

How the European Union functions in 23 languages

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Abstract

This article takes a look at how the EU functions in 23 languages. It places EU legal translation within a broad structural context. First, a general introduction to the EU environment is briefly proposed, with an eye to linguistic implications. Second, the foundation of the system in international treaties is emphasised. The main ones are mentioned and the relationship between EU law and national law and international law emphasised. There are terminology implications as terms move between the contexts. Third, the EU linguistic regime is outlined. There is a general regime for administration and legislation and a separate set of rules for cases brought before the Court of Justice of the European Union. Both involve translation between 23 languages. Fourth, the EU legislative context is introduced, in terms of types of EU legislative text, legislative institutions and procedures, viewed from a translation perspective. Fifth, the EU court context is explored, with attention paid to aspects impacting on language and translation. The article concludes with a few general words on other matters that have an impact on EU legal translation.

Keywords

EU – languages – legal translation- linguistic regime – legislation – Court of Justice

1 Introduction

This paper is based on a presentation on 30 September 2011 at the Department of Professional and Intercultural Communication of the Norwegian School of Economics and Business Administration in its 75th year following an invitation by Professor Ingrid Simonnæs in celebration of the life and work of translation of St Jerome. It is the second of two papers exploring the context of EU legal translation. The first paper (Robertson 2012a) took a contrastive look at Biblical and EU legal translation. This paper stands back and reflects on the broad context in which EU legal translation takes place. It asks how the EU functions in 23 languages; part of the answer is that there is extensive translation of the written texts, as well as the provision of interpretation for the negotiations that form an integral part of EU life. But what is it that gives rise to this translation and interpretation? What is the context in which they take place, and what are the objectives and constraints? Within limited space it is not possible to enter into full detail, but one can nonetheless place attention on what appears to be some of the principal parameters as a starting point for further enquiry.

The method adopted here is first to propose a brief introduction to the EU environment, with an eye to linguistic implications. The EU system is founded on a series of interrelated international treaties creating a regional organisation. The main ones are mentioned and the relationship between EU law, the domestic law of the member states, and international law highlighted. These demarcations of legal environment are significant as they each create a different context for the use of language and terminology. Terms take meaning from context and the same words move between the contexts. Logically the meanings should shift in the

¹ The comments expressed in this paper are personal to the author.

process. Third, at the heart of the multilingual EU system lie the rules on language, represented by the linguistic regime. It is this that creates the need for translation and translators. There is a general regime for administration and legislation, and a separate set of rules for cases brought before the Court of Justice of the European Union. Both involve translation between 23 languages and create a specialised environment for legal translation. They have many features in common, but there are also differences, most notably in the choice of terms, whether administrative, legislative or court-based, but also in matters of sentence length and structure and syntax generally, as can be readily seen from even a cursory perusal of legislative texts and court reports. Staying with legal language, consideration is next given to the EU legislative context, in terms of types of text, legislating institutions and their procedures, although for reasons of space this last dimension is not developed. If we think of the texts as being created to be used, applied and interpreted, this leads on, fifthly, to the court context, as it is the role of the courts to apply the law through interpretation and declaration as to meaning and effects. The Court of Justice of the European Union is briefly explored, with attention paid to aspects impacting on language and translation. The article concludes with a few general words on some other aspects relevant to translation in the EU environment.

2 General description

The European Union is an international organisation that has been created through international treaties between sovereign states and extends to the European territories of those states, plus certain overseas territories. At present the main two treaties are the Treaty on European Union (TEU)² and the Treaty on the functioning of the European Union. (TFEU) Article 52(1) TEU states that the treaties apply to the 27 member states listed therein.³ From 1 July 2012 the number will be 28 with the addition of Croatia through accession. Article 355 TFEU extends the territorial scope to certain territories for which member states have responsibilities. Any European State is entitled to apply to join (Article 49 TEU) if it respects the values referred to in Article 2 TEU, namely: human dignity, freedom, democracy, equality, the rule of law and human rights, including the rights of persons belonging to minorities.

A new member state joins by means of a Treaty of Accession between the existing member states and itself. This is a specialised treaty which makes the new state a member state and contains detailed adaptations in the form of an Act of Accession, with annexes and appendices which contain formal amendments to existing EU treaties and secondary legislation (regulations, directives, decisions, etc) so as to adapt them to include the new member state, as well as provide transitional provisions. Attached to the accession treaty are official translations of the existing EU treaties, or primary law, in the new language. These are declared authentic and become the foundation for the new language version of EU law. The secondary law is also translated into the new language and published in a Special Edition of the Official Journal devoted to that language. For examples, see the special editions of the Official Journal of the European Union for the languages other than the founding languages of Dutch, French, German, and Italian. After accession the new language is treated on the same basis as the existing languages, with publication of its language versions alongside the others by the Official Journal. The whole EU linguistic patrimony of existing legal texts is

² The EU treaties can all be accessed on the EUR-Lex website at <http://eur-lex.europa.eu/en/treaties/index.htm> (accessed 27 November 2012)

³ Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, United Kingdom.

referred to as the '*acquis*'.⁴ Translating it is a colossal job, taking years, as there are many thousands of pages to translate and the numbers are increasing all the time.

A key distinguishing feature of EU law is that it is perceived as forming a separate legal order, supranational law. This perception derives from a decision of the European Court of Justice in 1964 in Case 6-64 *Costa v ENEL*. The summary of the judgment⁵ states:

3. BY CONTRAST WITH ORDINARY INTERNATIONAL TREATIES, THE EEC TREATY HAS CREATED ITS OWN LEGAL SYSTEM WHICH, ON THE ENTRY INTO FORCE OF THE TREATY, BECAME AN INTEGRAL PART OF THE LEGAL SYSTEMS OF THE MEMBER STATES AND WHICH THEIR COURTS ARE BOUND TO APPLY.

BY CREATING A COMMUNITY OF UNLIMITED DURATION, HAVING ITS OWN INSTITUTIONS, ITS OWN PERSONALITY, ITS OWN LEGAL CAPACITY AND CAPACITY OF REPRESENTATION ON THE INTERNATIONAL PLANE AND, MORE PARTICULARLY, REAL POWERS STEMMING FROM A LIMITATION OF SOVEREIGNTY OR A TRANSFER OF POWERS FROM THE STATES TO THE COMMUNITY, THE MEMBER STATES HAVE LIMITED THEIR SOVEREIGN RIGHTS AND HAVE THUS CREATED A BODY OF LAW WHICH BINDS BOTH THEIR NATIONALS AND THEMSELVES.

