EU has expressed its commitment to open accession negotiations with all of these countries, not least with a view to stabilising the region.

8.2 The new face of EU translation

As we have attempted to illustrate in the preceding chapters, translation as it is carried out in the European institutions is an essential prerequisite for EU activity, given its crucial role as intermediary between Brussels and EU citizens. For this reason, despite the recent rounds of enlargement having raised fears of a number of potential operational problems, nobody really thought that the new order might undermine or even scale down the role of translation. Much less clear, however, even on the eve of the major enlargement of May 2004, was how EU institutions would continue to translate and what would actually change in practice.

In the first place, there needed to be a recognition from the start that the level of commitment would not be the same for all institutions. As Cunningham notes, each of them had different needs:[3] the Commission and the Council primarily needed translators from the candidate countries capable of translating from French and English, which made them view enlargement with relative confidence, while the Court of Justice mostly needed legal professionals with a solid understanding of the main EU languages, especially French. But how would the new operational needs be met in those bodies having a completely multilingual set up, in other words, where translation is routinely carried out from and into all official languages (such as the European Parliament and the two advisory committees, the CoR and the EESC)? The following are the main solutions that were found:

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[3] Cunningham 2001, p. 30.

1. To begin with, EU translators were encouraged to learn new languages well ahead of the accession, as had occurred prior to all previous enlargements of the Union. For several years special training courses were available at the European Commission and the Council, which were also open to officials from other EU institutions, and each language service set itself the goal of having at least one translator for each new official language, giving priority to the languages of the countries that were expected to join first. According to Cunningham, on the eve of the first round of enlargement no less than 10% of the Commission translators were taking training in the new official languages.[4] Despite this timely – albeit somewhat frantic – preparation, endeavours to gain effective language competence (or even just passive comprehension) in new languages seemed like an uphill struggle. To begin with, the languages of the 13 new Member States (plus Irish) looked objectively complex and shared few common reference points with any of the previous EU official languages, so that a proficient operational command of them would require many years of study.[5] In addition, learning a foreign language is generally tied to a specific interest in a country and a culture. Therefore, while it was relatively easy (or not so difficult) to promote the study of languages spoken in the countries whose culture is best known beyond national boundaries (Polish, Hungarian, Czech), it was considerably more difficult to push EU linguists to make the effort to familiarise themselves with what are undoubtedly interesting, but definitely more "exotic" languages such as Latvian, Lithuanian or Maltese.

2. Increasing decentralisation of translation through wider use of freelance translators was promoted. To this end, in recent years the European institutions have intensified their contacts with translators from the new Member States and universities providing translation courses both in these countries and in Member States of longer standing, in order to draw up lists of possible collaborators specialising in translation from and into the new official languages.

3. The most controversial proposed solution, defying a real taboo in EU translation practice, is the use of "active" translation (also known by the French term *traduction aller-retour*), that is translation into a language other than the translator's mother tongue. Those in favour of this option insisted *inter alia* on the fact that university translation courses usually include the teaching of active translation alongside passive

[4] Cunningham 2001, p. 32.

[5] Three of them are not of Indo-European origin: Estonian and Hungarian (both are related to the Finno-Ugric group, although Estonian derives, as does Finnish, from the Balto-Finnic subgroup, while Hungarian is a descendant of the Ugric subgroup) and Maltese (the first Semitic language to be recognised as an EU official language, even though it shows significant influences from Italic languages and English on the lexical and syntactic levels). The remaining languages fall into other categories: Baltic languages (Latvian and Lithuanian), Slavic languages (with Bulgarian, Croatian and Slovenian belonging to the group of Southern Slavic languages, while Czech, Polish and Slovak belong to the Western Slavic group) and Romance languages (Romanian, which, however, contains a substantial Slavic vocabulary). Finally, Irish, or Irish Gaelic, belongs to the subgroup of the insular Celtic languages.

translation.[6] They also argued that, where essential, texts written in the new official languages could be translated by officials who possessed the new source language as their mother tongue as well as a solid – though not necessarily perfect – knowledge of the target language. The translated version would then be subject to particularly rigorous revision by a native speaker of the target language. In this manner, it was assumed that the difficulty of understanding the original text, particularly in the case of especially challenging source languages, would be reduced to a minimum, while the inevitable lexical and stylistic inaccuracies in the target version would still be amended during revision. Active translation is still seen by many purists as going against the grain of current deontology in translation practice and – despite some relaxation of this view – it is rejected in almost every institution, although its advantages are far from negligible in terms of quality and easing of workloads. In reality, ahead of the last major enlargement, some translation units, especially those of the most prominent EU languages, did welcome translators of foreign origin with study or work experience in countries where those languages are spoken. An example of this can be seen in the Maltese translators who were able to join English translation units, given Malta's official bilingualism (Maltese and English).

4. The use of so-called "pivot" languages was progressively developed. Based on this approach, borrowed from interpretation practice, source texts are translated twice: first into the EU "procedural" languages (French, English and German), and subsequently from those translated versions into all other official languages (relay translation). This method – quite popular since it has the merit of not encroaching on the principle of multilingualism – has been considered the most viable in the context of a rationalisation of language services, because it removes a host of practical problems caused by total multilingualism, although it does bring with it a number of organisational difficulties mainly related to the doubling of translation efforts. In terms of human resources it has permitted institutions to manage the impact of enlargement without greatly altering the staff organisation charts, since – besides setting up new units corresponding to the new official languages – its only requirement was that all official languages be covered by the three pivot language units.[7] It is clear that, apart from general organisational problems, this solution raises some questions about the quality of translation as an end product. Not only does the double transition from the source to the pivot language and then to the final target language imply the risk that part of the original information will go missing, but it also makes it increasingly difficult to check consistency with the source. Comprehension and translation mistakes are more likely to multiply and propagate, and this in turn could lead to a sense of frustration among both translators and authors: the former would feel unable to penetrate the hidden meaning of the text, especially when it refers to specific legal, political, or

[6] In some of the newer Member States, translation curricula at university level are limited – or at least were limited before accession to the EU – to translation into a foreign language.

[7] The system of pivot languages does not necessarily require all pivot units to cover all new languages. It would be sufficient for each new language to be covered by only one pivot language unit, while the others could also translate from the relay language.

cultural situations in the new member States, while the latter would risk being more easily misunderstood due to the twofold sequence of the translation process.

A specific issue which arises in the pivot system concerns consistency between the different target versions. This is a problem that has been repeatedly dealt with in these pages from several perspectives, but which takes on a new dimension here linked to the new working methods. Against this backdrop it is useful to imagine a three-level perspective, whereby:

1. The first level is the source text,
2. The second level is constituted by the pivot versions,
3. The third level is constituted by non-pivot target versions (i.e. all other versions).

Let us take the case of a text originally drafted in a non-pivot language. In this respect, an analysis of samples of translated EESC and CoR texts carried out in 2006 identified a recurring methodological approach which can be summed up in the following points:

– Most translators working into non-pivot languages (especially those from the new Member States) tend to base themselves on a pivot version, usually English.
– If one of the pivot versions contains a misinterpretation from the source text (a case of textual ambiguity for example), all language versions based on the erroneous version will likewise misinterpret the source text. The same applies if the pivot translator omits a portion of text or sees fit to insert an element into his/her own work that is not present in the original (for example, a remnant from an earlier drafting stage). In all such cases, translators with insufficient knowledge of the original source language will seldom be aware of these discrepancies with respect to the source text.
– As a consequence, at least two diverging interpretations might find their way into translated versions: one that is correct (that is, the one supported by the source text and by those pivot and non-pivot versions subsequently based on this) and one that is inaccurate, introduced by one or more (erroneous) pivot versions and followed by other non-pivot versions. In one of the samples examined, the original Italian document makes a general reference to *paesi africani* ("African countries"), whereas the English translator cites "ACP countries" (i.e. the African, Caribbean and Pacific countries which have a special cooperation agreement with the EU, but which obviously do not coincide with all African countries). Since the English version was used as a reference for most of the other language versions, the error was replicated in 16 translations out of 20, with the paradoxical result that even the original Italian text ended up finding itself in a "minority" group.

