

---

# Terminological Database Model for EU Law Terminology

---

Maja Lončar

**VIII EUROPEAN TERMINOLOGY SUMMIT**

EUROPEAN PARLIAMENT, LUXEMBOURG 15 NOV 2016

---

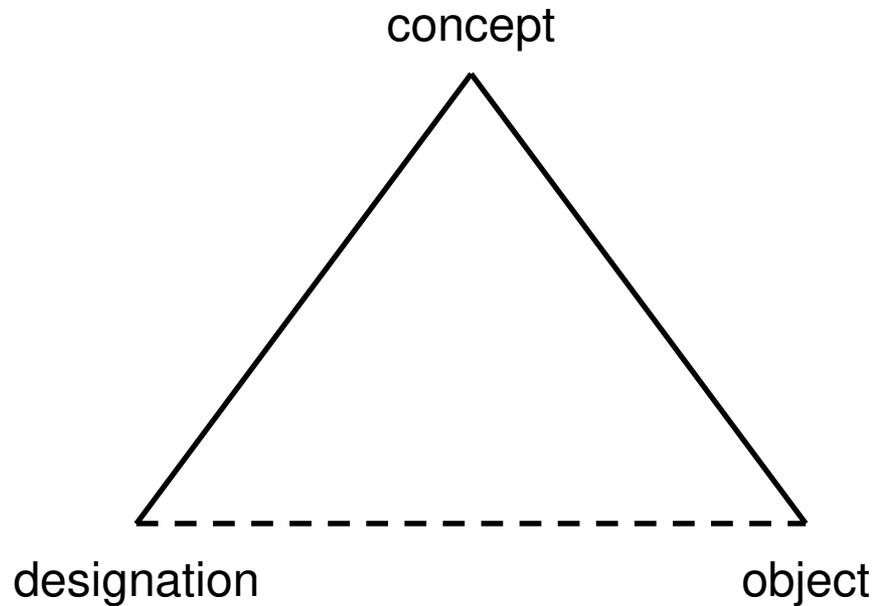
# Parts of the thesis

- theoretical part: sign models and legal concepts
  - particularities of the EU law terminology
    - for more see Bratanić & Lončar (2015) in: Šarčević (ed), “Language and Culture in EU Law: Multidisciplinary Perspectives”
  - database model for EU law terminology
-

---

# Sign models

- semiotic triangle



(Ogden & Richards 1923)

---

---

# Concept definitions

- “unit of thought constituted through **abstraction** on the basis of properties common to a set of **objects**” (ISO 1087:1990)
  - “unit of knowledge created by a unique combination of characteristics” (ISO 1087-1:2000)  
characteristic: “**abstraction** of a property of an object or of a set of **objects**”
-

---

# Semiotic triangle vs. legal concepts

- “legal concepts are formed by abstraction of the general features from a large number of instances” (Sandrini 1996)
  - semiotic triangle does not work in the direction of the language or thoughts to the referent (Myking 1997)
-

---

# Law, language & reality

- “if the legislator, in a new law, describes a legal phenomenon otherwise than in an earlier law, then the legal reality changes: **law only exists in human language**” (Brækhus 1956)
-

---

# Legal concepts & objects

- specific relationship among the legal concepts and objects:
    - “inversion”: we first construct concepts, and then objects may be generated
    - some ideas remain on the concept level, and are never “objectified”: for some legal concepts objects do not exist at all
-

---

# Characteristics of legal concepts

- Picht (2012):
    - most legal concepts are constructions, not abstractions
    - legal concepts are open for interpretation in legal practice and theory
    - concepts change by negotiation and agreement, not by scientific cognition
    - the life cycle of a legal concept is determined by societal changes, not necessarily by scientific cognition and research
  
  - the need for constant maintenance
-

---

# Designations

- ❑ synonyms
  - ❑ false synonyms
  - ❑ homonyms
  - ❑ inappropriate terms due to the impact of the source language
  - ❑ obsolete terms that are deep-rooted
  - ❑ appellations
  - ❑ abbreviations
  - ❑ short forms of terms
  - ❑ various protected designations
-

THE TERMINOLOGY USED IN A GIVEN ACT SHALL BE CONSISTENT BOTH INTERNALLY AND WITH ACTS ALREADY IN FORCE, ESPECIALLY IN THE SAME FIELD.