The implication for translation is that the EU texts can override national law where they conflict and it thus becomes very important that the EU legal texts are constructed with the greatest care and attention to detail, implications and legal effects. As each language version is authentic, it is important to ensure that EU law itself remains coherent and consistent regardless of the language version; that is necessary to ensure equality of rights and duties.

A significant feature of the arrangements is that the EU system is not federal; every domestic court also interprets and applies EU law, but subject to supervision by the Court of Justice of the European Union in Luxembourg as regards the meaning to be drawn from EU legal texts. Another feature is that EU law is essentially ancillary to national law in the sense that it has a purpose of changing, adapting, aligning and unifying the laws of the member states. The legislative instruments set out in the treaties are designed with these ends in mind. For example, a 'regulation' applies directly in the manner of a law (Article 288 TFEU) whereas a 'directive' requires implementation and adaptation of the laws of the member states (Article 288 TFEU). This function of the directive leads to EU texts becoming a source for the creation of national law through 'transposition'. There is a legal dimension, but also a language dimension, involving intra-lingual translation between the EU and national legal contexts which throws an emphasis onto terminology and the precise significations of terms and concepts. As a supranational system of law, EU legal texts apply to states but they can also have direct effects on people, like national law. That means that they need to be drafted in a way that can be understood by lay persons; so there are linguistic implications. That said, much of EU law is highly technical and devoted towards regulating markets in products and services and places its attention on industrial, commercial and financial activities, which renders it largely inaccessible to the non-expert. We can visualise the relationship between the three legal orders as follows:

⁴ http://europa.eu/abc/eurojargon/index_en.htm (accessed 28 December 2012)

⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61964J0006:EN:NOT> (accessed 28 December 2012)



3 Treaty foundations

EU law is a product of formal contracts, or agreements, between states which take the form of international treaties, created in accordance with international law. They are part of the international legal order, but they create a regional specialised organisation, or rather organisations as originally there were three ‘communities’: one for coal and steel, one for atomic energy and a more general ‘economic’ community, each reflected in a different treaty. The coal and steel community expired after fifty years and was merged into the economic community, which itself was broadened and integrated into a ‘European Union’. The atomic energy community has remained separate, albeit integrated functionally within the arrangements of the European Union. The historical development is important for understanding EU legal language, and therefore for translation. The first treaty, the Treaty establishing the European Coal and Steel Community (TECSC), was limited in time and authentic in French only and the other language versions were ‘translations’. Subsequent treaties have been open-ended and all official languages have been declared authentic. The Treaty establishing the European Atomic Energy Community (TEAEC) remains in force, with amendments. The third founding treaty, the Treaty establishing the European Economic Community has evolved over time, being renamed by dropping ‘Economic’ and further renamed the Treaty on the Functioning of the European Union (TFEU). Each time a change in name has reflected a change in contents and emphasis, with gradual expansion from the core foundations of a sharing in the raw materials for warfare, coal and steel, a customs union, competition principles, organisation of markets and aligning national laws on market access and product specifications to enable circulation in the enlarged single market and towards wider domains of activity which now extend to most areas of policy-making, with the principal restriction of taxation. The TFEU constitutes the main foundation of modern EU law. The other main foundation text is that of the Treaty on European Union (TEU). The treaties are separate but closely related and interconnected by cross references in the enacting provisions. The TEU overlaps but also covers areas not in the TFEU such as the common foreign and security policy (Articles 23-41). Over time, the foundation treaties have been amended by amending treaties: Maastricht, Amsterdam, Nice, Lisbon.⁶ Over the same period,

⁶ <http://eur-lex.europa.eu/en/treaties/index.htm> (accessed 27 November 2012)

the territorial scope has been enlarged through the accession of new states, frequently accompanied by the addition of a new language. In each case, accession is preceded by detailed negotiations over policy and adaptations, but also by translation. The laws of the acceding state have to be translated into an existing EU language so that they can be checked for compliance, or adaptation, but also existing EU legislative texts and at least the most important cases of the EU Court of Justice have to be translated into the new acceding language, a difficult task in terms of volume but also in terms of terminology as new terms are coined for the EU concepts. (In respect of Croatian accession, see Šarčević (2001)).

Although chronologically more recent, it is conventional to treat the TEU first as it is seen as reflecting broader 'constitution-type' contents. The text of the treaty comprises a preamble of 15 recitals and 55 articles which cover the following domains: Establishment of the Union (Article 1) (replacing 'Community'); Aims: peace, area of freedom, security and justice without internal frontiers, free movement, internal market, the euro, etc (Article 3); Limits: conferral principle, subsidiarity and proportionality (Articles 4 and 5); the Charter of Fundamental rights (Article 6), Breaches by member states (Article 7); Special relationship with neighbouring countries (Article 8); Democratic principles and the role of national parliaments (Articles 9-12); EU Institutions (Articles 13-19); Enhanced cooperation between individual member states (Article 20); External action and Common Foreign and Security Policy (Articles 21-22); Common Security and Defence Policy (Articles 42-46); Legal personality (Article 47); Arrangements for amending the treaties (including TFEU) (Article 48); Accession by new states (Article 49); Withdrawal by a state (Article 51); Protocols and annexes form an integral part of treaty (Article 51); Territorial application: 27 member states (Article 52); Unlimited period (Article 53); Ratification by member states (Article 54 TEU); authentic languages (Article 55).

Each of these articles can be seen in terms of a policy domain, or as part of the legal infrastructure of EU law, designed to make things function in a coordinated way through the institutions and other bodies. The treaty confers powers on the institutions to make devolved, or secondary level, legal acts. Subordinate texts within each domain require to use terms consistently with the same meaning as in the primary treaty text. This is a fundamental principle of legislative drafting and applies equally to EU legislative translation.

The contents of the TFEU may be summarised in equally brief terms: Preamble of 9 recitals, 358 Articles in Seven Parts, 37 protocols and 2 annexes. Some of the protocols are technically attached to the TEU and TEAEC and the many declarations can be mentioned, without going into technical details. At the end is a Table of Equivalences. This last is a technical device but it needs to be understood in order to navigate between texts from different time periods. Put simply it states the article numbers of the version of a treaty (or regulation or directive) before amendment (old numbering) and the article numbers of the new amended version of the treaty (new numbering); it is a legislative technique which is also applied to regulations and directives when they are consolidated into a single text after many amendments.

