EU terminology – business as usual or new challenges?

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Terminology and LSP translation

Terminology is a key component of language for special purposes – and of its translation

- Terminology: 'set of designations belonging to one special language'

QT Launchpad/QT21/MQM:

- 'terminology' the only error category present in all systems for translation quality assessment
Terminology and Legal Translation

System-specificity of legal terminology
- no one-to-one relations, 'organic ecosystems'
- 'marriage', 'appeal'
- 'banks' (civil law) or 'a bank, banking corporation or other organisation or association for banking purposes' (common law)

Legal translation and legal translation
- Purpose of the document: information, procedural or material use in Court, multilingual law, ...
- Between languages and legal systems?
EU terminology in EU translation

**Multilingual law**
- all language versions formally equal - equally authentic binding law – translations are the law

**Basic quality criteria for multilingual law:**
- identical legal effect in 24 languages and uniform interpretation and application in 28 national legal orders

**Basic quality criteria for legislation:**
- accessibility, predictability, legal certainty and legitimate expectations, non-discrimination, … (JPG, ECHR)
Guidelines: Joint Practical Guide

- ‘concepts shall be expressed in the same terms as far as possible without departing from their meaning in ordinary, legal or technical language’
- 'the same terms are to be used to express the same concepts and that identical terms must not be used to express different concepts /.../ the use of synonyms should be avoided'
- '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 /.../ as regards actual legal terminology, terms which are too closely linked to national legal systems should be avoided.'
Other guidance: ISO standards

International standards for terminological work (such as ISO 704, ISO1087)

- focus on ‘concepts’ ‘definitions’, not on ‘surface’
- 'doble systematicidad' (terms should fit into two systems: the general language and the specialised language of the domain concerned) (cf. 'grey ice')
- terminology evolves over time, just as natural language
Tall plant with hard self-supporting trunk and branches, that lives for many years.

**Definition:**
- Non-climbing
- Is tall
- Has trunk

**Characteristics:**
- Has self-supporting trunk

**Term:**
- ağaç
- drvo
- arbre
- koks
- tree
- träd
- Baum
- muorra
- дерево

**Referent:**

**Concept:**
Other guidance: case law

CILFIT ruling (283/81):

- 'Conceptual autonomy of EU terminology'
- 'Legal concepts (in EU legislation) do not necessarily have the same meaning in EU law and in the law of the various Member States'
- Ex. 'consumer'
The 'traditional challenges' (1)

**Level of technical detail in legislation**

**Conceptual complexity of legal harmonisation**
- EU law the same for all but the relation between EU law and the national legal systems is not

**When to create new EU terms?**
- Cilfit - Conceptual vs. terminological autonomy
- Tricky balance, even with concept analysis...
The 'traditional challenges' (2)

**EU terminology = LSP + Legal Terminology**

- terminology from the domain being regulated 'wrapped up' in EU legal acts, cf. CERN example

**How to create terms?**

- synonyms
- 'trans-european high-speed railway systems'
- 'mobile equipment for construction and maintenance of infrastructure' vs. 'working vehicles'
- 'grey ice', 'banks', 'doble systematicidad'

**Lawyer’s vs. Expert’s perspective**

- Term quality vs. Term status
- The 'corrigenda hurdle'
The 'traditional challenges' (3)

How to interpret the guidelines (JPG)?

- “Clear, simple and precise” (cf. Eurolect project)
- “In so far as possible, everyday language should be used”
- “Must not be perceived as translations in a negative sense”
- “Overly complicated sentences, comprising several phrases, subordinate clauses or parenthesis are to be avoided”
- “Texts peppered with loan words, literal translations or jargon are hard to understand and the source of much of the criticism”
The 'traditional challenges' (4)

How to interpret the guidelines? (cont.)

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

• 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

• as regards actual legal terminology, terms which are *too closely linked* to national legal systems should be avoided.
New emerging challenges?

Work organisation: terminology takes time

Tools: fantastic – if used properly...
  - **Reuse of already translated segments**
    - Term use often inconsistent in originals and in different policy areas
  - **MT of terminology – massive 'grey ice'**

The 'branding (trade mark) argument'
  - 'Leave it in English, consider it a trade mark'
  - Names: EU Aid volunteer, Small Business Act, ...
  - Terms: Eurobonds
  - Acronyms: CAP, FP7; FCCU, ...
  - Finnish Ombudsman: the ELY case
Conclusions

- The challenges are huge, and underestimated
- Awareness of terminological working methods more important than ever, for drafters, translators, lawyer-linguists and managers
- Cooperation and collaboration between the different actors more important than ever
- Research needed on the impact of tools, the 'trade mark argument' and on end user perceptions
Thank you!