EU DISCOURSE AS A TEXTUAL, LEGAL AND LINGUISTIC CHALLENGE

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Abstract

The paper sets out the conceptual framework for EU discourse by showing how EU translation is conceptualized in the extant typologies of legal translation and analysing what factors mould the language of EU law. It is underscored that EU translation differs in many respects from traditional legal translation and is affected by a vast array of procedural, political and institutional factors which are conducive to the overall hybridity of EU discourse. There is an account of selected legal translation typologies as propounded by Kjaer, de Groot and Cao in order to illustrate a truly specific position of EU translation among legal texts. Trosborg’s and Garzone’s textual approaches drawing on EU texts’ hybridity are also commented upon. Hybrid texts emerge as a result of the mixing of the languages, discourses and communication conventions endemic to globalization. Thus, hybridity may be perceived as a trait of the EU legal system. In the latter sections, the paper casts some light on the translation of EU law and its preconditions resulting from the policy of EU multilingualism. Lastly, attention is paid to the specificities of EU-English as a product of convergence of legal traditions and interlingual assimilation marked by proclaimed syntactic as well as semantic simplification.

Key words: text typology, legal language, legal translation, EU-discourse, EU-law, EU-translation, EU-English.

Öz

Metinsel, Hukuki ve Dilbilimsel Bir Yenilik Olarak AB Söylemi

Bu çalışma, hukuki çevirilerin mevcut tipolojilerinde AB çevirisinin nasıl kavramlaştırıldığı ve AB hukukunun dilini hangi unsurların şekillendirdiğini göstererek, AB söyleminin kavramsal çerçevesini sergilemektedir. AB çevirisinin, geleneksel hukuk çevirisinden birçoğundan farklı olduğunu ve AB söyleminin genel anlamda melezliğini sağlayan bir dizi yöntemsel, politik ve kurumsal unsurdan etkilendiğini altı çizilmiştir. AB çevirisinin, diğer hukuki metinler

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Beyond a shadow of a doubt, legal translation makes for a sort of specialized translation which has been regarded as “the ultimate linguistic challenge, combining the inventiveness of literary translation with the terminological precision of technical translation” (Harvey 2002: 177). This demanding nature of legal translation has been acknowledged by many scholars and legal experts who call for treating legal translation as a separate research field (cf. Garzone 2000; Šarcevic, 2000; Gémar, 2001 and 2013; Kjaer 2007) requiring independent approaches.

Many challenges and trials of legal translation result from intrinsic characteristics of legal language. The character of legal language tends to be rather informative and is employed primarily in the interaction between legal entities and natural persons. This accounts for the matter-of-fact and impersonal veneer of legal discourse, which does not allow for any subjective intrusion on the part of writer into the style of legal documents. The most crucial feature marking legal discourse off from all other subtypes of (specialized) language is that it is endowed with legal force. Thus, the task of a legal translator is to re-create a source text content in the target text in such a manner so that it represents its legal equivalent with identical legal effects. While lay people commonly think of legal language as abstruse, arcane or grave, experts speak of its template-like and clichéd nature which is in particular attributed to legal phraseology, schematicity and repetitiveness of certain textual elements. Matilla (2006: 233) associates it with “archaic verbal magic” and treating “language as a fetish”. Thus, the reliance on a set of fixed phrases greatly contributes to the perception of legal language as a “frozen genre” (Bhatia 2004: 206) or “fossilized language” (Alcaraz and Hughes 2002: 9).
The fuzziness of the label ‘legal translation’ derives from the fuzziness of the category ‘legal language’. As argued by Asensio (2007: 48-52), legal translation is notoriously strenuous to define through traditional criteria applied to specialized translation, such as the situation (official translation, court translation), subject matter of the texts (economic, commercial, legal, scientific), grade of specialisation (a continuum from general to specialised), and a more recent one, genre. As to the degree of specialization, legal translation is not only communication between experts but may also be addressed to citizens (e.g. judgements, legislation). With regard to the subject matter, it should be attended to as a category with fuzzy boundaries as law regulates miscellaneous fields and areas of life and “the legal frame of activity” may sometimes be decisive in classifying a text as legal translation (ibid.: 51).

