

## Linguistic problems in dealing with the multilingual European Union law

### I. Introduction

- unity in diversity or cacaphony in chaos?

### II. European Union law as multilingual law

- 1) The legally guaranteed linguistic diversity
  - 23 equally authentic Treaty languages (art. 53 EU Treaty, 314 EC Treaty)
  - 23 official languages and working languages of the institutions (Regulation 1/1958)
  - 23 languages of cases before the European Court of Justice (art. 29(1) of the Rules of Procedure)
  - a right of the citizen to write to the institutions in any Treaty language and to have an answer in the same language (art. 21 sub-sect. 3 EC Treaty; see also 41(4) Charter of Fundamental Rights)
  - the commitment of the Union to respect the linguistic diversity (art. 22 Charter of Fundamental Rights)
- 2) Requirements resulting from the linguistic diversity
  - easy multilingual access of the citizen to legal information (→ provided for by EUR-Lex)
  - precise, accurate and coherent multilingual translation of legal documents before entry into force
  - *coherent multilingual legal terminology*
  - legal experts with advanced [multilingual] language skills
- 3) The practice of the linguistic diversity
  - a) All languages are equal but some are more equal than others...
    - the roots of the European legal terminology in the French legal tradition
    - the dominance of French (within the ECJ), French and English (in the institutions) and French, German and English (in legal science) as working languages
  - b) Poor quality of translations into the languages of the new member states
    - in particular due to translations, often by non-lawyers, from English sources
  - c) Problems caused by the rise of the English language in the wake of the globalisation
    - dealing with multilingual law on the basis of distortive, divergent or incoherent translations?
    - loss of precision
    - misunderstandings caused by the inappropriate use of terms specific to Anglo-American legal systems in a continental-European legal system (e.g. the common misuse of the term "*case-law*")
    - a narrowed scientific perspective, due to language problems
    - the rise of a *European legal Pidgin English*
  - d) The European Court of Justice and the linguistic diversity
    - linguistic discrepancies as an excuse for a free "teleological" interpretation?
  - e) The still missing Union-wide cross-language legal discourse
    - different worlds: different terminologies and different paradigms result in a different understanding

### III. The project of the multilingual Basic vocabulary of European Union law (Eiropas tiesību pamattermini)

- 1) The idea of the project
  - to advance Latvian legal terminology
  - to contribute to the necessary *coherent* multilingual legal terminology
  - to allow cross-language scientific discourse with less misunderstandings
- 2) The realisation of the project
  - by Ieva Vanaga (Latvian editing), Samirs Askerovs, Kaspars Gailītis, Jūlija Kolomijceva, Kristīna Lufta, Laila Niedre and Līga Ziediņa (Latvian terminology) and Thomas Schmitz (German and English terminology)
- 3) The problems encountered in the project
  - some translations of terms are official and binding - but wrong
  - some dogmatic terms presuppose a deep scientific understanding
  - some terms used in individual languages defy translation
  - translation from French, German or English source?

#### IV. The terminological chaos of multilingual law - selected examples

- 1) Which reasons of public interest can justify hidden discriminations or restrictions of the economic fundamental freedoms?
  - Eiropas tiesību pamattermini, p. 67
- 2) The second ground of review for an action for annulment (art. 230 sub-sect. 2 EC Treaty)
  - Eiropas tiesību pamattermini, p. 61
- 3) Free movement of workers or of employees?
  - Eiropas tiesību pamattermini, p. 4
- 4) What is the European Union?
  - Eiropas tiesību pamattermini, p. 32
- 5) The most controversial Latvian term in the field of European Union law
  - Eiropas tiesību pamattermini, p. 52

#### V. Conclusion

##### Further reading

*Arzo, Xabier*: Respecting Linguistic Diversity in the European Union, 2007

*Flückiger, Alexandre*: Le multilinguisme de l'Union européenne: un défi pour la qualité de la législation, 2005, <http://doc.rero.ch/lm.php?url=1000,43,3,20090116173810-YU/Multilinguisme.pdf>

*Mayer, Franz C*: Europäisches Sprachenverfassungsrecht, WHI-Paper 1/2006, <http://www.whi-berlin.de/documents/whi-paper0106.pdf>

*Klimas, Tadas; Vaiciukaite, Jurate*: Interpretation of European Union multilingual law, International Journal of Baltic Law 3/2005, 113, <http://www.ceeol.com/aspx/getdocument.aspx?logid=5&id=1f52bf08-09a0-41be-bb3d-22890f2c270b>

*Müller, Friedrich; Burr, Isolde (ed.)*: Rechtssprache Europas. Reflexion der Praxis von Sprache und Mehrsprachigkeit im supranationalen Recht, 2004

*Schmitz, Thomas (ed.)*: Eiropas tiesību pamattermini / Grundwortschatz Europarecht / Basic vocabulary of European Union law, final version 2009, [http://home.lanet.lv/~tschmit1/Grundwortschatz/Eiropas\\_tiesibu\\_pamattermini.htm](http://home.lanet.lv/~tschmit1/Grundwortschatz/Eiropas_tiesibu_pamattermini.htm)

See also the special website "Languages and Europe" of the European Union on its linguistic diversity (<http://europa.eu/languages/en/home>)