In other words, an effect seemingly linked to the pivot-language system occurs when cases of non-compliance do not come about in isolation but rather in groups of language versions that support different lines of interpretation. The logical conclusion is that to remedy much of this problem without having to check every single version based on the source text it would be sufficient to ensure compliance at a "vertical" level, that is between any single pivot version and the source text, and a "horizontal" level, that is among all pivot versions. The crux of the problem does not change

particularly when the original text is drafted in a pivot language. One of the texts examined (English original) contained this sentence (emphasis added in bold):

> [The Committee of the Regions] welcomes the participation of Romania and Bulgaria in the drafting of the Treaty establishing a Constitution for Europe and very much supports the launching of a campaign within territorial communities to explain and **promote the content of the Constitution, parting the spirit of the Community acquis**, which could build-up citizens' attachment and knowledge of European values and functioning.

It was inevitable that the highlighted phrase – meaningless in standard English and possibly written by a non-native speaker – led to a plethora of different interpretations: from the French: *promouvoir le contenu de cette Constitution dans l'esprit de l'acquis communautaire* (literally, "promote the content of this Constitution in the spirit of the *acquis communautaire*"), to which the German and Portuguese translators also subscribed, to the Spanish: *promover el contenido de la Constitución y difundir el espíritu del acervo comunitario* ("promote the content of the Constitution and disseminate the spirit of the *acquis communautaire*"), to the Italian: *spiegare il contenuto della Costituzione come parte integrante del cosiddetto acquis comunitario* ("explain the content of the Constitution as part of the so-called *acquis communautaire*"). Again, if consistency had been ensured only at the pivot-language level (possibly with the assistance of an English mother-tongue translator), a reference would also have been set for all other language versions.

Despite the range of measures put in place to prepare the EU language services for the expected impacts of enlargement, the reality caught everyone by surprise, in the sense that a host of factors contributed to make the situation impracticable in the following ways: the inability of the EU institutions to find the 135 translators deemed necessary to ensure translation into each of the new languages, with a particularly dramatic situation for Maltese; a backlog of documents due for translation that in May 2004 amounted to 60,000 pages, but which, according to official estimates, would easily reach 300,000 in the three years following; the increasingly-felt need to rationalise and simplify documents destined for the general public, not least to bridge the gap between Brussels and the EU citizens which only a year later would lead to the botched ratification of the European Constitution in France (29 May 2005) and the Netherlands (1 June 2005).

A few weeks ahead of the accession of the new Member States, the College of Commissioners and that of the Heads of State and Government were forced to take a series of unprecedented decisions. The first act was a regulation to provide for temporary derogation measures relating to the drafting in Maltese of the acts of the institutions, published in the *EU Official Journal*, no. L 169, of 1 May 2004 (see section 1.1). After a few weeks, Neil Kinnock, then Commissioner in charge of the European civil service, ordered the Commission to make drastic cuts in the volume of pages produced, from an average of 37 pages prior to enlargement to a standard length of not more than 15 pages per document. Finally, a document prioritisation system was set up, with the condition that less important categories of documents would not be translated into all official languages, but only into some of them.

Since then, the situation has gradually returned to normal. Nevertheless, the last EU enlargement rounds inevitably revived the debate on the costs of translation for the functioning of the EU administrative machine, giving further strength to those who call for its rationalisation. New clouds loom on the horizon: while the idea of merging all EU language services into a single translation "super-unit" has faded or, at least for now, has been shelved, all major institutions are radically reducing the number of staff in their language units. At the same time, while privatisation has been officially ruled out, the share of outsourced translations is increasing. It is too early to detect the possible effects of these signals or, worse still, to paint doomsday scenarios but in any event, given the sense of responsibility and professionalism shown by EU linguists throughout their past and recent history, it seems beyond doubt that any new challenges (a term which is particularly dear to Eurospeak) will be addressed and resolved with the usual healthy pragmatism.

8.3 What the future holds for EU translation

Aside from pondering the future of translation, the recent rounds of EU enlargement rekindled the problematic issue of language arrangements in the European institutions, a matter which had been largely omitted from the debate on the future of Europe. A reference appears in passing in the Commission Communication "Agenda 2000: For a stronger and wider Union", the 1997 document which inaugurated a reflection on the enlargement process. In a short concluding section entitled "Impact of administrative strains in the Union's institutions", it is stated that "the problems which are likely to be created by the doubling of the number of official languages of the Union should not be underestimated".[8] Regrettably, the document went on to specify that these issues were not directly covered by the report, even though they were bound to have a considerable impact on the management and development of the Union's policies, as well as on the budgetary implications of enlargement.

Many of those participating in this ongoing debate have expressed the view that Regulation no. 1/1958 has gradually become an institutional alibi to avoid addressing afresh the issue of multilingualism at the political level. Moreover, in relation to the last major enlargement rounds, it was assumed that the only change required would be to add the names of the new official languages to the text of the regulation, as had been the case for previous accessions. Meanwhile, it should not be forgotten that multilingualism is the undisputed core value of the Union and that, as Gozzi correctly states,

> by a twist of fate, the duty (and burden) of the EU institutions to safeguard multilingualism has turned into the right of each and every citizen to conserve their own monolingualism.[9]

However, the need to protect this right, which so typifies the EU experience, also meant it was necessary to embrace a rational political approach. A first step in this

[8] Commission Communication "Agenda 2000: For a stronger and wider Union", 1997, p. 135.

[9] Gozzi 2004, p. 280.

direction was attempted during the Seville European Council on 21 and 22 July 2002, when the Council of the European Union (point 6 of the conclusions) was requested to

> study the question of the use of languages in the context of an enlarged Union and practical means of improving the present situation without endangering basic principles.

The Commission only appears to have heeded this call from 2005 onwards and the issue was initially addressed by including multilingualism within the remit of a European Commissioner for the first time (the Slovak Ján Figel', in charge of education, training and culture). [10] On 22 November 2005 a Communication on a new framework strategy for multilingualism followed, which reiterated the Commission's commitment to multilingualism as a specific European value, and set out a series of actions to promote this objective both within the EU institutions and across European society. In December 2006, finally, on the eve of the accession of Bulgaria and Romania, a European Commissioner specifically in charge of multilingualism and intercultural dialogue, Leonard Orban (Romania), was appointed for the first time.

Language issues are, by definition, thorny ones, given the implications surrounding cultural identity of entire peoples. [11] The mere suspicion that EU multilingual practice might contain an element of discrimination to the advantage or detriment of any language is sufficient to cause a stir. Today, the most militant proponents of EU multilingualism seem to come from French-speaking countries. At times, however, it is difficult to shake off the impression that the purpose of the exercise is not so much to endorse the multilingual functioning of the EU, but rather to stem the unstoppable rise of English as the institutions' *lingua franca* (see section 3.2). In reality, during the time when the French held a monopoly over everyday communications between EU officials, the question of a possible Francophone cultural colonisation (a genuine risk, given the geographical location of the EU institutions) was never loaded with such dramatic tones as in recent times. An example of this one-sided crusade is shown by the French National Assembly which, in a session devoted to the topic of linguistic diversity in the European Union on 6 January 2004, while expressing its firm adherence to the principle of full multilingualism in the EU institutions, admitted shortly after that

> it is therefore appropriate to reiterate this concept of [language] diversity as an alternative to the growing hegemony of the Anglo-Saxon model, [12]

or again, that it is necessary

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[10] For a recent analysis of multilingualism in the framework of education policy, see Bijleveld *et al*., 2014.

