

## Europe’s ‘Multicentric Language Policy’ and Legal Translations<sup>1</sup>

### ‘Politica lingvistică multicentrică’ europeană și traducerile juridice

Iulia-Elena Zup<sup>2</sup>

**Abstract:** This paper aims at presenting the legal frame for the multilingualism in Europe, the reasons behind the European Union’s policy on multilingualism and the most important measures and acts in this field. The effects of the ‘multicentric language policy’ include measures to improve citizens’ language skills at the level of member states and at central level to ensure the functionality of the EU institutions and bodies by employing translators, interpreters and lawyer-linguists. An indirect effect from a linguistic point of view would be the development of the European legal style, which could be observed also at the level of each individual official language, corresponding to the development of the member states’ legal systems under the influence of EU law.

**Keywords:** multicentric language policy, UE, multilingualism, legal translations

**Rezumat:** Această lucrare își propune a prezenta cadrul juridic al plurilingvismului European, cele mai importante măsuri și acte ale politicii Uniunii Europene privind plurilingvismul și motivația din spatele acestei politici. Efectele politicii lingvistice multicentrice includ măsuri de îmbunătățire a abilităților lingvistice ale cetățenilor la nivelul statelor membre și la nivel central de a asigura funcționalitatea instituțiilor și organismelor europene prin angajarea de traducători, interpreți și juriști-lingviști. Un efect indirect d.p.d.v. lingvistic este dezvoltarea stilului juridic european, care poate fi remarcată și la nivelul fiecărei limbi oficiale individuale, corespunzând cu dezvoltarea sistemelor juridice ale Statelor Membre sub influența legislației Uniunii Europene.

**Cuvinte-cheie:** politică lingvistică multicentrică, UE, plurilingvism, traduceri juridice

#### 1. What is multilingualism in Europe?

Linguistic pluralism, or multilingualism, is an old heritage of Europe, which was sustained and promoted by the European Union through its *multicentric*

---

<sup>1</sup> This work was supported by a grant of the Romanian National Authority for Scientific Research, CNCS – UEFISCDI, project number PN-III-P-4-ID-PCCF-2016-0131.

<sup>2</sup> Lector univ. dr., Facultatea de Drept, Universitatea „Alexandru Ioan Cuza” din Iași, iuliazup@gmail.com.

*language policy*. The concept of *multicentric language policy* was defined by Craith<sup>3</sup> as being an essential component of community development, a process where community members come together to take collective action and generate solutions to common problems, and which goes hand in hand with the European principles of subsidiarity, cross-border mobility and the promotion of peripheral areas. Within the European Union, multilingualism manifests itself in the use of 24 official languages and of over 60 regional or minority languages<sup>4</sup> spoken across Europe. English is the most spoken language in the EU, being spoken by around 51% of its population. This high proportion is explained by the fact that 38% of EU citizens speak it as a second language. German is the most spoken first language, spoken by more than 18% of the population.<sup>5</sup> Apart from the official languages, there are the ‘procedural’ languages and ‘working’ languages, traditionally French and English, used at the decision of the EU institutions in their internal workings. The efforts of promoting languages other than English, which rose as *lingua franca* in the context of globalization and the American pop culture, led France and Germany to sign in 2000 a joint ‘language directive’ pledging mutual support in the field of language policy<sup>6</sup>. Nonetheless, the equal, official status of the languages show the intention of having multiple centres, a union where no country or institution represent the centre and the countries the peripheries, but rather the UE institutions represent a *multicentre*.

As stated on other occasions<sup>7</sup>, multi-ethnicity, multilingualism and intensive translation is not a new situation for Europe. Within the Habsburg Empire of Austria, and then of Austria-Hungary, co-existed many nations which were annexed or conquered. In the Empire, the official language was until 1849 German, but after the European revolutions of 1848, on which occasion the nations demanded the recognition of their national language and the preservation of their national identity, all national languages of the Empire gained an equal status as official languages. Thus, the laws had to be translated from German (the language in which they were written) into all national languages usually by K. K.

---

<sup>3</sup> Máiréad Nic Craith, *Europe and the Politics of Language: Citizens, Migrants and Outsiders*, Palgrave Macmillan, Hampshire/New York, 2006.