As frequently acknowledged, legal translation is an operation not only between two distinct languages, but above all, between two distinct legal systems, reflecting their own axiology, patterns of reasoning and idiosyncrasies of a particular people’s worldview. Therefore, the symbiosis of intersemiotic and intrasemiotic translation as a merger of both linguistic and professional competence on the part of translator is a prerequisite for performing a flawless legal translation (cf. Gibová 2010: 39). Böhmerová (2010: 82) adds that “apart from general linguistic knowledge translating legal texts and documents requires thorough understanding of the wording and contents of the original as well as parallel knowledge of the legal systems and terminologies concerned.” For legal concepts are usually the product of a national legal system, legal terminology has the system-bound nature (Šarcevic 1997: 232). In marked contrast to other types of specialized translation which transcend cultural boundaries due to universal concepts to a large degree, legal terms tend to be incongruous; the degree of incongruity being contingent on the affinity between systems and languages1 (cf. de Groot 2002: 229-230 and Šarcevic 2012: 8). As aptly noted by Biel (2014: 50), the incongruity makes for one of the major challenges in legal translation: it is found not only at the level of terms, but more importantly, at the level of concept systems, which affects how conceptual networks and conceptual fields are organised internally and externally. This requires translators to build compensating “terminological bridges”.

Furthermore, legal translation is many a time marked by a strong conflict between accuracy and naturalness. In this connection, Holländer

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1 Indeed, the differences are much greater between the common law system and the civil law system (e.g. the UK and Slovakia) than between two civil law systems (e.g. Slovakia and Germany).
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contends that there is a paradoxical relationship between accuracy and intelligibility of legal parlance because the efforts to make legalese unambiguous and precise de facto lead to decreasing its comprehensibility (qtd. in Štefková 2012: 135). Still, accuracy is of supreme importance in legal translation and takes precedence over stylistic considerations. In more recent approaches to legalese, accuracy as to the information content (equivalence) is apprehended as “the presumption of equal intent” (Šarcevic 2000: 5) and the ‘spirit’ rather than the ‘letter’ of the law (Gémar 2013: 156).

To sum up, the problems faced by legal translators may be split into the following (based on Biel 2014: 50):

(1) Legal-system specific: incongruity of legal terms and concept systems resulting from the differences between legal systems and interpretative rules
(2) Language specific: structural, semantic, pragmatic differences between languages in general and between legal languages in particular
(3) Translation-process specific: distortions redolent of the translation process

Keeping the situation in the EU setting in mind, however, legal-system specific issues differ from prototypical legal translation. In institutional-legal translation, the translator has to transform a text from a terminological system of one country into that of another country, but country-specific terminology is to be employed very cautiously (see Principle No. 5 of the Joint Practical Guide of the European Parliament, the Council and the Commission). It is also desirable to avoid culture-specific terms since EU communication is essentially acultural (Koskinen 2000: 54). In comparison to classic legal translation, with regard to the knowledge of the legal systems involved in translation, institutional-legal translation might be a tad ‘simpler’ in the sense that EU documents are produced against the backdrop of a common legal system and the translator can lean on a relatively unified conceptual system when seeking translation equivalents. Moreover, as stressed by Lambert, EU-translation goes beyond legal issues and has also social, cultural and political implications: “It is (also) about identity, about entering a new world, first of all in terms of discourse, then (later) in terms of rights and commitments” (qtd. in Biel 2014: 13). Therefore, institutional-legal translation, as taking place in the EU headquarters in Brussels and Luxemburg, stands for the language of legal integration, building bridges across the great variety of national legal languages towards a common grasp.

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2 See Šarcevic (2000: 3): “It is agreed that substance must always prevail over form in legal translation”.
of law. A thought-provoking elucidation of legal translation in the context of supranational law as the recontextualization of SL legal knowledge was proposed recently by Sandrini (2009: 45), who defines it as “exteriorizing supranational legal knowledge systems, legal cognitive processes and norms […], aiming at disseminating them into another language against the background of national and local legal systems, while assessing their legal effect”.

