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EUROPEAN UNION LAW IN TRANSLATION: CORE PRINCIPLES AND USEFUL TOOLS FOR UNDERGRADUATE TRANSLATION COURSES

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Abstract

The translation of European Union (EU) law can be seen as a specific case of international law translation and thus relevant only to legal translators. The author argues that concepts related to EU law and tools developed by the EU to support translators should be taught as early as possible to all undergraduate students of translation. This is due to two specificities of European law: it covers a great range of different areas, many of them of a technical nature, thus being useful to many (if not all) translators outside the legal field; and it is mentioned in many non-legal texts, from catalogues to journalistic texts. Therefore, professional translators are bound to find references to EU law throughout their careers and should know how to deal with them and how to avoid common pitfalls. Furthermore, tools created by the European Union — terminology tools, publicly available translation memories, and provision of legislation in multilingual format — are very useful to any translator and knowing how to use them is a skill essential to translation professionals. This study will make suggestions for teaching principles, tools and common sources of translation errors

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related to EU law to students who do not have any form of legal training.

Keywords: EU law, legal translation, European translation, translation teaching

1. INTRODUCTION

When teachers of translation face undergraduate students for the first time, it is often not easy to understand what the students do not know. This phenomenon is generic and may be referred to as the “curse of knowledge” (Pinker, 2015, pp. 59–61). This problem, which implies difficulty in understanding what it is like not to know something, is one of the causes of excessively opaque writing, ineffective instructions or even some poor pedagogical practices.

In the case of the translation of references to European legislation, while some of its principles seem obvious to those who have been working on the translation for many years, they are also completely unknown to many students.

It may not seem serious: after all, not every translation student will be a legal translator. However, in truth, translators will find references to European legislation in many texts, even outside strictly legal areas. European legislation is omnipresent in many commercial and business areas of the member states, bearing in mind that the EU is

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responsible for the common market and its law is wide-ranging. In certain areas, a technical translator may more easily find references to European legislation than to the legislation of their member state.¹

Starting from the most obvious cases and reaching situations where the link to European legislation is less clear, the following scenarios could be envisaged:

- a. Translation by European Union services
- b. Translation by external suppliers for the European Union
- c. Translation of documents on European law
- d. Translation of documents with citations of European legislation
- e. Translation of documents containing concepts related to European law
- f. Translation of technical and literary documents without direct connection with European law

Technical translators are very likely to work under scenarios e and f, even if they are not legal translators. However, even if they only work in scenario f, they are expected to know the principles and tools related

¹ In fact, given the way European rules are applied by companies around the world, as explained by *The Economist* ('The Parable of the Plug', 2020), translators outside the European Union have every interest in knowing how the EU legislation works and what tools are involved.

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to European legislation. The reason is that many of the texts under scenario f are normally highly hybrid texts. Just think of a catalogue, which includes technical texts (the descriptions of parts), marketing texts (texts that try to sell the products), and legal texts (declarations required by law, for example), among other elements. As stated by Nord (2005):

It is not always possible for a text as a whole to be assigned to any one single function. This applies to the so-called “complex text types” (Reiß & Vermeer, 1984, p. 180) or to frame texts including embedded texts belonging to different text types. In these cases, the situation and function have to be analysed separately for each of the embedded texts or text sections (paragraphs, chapters, etc.). (p. 16)

It should also be noted that European legislation, according to the European Union’s powers regarding the single market, includes documents of a technical nature in a wide variety of areas. Translation resources will be useful for many (or even all) technical translators, as terminology covered by European legislation will be useful for commercial translations, journalism, etc., even if they do not contain direct references to the legislation. Moreover, the tools created by the European Union — terminology tools, translation memories, multilingual

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legislation — are very useful for any translator, and knowing them will be a very important skill for professional translation work.