[11] It is hardly necessary to recall the great battles for national languages fought in various countries of Europe in the 19th century by eminent cultural personalities, and which in most cases coincided with a yearning for political independence. Quintessential in this respect is a sentence by the modern Greek writer Yannis Psicharis (1854-1929), according to whom, "fighting for one's country or for the national language is one single struggle" ("*Να πολεμά κανείς για την πατρίδα του ή για την εθνική τη γλώσσα, είναι ένας ο αγώνας*").

[12] "Il s'agit donc de réaffirmer cette notion de diversité comme alternative à l'hégémonie croissante du modèle anglo-saxon", Assemblée Nationale 2004, p. 51.

> to monitor the use of French by the officials of French origin employed in European and international institutions. [13]

With statements of this kind, the protection of multilingualism risks turning into an alibi for the sole purpose of countering a monolingualism that already widely exists in practice. The same applies for a few of the ideas which are regularly brought up in the frequent presentations given on the subject, and offered each time as if they were magic bullets against the rising dominance of English: for example, the use of Latin without inflections, or Esperanto, or the introduction of a planned rotation system for the use of official languages. [14]

To set the issue straight it should first be reiterated that in reality two different types of EU multilingualism exist: one that is functional and internal to the European institutions, and one that is official and deals with the world beyond. In fact, figuring out how a relatively small number of individuals (EU civil servants) should communicate with one another for the sake of maximum efficiency is one thing, while querying the methods to be used by the European institutions in their communication with the outside world, in particular European citizens, is quite another.

In the first case, it would be inconceivable for an organisation as complex as the European Union to function on a daily basis by resorting to strictly culture-neutral devices such as artificial languages or rotation systems whereby Estonian is spoken on Tuesday, Slovenian on Wednesday, and another language the next. Before all else, European citizens should be able to expect efficiency and results from the European Union, but these basic objectives can only be achieved through a pragmatic approach to communication among people and services. To take a prosaic, but realistic example, if a Greek official has to draft an information memo for her Finnish head of unit, who must in turn include her own additional comments and submit it to her Slovenian superior, it cannot be expected that the memo be drafted in Greek, sent for translation into Finnish, revised and then sent back to the language services urgently requesting a translation into Slovenian. This solution, although technically feasible, would require an unjustified and disproportionate amount of time as compared to a text written at the outset in English and immediately understandable to all. In other words, the importance attached to the principle of multilingualism cannot be such as to impair the functioning of the EU administrative machine. For decades, French held an undisputed role as a vehicle of communication between EU officials. If today this role is mostly filled – though not always – by English, it is just a sign of a far-reaching historical trend that goes beyond the narrow geographical and political boundaries of the European Union. Attributing this situation to intentional choices is little more than a conspiracy theory.

On the other hand, universal recourse to English – sometimes advocated as an essential measure to curb the costs of EU multilingualism – is likewise unthinkable

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[13] "Veiller à l'usage du français par les fonctionnaires d'origine française en poste dans les institutions européennes et internationales", Assemblée Nationale 2004, p. 58.

[14] In 1993 a conference took place at the headquarters of the European Parliament on "The problem of communication and languages in the European Community – In what measure could a planned language contribute to solving it?".

when the much more important relations between the EU and the outside world are considered. Perhaps the most telling example of the vehemence with which this thesis is embraced by some is a scathing article by Juliane House, where EU language arrangements are qualified as "both ineffective and hypocritical", since they do not take into account the *de facto* dominance of English in the world of contemporary communications.[15] Regrettably, statements like this fail to acknowledge the civic and legal needs behind the choice of a workable language system for the EU. The principle of direct applicability of EU legal instruments (discussed at length in section 1.2) and, more generally, that of democratic accountability require the EU to communicate with citizens in their own languages. This is an indisputable right which, ultimately, is the primary condition for an authentic supranational political entity such as the EU. It is for this reason that the thought of forsaking it has never been considered, and nor will it ever, even after all future enlargements. This is something one can be sure of, no matter what the doomsayers may claim.

So much for the current situation, along with the possible scenarios for multilingual communication in the EU institutions. It may well be that in a few years we could see a total upheaval of working practices, in which case this volume will acquire a documentary value with the only merit of having taken a "snapshot" of the state of affairs in the immediate aftermath of the 2004, 2007 and 2013 enlargement rounds. But it is more likely that the situation will remain by and large unchanged. Multilingualism is an undisputed right conferred on EU citizens and any operational strategy that might be put in place cannot but take into account this fundamental point.

As for those reflections more specifically related to translation practice, most of the strategies presented in these pages, whether instinctive or more thought out, do not have a distinct character of their own, but can be related to the so-called "universals of translation".[16] It was felt, however, that it was important to reconsider them in the light of both their operational context and the impact they can have on the lives of EU citizens. This can be taken as the ultimate meaning of this book: to describe the still largely unknown world of EU translation practitioners with the utmost objectivity and, as stated in the introduction, to present it unfettered by the myths which typically surround it, highlighting its strengths (foremost the professionalism of EU linguists), while not forgetting its weaknesses. The sound approach taken by EU linguists towards research and critical reflection will ensure that the outcome of what is being accomplished by the language services of the EU institutions is never taken for granted. This volume is primarily intended to do justice to this central aspect of the European public service, in the hope that a more global view of such a complex world can help those who come into contact with it to overcome the common stereotypes and *idées reçues*. If and when that happens, we will consider that our goal has been achieved.

[15] House 2001.

[16] Baker 1993, p. 243.

9

Selection of translated texts

The following are a selection of some exemplary text types that translators in the service of the European institutions encounter in daily practice. In general they expand upon the shorter excerpts or citations provided within each of the chapters throughout the book in relation to a specific topic or problem and will thus give readers the chance to further gauge the context in which such texts have been drafted (and subsequently translated) and the requirements imposed both by the context in which a text is produced together with the needs of its end-users.

Text 1. Excerpt from an address delivered by Romano Prodi, then President of the European Commission, on 17 February 2000, before the 32nd plenary session of the Committee of the Regions.

ITALIAN SOURCE TEXT

Io non intendo affatto rivendicare un ruolo centralizzatore per "Bruxelles", al contrario: sono convinto che sia giunto il momento di un radicale decentramento. È venuto il momento di rendersi conto che l'Europa non è gestita solo dalle istituzioni europee. I suoi elementi costitutivi, quelli che ne assicurano il funzionamento, sono anche i governi nazionali e la società civile, così come gli organismi che questo Comitato rappresenta: le autorità regionali e locali.

Nel preparare il Libro bianco, la Commissione presterà particolare attenzione alla crescente importanza delle autorità regionali e locali. Questo vale non solo per quegli Stati membri che hanno una Costituzione federale o semifederale, ma anche a livello più generale. La nostra riflessione sul governo (*governance*) su scala europea dovrà tener conto di questa chiara tendenza verso nuove forme di decentramento e di *devolution* a livello nazionale.

Quella che propongo è una nuova divisione dei compiti tra noi una nuova e più democratica forma di partenariato tra i diversi livelli di governo (*governance*) in Europa.