<sup>4</sup> [https://europa.eu/european-union/about-eu/eu-languages\\_en](https://europa.eu/european-union/about-eu/eu-languages_en), accessed on 15.09.2019.

<sup>5</sup> Report *Europeans and their languages*, 2012, commissioned by the European Commission, p. 2. Available at [https://ec.europa.eu/commfrontoffice/publicopinion/archives/ebs/ebs\\_243\\_en.pdf](https://ec.europa.eu/commfrontoffice/publicopinion/archives/ebs/ebs_243_en.pdf), accessed on 15.09.2019.

<sup>6</sup> *Idem*.

<sup>7</sup> Iulia-Elena Zup, *Some considerations on the impact of the translation of EU legal texts on the Romanian legal language and legislation*, in *Analele Științifice ale Universității „Alexandru Ioan Cuza” din Iași. Științe juridice*, No. 1(bis)/2017, ed. by Iulia-Elena Zup, Carmen-Ecaterina Ciobăcă, Editura Universității „Alexandru Ioan Cuza” Iași, 2017, pp. 75-85, p. 84, and Andreea Huțanu, *Vielsprachigkeit und das Übersetzen von Rechtstexten: heute und früher*, in *Analele Științifice ale Universității Alexandru Ioan Cuza din Iași. Științe juridice*, No. 1(bis)/2017, ed. by Iulia-Elena Zup, Carmen-Ecaterina Ciobăcă, Editura Universității „Alexandru Ioan Cuza” Iași, 2017, pp. 87-98.

*Redaktionsbüro des Reichsgesetz- und Regierungsblatt* (the Publications Office) and published in *Reichsgesetzblatt* (Official Journal).

This paper will analyse what were the EU's measures to avoid problems of communication in 24 official languages: the *multicentric language policy* and the founding of bodies responsible for translations and interpreting, but also, at a more 'down-to-earth' level, the challenges of legal translation as daily activity in supporting the EU multilingualism.

## 2. Current state of the research field

Recent studies analyse the phenomenon of multilingualism and translations within the European Union from different perspectives (comparative law, European law, translation studies), all of them being up to some point interdisciplinary: Colin Robertson, *How the European Union functions in 23 languages*, 2013; C. J. W. Baaij, *The Role of Legal Translation in Legal Harmonization*, 2012; Martina Künnecke, *Translation in the EU: Language and Law in the EU's Juridical Labyrinth*, 2013. Studies in European law consider multilingualism to play a strategic and key role in the development of the EU policy: Patrick Leech, *European Policy on Multilingualism: unity in diversity or added value?*, 2017, in: volume 10/2017 of the *Cultus. The Journal of Intercultural Mediation and Communication*, called *Multilingualism, Lingua Franca or What?*; Máiréad Nic Craith, *Europe and the Politics of Language: Citizens, Migrants and Outsiders*, Palgrave Macmillan, Hampshire/New York, 2006; Aneta Podkalicka, *Lost in translation? Language policy, media and community in the EU and Australia: come lessons from the SBS*, dissertation, 2007.

Legal linguistics developed especially in the last decade due to the experience of translations within the European Union: M. Cornu and M. Moreau, *Traduction du Droit et Droit de la Traduction* (Daloz, Paris 2011); S. Glanert, *De la traductibilité de Droit* (Daloz, Paris 2011); S. Pommers, *Rechtsübersetzung und Rechtsvergleichung*; P. Sandrini, *Übersetzen von Rechtstexten – Fachkommunikation im Spannungsfeld zwischen Rechtsordnung und Sprache*. L. Biel (*Translation of Multilingual EU Legislation as a Subgenre of Legal Translation*, 2006) goes as far as to consider the translations of the EU legislation as a sub-genre of the legal style, with some particularities deriving from the necessity of legal uniformity and the constant use of the same phrases in all EU acts. There are also studies which offer a perspective on the terms used in the translations of the EU law into different languages and of the national laws into English within the accession process: for Croatian – Janka Doranić, *Linguistic Aspects of Alignment of Croatian Legislation with EU Laws*, 2011, for Bulgarian – Diana Yankova, *Translation of EU legislation: some terminological consideration*, 2003. The volume corresponding to the conference *Legal translations* of 2017, organized at "Alexandru Ioan Cuza" University of Iași, offers an introduction on legal translations, the ethics of

translation and the activity of translators and lawyer-linguists at the EU institutions.<sup>8</sup>