When we teach undergraduate students, who are still not specialized and have little knowledge of legal translation — or any kind of translation — it may seem excessive to teach principles of EU translation in particular. However, I would argue that the omnipresence of European legislation and the advantages of knowing the tools make it advisable to teach these principles and tools as early as possible, even before dealing with other types of legal translation. Furthermore, to do this effectively, it is necessary to choose the principles and tools to be transmitted. We are not training experts in European translation: we are giving tools and information useful to all translators. I will, therefore, try to present the basic principles and essential tools — my intention with this article is not to list all the principles (not even the main ones) and all the tools: I intend to establish a selection that can be passed on to undergraduate translation students, even those who are not particularly inclined to legal translation.

To understand what principles and tools are most useful, I would like to point out some common mistakes related to this kind of translation:

A. Translation of references to legislation without adaptation of codes or titles. For example, the

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translation of "Directive 2001/83/EC" as "Diretiva 2001/83/EC" (using Portuguese as an example) without adapting the "EC" designation.

- B. Direct translation of citations from European legislation, without using the corresponding official version in the target language. Not only is this incorrect, but it also represents a more time-consuming task, when it would be enough to copy the official version.
- C. Use of concepts of national legislation in contexts of European legislation.

Based on these common mistakes in translations by inexperienced translators, it is possible to identify some principles and tools that can be taught immediately, even without deepening the teaching of legal translation.

2. GENERAL PRINCIPLES OF EUROPEAN LEGISLATION

It should be noted that the principles I am about to outline are far from exhaustive. They are only general tenets, obvious to those working in the field, but which may not be known to translation students. It is important to make a selection of the information and tools to be transmitted to the students, in their first contact with this matter. After all, if we are aiming to turn undergraduate students into experts in European law, we do not want to end up with them having a

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vague idea about the complexity of the subject and having no useful tools to act on the first texts they face. In short, rigorous transmission of knowledge must be combined with a reflection on the limitations of the concepts and tools.

Principle 1: the different language versions of each European law are legally equivalent

The basic principle of operation of the multilingual versions of European laws is their legal equivalence. In other words, there is no such thing as a source, accompanied by translations (Mańko, 2023). There are only versions of a document, although their creation always involves translation work, which then becomes hidden for those who read the texts — and even for those who should interpret them, such as European courts². This principle is not obvious to a layman or a translation student, used to a paradigm of one source / many translations.³

² For more information about the linguistic workings of the Court of Justice of the European Union, see Domingues (2019).

³ There are several translation instances where equivalence between language versions is sought by hiding which version is the original. We can think, for example, of multilingual instruction manuals, in which there should not be a more prominent version, although we generally assume — rightly or wrongly — that the English version is the original one.

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This equivalence between different language versions is a feature of international law, as Cao (2007, pp. 150–151) recognises. However, some differences make European law different from other forms of international law. First of all, there is a large number of languages involved: it is common to find treaties in two or three different language versions, which is very different from the current 24 official languages of the European Union; even the United Nations works with five official languages (*What Are the Official Languages of the United Nations?*, 2023). Furthermore, European secondary legislation is quite comprehensive and is, in many cases, directly applicable in each member state's territory, being continuously created by specific processes and institutions, which makes it closer to domestic law – it is, in fact, a hybrid kind of law (Cao, 2007, p. 150).

Before presenting the practical implications, it is worth pointing briefly to the theoretical problematisation of this concept of legal equivalence of versions. As stated by Biel (2007, p. 146), the transmission of the same meaning in dozens of language versions is highly problematic for two reasons. First, languages imply different conceptions of the world and therefore the various versions could never be equivalent — concepts never have exact

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correspondences.⁴ Second, as a counterbalance to this general objection to the possibility of equivalence between texts in different languages, Biel points out that countries with two official languages maintain relatively unproblematic equivalence between versions; Biel justifies this functional equivalence by the fact that the concepts are born from the same historical sources and are adjusted according to the same practical needs (Biel, 2007, p. 147). In the EU, by contrast, the artificial supranational worldview is imposed on the worldview expressed in the language of each legal tradition.