Questa necessità è oggi particolarmente evidente. I nostri cittadini non sono contenti di come vanno le cose in Europa. Si sentono lontani da "Bruxelles", in cui molti vedono una specie di congiura di tecnocrati e burocrati che lavorano dietro una cortina impenetrabile. D'altra parte, spesso attribuiscono a "Bruxelles", alla Commissione, delle decisioni che sono invece prese dai propri governi centrali. Non capiscono quindi i ruoli delle diverse istituzioni europee e l'articolazione esistente tra la dimensione statale e quella comunitaria. Dubitano che i meccanismi della politica possano servire a realizzare la società che vogliono. Chiedono, giustamente, di avere molta più voce in capitolo, anche per costruire la Nuova Europa.

La sfida, quindi, non è solo una sfida a riformare le istituzioni e farle funzionare più efficacemente per quanto ciò possa essere essenziale. La vera sfida è a ripensare da capo il nostro modo di fare Europa.

Le istituzioni europee dovranno essere forti per gestire l'Unione allargata, ma dovranno anche essere democraticamente legittimate e operare in modo trasparente e giustificabile per godere della totale fiducia dei cittadini. Io però vorrei andare oltre. I cittadini europei vogliono una democrazia molto più tangibile, molto più partecipativa, che consenta un loro totale coinvolgimento nella fissazione degli obiettivi, nell'elaborazione delle politiche e nella valutazione dei progressi compiuti.

Smettiamo quindi di pensare in termini di competenza e di sussidiarietà, concetti superati e inadatti a cogliere la complessità di una costruzione come quella europea. Non si tratta di contrapporre, ma di articolare. Cominciamo a pensare a una "Rete Europa", in cui tutti i livelli di governo (*governance*) concorrono a formulare, a proporre, ad attuare le politiche e a verificarne i risultati.

Gli europei devono capire che cos'è l'Europa e – soprattutto – rendersi conto che l'Unione europea esiste per servire loro. Io voglio che capiscano che "Bruxelles" siamo tutti noi – in altre parole, che tutti i livelli di governo (*governance*) sono coinvolti nel lavoro quotidiano di gestire l'Europa. L'Europa dev'essere costruita dai cittadini per i cittadini. E nessuno meglio di *voi*, signore e signori, può trasmettere, forte e chiaro, questo messaggio.

ENGLISH TARGET TEXT

Far from advocating a centralising role for "Brussels", I believe the time has come for some radical decentralisation. It is time to realise that Europe is not just run by European institutions. It is also built and made to work by national governments and civil society, as well as by the bodies this Committee represents – regional and local authorities.

In preparing the White Paper the Commission will pay particular attention to the growing importance of regional and local authorities. This is true not only for those Member States with federal or quasi-federal constitutions but also more generally. In our thinking about European governance we must take account of this clear trend towards new forms of decentralisation and devolution at national level.

What I am proposing is a new division of labour between us – a new, more democratic form of partnership between the different levels of governance in Europe.

The need for this is now very clear. Our citizens are unhappy with the way things are done at European level. They feel remote from "Brussels", which many perceive as a sort of conspiracy of technocrats and bureaucrats working behind closed doors. At the same time, they often attribute to "Brussels", to the Commission, decisions which – as a matter of fact – are taken by their own central governments. Consequently, they do not understand the roles of the different European institutions and the interface between the national and the Community dimension. They are sceptical that the mechanisms of politics can help deliver the kind of society they want. They are also rightly calling for a much greater say in shaping the New Europe.

The challenge is therefore not simply to reform the institutions and make them work more effectively – essential though that is. The real challenge is to radically rethink the way we do Europe.

Europe's institutions must be strong to handle the enlarged Union: but they must also be democratically legitimate, transparent, accountable and efficient if they are to enjoy the full confidence of the citizens. Indeed, I would go further. The people of Europe want a much more participatory, "hands-on" democracy which allows them to be fully involved in setting goals, making policy and evaluating progress.

They need to understand what Europe is about and – above all – to realise that the European Union exists to serve them. I want them to realise that "Brussels" is all of us – in other words that all levels of governance are involved in the day-to-day business of running Europe. Europe must be built by the citizens for the citizens. Who better to get this message across, loud and clear, than *you* – ladies and gentlemen. Thank you all.

Text 2. Conclusions of the preliminary draft own-initiative opinion of the European Economic and Social Committee on the theme "The Treaty of Lisbon and the functioning of the Single market" (adopted on 14 July 2010).

PORTUGUESE SOURCE TEXT

O Tratado de Lisboa, que deveria entrar em vigor inicialmente em 1 de Janeiro de 2009, só foi ratificado em 1 de Dezembro de 2009. Há que admitir que este tratado continua a ser complexo e difícil de compreender.

A análise comparativa incluída no relatório de informação (CESE 241/2008) permite concluir que o mercado interno, embora não sofrendo qualquer modificação estrutural com o novo Tratado de Lisboa, parece ter uma perspectiva mais social. De facto, contrariamente ao que o Tratado Constitucional podia fazer temer a algumas pessoas ao utilizar a expressão "um mercado interno em que a concorrência é livre e não falseada", o Tratado de Lisboa confere ao mercado interno aparentemente objectivos mais sociais ao empenhar-se "numa economia social de mercado altamente competitiva que tenha como meta o pleno emprego e o progresso social".

Os textos conhecidos até à data sobre as futuras orientações políticas da Comissão e sobre a Estratégia Europa 2020, bem como numerosas declarações de comissários e

dirigentes políticos a nível nacional parecem também apontar para uma evolução no sentido de uma dimensão cívica cada vez maior do mercado único.

Esta dimensão foi igualmente reforçada pela referência explícita à força jurídica vinculativa da Carta dos Direitos Fundamentais, que tem "o mesmo valor jurídico que os Tratados", se bem que com restrições em alguns Estados-Membros.

Por outro lado, o processo legislativo relativo ao mercado interno será marcado pela intervenção dos parlamentos nacionais, a quem cabe velar pela observância do princípio da subsidiariedade, regulador do exercício das competências partilhadas entre a União e os Estados-Membros. Mercê de dois protocolos, um relativo "ao papel dos parlamentos nacionais" e o outro à "aplicação dos princípios da subsidiariedade e da proporcionalidade", é dada aos parlamentos nacionais a possibilidade de solicitarem mesmo o reexame de uma proposta legislativa em primeira leitura, o que reforça a participação democrática no processo legislativo comunitário e terá, esperemos, repercussão na quantidade e na qualidade da legislação futura da União.

Se a intervenção preventiva dos parlamentos nacionais funcionar bem e se o controlo da aplicação do princípio de subsidiariedade for eficaz e de boa qualidade a fim de explorar ao máximo o "mecanismo de alerta precoce" que o Tratado de Lisboa retoma da Constituição, é possível que os Estados-Membros critiquem menos a legislação da União de interferência nas competências nacionais e os cidadãos não a vejam tanto como a marca de um certo "imperialismo de Bruxelas". Mas para isso é preciso ainda que os parlamentos nacionais reforcem a sua ligação em rede, pois o alcance e a eficácia do "mecanismo de alerta precoce", sendo embora um direito individual reconhecido a cada parlamento, depende da capacidade que os parlamentos nacionais tiverem para se organizarem colectivamente.

O Tratado de Lisboa prevê também a aplicação generalizada ao mercado interno do "processo legislativo ordinário" (processo de co-decisão do artigo 251.º do TCE), como o comprova, designadamente, o artigo 48.º do TFUE relativo às medidas necessárias à livre circulação dos trabalhadores no domínio da segurança social.