2. Typologies of legal translation and EU translation

The interdependency of law and language is customarily underscored in legal theory, comparative law, and legal linguistics. Theories of legal translation generally take the interdependency of language and legal system as their springboard for descriptions of the characteristics of translation in the field of law and base categories of legal translation on that relationship. In this light, Kjaer (2007: 71-75) gives three interrelated classifications of legal translation:

(1) Classification of legal translation based on the degrees of difference and similarity of the legal systems involved;
(2) Classification of legal translation based on legal text types and purpose of the target legal text; and
(3) Classification of legal translation based on the distinction “between” or “within” legal systems

Firstly, following Kjaer’s approach to legal translation, de Groot (2002: 229-230) classifies the difficulty of legal translation according to the similarity or difference between the legal systems involved in the translation process:

The fact that comparative law is the basis of translating legal texts, justifies the supposition that the degree of difficulty is not primarily determined by linguistic differences, but by the extent of affinity of the legal system in question. The extent of affinity of the languages in question is a secondary factor which influences the degree of difficulty of the translation.

On this background de Groot carefully distinguishes between the following categories:

(1) Easiest translation: legal systems and legal languages are closely related, e.g. legal translation in the relation Spain – France or Denmark – Norway
(2) Easy translation: the legal systems are closely related, but the languages have few commonalities, e.g. legal translation in the relation France – the Netherlands or Germany – Japan.
(3) Difficult translation: the languages are closely related, but the legal systems are very different, e.g. legal translation in the relation England – the Netherlands.

(4) Most difficult translation: legal systems are very different and legal languages are hardly related, e.g. legal translation in the relation England – China.

Based on the above, EU translation may be ascribed to the category of relatively ‘easy translation’. However, as outlined by Kjaer (2007), there are a number of reasons why this assumption holds true only perfunctorily. Even if it is claimed that EU translation may be allegedly more straightforward since it draws on a common legal system, i.e. supranational legal system of the EU, this in practice an understatement. The problem is that the legal terminology of the currently twenty-four official languages of the EU is rooted in, and derives its meaning, from national legal systems of the Member States. Hence, it is an oversimplification to say that only one legal system is involved in the translation of the EU texts. The national laws of the Member States are certainly also present. Still, de Groot’s stance may be justified in the sense that EU translator is not compelled to interpret the meaning of concepts and determine the degree of their equivalence. As Sandrini (1999: 15, translated by author) contends: “The conceptual equivalence is given, potential problems are of a linguistic or textual nature.” In Kjaer’s view, however, taking comparative law as the starting point in any discussion of legal translation often precludes one from taking a broader view and makes it arduous to account for all relevant factors of language use in the field of law.

Secondly, another relevant classification of legal translation grounded on legal text types and purpose of the target language legal text is the one applied in Cao (2007: 7-9), with reference to Kelsen’s well-known distinction between performative and informative, prescriptive and descriptive legal texts in his “General Theory of Norms”:

(1) Translating private legal documents
   a) For performative purposes (e.g. contracts stipulating that both or all language versions have legal force)
   b) For informative purposes (e.g. legal certificates such as marriage, divorce, birth and death)

(2) Translating domestic legislation
   a) For performative purposes (in bilingual and multilingual countries)
b) For informative purposes (from one monolingual country into another)

(3) Translating international legal instruments
   a) With binding legal effects (e.g. treaties, conventions and agreements)
   b) Without binding legal effects (e.g. resolutions, declarations, guidelines)

As it follows from the above, Cao treats EU translation as the case of ‘translating international legal instruments.’ Although the given classification is thoroughly meaningful and is recurrently used in translation theory, Kjaer (2007) is somewhat sceptical towards its application within the European Union. In her view, the appropriate textual category of EU translation should be that of a mixture of both international legal instruments and domestic legislation since many documents of the secondary legislation of the EU have a direct effect in the Member States. Only in this way, due to the complex character of the EU legal system – the interactions between the national and the European levels of law – legal translation in the EU setting can be accounted for properly.