### 3. Why is EU's 'multicentric language policy' important?

According to the principle of subsidiarity, language provisions are part of the nation states' jurisdiction. However, multilingualism is an important component of EU's policy for two main reasons:

#### 3.1. *Protecting Europe's linguistic and ethnic diversity*

The motto of the EU is "united in diversity". One of the EU's founding principles is multilingualism, which is stated in the preamble of the *Treaty on the European Union* and means the respect for human rights, non-discrimination, cultural and linguistic diversity. On one hand, languages are the base of the European identity and heritage. On the other hand, the European Union needs a multilingualism policy since only 51% of its citizens understand English. Right from the birth of the EU, "Regulation No. 1 determining the languages to be used in the European Economic Community" of 15<sup>th</sup> of April 1958 laid down that the four principal languages of the six nations that had joined the EEC are to be considered 'official languages' and 'working languages' of the European institutions. The regulation has been amended following subsequent accessions to the EU. The equal status of the official languages is called the principle of *integral multilingualism*. Thus, every citizen of the EU has the right to write to any of the institutions or bodies of the EU in one of the official languages and to receive an answer in the same language (Article 24 TFEU and Article 41 of the *Charter of Fundamental Rights of the EU*, 2002). Meetings of the European Council and the Council of the European Union are interpreted into all official languages. Within the Parliament, all parliamentary documents are translated in all the official languages and every member of the European Parliament has the right to speak in one of these languages. EU law and other legislative texts are published by the Publications Office in all 24 official languages in the *Official Journal of the European Union*. At the end of the treaties, an article providing information about the linguistic versions is inserted. Each of the versions is authentic and constitutes a source of legal interpretation and application.

With so many languages, there is the question of functionality. Promoting multilingualism has at its core the idea of functionality, but does that mean genuine functionality, a 'multilingual functional empire' of the EU or are we dealing, at least under some aspects, with a Babylon of languages and nations? Already in 1993, when there were only 9 official languages, it was objected that it was impossible to avoid discrepancies and ambiguities in so many languages.

---

<sup>8</sup> *Analele Științifice ale Universității „Alexandru Ioan Cuza” din Iași. Științe juridice*, No. 1(bis)/2017, ed. by Iulia-Elena Zup, Carmen-Ecaterina Ciobâcă, Editura Universității „Alexandru Ioan Cuza” Iași, 2017.

### **3.2. Aiming at economic growth**

Communication ensures better trade and economic results. Multilingualism is part of a general strategy of economic growth and labour mobility, because it was realized that there is a functional link between language competence and economic growth. Competence in more languages means also better chances of employment and promotion, and better wages. Multilingualism is also important for innovation and being aware of the novelties in the field of expertise, communication with partners across Europe. The wealthiest regions (South Tyrol, Basque Country and Navarre) and states (Switzerland and Luxembourg) of Europe are multilingual. The realization of the importance for economic growth lead to the shift of the responsibility for multilingualism from the portfolio dedicated to "Education, training, culture and multilingualism", in which it was originally officially included in 2004, to the Directorate General for Employment.

EU's multilingualism policy is also put into practice by promoting learning of at least two foreign languages from a very early age, following the adoption of the Barcelona objective on March 2002. This policy is sustained also through two centres for research on languages: *The European Centre for Modern Languages* and *The European Research Centre on Multilingualism and Language Learning*, and programmes such as *Erasmus*, *Lingua*, *Leonardo da Vinci* and *Comenius*.

### **4. Actions and institutions of the multicentric language policy**

The policy on multilingualism was supported constantly by official documents and actions such as founding of institutions and programs, or by commissioning research studies, which have the status of a set of recommendations only and lack legal power.

A Council Decision established in 1996 the 'Multi-annual programme to promote linguistic diversity within the information society' (MLIS), which has as its legal basis a question for industry (Article 157 EC) rather than culture, according to a 1999 ECJ Judgement<sup>9</sup>: "the object of the programme, namely the promotion of linguistic diversity, is seen as an element of an essentially economic nature and incidentally as a vehicle for or element of culture as such"<sup>10</sup>. In its Opinion on the same draft programme, the Committee of the Regions regarded the promotion of language competence as a contribution to culture and employment, being a prerequisite for the mobility of citizens within the Union.