O Tratado de Lisboa pretende, pois, facilitar o desenvolvimento do mercado interno generalizando mais a co-decisão que designa de "processo legislativo ordinário", mas agrega às instituições da União um novo parceiro com poder de decisão – os parlamentos nacionais, com os quais será preciso contar doravante para a adopção de todas as medidas legislativas aplicáveis ao mercado interno.

ENGLISH TARGET TEXT

The Lisbon Treaty, which was originally due to enter into force in January 2009, was only ratified on 1 December 2009. It must be pointed out that this treaty remains complex and hard to understand.

The comparative study that forms part of the information report (CESE 241/2008) allows us to conclude that the internal market, while not undergoing structural modification as a result of the new Lisbon Treaty, seems to be defined in a more social way. In effect, unlike the Constitutional Treaty which could concern some people with the phrase "an internal market where competition is free and undistorted", the Lisbon Treaty seems to give to the internal market more social aims by working towards "a social market economy, aiming at full employment and social progress".

The texts that have appeared to date on the Commission's future policy guidelines, on the 2020 Strategy and a number of statements by Commissioners and national political leaders also appear to favour the same approach to the single market that gradually focuses more on the citizen.

This aspect has also been strengthened by the explicit reference to the binding legal power of the Charter of Fundamental Rights, which has "the same legal value as the treaties", albeit with restrictions in some Member States.

Furthermore, the legislative process relative to the internal market will be marked by the intervention of the national parliaments, which are required to ensure respect for the principle of subsidiarity, which regulates the sharing of competences between the Union and the Member States. Due to two protocols, one on "the role of national parliaments" and the other on "the application of the principles of subsidiarity and proportionality", they are consequently even able to ask for a review of a legislative proposal at first reading, which improves democratic participation in the Community legislative process with, it is to be hoped, implications for the quantity and quality of future EU legislation.

If national parliaments' preventive measures work well and if monitoring of the principle of subsidiarity proves to be effective and of high enough quality to fully support the "early warning mechanism" that the Lisbon Treaty has taken from the Constitution, EU legislation might generate less criticism from Member States for riding roughshod over national powers and also be less resented by the European public for demonstrating a type of "Brussels-based imperialism". For this reason, national parliaments should also improve their networking, because the influence and effectiveness of the "early warning mechanism", although an individual right granted to each parliamentary chamber, depends on national parliaments' ability to organise themselves on collective lines.

The Lisbon Treaty also moves towards general use of the "ordinary legislative procedure" (co-decision under Article 251 EC) for the internal market, as witnessed by Article 48 TFEU on measures in the area of social security necessary for the free movement of labour.

The Lisbon Treaty thus aims to facilitate the development of the internal market by making more general use of the form of co-decision that it renames the "ordinary legislative procedure", but it adds a new partner to the Union institutions in their decision-making: the national parliaments, which from now on will need to be considered for the adoption of all legislative measures applicable to the internal market.

Text 3. Sample exam text for EU open competition for translators.

FRENCH SOURCE TEXT

A la lumière des guerres, crises et révolutions, la modernité européenne s'est révélée porteuse du pire comme du meilleur. Ses armes magiques sont des techniques et à ce titre « capables des contraires » (Aristote). Elles placent les contemporains devant la responsabilité de bien ou mal en user. Dès qu'on reconnaît que les marchés, les Etats et autres prestigieuses organisations modernes sont, et ne sont que des outils

susceptibles d'améliorer ou de détériorer la vie en commun, il faut conclure qu'en dernière instance ni l'Etat, ni le marché, ni les techniques en général ne se contrôlent eux-mêmes. Force est alors de concocter une procédure extrinsèque de contrôle et de limitation, dont l'opinion publique, toute faillible qu'elle soit, se retrouve, dans la cité occidentale, responsable.

Longtemps tête pensante de la modernité civilisée et par là même vouée aux contraires, l'Europe se projeta simultanément école du progrès, des guerres et des révolutions.

Miraculées de deux catastrophes mondiales, les démocraties, imparfaites mais prospères d'Europe occidentale, partirent de leur terrible expérience: habitées par le souvenir de Hitler, flanquées par le menaçant voisinage de Staline, leurs opinions publiques décidèrent d'interrompre la spirale fatale des traditionnelles inimitiés. D'ancestrales méfiances ne se trouvèrent pas abolies par la magie d'une fusion amoureuse, nulle inédite table des valeurs ne transfigura de vieilles nations, qui conviennent seulement *a minima* de s'épargner réciproquement le retour du pire. Si l'on nomme « dissuasion » le lien que nouent « au bord du gouffre » des adversaires-partenaires soucieux d'éviter de s'y abimer, le projet européen est d'essence dissuasive. Sans trop d'illusion, ses promoteurs s'entendent négativement pour brider leurs mésententes.

Le contrat dissuasif, qui fonde la Communauté européenne, est triple. Antifasciste d'abord, anticommuniste ensuite, anticolonial enfin. Dans les trois cas, la perspective d'une catastrophe commune impose de rigoureuses limites aux conflits des nations, à la lutte des classes et aux guerres de race et de religion. Dès 1848, Marx a très précisément formulé l'alternative sur laquelle butèrent les élites européennes un siècle plus tard : l'affrontement ouvre « soit sur une transformation révolutionnaire de la société tout entière, soit sur la ruine commune des classes en lutte » (le *Manifeste*).

Bien que l'habituelle rhétorique politique chante l'optimisme et la confiance retrouvés, une insondable méfiance historiquement motivée fonde le nouveau contrat européen : tout pouvoir à l'Etat et à la patrie ? Nenni, voyez 1914. Tout pouvoir au parti et à l'idéologie? Plutôt crever ! Les forces politiques, économiques, syndicales, sociales, etc., se contrôlent-elles réciproquement? Tant mieux; ou bien se neutralisent et se paralysent-elles? A chaque citoyen, dans la mesure de ses possibilités, de prendre ses responsabilités.

André Glucksmann, *Dostoïevski à Manhattan*

POSSIBLE ENGLISH TRANSLATION [1]

In the wake of wars, crises and revolutions, European modernity appears to have given both its worst as well as its best. The magic of its weapons resides in its techniques which are, as such, "capable of opposites" (Aristotle). The people of today have been left with the responsibility of making good or bad use of them. Once we recognise that markets, States and other prestigious modern organisations are nothing

[1] Naturally, there is no single correct solution for this exam text (EU open competition for translators) but we felt it useful to supply a hypothetical "model" answer, produced under similar conditions to an exam setting, thereby potentially including faults and defects which nevertheless may prove informative to the reader.

more than tools capable of improving or deteriorating life in communities, we can but conclude that ultimately neither States nor markets, or techniques in general, control themselves. It is therefore inevitable that an extrinsic process of control and limitation should be concocted, for which public opinion in the Western world, fallible though it may be, is finally accountable.

Europe, for so long the mastermind of civilised modernity and by the same token doomed to its opposite, has simultaneously been a school of progress, war and revolution.

Having miraculously escaped two global disasters, the imperfect yet prosperous democracies of Western Europe would set out from their terrible experience. Haunted by the memory of Hitler and overshadowed by the threat of Stalin's presence on every side, public opinion decided to put a stop to the fatal downward spiral of traditional enmities. Yet traditional mistrust was not banished by a sudden passionate embrace; no new set of common values transformed the old nations, which merely decided on a few minimal rules to spare each other from a return to the darkest days. If we call it "dissuasion", that link which binds together "on the precipice of the great void" adversaries and partners who are anxious to avoid the fall, then the European project is essentially one of dissuasion. With few illusions, those that advocate it agree to disagree in order to curb their differences.