Thirdly, the typology of legal translation may be rounded off by what translation scholars and legal theorists subsume under (1) translation “between” legal systems, and (2) translation “within” legal systems. As for the former, legal texts referring to and functioning within one legal system, are translated into another legal code which pertains to another legal system. This would correspond to the translation of “private legal documents” in Cao’s approach (Cao 2007: 101ff). The translation of this sort must be based not only on a contrastive analysis of the source language and target language, their comparison and interpretation, but also requires a

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3 The entire body of EU legislation is known under the French term as *acquis communautaire*. The *acquis* consists of primary legislation (the Treaties in their original versions), secondary legislation derived from the Treaties (regulations, directives, decisions, recommendations and opinions) and the case law of the Court of Justice (Wagner 2000: 1). One of the prerequisites for new Member States’ accession was to translate the entire corpus of binding EU legislation applicable on the day of accession. This can be inferred from Council Regulation 1/58, which is based on Article 290 (previously Article 217) of the Treaty of Rome. The applicant countries normally translate and revise the entire *acquis* themselves while the EU institutions take responsibility for the final authentication prior to the publication by the Office for Official Publications of the European Communities. At present, the quantity of EU legislation is estimated at well over 100,000 printed pages of the *Official Journal of the European Union* (See [http://ec.europa.eu/dgs/translation/faq/index_en.htm#faq_1](http://ec.europa.eu/dgs/translation/faq/index_en.htm#faq_1)). Moreover, there is a net growth of approximately 3,500 pages annually (see Šarcevic 2001: 26).
juxtaposition of the two legal systems. As to the latter, translation within legal systems takes place in countries or international organizations with more than one official language and is required because legislative acts must be available in all official languages. This category covers what Cao labels as “translating domestic legislation” – in bilingual and multilingual jurisdictions and “translating international legal instruments”. The striking feature of this sort of legal translation is that only one legal system is involved. Therefore, no comparison of legal systems is necessitated, and the translation process does not entail any cultural transfer of concepts. Hand in hand with this interpretation of translation, translating in this case seems to be only a matter of altering languages. Thus, in de Groot’s classification, it may be looked upon as relatively easy. Overall, when evaluating EU translation, Kjaer (2007) emphasizes that it ought to be approached as both translation within and between legal systems because the EU enjoys a special geopolitical status: EU law is not and will never be an independent, self-contained legal system. It owes its existence to the national legal systems in which it is applied. Thus, the thorny issue of defining the legal nature of the EU, as implied above, is inevitably transferred into the definition of EU institutional-legal translation.

Generally, most typologies of legal translations focus on the status of the source text (ST); hence, they tend to reflect classifications of the legal language. In most cases EU translation is not singled out as separate category. However, a few attempts have been made to categorise legal translation having regard to the target text (TT), which brings to the fore translation in multilingual settings and has implications for theorising about EU translation. One of such typologies is a somewhat simplistic classification according to the status of the TT whereby legal translation splits into non-authoritative and authoritative translations. The former apply especially to national legislation in non-multilingual countries where a target text is a ‘mere’ translation, having a lower status and the original prevails over it. By contrast, authoritative translations are equally authentic as the original: they have the same function and status as the ST. This situation concerns multilingual legislation adopted in a number of official languages (the EU, the EN, or multilingual countries such as Switzerland or Belgium) where translations are vested with the force of the law in more than one language (Biel 2014: 51-52).

Moving onwards, a more elaborate approach is taken by Trosborg (1997: 147), who introduces a contested concept of hybrid text. She adopts a broader perspective and, intriguingly enough, views EU texts as hybrid
political (emphasis added) rather than legal texts. Trosborg distinguishes four types of translation according to compliance with cultural norms:

(1) Source culture-bound translation: the translation stays within the source culture by importing new text types or textual conventions to target cultures;
(2) Target culture-bound translation: adaptation of a text type to TL conventions;
(3) Hybrid texts: the translation is a product of two or more cultures, or a compromise between a number of cultures; it applies specifically to the EU and UN texts;
(4) International texts: text types which remain stable across cultures.

It should be added on this spot that Trosborg’s approach stresses the hybridity of texts which are products of intercultural communication in a supranational and multicultural environment “where there is no linguistically neutral ground” (1997: 11). Even if hybridity has been elaborated by a number of researchers, among them most notably by Schäffner and Adab (2001), and with reference to EU translation by Tirkkonen-Condit (2001) and McAuliffe (2011), there are some scholars (e.g. Koskinen 2000) who question the usefulness of this concept for vagueness and inability to distinguish hybrid texts from other types of translation. However, Biel (2014: 53) argues that hybridity allows us to make finer distinctions within authoritative translations. As pointed out by Schäffner and Adab (2001b: 300), hybridity accounts for concessions made during intercultural exchange. As a result, it is not only TT which is a hybrid, but it may also be an ST. This claim seems particularly valid in the context of EU discourse. Hybridity refers to STs, TTs, as well as to EU law itself, and is ascribed to varied causes. It is seen as a result of convergence between linguistic and cultural conventions and institutional patterns of behaviour. Keeping EU legislation in mind, Felici (2010: 102) attributes hybridity to complex drafting procedures as a consequence of which an ST undergoes various amendments and is discussed and revised in national languages: “the final product is a