It can be argued that, over the years, the situation in the European Union has converged with that of countries with several official languages: practical constraints have led to conceptual alignment and the creation of a European legal terminology aligned in several official languages. The terminology and linguistic habits of European legal discourse in each language are much closer than national legal terminology and habits, which incorporate a certain national legal vision. EU legal language has created a legal culture of its own and European legal concepts may not correspond to national legal concepts even when using the same word (Biel, 2007, p. 150). We can say that the EU has created a kind of *Europese*,

⁴ This idea, related to the Sapir-Whorf hypothesis, could be questioned, but this is not the place for such. I refer to McWhorter (2016).

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which exists in many different versions but works in a roughly equivalent way in all.

In the case of translation students in undergraduate studies, this problem is far removed from their concerns. It is a very interesting theoretical problem, but it only represents a practical problem to the extent that the translator does not know about this functional equivalence. Yet, this is indeed something that students often do not know. They should be made aware of this quickly. When faced with a quote from a European directive in, say, English, the Portuguese translator should find the same quote in its official Portuguese version, as both are legally equivalent and a possible new version created by the translator would be a kind of paraphrase of a law that already exists, authentically, in Portuguese.

Let us look specifically at what needs to be done in practice, which may be obvious to an experienced translator or a translation teacher, but not so much to a translation student. If an English text refers to “*Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use*”, we cannot simply translate as if this whole description referred to a foreign law and we were free to choose between several correct translations. If we are translating it into Portuguese, we should find the official Portuguese version, which

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covers the description of the Directive itself. The official version is: “*Directiva 2001/83/CE do Parlamento Europeu e do Conselho, de 6 de Novembro de 2001, que estabelece um código comunitário relativo aos medicamentos para uso humano*” (Directiva 2001/83/CE, 1983). In addition to the text, there is a change in the numbering of the Directive (“EC” becomes “CE”), in the use of commas (English does not have commas on the date, Portuguese does) and in the translation of “on the Community code”.⁵

If, in a document to be translated, a citation of a European legislative document appears, we have to look up the Portuguese version and copy the Portuguese text that corresponds to the original citation. For example, let us imagine that we find the following quotation from Directive 2001/83/EC in a text we are translating:

As mentioned in article 2(1), this directive shall apply “to medicinal products for human use intended to be placed on the market in Member States and either prepared

⁵ If the original text contains only the abbreviated reference — e.g. “Directive 2011/83/EC” — we only need to translate that part. The date and description do not always appear in the original and we obviously do not have to add them. However, whenever they do appear, it is mandatory to use the official version in our translation.

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industrially or manufactured by a method involving an industrial process.” [text created as an example]

This citation cannot be freely translated into Portuguese. It should be replaced by the correct citation in Portuguese:

Como referido no número 1 do artigo 2.º, a directiva aplica-se «aos medicamentos para uso humano destinados a serem colocados no mercado dos Estados-Membros e preparados industrialmente ou em cujo fabrico intervenha um processo industrial». [text created as an example]

It should be noted that references to paragraphs and articles have changed, following the principles of style guides, as described in Section 3.

The document we are translating may not be the directive itself (in fact, it is unlikely that a translator who does not work for the European Union will translate a directive) — it is enough for the document to cite a directive (or another European document) for the translator to have to copy the text from the official Portuguese version.

When we convey this principle to students, apart from the practical explanation and possibly some initial

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approaches to theoretical problematisation, it is also important to explain the reason for this complex machinery of producing legislative texts in more than 20 languages: this is to ensure that European citizens have access in their language (or, more precisely, in one of the official languages of their state) to legislation and institutions (Biel, 2014, p. 60).

Principle 2: the translation of foreign legislation follows different rules from the translation of European legislation

In parallel to explaining how multilingual versions of European legislation work, it is important to explain how the translation of references to European legislation departs from the translation of foreign legislation.