This "dissuasive contract", which is at the core of the European Community, is threefold: antifascist foremost, then anticommunist and lastly anticolonial. In all three cases, the prospect of a common catastrophe imposes strict limits on conflicts between nations, on the class struggle and on wars fuelled by race and religion. As early as 1848 Marx had clearly outlined the alternative which the European elite would only stumble upon a century later: confrontation would bring about "either a revolutionary transformation of society as a whole or the collective ruination of the struggling classes" (the *Manifesto*).

While the usual political rhetoric chimes with optimism and confidence regained, a deep and historically motivated mistrust lies at the heart of the new European contract. All power to the State and fatherland? Never again, look to 1914. All power to the party and ideology? Better to die! Do the forces of politics, economics, labour, society and the rest look after each other? If only it were so; perhaps instead they simply neutralise and paralyse one another? It is thus up to every citizen, to the best of their abilities, to take up the mantel of their responsibilities.

Text 4. Question put to the European Parliament by Croation MEP Tonino Picula of the S&D group, November 2013, on the subject of dropping visa requirements for the USA and Canada.

CROATIAN SOURCE TEXT

18. studenog 2013.
P-013071-13
Pitanje za pisani odgovor upućeno Komisiji
Članak 117.
Tonino Picula (S&D)

Predmet: Ukidanje viza za SAD i Kanadu

SAD trenutno zahtijeva vize za državljane EU-a iz Bugarske, s Cipra, iz Rumunjske, Poljske i Hrvatske, dok Kanada posjedovanje vize prilikom ulaska traži za državljane Češke, Bugarske i Rumunjske, te državljane Poljske i Litve u slučaju da ne posjeduju biometrijsku putovnicu.

Važno je naglasiti kako broj izdanih viza za građane svih 5 članica kojima je viza potrebna za ulazak u SAD na godišnjoj razini u zadnjih 10 godina stagnira, ili je u slučaju Poljske u opadanju, dok postotak odbijenih viza kategorije B također stagnira ili značajno opada. Na primjer u Hrvatskoj je postotak odbijenih viza B kategorije u 2012. godini iznosio 4,4 %, što je za 1,9 % manje nego u prethodnoj godini. Usporedbe radi, u nekim od članica EU-a čijim državljanima više nije potrebna viza za ulazak u SAD, poput Latvije i Litve, postotak odbijenih viza kategorije B određenih je godina prelazio i 20 % od broja ukupnih prijava.

Uz nizak postotak odbijenih zahtjeva za vizu Hrvatska je poduzela još nekoliko konkretnih mjera kao što je uvođenje biometrijskih putovnica i ispunjenje kriterija za punopravno članstvo u NATO-u i Europskoj uniji.

Nije zanemariv ni financijski aspekt reciprociteta prema kojem državljani 23 zemlje članica Unije moraju platiti samo 14 američkih dolara da bi se registrirali u američki sustav za autorizaciju putovanja, dok državljani ostalih pet prethodno spomenutih država članica moraju prosječno platiti 160 dolara za zahtjev za vizu.

Na vizni reciprocitet država članica Unije prema trećim zemljama poziva se i u Izvješću o prijedlogu Uredbe Europskog parlamenta i Vijeća kojim se izmjenjuje Uredba Vijeća (EZ) br. 539/2001 u kojoj se navode treće zemlje čiji državljani moraju posjedovati vize pri prelasku vanjskih granica i zemlje čiji su državljani izuzeti iz tog zahtjeva. To izvješće usvojeno je na plenarnoj sjednici Europskog parlamenta u rujnu ove godine.

Uzimajući u obzir prethodno iznesene argumente, koje mjere Komisija planira poduzeti kako bi se vizni reciprocitet država članica EU-a s trećim zemljama, s posebnim naglaskom na reciprocitet sa Sjedinjenim Američkim Državama i Kanadom, zaista uspostavio?

ENGLISH TARGET TEXT

18 November 2013
P-013071-13
Question for written answer to the Commission
Rule 117
Tonino Picula (S&D)

Subject: Dropping of visa requirements for the USA and Canada

The USA currently requires EU citizens from Bulgaria, Cyprus, Romania, Poland and Croatia to hold visas. Canada, meanwhile, requires Czech, Bulgarian and Romanian citizens — as well as Polish and Lithuanian citizens without biometric passports — to have visas when entering.

It is noteworthy that the annual number of US visas issued to the citizens of these five Member States has changed little over the past 10 years — and even fallen in the case of Poland — while the number of refused “category B” visas is either

stagnant or falling dramatically. In Croatia in 2012, for example, the percentage of refused "category B" visas amounted to 4.4%, which is 1.9% less than in the previous year. By way of a comparison, in some EU Member States whose citizens no longer need visas to enter the USA – such as Latvia and Lithuania – the percentage of refused "category B" visas has, in some years, exceeded 20% of the total number of applications.

In addition to having a low refusal rate for visa applications, Croatia has taken a number of specific steps, such as introducing biometric passports and fulfilling the criteria for membership of NATO and the EU.

The financial dimension of reciprocity is also far from negligible: the citizens of 23 EU Member States have to pay USD 14 to register in the American system for travel authorisation, while the citizens of the remaining five Member States have to pay, on average, USD 160 for a visa application.

The report on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) no. 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement also calls for visa reciprocity between EU Member States and third countries. This report was adopted at the September 2013 plenary session of Parliament.

In this connection, what steps does the Commission plan to take in order to establish genuine visa reciprocity between EU Member States and third countries, with particular emphasis on the United States of America and Canada?

Text 5. Excerpt from "A partnership with many missions", speech delivered by Javier Solana, then EU High Representative for the Common Foreign and Security Policy (CFSP), at the German Marshall Fund Peter Weitz Awards Dinner (Washington DC), on 20 May 2002.

SPANISH SOURCE TEXT

La cena de hoy tiene lugar en un ambiente de acalorado debate sobre el futuro de las relaciones trasatlánticas. En los Estados Unidos crece la impaciencia con respecto a los aliados europeos, a los que se acusa de criticar y no intervenir. En Europa, se oyen quejas sobre la falta de sensibilidad de Washington y el unilateralismo de los EE.UU. Algunos artículos publicados recientemente parecían necrológicas de una relación otrora próspera y floreciente. Por ello, puede parecer ingenuo expresar optimismo sobre el futuro de nuestras relaciones, y sin embargo es lo que pretendo. Estoy convencido de que cuando se calmen los ánimos, se manifestarán de nuevo los hechos puros y simples: Europa y EE.UU son socios naturales y están vinculados por valores e intereses comunes. En las últimas décadas, el lazo transatlántico en el marco de la OTAN ha traído la estabilidad y la paz a nuestro continente. Dentro de pocos días celebraremos en Roma el alba de una nueva relación con Rusia. La guerra fría ha terminado de manera definitiva. Esto constituye una victoria de la democracia y de la libertad, precisamente los valores centrales que unen a los estadounidenses y a los europeos. Desde luego, no somos los únicos que defendemos esos valores. Sin embargo, ninguno de los dos socios encontrará en ningún otro lugar un defensor

igualmente acérrimo de unos valores que coincidan de un modo tan estrecho con los propios. Nuestra interdependencia económica reviste un carácter único: las cifras de nuestro comercio recíproco y de nuestras mutuas inversiones son demoledoras. Los intercambios comerciales totales entre la UE y Estados Unidos superan los 500 mil millones de dólares estadounidenses en ambos sentidos y representan más de 6 millones de puestos de trabajo en los Estados Unidos y en Europa. Cada uno de los socios tiene en el otro inversiones que superan los 500 mil millones de dólares.