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Hybridity is understood differently than by Šarcevic (1997: 11), who sees it as the combination of descriptive and prescriptive elements in texts.

A hybrid text is “a text that results from translation process. It shows features that somehow seem ‘out of place’/‘strange’/‘unusual’ for the receiving culture[...]. These features, however, are not the result of a lack of translational competence or examples of ‘translationalese’, but they are evidence of conscious and deliberate decisions by the translator” (Schäffner and Adab 2001a: 176).
hybrid text, the nature of whose source and original has become more and more blurred”. A similar apprehension of EU language is observable in Caliendo (2004: 163), who notes that EU language is on the one hand culturally neutralised but on the other hand is constantly affected by national influences.

Turning our attention to the classification of legal translation with the aim of placing EU translation within its frame, Garzone’s viewpoint applying hybridity and jurisdiction type may be particularly beneficial (2000: 6-7):

1. Texts generated within a single national legal system: “because of their lack of extraterritoriality, the validity of nationally-enacted legal documents is limited to the territory of the country where they are issued”. The translation is not authoritative and its purpose is to inform;
2. Texts generated in bilingual and/or bi-juridical countries: both the ST and the TT are authentic;
3. Hybrid texts: international instruments generated within supranational multicultural environment, in particular EU legislation; all language versions are authentic;
4. International documents which regulate relationships between private parties in different nations.

On the plus side of the given classification is that introduces a finer distinction within the authoritative translation and singles out authoritative translation in multilingual countries from other international contexts. From the angle of legal translation, EU translation clearly stands for the authoritative translation of hybrid texts in the supranational environment. Owing to its complexity, the translation of EU law should be approached as a category in its own right, albeit interdisciplinary and overlapping with legal translation (see Biel 2014: 54).

Having dealt with the selected typologies of legal texts and translations so as to illustrate and emphasize the special status of EU texts and EU translation within them, a few more remarks deserve to be passed. It is vital to underscore that EU translation falls within a broad category of institutional translation and is affected by institutional norms imposing the highest constraints and qualitative requirements. Besides, institutional translation has been interpreted across translation studies as ‘self-translation’. What is symptomatic of it is that an institution “uses translation as a means of ‘speaking’ to a particular audience. Thus, in institutional translation, the voice that is to be heard is that of the translating institution. As a result, in a constructivist sense, the institution itself gets translated”
Simultaneously, multilingual legislation may be viewed as a textual genre of its own, at least potentially different from other kinds of institutional translation (ibid.: 119).

3. The translation of EU law and its preconditions

One of the most vital factors which govern EU translation is the multilingualism policy whose aim is to provide EU citizens with access to legislation in their native tongues. At present, EU multilingualism has reached an unprecedented scale since it comprises 28 Member States with 24 official languages. Above all, the main distinguishing feature of EU multilingualism is the mandatory equal treatment of all the official languages: The EU is committed to respect ‘its rich cultural and linguistic diversity’ and respect and achieve ‘unity in diversity’ (Article I-3 of the Constitution). For Community law has primacy over national law, this egalitarian approach to all the official languages is a political necessity which guarantees the equality of the EU citizens before the law. Multilingualism is, therefore, a method of avoiding linguistic disenfranchisement (Biel 2007: 145).

Besides, from a legal angle, all language versions of EU legislation are deemed as equally valid and authentic. In case of interpretative doubts, no version is more authentic than the other, all versions are presumed to be given “the same weight” (Baaij 2012: 2). As a consequence, there is no original and no translation. All language versions form a single legal instrument expected to be endowed with the identical semantics in all the languages of the EU. Accordingly, this approach is known as the principle of equal authenticity (Šarcevic 1997: 64), the principle of plurilingual equality (van Els 2001) or the equal authenticity rule (Cao 2007: 73).