The themes covered by the TFEU may again be summarised simply: Part one: principles; Part two: non-discrimination and citizenship of the Union; Part three: Union policies and internal actions; Part four: Association of the overseas countries and territories; Part five: the Union's external action; Part six: Institutional and financial provisions; Part seven: General and Final provisions. These are the highest level subdivisions of the text and it is not proposed to mention the lower levels as they are too numerous. Nonetheless, we can note in

passing that we can see here a simplified overview of the structure of the act as a legal text, to which should be added the member state parties, the plenipotentiaries, the signing page and signatures, as well as the annexes, protocols and declarations already mentioned. The terminology domains include: internal market; free movement of goods (customs union, prohibition of quantitative restrictions); agriculture and fisheries; free movement of persons, services and capital, establishment; freedom, security, justice; border checks, asylum immigration, judicial cooperation in civil and criminal matters, police cooperation; transport; competition, tax, approximation of laws; economic and monetary policy. To these we can add a range of policy domains: employment, social policy, European Social Fund, education, vocational training, youth, sport, culture, public health, consumer protection, trans-European networks, industry, economic, social and territorial cohesion, research and technological development and space, environment, energy, tourism, civil protection, administrative cooperation, association of the overseas countries and territories, external action, common commercial policy, cooperation with third countries and humanitarian aid, institutional and financial provisions, enhanced cooperation, etc. The Protocols are also important as they constitute, among others, foundation texts of institutions such as the EU Court of Justice and the European Central Bank (Protocols Nos 3 and 4).

The foregoing list is intended merely to provide a flavour of domains covered, but each of them involves a specialised domain that is highly technical, complex and involves the use of specialised terminology, adapted to the EU context. Taken together, the TEU and TFEU, plus the TEAEC, cover most areas of governmental policy making. That leads to an extensive dimension of EU law within each member state's legal system. The treaties provide a basis for cross-border cooperation, but they also address the alignment of domestic national law, especially the TFEU. That is done either by making a single EU set of rules applying directly to everyone through 'regulations', or by setting objectives to be implemented nationally through 'directives'. These texts often contain indications about which system of national rules applies in which situation. This last approach is a 'choice of law' method. It is one of the techniques of international law used between states, but also within different parts of federal states where there are different approaches. EU law uses all approaches according to whichever is best adapted to the circumstances and agreed through negotiation, in accordance with the treaties.

The underlying aim of EU law is to bring national economies gradually towards a form of 'fusion' via the customs union, single market, approximation of laws, common policies, etc. ('ever closer union'). That may or may not lead to political union in the future; that is the political debate. As regards language, this orientation means that change is built into the concept of EU law, and it is perceived as being 'dynamic'. This function of change, plus the international context and a desire to be consistent, systematic and internally self-coherent as a body of law leads to EU law functioning in different ways from the more 'static' national law. In linguistic terms, there is a heavy emphasis on futurity in texts, and that can be seen from the use of verbs such as 'will' which figure prominently. It can also be seen in the titles to EU legislative acts which may include verbs such as 'promote', or the nominal equivalent. As regards domestic national law, the TFEU has most impact and accordingly, attention will accordingly be paid to it below. Lastly, we can note the EU method: economic theory applied through legal means using language and languages to achieve policy objectives and action, but with the original policy-domains being broadened over time to include new areas of cooperation of a less immediately obviously commercial nature, such as the recent directive

on Succession.⁷ Each time a new policy area is addressed there are implications for language and translation, most notably in the need for new terminology in all languages to represent the same EU concepts. Terminology is a specialised field that is not examined here; it takes one into the study of signs, semiotics, where one finds conceptual tools for analysing concepts and terms from multilingual and multicultural perspectives. (See Robertson 2010c). Time will tell how the EU evolves in future.

4 Linguistic regime

In order to ensure that the authorities and populations in the member states can read directly the source EU texts and be able to understand them directly, as well as a matter of legal equality connected with the direct effects of EU law in the member-state legal systems, the EU arrangements are multilingual. The first ECSC treaty was monolingual authentic in French, but that was soon changed in favour of all official EU languages being authentic. Nowadays, when it comes to the question of the languages used in the EU and its institutions, one can look at what is done as a matter of practice and what is laid down as rules of law. The EU legislative texts are published in the EU languages by the Official Publications Office⁸ and the language versions can be consulted individually. In EU treaty texts it is customary to insert an article at the end which gives information about the language versions of the treaty. For example, one wants to know how many language versions exist for the text and the status of each language version, whether an original source text to be used for interpretation (authentic) or a ‘translation’, in which case for judicial interpretation it is put aside in favour of the authentic version, which incidentally places that version in a different and more favourable position. We can see the process in Article 55(1) TEU which states:

1. This Treaty, drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States.

Article 358 TFEU follows the same approach: “The provisions of Article 55 of the Treaty on European Union shall apply to this Treaty.” Accordingly each language version is authentic and is used as a source text for judicial interpretation, and application. Where a doubt about meaning arises all language versions should be looked at, but even if no doubt arises from one text, it cannot be taken alone, as all should be taken into account. The treaties, however, specifically provide for a linguistic regime. Article 342 TFEU states:

The rules governing the languages of the institutions of the Union shall, without prejudice to the provisions contained in the Statute of the Court of Justice of the European Union, be determined by the Council, acting unanimously by means of regulations.

The EU linguistic regime is set out in REGULATION No 1 determining the languages to be used by the European Economic Community⁹. The Regulation has been amended and

⁷ REGULATION (EU) No 650/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession. 27.7.2012 Official Journal of the European Union L 201/107 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:201:0107:0134:EN:PDF>

⁸ <http://eur-lex.europa.eu/JOIndex.do> (accessed 29 December 2012)

⁹ <http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1958/R/01958R0001-20070101-en.pdf> (accessed 29 December 2012)

updated over the years with the addition of new languages. The next language to be added is Croatian, with effect from 1 July 2013, the day Croatia formally accedes to the EU pursuant to its Accession Treaty. Article 1 TFEU in its version at the end of 2012 states:

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

Regulation No 1 is brief, extending to eight articles, dealing among others with the languages for documents of institutions and their working languages. We can note Articles 4, 5 and 7 which are relevant to EU legislative and court texts:

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

The Linguistic regime laid down in Regulation No 1 has consequences. In the first place, there is a requirement to make legal texts in all the official languages. That means each institution must employ translators to ensure the documents are produced in them. Because of historical concerns over quality with respect to EU legislative texts, lawyers are employed by the EU legislative institutions, notably the Commission, Council and European Parliament and also the European Central Bank to check and revise all language versions before adoption. The EU Court of Justice employs lawyers as court translators. On EU lawyer-linguists, see Šarčević and Robertson (in press). Each time a new member state joins, through accession, bringing a new official language as a result of negotiation, Regulation No 1 is amended as part of the Act of Accession to the relevant Treaty of Accession to include it. Before accession, the existing EU ‘acquis’ of treaty and legislative texts (many thousands of pages) have to be translated and revised and published in a Special Edition of the Official Journal. The linguistic regime gives rise to a range of consequences, which become visible in the EU legal texts. For if all language versions are to have the same legal status they must also have the same legal effects, which means they must convey the same information or message (Gallas 1999). That can only be achieved through skill, knowledge and experience and constant attention to detail. The approach leads to synchronicity, and is referred to by the Publications Office in its Interinstitutional Style Guide¹⁰ as the ‘synoptic’ approach. Each language version of a text has the same number of pages, the same structure in the text, the same numbering and paragraphing, the same sentence length, and the same information is given at the same point in each language version. Using punctuation to chop up text into smaller units of meaning assists synchronicity, citation and interpretation as to meaning and effects. The synoptic approach is also rather useful as a method for checking terminology, since if one identifies a term in one language version it is easy to find the equivalents used in the past in any other language version by searching on terms, locating the place and switching the language code. For that, the EUR-Lex database of EU texts is well adapted.¹¹

To illustrate what it means to write a multilingual EU text, here is the text of Article 7 of Regulation No 1.

¹⁰ Interinstitutional Style Guide. <http://publications.europa.eu/code/en/en-000300.htm> (accessed 28 December 2012)

¹¹ <http://eur-lex.europa.eu/fr/index.htm> (accessed 29 December 2012)

Bulgarian: Езиковият режим на процедурата на Съда на Европейските общности се определя в неговия процедурен правилник.

Czech: Užívání jazyků v řízení před Soudním dvorem stanoví jeho jednací řád.

Danish: Den sproglige ordning for sagerne ved Domstolen fastlægges i dennes procesreglement.

Dutch: Het taalgebruik bij de procesvoering van het Hof van Justitie wordt geregeld in het Reglement voor de procesvoering van het Hof.

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

Estonian: Euroopa Kohtu menetlustes kasutatavad keeled määratakse kindlaks Euroopa Kohtu töökorraga.

Finnish: Yhteisön tuomioistuimen oikeudenkäyntimenettelyssä käytettäviä kieliä koskevat järjestelyt vahvistetaan tuomioistuimen työjärjestyksessä.

French: Le régime linguistique de la procédure de la Cour de Justice est déterminé dans le règlement de procédure

German: Die Sprachenfrage für das Verfahren des Gerichtshofes wird in dessen Verfahrensordnung geregelt.

Greek: Το γλωσσικό καθεστώς της διαδικασίας του Δικαστηρίου καθορίζεται στον κανονισμό διαδικασίας του.

Hungarian: A Bíróság saját eljárás szabályzatában állapítja meg, hogy eljárásai során mely nyelveket alkalmazza.

Irish: (no version currently available as secondary legislation was not produced in this language)

Italian: Il regime linguistico della procedura della Corte di Giustizia è determinato nel Regolamento di procedura della medesima.

Latvian: Tiesas tiesvedībā izmantojamās valodas nosaka Tiesas reglamentā.

Lithuanian: Kalbos, vartojamos Teisingumo Teismo nagrinėjamosiose bylose, nurodomos Teismo darbo tvarkos taisyklėse.

Maltese: Il-lingwi li għandhom jintużaw fil-proċeduri tal-Qorti tal-Ġustizzja għandhom ikunu stabbiliti fir-regoli ta' proċedura tagħha.

Polish: System językowy postępowania przed Trybunałem Sprawiedliwości jest określony w jego regulaminie.

Portuguese: O regime linguístico dos processos no Tribunal de Justiça será fixado no regulamento processual deste Tribunal.

Romanian: Regimul lingvistic al procedurii Curții de Justiție se stabilește prin regulamentul de procedură al acesteia.

Slovak: Používanie jazykov v konaní pred Súdnyim dvorom sa upraví v rokovacom poriadku Súdneho dvora.

Slovenian: Jeziki, ki se uporabljajo v postopkih Sodišča, so določeni v njegovem poslovniku.

Spanish (Castilian): El régimen lingüístico del procedimiento del Tribunal de Justicia se determinará en el reglamento de procedimiento de éste.

Swedish: I fråga om förfaranden vid domstolen skall språkanvändningen regleras i domstolens rättegångsregler.

We can see how each language version is conveying the same message, but we can also note that there are differences in the formulations across them. For example, we can check how the concept of ‘linguistic regime’ is expressed. In some cases we have ‘*use of languages*’, in others the ‘*language question*’, or ‘*the languages to be used*’ or ‘*linguistic regime*’, etc. Do these differences matter? This is the question every translator and reviser asks for every text. The answers generally turn on the legal effects of words and terms, who ‘controls’ the meaning (here the Court of Justice) and whether further transposition into national law is needed, as with an EU directive, with implicit risks of different meanings being attached because a reader thinks only in terms of national law implications and forgets to see the text in its EU multilingual context. It is a minefield for the unwary.

5 Institutions

EU legal texts are broadly of three types: treaty texts that are essentially contractual by nature as they comprise agreements between states under international law, as can be seen from the inclusion of the words ‘have agreed’ after the recitals and from the signatures of the plenipotentiaries. Secondly, there are the delegated acts authorised by the primary treaties and undertaken by institutions created by the same treaties. Some of these acts are categorised as ‘legislative’, others are not. Third, there are the legal acts that take the form of judgments of the Court of Justice of the European Union. We can however extend the range of acts if we take account of contracts entered into by the institutions for services, decisions to confirm or provide for particular matters, including of an administrative nature; in that respect EU administration internally can be seen as a series of acts, each of which is susceptible to appeal and review in terms of the Staff Regulations. The EU also enters into agreements with third countries and these again involve legal acts.