Una asociación con este historial constituye – y seguirá constituyendo – un factor crucial para la estabilidad en el mundo. Esto no equivale a decir que en nuestra relación todo sea perfecto: existen percepciones divergentes que empañan la visión, y es preciso encararlas. La primera de ellas se refiere a las amenazas, la segunda, al reparto de la carga, y la tercera, a los métodos para hacer frente a los problemas mundiales. Para la mayor parte de los estadounidenses, el 11 de septiembre lo cambió todo. Hasta entonces, los Estados Unidos siempre habían confiado en la geografía para proteger su patria. Los brutales atentados cometidos en su propio suelo han hecho zozobrar esa percepción. Europa, hasta hace muy poco, estaba habituada desde hacía siglos a la idea de amenazas en su suelo. La caída del muro de Berlín trajo a Europa una nueva sensación de seguridad en la que la amenaza terrorista ha hecho mella, pero sin destruirla. El cierre de la brecha entre nuestras percepciones exige una mejor comprensión mutua de la naturaleza de las amenazas que plantean, a nuestras sociedades abiertas, unos oponentes despiadados dispuestos a recurrir al terrorismo, y posiblemente a las armas de destrucción masiva. La cuestión que se plantea, pues, es cómo hacerles frente. La respuesta estadounidense fue rápida y contundente. Los europeos apoyaron el uso de la fuerza, y aún lo apoyan. Ponen de relieve, sin embargo, dos argumentos que merecen repetirse. El primero es que una respuesta exclusivamente militar no resolverá el problema del terrorismo. Los europeos han aprendido esta lección. El segundo es que incluso el país más fuerte del mundo precisa socios y aliados, no meros seguidores. Para una auténtica asociación es menester el diálogo y el respeto mutuo. Es preciso también que las dos partes estén convencidas de las ventajas, lo que suscita la cuestión del desequilibrio de las contribuciones. Existe la percepción de que Europa ofrece demasiadas palabras y poca acción, y de que los Estados Unidos hacen lo contrario. Me referiré brevemente a la parte europea de la ecuación. Después del 11 de septiembre, Europa ofreció su solidaridad total tanto en palabras como en los hechos. En Afganistán hay seis mil soldados europeos presentes hombro a hombro con sus socios estadounidenses. Europa, juntamente con los Estados Unidos, desempeña un papel puntero en la reconstrucción y la consolidación de naciones. La lucha contra el terrorismo ha dado lugar a una oleada de actividad en materia de cooperación judicial y policial. En el curso de pocas semanas adoptamos una orden de detención europea, una nueva definición de los actos terroristas, nuevas normas sobre blanqueo de capitales. Hemos celebrado un importante nuevo acuerdo de cooperación policial con los Estados Unidos. Estamos negociando un ambicioso acuerdo de extradición y de asistencia judicial.

ENGLISH TARGET TEXT

Today's dinner takes place against the background of a heated debate about the future of transatlantic relations. In America there is growing impatience with European allies accused of constant carping on the sidelines. In Europe, complaints abound about insensitivity in Washington and US unilateralism. Some recent articles read like obituaries for a once thriving partnership. It therefore seems naive to express optimism about the future of our relations, and yet I do so. When the dust settles, the facts will once again emerge, and those facts are simple: Europe and the US are natural partners, linked by common values and interests. Over the past decades, the transatlantic link within NATO has brought stability and peace to our continent. In a few days, in Rome, we shall celebrate the dawn of a new relationship with Russia. The Cold War is definitely over. This is a victory for democracy and freedom, those very core values that bind together Americans and Europeans. We are of course not alone in defending those values. But nowhere else will either partner find an equally substantial defender of values that coincide so closely with its own. Our economic interdependence is unique: the figures of our mutual trade or of mutual investments are staggering. Total EU/US trade exceeds 500 billion dollars in both ways and accounts for more than 6 million jobs in the US and in Europe. Each partner has investments totalling around 500 billion dollars in the other. A partnership with such a track record is and will remain a crucial factor for stability in the world.

This is not to say that everything is perfect in our relationship; divergent perceptions cloud the vision and need addressing. The first concerns threats, the second, burdensharing, and the third, methods of dealing with the world's problems. For most Americans, 11 September has changed everything. Until then, America could always rely on geography to protect the homeland. The brutal attacks on its own soil have overturned that perception. Europe had been used for centuries to the idea of threats on its soil, until very recently. The fall of the Berlin Wall left the Europeans with a new sense of security, which the terrorist threat has dented but not abolished. Closing the perception gap requires a better mutual understanding of the nature of the threats posed to our open societies by ruthless opponents, ready to use terrorism and possibly WMD. The question then arises how to deal with them. The US response was swift and forceful. Europeans supported the use of force and still do. But they make two points, which bear repeating. The first is that a military response alone will not solve the problem of terrorism. Europeans have learnt this lesson. The second is that even the strongest country in the world needs partners and allies, not simple followers. A true partnership requires dialogue and mutual respect. But it also requires both sides to be convinced of the benefits. This raises the question of the balance of contributions. There is a perception that Europe offers too much talk and too little action, while the reverse applies to the US. Let me briefly address the European side of the equation. After 11 September, Europe offered total solidarity, in words and deeds. In Afghanistan, six thousand European troops stand shoulder to shoulder with their American partners. Europe, together with the US, plays a leading role in reconstruction and nation building. The fight against terrorism has led to a flurry of activity in judicial and police co-operation. Within a few weeks, we had adopted a European arrest warrant, a new definition of terrorist acts, new rules on

money laundering. We have concluded a major new agreement on police cooperation with the US. We are negotiating an ambitious agreement on extradition and Mutual Legal Assistance.

Text 6. Excerpt from the European Parliament report on the proposal for a Council Regulation on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for joint children (COM (1999) 220 – C5-0045/1999 – 1999/0110 (CNS) – Rapporteur: MEP Evelyne Gebhardt.

GERMAN SOURCE TEXT

Die Verordnung stellt für die Bürger und Bürgerinnen der Europäischen Union eine deutliche Verbesserung dar, da sie zu mehr Rechtssicherheit im Binnenmarkt mit seinen offenen Grenzen führt. Es wird ein europaweit einheitlicher Personenstand garantiert.

Durch die zunehmende Freizügigkeit innerhalb der Europäischen Union werden immer häufiger binationale Ehen geschlossen. Bisher traten hier Probleme dadurch auf, daß Dokumente, die den Personenstand bei der Eheschließung bescheinigten, nicht von allen Mitgliedstaaten gleichermaßen anerkannt wurden und die Betroffenen zusätzliche kosten- und zeitintensive Gültigkeitserklärungen vorlegen mußten. Ist nun die Scheidung in einem Mitgliedstaat ausgesprochen, so kann die Wiederverheiratung grundsätzlich in jedem anderen Land erfolgen. Mehrfachklagen erübrigen sich, sobald der Antragsteller mit seinem Begehren in einem Staat durchdringt, so daß sich der europäische Bürger unnötige Kosten erspart.