However, Wagner from the Translation Service of the European Commission contends that it is a legal fiction and “a feat of legal magic which defies all logic but is nevertheless necessary, to safeguard linguistic equality” (qtd. in Biel 2007: 146). Having recourse to major semantic theories, in particular to the Sapir-Whorf hypothesis, cognitive linguistics or the views of Humboldt, the interpretation of meaning is language specific and it is not feasible to map the SL network of concepts on the TL network with utter precision. Moreover, as argued by Gizbert-Studnicki, legal registers incorporate language-specific legal views of the world (ibid.). On top of everything, EU multilingualism is even more intricate in the sense that it incorporates the supranational pan-European view of the world resulting from the country-specific perspectives of the Member States. Thus, EU law, which is also known as droit diplomatique, reflects much more complex
negotiations and political compromise than national law. Accordingly, translators are required to keep up the same degree of ambiguity whether it is intentional or unintentional. Doing away with ambiguities could be seen as overstepping one’s authority as a translator and performing an act of interpretation (see Šarcevic 1997: 92-93). In practice, EU translators many a time complain about the ambiguity of English and resort to consulting more explicit parallel French and German versions. Owing to the growing awareness of the constraints of multilingualism with twenty-four languages and the inevitable discrepancies between language versions, calls for sweeping reforms have been made recently, including a proposal to introduce only two reference languages or mandatory consultation languages (see Šarcevic 2013: 17-21).

4. EU-English as a discourse

At present, English has become the leading drafting language overshadowing any other competing languages. More than 72% of the original texts translated by the Directorate General for Translation (DGT) are drafted in English and as little as 12% in French; by contrast English was used in 35% and French in 47% of inputs back in 1992 (Biel 2014: 63). This suggests that English has inevitably turned into a lingua franca in the multilingual EU setting.

All the same, the increasing use of English may have some drawbacks since the conceptual network of the common law differs widely from the civil-law networks of the continental legal discourse. In this light, Robertson (2012: 1237) views EU English as “essentially a new genre” which has “a civil law foundation, but also shows features more familiar to common law countries, such as the creation of precedents by the Court of Justice of the European Union”. Thus, it is unavoidable that the two legal traditions are heading towards a convergence due to mutual influences, contacts and EU-level harmonisation.

As the body of the Community legislation was translated into English after the accession of the UK in 1973 from the then official languages (i.e. French, Dutch, German and Italian), EU English was shaped by translation and is itself translationalese. At present, EU English may be seen as a variety of English affected by interference from other EU languages and sociolinguistic accommodation. Nowadays, many scholars concur that EU institutional-legal texts have developed a specific language and/or style departing from the conventions of national languages, being a product of the process of interlingual assimilation. The distinctiveness of EU-English may be evidenced by a wide range of names running rampant in the secondary
literature, some of which are construed with derogatory undertones: Eurolect (Goffin, Koskinen, de Corte, Mori), Eurospeak (Goffin, Wagner, Koskinen, Robertson), Eurojargon/eurolanguage (Trosborg, Caliendo), Euro-rhetoric (Tirkonnen-Condit, Koskinen), Euro-Legalese (Garzone), Euromorphology (Schmitt), Union legalese (Trosborg), EUese (Baroni and Bernardini), EU legal language (Robertson, Gibová) or Eurofog (Goffin); see Biel 2014: 76.

According to Biel (2014: 77) the most striking features of Euro-English comprise hybridity resulting from the interplay between the Member States’ national cultures and EU intraculture and involvement of non-native speakers as text drafters, the institutionally controlled language of source and target texts, the complex drafting process consisting of multilingual translation, the extensive standardisation of terminology and textual patterns, semantic and syntactic simplification. All the mentioned issues greatly add to what Koskinen (2000: 61) refers to as “the extreme visibility of the ‘translatedness’ of the texts.”

With respect to terminology, European legal English “is in many ways macroscopically different from the legal English of the UK. As the result of the convergence of the European legal systems, its terminology is neither typically ‘continental’ nor English” (Catenaccio 2008: 276). Aside from this, EUese or whatever one calls it in the light of the designations above, shows also certain syntactic aberrations from UK English, which has been corroborated by Salmi-Tolonen (1994), including corpus-based studies by Bednárová-Gibová (2012) and Jablonkai (2010).