The acts of a legislative or judicial nature are created within the EU institutional structure and take their meaning from that context, as well as other texts having a bearing (intertextuality), taken with the aims and purposes of the EU system as a whole, its foundation principles and the specific aims of the individual text. All of that is set against a wider background of shared European legal culture, in terms of what is acceptable or not, general principles of law, morality, ethics and justice, what is fair and balanced. It is these characteristics which confer the status of ‘law’ on the texts. Since these different elements can have an impact on how a given legal text is to be read and interpreted, legal meaning is something to be constructed, drawing on many strands, and is often not just simply based on what a particular text says. Nonetheless, for translation it is faithfulness to the wording and meanings on the pages in hand that counts. Each to their own task.

The EU institutions are listed in Article 13 TEU which sets out the institutional framework: European Parliament, European Council, Council, European Commission, Court of Justice of the European Union, European Central bank, Court of Auditors, to name the current list.

There are also other EU bodies and agencies¹² but they are not technically ‘institutions’ and they do not have a formal legislative or judicial role as those are reserved to the institutions. The arrangements applying to the institutions are set out in Articles 13-19 TEU and Articles 223-287 TFEU which should be referred to for their terms. Legislative acts are made by the European Parliament and Council under the ‘ordinary’ or the ‘special’ legislative procedure (Article 289 TFEU). The Commission makes legal acts of a delegated nature, now referred to as ‘non-legislative’ to mark the difference of status (Article 290 TFEU).

Article 288 TFEU specifies the legal acts the institutions are to adopt under that treaty: regulations, directives, decisions, recommendations, and opinions. The TEU provides for other types of acts. For example, Article 25 TEU relating to the Common Foreign and Security Policy (CFSP) refers to ‘general guidelines’, as well as ‘decisions’. As just noted, according to Article 289 TFEU, as it currently stands, legal acts are of two kinds: those adopted by legislative procedure and non-legislative acts. For the former, two categories of legislative procedure are envisaged: the ‘ordinary legislative procedure’ (Article 289(1)) and the ‘special legislative procedure’(289(2)). Under the ordinary legislative procedure, the European Parliament and Council jointly adopt regulations, directives or decisions. They work on the basis of a proposal by the Commission submitted in all languages. The basic procedure is set out in Article 294 TFEU and the steps may be summarised as follows: Commission proposal (but note Article 289(4)), first reading by both the European Parliament and Council; second reading by both institutions; conciliation between the institutions where they disagree on the contents of a text (which means that the Commission, Council and European Parliament negotiate the final text), adoption of the same identical text by the Council and European Parliament, followed by signature and publication in the Official Journal in all 23 official languages. The procedure is termed ‘co-decision’ and it involves ‘co-drafting’ and ‘co-revision’ of the language versions through formal amendment, translation, legal-linguistic revision and conciliation. (Guggeis/Robinson 2012). The texts are translated and revised throughout their stages and the final texts are subject to checking and supervision in all language versions by lawyer-linguists (Robertson 2010b).

The special legislative procedure (Article 289(2) TFEU) applies in specific cases provided for by the treaties. The instruments are again the regulation, directive or decision, and the context is of one institution being empowered to act alone, whether it be the European Parliament or the Council, with the ‘participation’ of the other institution. Whatever the procedure followed the texts follow generally a similar process, being initiated in the Commission, translated, and all language versions transmitted for further work in the other institutions (unless it is a Commission act). Each text undergoes extensive scrutiny in the competent institutions and further translation takes place as they are amended. Currently the texts are mainly drafted in English and then translated into the other languages. However, EU English is originally a translation language from French and the texts are generally worked on by non-native speakers, which introduces non-standard English concepts and syntax (just as happened earlier on with French). It is convenient to think of EU language in terms of a new genre (Robertson 2012c).

6 Legislation

Each EU legal act serves a specific purpose and exists within a dimension of time and space. It is created during a time period, comes into force on a date and applies with effect from a date (or dates if application of provisions is staggered over time). This time period links it to

¹² <http://europa.eu/agencies/> (accessed 29 December 2012)

other texts from that time period or before. On the hand it may refer to future texts or future events; this is generally the case with draft legislative texts which are prepared with future action and implementation in mind. However, since the future is unknown, the texts have an element of speculation and uncertainty attached as one is trying to ensure that all possible scenarios that might arise are covered. That in turn leads to different drafting strategies: providing textually for every possible variation which leads to complex texts or stating general principles with discretion to interpret and apply, which leads to simpler texts, but maybe more variation in application. Where background rules on a matter exist and are clear, there is no need for repetition and a text will be silent on it. That however implies expert knowledge. The primary task is for the drafter, but the translator and reviser need to be aware too. The type of text is adapted to context and what can be agreed through negotiation. Multiculturalism and multilingualism tend to lead towards generalisation through the need to accommodate differing approaches and viewpoints, but precision is achieved through tight drafting and definitions. The scope for, and relevance of, each approach depends on the policy context, the treaty base, the specific action sought and the degree of convergence of viewpoint of the member states. A higher level act is likely to be more general, as in the treaties, and a lower level text is likely to be specific and detailed, as in a Commission delegated act dealing with a narrow technical matter such as the market in an agricultural product.

As regards the form and structure of EU legislative acts, guidance exists in the form of the Interinstitutional Agreement of 22 December 1998 on common guidelines for the quality of drafting of Community legislation and the related Joint Practical Guide, as well as the Council Manual of Precedents for acts established within the Council of the European Union and these should be referred to for their terms. Article 288 TFEU lists the acts under that treaty as: regulations, directives, decisions, recommendations and opinions. They serve different purposes and take different forms. Thus:

A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States.

This instrument resembles a national law and speaks directly. It may not be glossed or modified by a national law, which it overrides in the event of conflict. It is the strongest form of EU legal act and in principle applies to all in the same way. A typical structure for a regulation, as set out in the guidance mentioned above may be summarised as: Title (author, number, date, subject matter), author(s) (European Parliament, Council, Commission, etc), citations (legal base in treaty, formal procedure, consultations required), recitals (background facts, reasons for action, policy intentions, etc), articles (operative part, commands, obligations, etc), and annexes (technical information; often non-legal). The guidance referred to above and referenced at the end should be consulted for more information.