The European Parliament Resolution of 13<sup>th</sup> of April 1998 on the Commission's Communication entitled 'Towards a Europe of knowledge' underlined the need to encourage the acquisition of a good level of knowledge of

---

<sup>9</sup> ECJ Judgment 23 February 1999. *European Parliament v Council of the European Union*. Council Decision 96/664/EC – Promotion of linguistic diversity of the Community in the information society – Case C-42/97. *European Court reports* 1999 p. I-0869.

<sup>10</sup> European Parliament, *The European Union and Lesser-Used Languages*, Luxembourg, 2002, p. 55.

the Community languages also as a means of preserving the rich diversity of languages in Europe. Other initiative was the Decision on the European Year of Languages 2001.

“A New Framework Strategy for Multilingualism” of 2005 indicated a number of specific actions and aimed at the promotion of multilingualism: the promotion of national strategies, better teacher training, early language learning, content and language integrated learning, the promotion of languages in higher education, the development of the academic discipline of multilingualism, and the setting up of an European Indicator of Language Competence. The framework represented the basis for working groups and policy documents:

a. the High-Level Group on Multilingualism consisting of 11 experts, which was set up in 2006 with the specific objective of providing “support and advice in developing initiatives, as well as fresh impetus and ideas for a comprehensive approach to multilingualism in the European Union”<sup>11</sup>;

b. the Group of Intellectuals for Intercultural Dialogue, which tried to enhance intercultural dialogue within Europe and to combat the dominance of English as the *lingua franca* of international dialogue, which “would be damaging to the economic and strategic interests of our continent and all our citizens irrespective of their mother tongue”<sup>12</sup>;

c. the Business Forum for Multilingualism, which first met in 2007 and produced a set of recommendations in a published report entitled “Language Means Business”<sup>13</sup>.

EU also commissioned research studies in this respect:

a. The *ELAN Report. The Effects on the European Economy of Shortages of Foreign Language Skills in Enterprise* was published in 2006 and was used by the Business Forum for its recommendations. This developed the view that a significant amount of business was being lost to European enterprises as the result of the lack of the necessary language skills.

b. The *Pimlico Report on Language Management Strategies and Best Practice in European SMEs* was published in April 2011 and began with a quotation from Willy Brandt, the former German chancellor, which sums up the need for foreign language skills in commerce: “If I am selling to you then I speak your language, aber wenn du mir etwas verkaufst, dann mußt du Deutsch sprechen.”<sup>14</sup>

c. The *Study on Foreign Language Proficiency and Employability* (2015) which, within the overall policy context of Education and Training 2020, analysed the needs of employers for foreign language abilities across all 28 members of the European Union.

---

<sup>11</sup> *Idem.*

<sup>12</sup> *Idem.*

<sup>13</sup> Patrick Leech, *European Policy on Multilingualism: unity in diversity or added value?*, 2017, in: *Multilingualism, Lingua Franca or What?*, volume 10/2017 of the *Cultus. The Journal of Intercultural Mediation and Communication*, p. 31.

<sup>14</sup> *Ibidem*, p. 33.

d. The reports entitled *Europeans and their languages* from 2005 and 2012, commissioned by the European Commission, Directorate-General for Education and Culture, Directorate-General for Translations and Directorate-General for Interpretation and coordinated by Directorate-General for Communication, presented the results of two surveys regarding the use and learning of the European languages.

There are two direct effects of the policy of multilingualism: promoting language learning in the educational institutions across Europe, even from a very early age, and legal translations at the EU institutions and bodies. The developing of the European dimension in education is aimed particularly through the teaching and dissemination of the languages of the Member States.<sup>15</sup> While it is in our intention also to research and present in a next issue the way EU's policy was put into practice in Romania (at this point we can only observe that there is room for improvement and sadly a regress in the last years in the education system, which lead to cutting down on language classes), we will focus further on the institutional legal translations.