Besonders hart trafen die bisherigen Regelungen aber Ehepartner mit unterschiedlicher Staatsangehörigkeit, die sich trennen wollten. Die Fragen über die Zuständigkeit der Gerichte und die Gültigkeit ihrer Entscheidungen führten dazu, daß kein Verlaß auf eine einmal getroffene richterliche Entscheidung war und vor allem die Lösung der Sorgerechtsfrage häufig auf dem Rücken der Kinder ausgetragen wurde. Scheidungen von binationalen Ehen bedeuteten daher oft zusätzliche Belastungen für die Betroffenen aufgrund ihrer unterschiedlichen Staatsangehörigkeit.

Die vorliegende Verordnung ist daher auch und gerade ein Beitrag, noch bestehende Diskriminierungen von Unionsbürgerinnen und –bürgern, die ihr Recht auf Freizügigkeit in Anspruch nehmen, zu beseitigen und das Recht auf Nichtdiskriminierung, als Grundprinzip des Unionsvertrages, zu gewährleisten.

Ganz besonderes Augenmerk richtet die Berichterstatterin auf das Wohl der Kinder. Sie begrüßt daher, daß sich die Verordnung nicht auf die Regelung von Zuständigkeit und Anerkennung von Entscheidungen über die Auflösung der Ehe beschränkt, sondern auch mit der Scheidung zusammenhängende Sorgerechtsverfahren erfaßt. Es ist wesentlich, daß bei jeder gerichtlichen Entscheidung das Wohl der Kinder berücksichtigt wird, da sie diejenigen sind, die am meisten unter der Trennung oder Scheidung der Eltern leiden. Aus diesem Grund ist es auch wichtig, die grundlegenden Interessen der Kinder zu schützen. Das moralische und physische Wohl der Kinder muß gewährleistet werden und den Kindern muß die Möglichkeit gegeben werden, ihren Willen zu äußern. Richter haben vielfältige Möglichkeiten herauszufinden,

bei welchem Elternteil Kinder nach einer Scheidung leben sollten. Auch kleine Kinder müssen sich in Abwesenheit ihrer Eltern entsprechend äußern können. Die Berichterstatterin schlägt daher einen Änderungsantrag vor, der sicherstellt, daß das Kind die Möglichkeit hatte, gehört zu werden und daß sein Wohl berücksichtigt wurde.

ENGLISH TARGET TEXT

The regulation in question makes a substantial difference to EU citizens, giving them greater legal certainty and accordingly improving the operation of the internal market with its open borders. Uniform civil status throughout the EU is guaranteed.

As more people are exercising their right to freedom of movement within the EU, marriages are increasingly taking place between nationals of different countries. In the past, problems have arisen in that documents certifying marital status were not equally recognised by all the Member States. Those concerned were therefore required to submit additional certification of validity, which was an expensive and time-consuming procedure. Under the new regulation, if a divorce has been granted in a Member State, the parties may, in principle, remarry in any other country. Once a petition has been successful in one Member State, there is no need for further proceedings, saving the European citizen unnecessary costs.

The previous rules caused particular difficulties for spouses of different nationalities who wished to separate. Questions regarding the competence of the courts and the validity of their judgments meant that it was not possible to rely on a judgment which had been delivered. In particular, children frequently suffered as the issue of custody was fought over. For spouses who were nationals of different countries, divorcing therefore often entailed additional costs as a result of their different nationalities.

The precise purpose of the regulation in question is therefore to contribute towards removing remaining discrimination against EU citizens who exercise their right to free movement, and guaranteeing the right to non-discriminatory treatment as a fundamental principle of the Treaty on European Union.

Your rapporteur pays particular attention to the matter of children's best interests. She therefore welcomes the fact that the regulation is not confined to provisions on jurisdiction and the recognition of judgments on dissolution of marriages, but also covers custody proceedings associated with divorce. It is essential that in all judgments by the courts the best interests of the children are taken into account, as it is the children who are affected the most by the separation or divorce of their parents. For that reason, it is important to protect children's fundamental interests. Their welfare in terms of their moral and physical development must be ensured, and they must be given an opportunity to express their wishes. Judges have many opportunities for determining which parent children should live with after a divorce. Even small children must be allowed to express their wishes in the absence of their parents. Your rapporteur therefore proposes amendment 7 which ensures both that the child has had an opportunity to be heard and that his or her best interests have been taken into account.

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List of abbreviations and acronyms

ACER	Agency for the Cooperation of Energy Regulators
AD	Administrator (EU official)
BEREC	Body of European Regulators for Electronic Communications
Cedefop	European Centre for the Development of Vocational Training
CdT	Translation Centre for the Bodies of the European Union
CEPOL	European Police College
CFSP	Common Foreign and Security Policy
CJ	Court of Justice
CoR	Committee of the Regions
COREPER	Committee of Permanent Representatives in the European Union
CPVO	Community Plant Variety Office
DG	Directorate General
DGT	Directorate General for Translation
EAEC	European Atomic Energy Community
EASA	European Aviation Safety Agency
EASO	European Asylum Support Office
EBA	European Banking Authority
EC	European Communities
EC	European Community
ECB	European Central Bank
ECDC	European Centre for Disease Prevention and Control
ECHA	European Chemicals Agency
ECOFIN	Economic and Financial Affairs
ECSC	European Coal and Steel Community

Ecu	European Currency Unit
EDA	European Defence Agency
EEA	European Economic Area
EEA	European Environment Agency
EESC	European Economic and Social Committee
EFCA	European Fisheries Control Agency
EFSA	European Food Safety Authority
EIB	European Investment Bank
EIGE	European Institute for Gender Equality
EIOPA	European Insurance and Occupational Pensions Authority
EMA	European Medicines Agency
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction
EMSA	European Maritime Safety Agency
ENISA	European Network and Information Security Agency
EP	European Parliament
EPSO	European Personnel Selection Office
ERA	European Railway Agency
ERA	European Research Area
Erasmus	European Community Action Scheme for the Mobility of University Students
ESMA	European Securities and Markets Authority
ETF	European Training Foundation
EU	European Union
EU-LISA	European Agency for large-scale IT systems
EU-OSHA	European Agency for Safety and Health at Work
Euratom	European Atomic Energy Community
EUISS	European Union Institute for Security Studies
Euramis	European Advanced Multilingual Information System
Eureka	European Research Coordination Agency
EUROFOUND	European Foundation for the Improvement of Living and Working Conditions
EUROJUST	The European Union's Judicial Cooperation Unit
EUROPOL	European Police Office
EUSC	European Union Satellite Centre
Euterpe	European Terminology for the European Parliament
FRA	European Union Agency for Fundamental Rights
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders
GNSS	Global Navigation Satellite System
GSA	European GNSS Agency
IATE	Interagency Terminology Exchange, later Inter-Active Terminology for Europe
ICT	Information and Communication Technologies
IMF	International Monetary Fund
IT	Information Technology

JHA	Justice and Home Affairs
LSP	Language for Specific Purposes
MEP	Member of the European Parliament
NATO	North-Atlantic Treaty Organisation
OHIM	Office for Harmonisation in the Internal Market
OJ	Official Journal of the European Communities (until 31 January 2003), Official Journal of the European Union (since 1 February 2003)
PHARE	Poland and Hungary: Assistance for Restructuring their Economies
Poetry	Electronic Processing of Translation Requests
Socrates	System for Organising Content to Review and Teach Education Subjects
Systran	System Translation
T&T	Terminologie et Traduction
TACIS	Technical Assistance to the Commonwealth of Independent States
TAIEX	Technical Assistance Information Exchange Office
TEC	Treaty establishing the European Community
TED	Tenders Electronic Daily
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TIS	Terminological Information System
TraDesk	Translator's Desktop
TWB	Translator's Workbench
UK	United Kingdom
UN	United Nations
US	United States (of America)

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