Directives have a similar structure but serve a different purpose. Article 288 TFEU states:

A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

The act is binding as to result, but the form and methods are left to the member states. This mechanism allows flexibility between legal cultures. In effect the EU text is deconstructed for its elements in terms of policy objectives. New national texts, if the obligations are not already satisfied, are constructed according to national law methods drawing on the EU

elements and adapting them to the national context. This is the domain of transposition. Words and meanings become crucial as the EU text is interpreted, given meaning and the meanings given then become the foundation for creating national law. If there are divergences in interpretation between language versions, then it becomes evident that different approaches may be taken in member states leading to different practical results, some intended and some not by the EU drafters. Control and checking by the EU Commission, plus references by national courts to the Court of Justice of the European Union for interpretation of the EU texts help to reduce the potential for variation and to keep the system unified. (On interpretation, see Robertson 2012b). All national courts are, in this sense, EU courts. One can think of an EU directive as being like a set of policy instructions with member states drafting their own laws to implement them. However, a lot of time and expense downstream can be saved if the texts are well-drafted and linguistically aligned from the very outset.

If we look at an EU legal act, we can think of it as being like a single sentence, broken up into parts. There is a flow from start to end. However, this lawyerly way of seeing the text is changing in modern times, especially with the advent of computers and the role of non-lawyers in text creation. The concept of hyperlinks and breaking texts into segregated bits is rising as a background phenomenon. We can perhaps see that in EU recitals where each recital is numbered and now ends in a full-stop. Previously, there were semi-colons to reflect the concept of forming part of a single sentence. Punctuation is a vital component of EU multilingual legal texts, because it helps to break the text into smaller segments of meaning which in turn helps to narrow down any areas where there may be divergences between language versions. The unit of meaning is thus probably best seen in terms of the space between punctuation points. Which of these are significant, and for which language versions, is a topic that would take us into deep levels of drafting technique. With recitals, the unit is the recital, or each sentence in it, if, exceptionally, there is more than one sentence. With articles, the structuring of the article, with paragraphs, sub-paragraphs, points and indents, plus semi-colons and commas are important boundary markers for meaning which must be respected in the language versions. Punctuation is particularly important in amending texts as it serves to differentiate the text of the act which is the vehicle for making the amendments from the text of the acts which are being amended. The translator must follow the codes rigidly and the drafter must write with the translator firmly in mind. EU texts are drafted to be translated. That places constraints on them. For example: KISS: Keep sentences short and simple, and as clear as possible (Robertson 2010a).

As regards EU Decisions, Article 288 TFEU states:

A decision shall be binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them.

The decision is the universal ‘workhorse’ type of act that appears everywhere in all shapes and guises, from very formal and detailed to informal or a record in Council minutes. The Interinstitutional Guidelines and Joint Practical Guide apply as regards their structure and drafting. Lastly, with respect to recommendations and opinions, Article 288 TFEU states:

Recommendations and opinions shall have no binding force.

While there is no prescribed form for them, there are numerous precedents to follow, as is the case for all the other types of act.

7 Court of Justice

While all national courts have a role to interpret and apply EU law, the Court of Justice of the European Union (EU Court of Justice) has a privileged position in that it has the ultimate responsibility to determine the meaning of EU law. The starting point, as with any question of EU law, is with the treaties and their wording. The EU Court of Justice is an EU institution, pursuant to Article 13(1) TEU. In earlier days there was a sole court, the Court of Justice of the European Communities¹³, to handle all the EU cases, but as business has increased new courts have been created to handle the workload and the title is now an ‘umbrella term’ that includes several closely-related courts. We see this in Article 19(1) TEU which states:

The Court of Justice of the European Union shall include the Court of Justice, the General Court and specialised courts.

The Civil Service Tribunal is a specialised court. Strictly, one should examine each court separately as there are differences between them. However, they have a lot in common, in particular, a shared support organisation with translation departments to service them. They all work exclusively with EU law and there is a system of appeals between them to ensure overall consistency of approach. One can note the distinction in the wording of Article 19(1): ‘*Court of Justice of the European Union*’ refers to all the courts together, whereas ‘*Court of Justice*’ refers to one type of court.¹⁴ When an EU treaty is amended to take account of new developments, efforts are generally made to change just the absolute minimum necessary, and we have here an example of the way in which the original title has been maintained as an overarching name used in the treaty texts while enlarging the individual structures in the light of practical necessity. It reflects the way in which the EU treaties create a framework that is both ‘fixed’ and yet ‘flexible’ to accommodate new circumstances while preserving the previous achievements.

Article 19 TEU provides other information on the EU Court of Justice, for example, its duty to ensure that ‘the law is observed’. The Court of Justice (CJ) consists of one judge from each member state, assisted by Advocates-general. The General Court (GC) includes at least one judge per member state. The tasks of the EU Court of Justice are set out in Article 19(3) TEU:

3. The Court of Justice of the European Union shall, in accordance with the Treaties:
 - (a) rule on actions brought by a Member State, an institution or a natural or legal person;
 - (b) give preliminary rulings, at the request of courts or tribunals of the Member States, on the interpretation of Union law or the validity of acts adopted by the institutions;
 - (c) rule in other cases provided for in the Treaties.

The main field of action for the EU Court of Justice is in connection with the contents of the TFEU, and its jurisdiction with respect to matters covered by the TEU is restricted. The foundation provisions are in Articles 251-281 TFEU. These indicate among other things that the CJ (the highest court) can sit in chambers, in a Grand chamber or as a full Court. (Article 251). It is assisted by Advocates-General whose task is to provide ‘*reasoned submissions on cases*’ in open court in accordance with the Statute of the EU Court of Justice. Judges and advocates-general are drawn from persons entitled to be appointed as judges in their countries of origin (Article 253). The subsequent articles set out detailed provisions relating

¹³ See generally <http://curia.europa.eu/> (accessed 21 January 2013)

¹⁴ Here ‘EU Court of Justice’ and ‘CJ’ are used to distinguish.

to organisation and jurisdiction; they should be referred to for their terms. We can note that the judgments are enforceable in the member states (Article 280).

The provisions governing organisation are contained in the ‘Statute’ of the EU Court of Justice set out in Protocol (No 3) on the Statute of the Court of Justice of the European Union; it comprises 64 articles and an annex. The headings of the main parts of the protocol indicate the subject matter covered: Title I: judges and advocates-general; Title II: organisation of the Court of Justice, Title III procedure before the Court of Justice; Title IV General Court; Title IVa: specialised courts. Here we note a reference to an annex; Annex I at the end of the act deals with the European Civil Service Tribunal, a specialised court that “shall exercise at first instance jurisdiction in disputes between the Union and its servants” referred to in Article 270 TFEU. Lastly, Title V to the Protocol contains ‘Final provisions’.