## 5. Legal translations

As a direct effect on promoting the multilingualism policy, all laws and important documents and meetings have to be translated, respectively interpreted, meaning that all European institutions and bodies have to employ interpreters and translators. Due to concerns regarding the quality of EU translated texts, lawyer-linguists are hired at legislative institutions (the Commission, the Parliament, the Council, the European Central Bank) to verify and revise all language versions before enactment.

### 5.1. Institutions responsible for translation and what they translate/interpret<sup>16</sup>

**The European Commission:** The Directorate-General for Interpretation provides interpretation in meetings and conferences for the Commission, but also for the Council of the EU, the Committee of the Regions, the European Economic and Social Committee, the European Investment Bank and the agencies and offices in the Member States. The Commission employs 530 staff interpreters. The Directorate-General for Translation's declared goal is "to support and strengthen multilingualism in the European Union and to help to bring the Union's policies close to its citizens"<sup>17</sup>. The 1600 translators translate websites, proposals,

---

<sup>15</sup> European Parliament 2002, p. 56.

<sup>16</sup> See also <https://cdt.europa.eu/en/documentation/interpreting-and-translating-europe>, accessed on 15.09.2019.

<sup>17</sup> Apud Aneta Podkalicka, *Lost in translation? Language policy, media and community in the EU and Australia: come lessons from the SBS*, dissertation, 2007, p. 31. Available at: [https://eprints.qut.edu.au/16696/1/Aneta\\_Podkalicka\\_Thesis.pdf](https://eprints.qut.edu.au/16696/1/Aneta_Podkalicka_Thesis.pdf), accessed on 15.09.2019.

correspondence with citizens and national authorities, EU legislation (which must be translated and published in all official languages before it becomes enforceable), and politically important documents.

**The European Parliament:** The Directorate-General for Interpretation and Conferences provides interpretation for meetings of the Parliament, but also for the Court of Auditors, the Committee of the Regions, the European Ombudsman, the European Data Protection Offices, the European Commission in Luxembourg and the Translation Centre. The 660 employed translators handle translation of laws.

**The Court of Justice of the European Union:** The Court's Interpretation Directorate, part of the Directorate-General for Multilingualism, provides interpreting through the 70 interpreters during public hearings before the Court of Justice and the General Court. French is the language in which the Court deliberates and drafts judgments. The Directorate for Legal Translation, part of the Directorate-General for Multilingualism, translates procedural documents, Opinions of the Advocates General, judgments, orders, all of which are handled by the 600 lawyer-linguists.

**The translation service at the General Secretariat of the Council** provides both the European Council and the Council of the European Union with 620 translators, who are responsible for documents needed for the proceedings (policy documents or pieces of legislation).

**The European Court of Auditors:** At the Translation and Language Services Directorate work 140 translators, who translate audit findings and the correspondence with the Member States.

**The European Central Bank** employs lawyer-linguists to prepare its legal acts, and translators to edit and translate English-language documents (reports, official publications).

**The Translation Centre for the Bodies of the European Union** provides translation services to other decentralized EU agencies and contributes with its 200 translators to the institutional cooperation between the EU's translation services. The Centre developed IATE (Inter-Active Terminology for Europe), the biggest terminology database in the world today.

**The Committee of the Regions and the European Economic and Social Committee:** The Directorate for Translation employs 270 translators.

**The European Investment Bank:** The Secretariat General provides translation services through its 30 translators.

Although it might be considered that in the 'multilingual functional empire', a large number of directorates and translators, interpreters and lawyer-linguists are employed at the institutions and bodies of UE, multilingualism does not cost a lot, being covered by merely one percent of the annual general budget of the EU institutions.<sup>18</sup>

---

<sup>18</sup> *Ibidem*, p. 26.