IDENTICAL CONCEPTS SHALL BE EXPRESSED IN THE SAME TERMS, AS FAR AS POSSIBLE WITHOUT DEPARTING FROM THEIR MEANING IN ORDINARY, LEGAL OR TECHNICAL LANGUAGE.

6

Source: Joint practical guide of the **European Parliament**, the **Council** and the **Commission** for persons involved in the drafting of legislation within the Community institutions, 2003

**Domena** Community budget, EUROPEAN UNION, European Union, Budget

en

<b>Definicija</b>	transfers paid by the Member States to fund the Community budget, which do not require any subsequent decision by the national authorities
<b>Ref. definicije</b>	COM-EN, based on: 1) Local Government Association (UK). <i>Glossary of EU jargon H - Z</i> . <a href="http://www.lga.gov.uk/lga/co...">http://www.lga.gov.uk/lga/co...</a> [1.2.2011] and 2) EUROPA > Summaries of EU legislation > Budget. <a href="http://europa.eu/legislation...">http://europa.eu/legislation...</a> [1.2.2011]
<b>Napomena</b>	Own resources currently come from customs duties, agricultural levies, sugar contributions, a fixed-rate portion of value-added tax (VAT) receipts and a fixed-rate levy on gross national income (GNI).
<b>Pojam</b>	<b>own resources</b>
<b>Pouzdanost</b>	3 (Pouzdanó)
<b>Ref. o pojmu</b>	EUROPA > Summaries of EU legislation > Budget. <a href="http://europa.eu/legislation...">http://europa.eu/legislation...</a> [1.2.2011]
<b>Kontekst</b>	<b>Own resources</b> are collected by the Member States and made available to the Community every month, being credited to an " <b>own resources</b> " account opened by the Commission at each national treasury or national bank. Traditional <b>own resources</b> are credited each month as they are collected. VAT <b>own resources</b> and the GNI-based resource, on the other hand, are made available to the Commission on the first working day of each month at the rate of one twelfth of the estimate entered in the Community budget. Given the specific needs involved in payment of agricultural expenditure, the Commission sometimes calls on the Member States to pay VAT and GNI resources a month or two in advance in the first quarter of the year.
<b>Ref. konteksta</b>	EUROPA > Summaries of EU legislation > Budget. <a href="http://europa.eu/legislation...">http://europa.eu/legislation...</a> [1.2.2011]
<b>Napomena o pojmu</b>	The term <i>own resources</i> is (confusingly) also used for "own income" ( <i>recettes propres</i> ). See also IATE:1078312
<b>Datum</b>	19/05/2014

---

# Legal definition

- definition, as a data category for the description of concepts, has a particularly important function in terminology work
  - legal definition as a special category of definition
  - need for specific definition data categories: “obsolete” definition, “future” definition
-

---

# Definition types

- sometimes we know in advance that the definition of a certain concept will change
  - example: *qualified majority*
    - until 31 October 2014: at least 255 votes in favour representing a majority of the members
    - from 1 November 2014: at least 72% of the members of the Council, representing Member States comprising at least 65% of the population of the Union
    - between 1 November 2014 and 31 March 2017: a member of the Council may request that it be adopted in accordance with the qualified majority as defined before 1 November 2014
-

---

# Concept relations

- hierarchical relations (generic or partitive)
  - associative relations
    - importance of diachrony needs to be formalized not only as a specific category for an individual concept, but also in terms of relations among different concepts: one concept can be **obsolete** in relation to another concept  
example: *co-decision procedure* → *ordinary legislative procedure*
-

---

# Database model

- development of termbase model consists of two steps (according to standard ISO 16642:2003)
    - data category selection from broader set of data categories (ISO 12620:1999 or ISOcat)
    - representation of selected data categories in XML format
  - based on the results of the research, a model of terminological base for legal terminology of the European Union is proposed and represented in TBX (*TermBase eXchange*) format
-

---

Antun Patrik Halonja (1971-2016)



---

# Thank you!

**Maja Lončar**

[loncarm@ihjj.hr](mailto:loncarm@ihjj.hr)

phone: +385 1 3783809

[struna.ihjj.hr](http://struna.ihjj.hr)

 **struna**  
Hrvatsko strukovno nazivlje



**Institute of Croatian  
Language and Linguistics**

Republike Austrije 16  
HR - 10000 Zagreb  
Croatia