Concentrating here on aspects that have a linguistic dimension, one can move on to mention the Rules of Procedure which create the contextual environment for court cases, for example as regards the procedures to be followed and the documents to be submitted by the parties to a case. A court case involves a process that resembles a ritual, proceeding in stages from a beginning until an end. In each court case the process arises because someone wants or needs something and it can be obtained only from a court, here the EU Court of Justice, for example a ruling as to the meaning of wording in an EU regulation, whether it applies to such and such a scenario, for a legal act to be annulled, a declaration of failure by a member state to comply with a treaty obligation, and so on. In order to obtain the ‘*form of order sought*’, a series of steps must be undergone and whether the desired result, in the form of the decision or court order sought, is forthcoming depends on a myriad of factors that must be presented individually, explained, justified and defended against opposing or contradictory information. The procedures are constructed in such a way as to maximise the possibilities for those having a direct interest in the case to be able to come forth and present their evidence, explanations and arguments, in whatever language they wish, so that the court is in the best possible position to make its decision. The EU courts make their decisions collectively and in secret. The Advocate-General analyses the case and gives a personal reasoned opinion as to how the case may be decided. The court then decides. The arrangements applying to each court should be examined for their terms.

The Rules of Procedure applying to the CJ¹⁵ set out the basic procedural arrangements. There are separate Rules of Procedure for the General Court¹⁶ and the Civil Service Tribunal.¹⁷ Some aspects of the procedure relating to the CJ can be outlined. The first point is that member states are represented by an agent who may be assisted by an adviser or lawyer (Article 19 of Protocol No 3). Other parties must be represented by a lawyer. Thus the court legal and linguistic environment is in the hands of professionals. They bring expert knowledge and experience and use specialised language among themselves. The procedure before the CJ consists of two parts: written and oral. The second paragraph of Article 20 of Protocol No 3 states:

¹⁵ http://curia.europa.eu/jcms/upload/docs/application/pdf/2012-10/rp_en.pdf (accessed 29 December 2012)

¹⁶ http://curia.europa.eu/jcms/upload/docs/application/pdf/2008-09/txt7_2008-09-25_14-08-6_431.pdf (accessed 21 January 2013)

¹⁷ http://curia.europa.eu/jcms/upload/docs/application/pdf/2010-04/rp_14_04_2010_en.pdf (accessed 21 January 2013)

The written procedure shall consist of the communication to the parties and to the institutions of the Union whose decisions are in dispute, of applications, statements of case, defences and observations, and of replies, if any, as well as of all papers and documents in support or of certified copies of them.

The fourth paragraph of Article 20 states:

The oral procedure shall consist of the reading of the report presented by a Judge acting as Rapporteur, the hearing by the Court of agents, advisers and lawyers and of submissions of the Advocate-General, as well as the hearing, if any, of witnesses and experts.

The written documents in a case include the pleadings and written evidence of parties and interveners, a Report for the Hearing (a court document that summarises the case and the arguments, for the parties to check), the report of the Judge Rapporteur or Advocate General where appropriate, and the decision of the court. All of these are, or may be, the subject of translation. At oral hearings there is interpretation as necessary.

We can turn now to the question of language and the linguistic regime as it applies to the Court of Justice (CJ). We saw above that the general regime under Article 342 TFEU and Regulation No 1 do not apply to the EU Court of Justice. The question of the use of languages is covered by the Rules of Procedure of the Court of Justice of the European Communities of 19 June 1991¹⁸ (but note Article 64 of Protocol No 3). Title I, Chapter 8 is entitled “Languages” (Articles 36 to 42). Article 36 provides that the language of a case shall be any one of the official EU languages. Article 37 states that in direct actions the language is to be chosen by the applicant except where the defendant is a member state, in which case it is the official language of that state; where the state has several languages, the applicant may choose between them. The parties may agree on another EU language, and the Court may also authorise this where one of the parties so requests, under certain conditions. In appeals against decisions of the General Court the language of the case is the language of the decision of the General Court against which the appeal is brought. In preliminary ruling proceedings, the language of the case is the language of the referring court or tribunal. The use of another EU language may be authorised for the oral part of the procedure. Article 38 sets out provisions on use of the language of the case. It states:

1. 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.
2. 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.
3. 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.

However, member states broadly retain the right to use their own official languages. There are separate provisions for third states. Article 38(7) deals with witnesses or experts unable to adequately express themselves in an EU language and the Court may allow evidence in another language, with translation being arranged by the Registrar for translation into the language of the case. Judges and advocates-general may ask questions in any EU language and the Registrar arranges for translation into the language of the case. Provision is made in

¹⁸ http://curia.europa.eu/jcms/upload/docs/application/pdf/2012-10/rp_en.pdf (accessed 21 January 2013)

Article 39 for translation of anything said or written in the course of the proceedings to be translated into one of the EU languages. Article 40 states that:

Publications of the Court shall be issued in the languages referred to in Article 1 of Council Regulation No 1.

Article 41 states:

The texts of documents drawn up in the language of the case or, where applicable, in another language authorised pursuant to Articles 37 or 38 of these Rules shall be authentic.

Lastly, Article 42 states:

The Court shall set up a language service staffed by experts with adequate legal training and a thorough knowledge of several official languages of the European Union.

Full details can be obtained from the Court's website in all EU languages.

These provisions relate to the Court of Justice. There are analogous provisions for the General Court and the Civil Service Tribunal. From the foregoing, it is evident that the Court is dependent on skilled and specialised translation and interpretation. The source languages vary according to the languages of the parties and cases. (Mulders 2008)). The situation is unlike that of the legislative environment where it is possible to restrict source languages for drafting to a few. Instead any language may be a source and all the possible combinations between languages come into play for the purposes of translation. The EU Court of Justice employs interpreters and translators. The translators are specialised legal translators who are required to have legal qualifications in order to be eligible for recruitment through a competition organised by EPSO (Šarčević and Robertson (in press)). The court works in French as its working language and routinely translates court documents into it. This provides a degree of linguistic unity within the overall EU diversity. We saw earlier that French retains a strong influence within the treaty and legislative environment. Thus, behind the multilingual arrangements there nonetheless remains a certain background mono-lingual linguistic continuity.

8 Conclusion

There is more that could be said on how the EU functions in 23 languages, but considerations of space preclude this. The aim has been to present an overview that concentrates on some main areas of attention from a legal-linguistic viewpoint. Issues of policy, purpose, economic and legal theory have been left in the background in favour of a range of structural details that bring forward topics touching on language, languages and translation, without however dwelling on translation theory and practice.

