



# 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

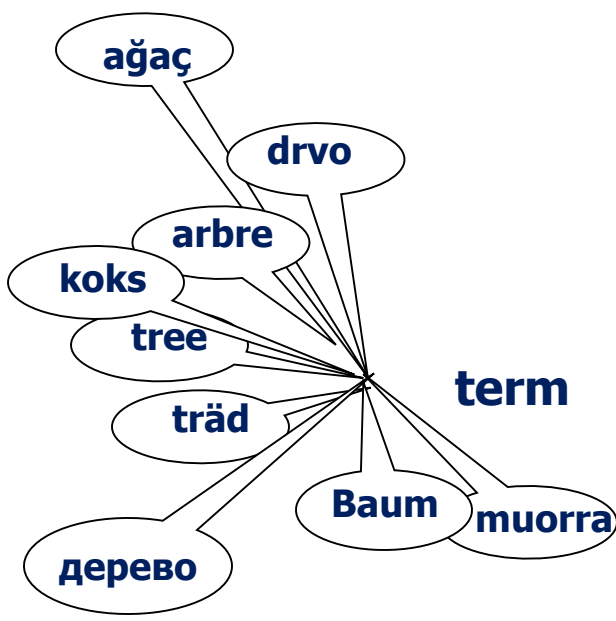
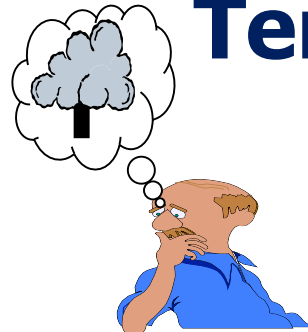
International standards for terminological work  
(such as ISO 704, ISO1087)

- **focus on 'concepts' 'definitions', not on 'surface'**
- **'*doble sistematicidad*' (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**

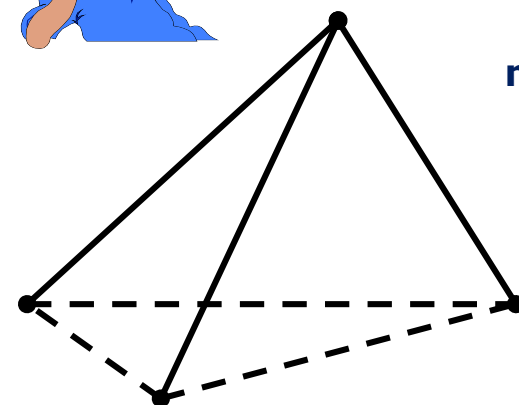


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# Terminology tetrahedron



**term**



**definition**

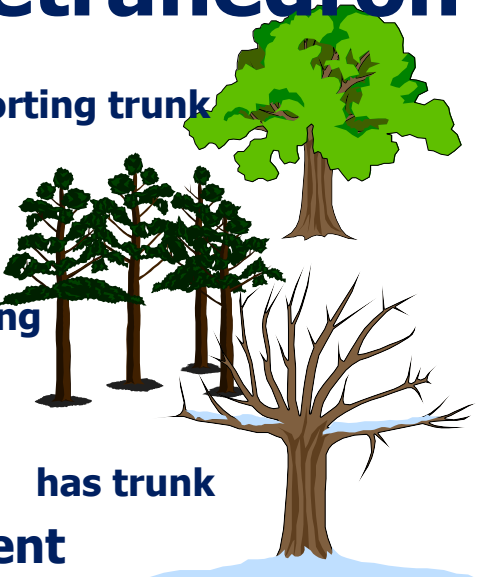
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**characteristics**

has self-supporting trunk

non-climbing

is tall



has trunk

**referent**

tall plant with hard self-supporting trunk and branches, that lives for many years

# 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*

- Long, term-dense technical annexes. Count as 'normal translation' - Time constraints.

## *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**



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*Thank you!*