Let us imagine a scenario where a Portuguese translator is translating a Spanish document with citations of both Spanish and European legislation, all cited in Spanish. They are all legal citations and they are all in the same language (Spanish) and should be translated into the same language (Portuguese) — and yet they should be treated very differently. In the case of citations of Spanish legislation, translators can translate freely into Portuguese, applying general legal translation procedures, and, if they deem it convenient, keep the source in parallel; in the case of citations of European legislation, the translator must

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search and find the legally authentic Portuguese version.⁶ The citations from Spanish legislation will be translated creating texts without the same legal value as the source — it is a translation that is close to documentary translation, from the perspective of Nord (2005) —, to inform the reader about the contents of the authentic Spanish text (which will remain the only legally authentic text). European citations will be translated by copying the citations from the authentic Portuguese version, which was not created by the translator in question.

Principle 3: the names of the institutions and offices of the European Union have official versions in all official languages

Students will also have everything to gain from knowing the names of the various European institutions and the types of European acts, such as directives and regulations. This information can be useful for translating many types of texts, including journalistic texts, academic texts, etc.

We find a clear difference between the translation of institutional names from other countries and the translation of institutions related to the European Union. Returning to the same scenario presented at

⁶ An interesting case will be one in which there are relevant differences between the two official versions (Spanish and Portuguese). However, it is outside the scope of this article.

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the end of the previous principle, if a Spanish text contains references to the “Presidente del Gobierno de España” and then to the “Presidente de la Comisión Europea”, the first reference will imply a decision by the Portuguese translator (a literal translation of “Presidente” or an adaptation into “primeiro-ministro”, i.e., “prime minister”), while the second reference will have to be translated using the official title in Portuguese (“Presidente da Comissão Europeia”).

Similarly, the translator must use the official terms for “directive”, and “regulation”, among others, in the target language. However, students may not be aware of this fact.

Principle 4: regulations are directly applicable, while directives require transposition into national law

This is a slightly more advanced aspect of the operation of European legislation, but I believe it should be included in the principles to be imparted to undergraduate students. Knowing the differences in the applicability of European laws — direct applicability in the case of regulations and applicability through transposition in the case of directives — may be a good way of understanding the difference between national and European legislation in a general way and, at the same time, understanding

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the sui generis and hybrid character of the European legal system.

Furthermore, there is one aspect of legal translation that can be more easily understood by knowing this difference. There may be, within the same language, two differing legal terminologies relating to the same subject, one arising from European law and the other from national legislation. A directive may use a particular terminology and the legislation transposing it may opt for another terminology, following the national legal tradition. This is a problem that even very experienced translators find difficult to solve. Even superficial knowledge of the problem can help less experienced translators to become more aware of possible pitfalls. The discussion of this matter at Ruiz-Cortés (2020) is worth mentioning.

On the other hand, the knowledge that European legislation may be directly applicable — using regulations — or may be of indirect but compulsory application — through directives — makes it possible to inform students of the hierarchical superiority of European legislation within the system of each country over the ordinary legislation of that country. This may be important to underline the importance of knowing how European legislation works.

As we see, these principles, in addition to their intrinsic usefulness, also make it possible to introduce

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discussion topics on legal translation which can be the starting point for further study.

3. USEFUL EU TOOLS FOR TRANSLATORS

Biel (2007, p. 152) states that national legislation is not designed to benefit translators, while European legislation is tailored to benefit translators. Thus, there are many tools developed for translation within European institutions that are useful for any translator who has to contact references to European legislation — and even for translators who only need good terminological resources.

To begin with, the European Union makes all European law available in a multilingual format via the Eurolex website at <https://eur-lex.europa.eu/>. It is possible to collect the various language versions of each document and to display them in bilingual (or trilingual) format. This makes it possible to compare terminology and phraseology in each document. In addition, this information is organised in two other ways: through an inter-institutional database of European terminology (IATE, at <https://iate.europa.eu/>), which allows terminological research, and the provision of multilingual translation memories, which can be consulted and integrated into computer-assisted translation (CAT) tools such as Trados or memoQ.