In large measure, the EU legal language is marked by syntactic simplification, which is prescribed in drafting guidelines. For illustration, Principle 1 of the Joint Practical Guide (2003: 10) reveals that multilingualism of the EU entails a clear, simple and precise language to ensure “the equality of citizens before the law” through comprehensible law. Plain English and everyday language are recommended because “where necessary, clarity of expression should take precedence over felicity of style” (ibid.:11). However, research has shown that quite the opposite is true of current EU texts since English source texts and their pertinent language versions tend to be suffused with longish complex sentences stretching across several lines compelling utmost text recipient’s attention (cf. Gibová

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6 This may be illustrated by EU institutional-legal instruments related to a European company where neologisms tend to supersede the traditional UK company law terminology: e.g. administrative board/organ versus board of directors, statute versus articles of associations, or public limited-liability company instead of the UK public company limited by shares (Biel 2014: 64).
2010: 68-78). This syntactic and stylistic prolixity of EU texts coupled with countless text redundancies and an influx of new terminology led in the long run to various campaigns such as *Fight the Fog* or **KISS (Keep It Short and Simple)** whose aim was to fight these unpalatable linguistic tendencies.

Despite the varying degrees of success of syntactic simplification observable in EU texts, there is also a certain terminological austerity in the sense that EU drafters are highly recommended to avoid culture-specific terms of national law which do not have direct translation equivalents in other languages and substitute them with more neutral terms. From a legal point of view, the specificity of the EU is that legal instruments are produced within the EU system, but applied in each of the 28 domestic legal systems (Kjaer 2007: 79). As a consequence, the common pan-European system of concepts is still under development and is heavily based on national conceptual systems. Hence, legal concepts have multiple references. As stressed by Twigg-Flesner (2012: 1374) EU texts are drafted in languages whose legal terms possess a “pre-loaded” meaning. This results in, what Biel (2014: 66) proposes to refer to as a “conceptual osmosis”: legal terms with polysemous meanings that are peculiar to both the national legal system as well as the EU legal system. As a result of the interaction of the EU terminology and national terminology, English as the major drafting language undergoes deculturalisation (van Els 2001: 329), or what Craith (2006: 50) designates as de-territorialisation. Striving for syntactic and semantic simplification outlined above, EU discourse forms a territory of its own where the global (European) meets the local (national) to craft a hybrid pan-European text genre.

Last but far from least, in accordance with some postmodernist theories in linguistics there has also been a shift in what Widdowson refers to as ‘the ownership of the language.’ It should be pointed out that nowadays the majority of texts prepared by EU institutions are drafted by non-native speakers of English and French (Wagner, Bech and Martínez 2002: 76), which mirrors the current change of a paradigm removing native speakers from their pedestal of power and authority. Thus, even if Euro-English definitely does not stand for the genuine article of vintage English but only one of the many offshoots and outgrowths of World Englishes, it embodies an important (if somewhat linguistically controversial) strand of the current

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7 See Principle 5 of the *Joint Practical Guide* (2003: 17): “draft acts shall be framed in terms and sentence structures which respect the multilingual nature of Community legislation; concepts or terminology specific to any one national legal system are to be used with care”.
English language’s development on the international stage where the lives of millions of Europeans are ruled.

**Conclusion**

What remains to be emphasized by way of summary is that legal translation serves as a mediator and facilitator of intercultural communication among peoples. In the EU, it has greatly enhanced legal communication between the Member States, testifying to the fact that law is indeed translatable despite legal-system specific, language specific or translation-process specific problems. Since EU translation transcends legal issues and has also a political and cultural legacy, positioning it within the framework of extant legal translation typologies is nowhere near as straightforward as it might seem. EU translation blends features of international legal documents with domestic legislation and represents translation both between and within legal systems. It is an authoritative translation of hybrid (political) texts in the supranational context, a unique case of self-translation. In upholding EU multilingualism, Euro-English, deculturalised and de-territorialized, despite its linguistic aberrations, stands as a crucial go-between which has been fashioned to make multilingual translation feasible.

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