At the heart of the process of multilingual text production lie drafting, translation and revision. Yet, the activities of drafting and translation often seem to be seen as separate worlds; there is no logical need for writers and translators to come together or even to live in the same time periods, as translators of the Bible can attest. Yet EU law is different as it is explicitly multilingual and the 23 language versions are published synchronously with the same intended effects. The drafter needs to pay attention to translation implications and the translator and reviser need to understand clearly what the drafter intends. There is an interplay between the two sides and it is best to think of EU legislative text creation, but also the court-texts, as an exercise in co-operation between professionals and experts, mutually interdependent.

In the background, and unmentioned here, are the various ways in which matters are organised, managed and administered in each institution. Another important dimension concerns the tools and aids, especially information technology (IT) tools that have speeded up and mechanised so much activity. For a discussion of these, see Lavigne (2001) and visit the websites of the institutions in connection with translation. Going further, staff need to be recruited and here we turn to the role of EPSO and the recruitment competitions and arrangements. Here again the EPSO website and guidance in each competition notice should be consulted.¹⁹ And then there is the need for training. In general this is done before applying for a competition, and it is the responsibility of each individual to prepare for it. However, for recruited staff there is training in organisation matters, plus languages and information technology as it evolves.

The EU multilingual environment thus presents itself as one of an array of specialists working together for a common cause within a highly structured and regulated working environment. A relatively small number of EU officials provide the facilities and means by which a very large number of persons in all walks of life and professions throughout the member states come into contact, share experiences and work together to construct EU legal texts, and then use and apply them. In the final analysis it is this large and extensive networking of contacts and collaboration throughout Europe, and the world, that constitutes the way in which the European Union functions in 23 languages. They can manage all this thanks, among the many others (administrators, lawyers, economists, scientists, politicians), to the contribution of drafters, translators and legal-linguistic revisers within the multilingual EU environment who ensure that the texts are in a language that all EU citizens can read.

References

- Council Manual of Precedents for acts established within the Council of the European Union.* (2010/2011). General Secretariat of the Council of the European Union. Directorate for the Quality of Legislation. Brussels.²⁰
http://ec.europa.eu/translation/documents/council/manual_precedents_acts_en.pdf (accessed 29 December 2012)
- Gallas, Tito (1999) Coredazione e Traduzione Giuridica nella Legislazione Multilingue. Particolare Quella Comunitaria. 43 Quaderni di Libri e riviste d'Italia, la Traduzione, Saggi e documenti (IV). 135-147.
- Guggeis, Manuela / Robinson, William (2012) “Co-revision’: Legal-linguistic Revision in the European Union Co-decision Process”. In: Baaij, Cornelis J. W (ed.) *The Role of Legal Translation in Legal Harmonization*. Alphen an den Rijn: Kluwer Law International. 51-81.
- Interinstitutional Agreement of 22 December 1998 on common guidelines for the quality of drafting of Community legislation (OJ C 73, 17,3,1999.1)
[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999Y0317\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999Y0317(01):EN:NOT) (accessed 21 January 2013)
- Interinstitutional Style Guide.* <http://publications.europa.eu/code/en/en-000300.htm> (accessed 28 December 2012)
- Joint Practical Guide. <http://eur-lex.europa.eu/en/techleg/index.htm> (accessed 29 December 2012)
- Lavigne, Eric (2001) Translation tools in the translation service of the European commission. In: Šarčević, Susan (ed.) *Legal Translation. Preparation for accession to the European Union*. Faculty of Law, University of Rijeka. Rijeka. 65.
- Mulders, Leo (2008). ‘Translation at the Court of Justice of the European Communities’. In Prechal, Sacha / Roermund, Bert van (eds) *The Coherence of EU Law. The Search for Unity in Divergent Concepts*, Oxford: Oxford University Press. 45-59.

¹⁹ http://europa.eu/epso/index_fr.htm (accessed 29 December 2012)

²⁰ This document is continually updated internally.

- REGULATION No 1 determining the languages to be used by the European Economic Community.
<http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1958/R/01958R0001-20070101-en.pdf> (accessed 29 December 2012)
- REGULATION (EU) No 650/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession. Official Journal of the European Union. L 201, 27.7.2012. 107. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:201:0107:0134:EN:PDF> (accessed 29 December 2012)
- Robertson, Colin (2010a) Legislative drafting in English for non-native speakers: some do's and don'ts (with reference to EU legislation). In: Gotti, Maurizio & Williams, Christopher (eds) *ESP across cultures. Special issue: Legal English across cultures*. Volume 7. Bari: Edipuglia. 147-163.
- Robertson, Colin (2010b) Legal-linguistic Revision of EU Legislative Texts. In: Maurizio, Gotti / Williams, Christopher (eds) *Legal Discourse across Languages and Cultures*. Bern: Peter Lang. 51-73.
- Robertson, Colin (2010c) EU Law and Semiotics. *International Journal for the Semiotics of Law*. Dordrecht. Springer. 45-164.
- Robertson, Colin (2012a) [Translation in context. St Jerome and modern multilingual law](http://www.nhh.no/en/research---faculty/department-of-professional-and-intercultural-communication/research/publications/synaps---a-journal-of-professional-communication.aspx). SYNAPS. 27. <http://www.nhh.no/en/research---faculty/department-of-professional-and-intercultural-communication/research/publications/synaps---a-journal-of-professional-communication.aspx> (accessed 27.12.2012)
- Robertson, Colin (2012b) The Problem of Meaning in Multilingual EU Legal Texts. *International Journal of Law, Language & Discourse*, 2 (1). 1-30.
<http://www.ijlld.com/2012-index> (accessed 26 April 2012)
- Robertson, Colin (2012c) EU Legal English: Common Law, Civil Law or a new genre? *European Review of Private law* 5 & 6. 1215-1240.
- Šarčević, Susan (ed.) (2001) *Legal Translation. Preparation for accession to the European Union*. Faculty of Law, University of Rijeka. Rijeka.
- Šarčević, Susan / Robertson Colin (2013). The work of lawyer-linguists in the EU institutions. In: Borja Albi, Anabel / Prieto Ramos, Fernando (eds). *Legal Translation in Context. Professional Issues and Prospects*. Oxford etc: Peter Lang. 181-202.