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It should be noted that these three tools (Eurolex, IATE and translation memories), although they stem from the same corpus of texts, offer different possibilities, all useful for translators. The possibility of accessing multilingual versions of documents in Eurolex is especially useful. For example, when one translates a document on the automotive industry, access to the bilingual version of current directives on the subject makes it possible to find current, law-based terminology with context.

Another very useful tool is the interinstitutional style guides (at <https://publications.europa.eu/code/>). These are available to the public, either in electronic or paper form, and enable the public to understand the typographical and stylistic options in the production of texts in the European Union, including legislation. Translators are thus able to understand some of the particularities of translating European texts, as can be seen from the comparative versions of specific uses in English and Portuguese (see Table 1).

Table 1 Examples of particular linguistic features in the English and Portuguese versions

| Inglês | Português |
|----------------------------|------------------------|
| article 2(1) | número 1 do artigo 2.º |
| (a) | a) |
| Article 30 | Artigo 30.º |
| in the following paragraph | no número seguinte |

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For these tools to be useful, it is important to ensure not only that they are used in class, with examples of how to access the websites and search for terminology and documents, but also to combine the tools with the basic knowledge identified in Section 2 of this article. For ease of reference, please find links for all the tools in Table 2.

Taking into account the fact that the European Union has decades-old translation processes and very well-defined processes, the contact with these principles and tools is a showcase of best practices to be discussed in practical classes and also of problematic translation issues that can serve as a basis for discussions with students in theoretical classes.

Therefore, I believe that teaching these principles and tools as early as possible in undergraduate translation courses offers benefits in both practical and theoretical disciplines.

4. CONCLUSION

In this article, I have tried to identify some generic principles on the functioning of European law that may be transmitted to undergraduate students without a particular inclination towards legal translation. These principles are combined with several publicly available tools that should be part of any translator's toolbox.

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The principles identified in Section 2 can be summarised as follows:

1. The different language versions of each European law are legally equivalent
2. The translation of foreign legislation follows different rules from the translation of European legislation (even in the same text)
3. The names of the institutions and offices of the European Union have official versions in the different official languages
4. Regulations are directly applicable, while directives require transposition into national law

Tools mentioned in section 3 are identified in Table 2.

Table 2 Useful tools for translating European legislation

| Tool | Website |
|----------------------|---|
| Eurolex | https://eur-lex.europa.eu/ |
| IATE | https://iate.europa.eu/ |
| Translation memories | https://ec.europa.eu/jrc/en/language-technologies/dgt-translation-memory |
| Style guides | https://publications.europa.eu/code/ |

The use of these tools implies knowledge of the above-mentioned principles. Thus, the principles and tools identified in this article may act as a core standard of information and knowledge that allows

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translators to work in practice with texts with references to the European Union.

This knowledge can be useful to translate any type of text. It should be noted that the content of a text is always unpredictable, even if it falls within a particular genre. There is always a certain amount of hybridity — and the tools and concepts of European law translation will be useful for translators of all fields sooner or later.

Additionally, teaching these concepts and tools at the very beginning of a translation course enables us to offer students a practical demonstration of the complexity and variability of translation techniques. It also allows us to show how to handle terminology rigorously, offering in parallel some very useful terminological and technological resources. In other words, teaching these aspects of European law translation has a positive impact on the more general teaching of translation practice — and even, in the medium term, of translation theory, by offering thought material (for example, on the problematisation of equivalence between language versions of European laws).

Thus, being aware that such learning will always be superficial, I advocate that these concepts and tools should be taught as early as possible during a translation course. This article intended to offer a

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limited but pre-selected set of principles and tools for use by translation teachers in practical subjects at the undergraduate level.

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