### ***5.2. The rigors and challenges of legal translations***

The work of these bodies, translators, interpreters and lawyer-linguists in sustaining through their activity no less than the functionality of the EU is no easy task. As a supranational legal system, EU legal texts apply to member states through regulations, which have general applicability, are obligatory in all their elements and are applied directly, do not require the transposition through a national law or through directives, which require the implementation and adaptation of the member states' legislation. EU texts can benefit from the principle of primacy over national legislation when a conflict of laws exists. This is why it is very important for EU texts to be written with great attention to details, implications and legal effects and in a manner in which they can also be understood by unspecialised people. Since every language version is authentic, it is important to ensure that the EU legislation itself remains coherent and consistent, regardless of the linguistic version. For all language versions to have the same legal status, they must have the same legal effects, which means that they must render the same information or message. If there are discrepancies of interpretation of the language versions, there can be different practical results. This is why the European Commission has the task to verify the interpretation provided and the national courts (which are EU courts) address the European Court of Justice in cases of different interpretation.

As part of the accession of new member states to the European Union, translation represents an essential process. The state's legislation must be translated into an existing European language to be verified regarding conformity and adaptation, but also existing EU texts and at least the most important cases of the European Court of Justice must be translated into the new language. If the EU requests are not met, national texts will be written again in accordance with national law methods and based on EU elements adapted to the national context (transposition). After the accession, the official language of the new member state is treated equally with the other languages, and the version of the legislation in the new language is also published in the *Official Journal*. Official translations of EU existing treaties into the new language are annexed to the treaty of accession. These are declared authentic and become the basis for the new linguistic version of the EU legislation. These series of translations represent a difficult task, if we take into account the volume, but also the terminology, because new words and phrases are introduced for EU concepts.

The challenges of translating a legal text and making it accessible also to unspecialised people reside not only in the different languages which are part of different language families (so a linguistic component), but also in the differences between the legal systems (a legal component). In this respect, we can observe that, apart from the two legal families in Europe – *civil law*, originating from Roman law, which is characteristic for continental Europe, and *common law*, or the Anglo-Saxon legal system, originating from English law, brought forth through court cases, which is characteristic for the United Kingdom and its (former) colonies –, the new, hybrid system of international law is rapidly

developing. The limitations reside in the fact that, along with the concepts and terms shared across legal families (*person, ownership, contract, heir, duty, right*), there are also those which are specific to each family, e.g. *delict* in civil law, *tort* in common law.

As principles of legal translations, we can identify: the translator has to translate only into his mother tongue, and not vice versa, he/she has to have good knowledge of both legal systems, because, as stated above, the difficulties reside in differences between the systems or even families of systems, and to observe the legal style. Thus, the translator's competences do not concern only the first phase of the translation, the *semantician*<sup>19</sup> (the phase of understanding what the original text designates), during which the legal comprehension is essential, but also the second one, the *onomasiological phase*, in which the translator has to find in the target language the meaning which will render exactly the designations identified in the original text. The translation of a legal concept will fit into one of the categories:

- a. The concept has a nearly identical equivalent in the target language: Romanian *contract* – English *contract*; Rom. *omor* – Engl. *homicide*;
- b. The concept has a more difficult identifiable equivalent: Rom. *daune morale* – Engl. *non-pecuniary damages*;
- c. The concept has no near equivalent in the target legal system, for example *tort* in the Romanian legal system. Precise legal implications can differ between systems. The solutions are to give new meaning to old terms and to invent new terms, to use neologisms or calques, or offer an explanation – *gloss*.

## 6. Conclusions

Originally, EU laws were drafted in French, but after the accession of the United Kingdom, English has become a principal drafting language. However, English became 'EU English' or 'international English' with its own style developed as translation language, also because most EU drafters are non-native speakers. On the other hand, target languages are also developing as a result of the constant pressure of "saying almost the same"<sup>20</sup> and the *cultural transfer*. Multilingualism means not only preserving Europe's diversity, economic growth, and promoting language learning, it means also a set of techniques developed by translators and lawyer-linguists with the purpose of functionality, which leads as well to the development of the European legal style and the linguistic standardization of EU languages through translation.

---

<sup>19</sup> Eugen Coșeriu, *Relația dintre lingvistica contrastivă și traducere*, in: *Analele Științifice ale Universității „Alexandru Ioan Cuza” din Iași. Secțiunea Limbi și Literaturi străine*, translated by Casia Cujbă, Editura Universității „Alexandru Ioan Cuza” din Iași, 1998, pp. 5-20, p. 9.

<sup>20</sup> Umberto Eco, *Saying almost the same thing: Experiences in translation*, University of Toronto Press, Buffalo, 2001.