

Legal English Terminology in EU Legislation: Terminological Issues in Translating EU Legislation in Candidate Countries, A Case Study of Albania (Short Paper)

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Abstract

This paper examines the challenges and complexities of translating EU legislation into English, with a focus on the terminological issues faced by candidate countries like Albania. As Albania progresses towards EU membership, the accurate translation of EU legal texts into English becomes essential for legal harmonization and compliance. This study employs a qualitative approach, including document analysis and interviews with legal experts, to identify and analyze the terminological challenges encountered in translating EU legislation into English for Albania. The findings highlight the linguistic and legal complexities involved in this process and provide insights into the strategies and resources needed to overcome these challenges.

Keywords

Legal English terminology, EU legislation, translation, candidate countries, Albania, terminological issues

1. Introduction

The translation of EU legislation into English is a crucial aspect of legal harmonization for candidate countries seeking EU membership. English serves as a lingua franca in legal and diplomatic contexts, making accurate translation essential for effective communication and compliance with EU standards. This paper explores the terminological challenges inherent in translating EU legislation into English, focusing on the case of Albania as a candidate country.

This paper aims at analyzing the legal specialized language terminology used in English within countries that are in the process of joining the EU (candidate countries), more specifically Albania. This is intended as a study case analyzing legal texts, such as laws, regulations, and court decisions, from candidate countries and EU member states to identify similarities and differences in the terminology used. Moreover, it intends to look at the impact of EU Accession, examining how the legal terminology in English has evolved in

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candidate countries, i.e. Albania, as they align their legal systems with EU standards in preparation for accession. It is important to look at language harmonization, investigating the efforts made in Albania to harmonize the legal terminology in English with EU norms, considering the linguistic and legal challenges involved. Translation of EU legislation will be also on focus, exploring the role of English as a working language within the EU institutions and its impact on the adoption and translation of EU legislation in candidate countries. More specifically, legal translation challenges will be identified in the process of translating EU legal texts into English for candidate countries, including linguistic nuances and differences in legal concepts. Also, there are language policy implications to be considered such as the use of English as a legal language in candidate countries, considering its status alongside national languages and the potential influence of EU law. It also sheds light on the efforts to standardize legal terminology in English across the EU and candidate countries, including the role of institutions like the European Union Agency for Fundamental Rights. In terms of methodology, corpus linguistics methods are employed in order to analyze large collections of legal texts in English from candidate countries and the EU to identify patterns in terminology usage. Legal Terminology Training: Exploring the availability and effectiveness of training programs for legal professionals in candidate countries aimed at improving their proficiency in English legal terminology. Future Trends: Speculating on the future trends in English legal terminology as more countries join the EU, considering factors like Brexit and the expansion of the EU.

2. Challenges in Translating EU Legislation for Albania

Albania faces several terminological challenges in translating EU legislation into English. These challenges include the accurate rendering of legal concepts and terms that may not have direct equivalents in English, the preservation of legal precision and clarity across languages, and the adaptation of EU terminology to fit the Albanian legal context. Additionally, the dynamic nature of EU legislation requires translators to stay updated on changes and updates to legal terminology.

2.1. General translation challenges (micro-level)

When considering challenges of legal language translation, there are two different dimensions of the analysis: the micro level and the macro level. The micro level focuses on words and phrases while macro one focuses on sentences and paragraphs. We will mostly focus on the micro level in this article. Finding the right word-for-word equivalent can sometimes be challenging due to differences in legal systems between the source language and the target language. One of the issues translators come across is *formal equivalence*, which is the case when a term in the original text is translated word-for-word in the target language but it does not exist as a legal terminology in the target language. For instance, the word “*jury*” in Albanian can be easily translated into “*juri*” but there is no jury in the Albanian court system, and it does not make any real sense to Albanian readers of the translation in question. Likewise, the phrase “*alternate juror*” is difficult to translate since there is no *jury* and consequently no *alternate juror* in Albanian courts. The United Kingdom Parliament consists of the Crown, the House of Lords and the House of Commons but there

is no such division in Albanian legislative body, and equivalents are not found although they are translated as “Kurora”, “Dhoma e Lordëve” dhe “Dhoma e Përfaqësuesve” apo “Dhoma e Komunave”. Another issue in these examples is the translation of “house” as “dhomë” (chamber) or “shtëpi”. Likewise, the Albanian word “kuvend”, cannot be translated as “assembly” since it refers to “parliament”.

There also problems when it comes to the general meaning compared to specific meaning of words. Such words share the same semantic field, such as “elect” is translated “zgjedh” which in Albanian is a very general word, comprising other meanings such as “choose”, “pick”, etc. not necessarily “elect”. This case can be more misleading when we translated from Albanian to English, where the translator needs to choose between “elect”, “choose”, “pick”, etc. Another example is that of the word “complainant” which in English is a specific legal term while in Albanian it is very general, usually translated as “ankues” meaning someone who complains about something, not necessarily before the court. While the legal terminology in Albanian would be “paditës”, but the translator would have to choose between “ankues” and “paditës”, and there are often cases of misused terminology. Other examples include the word “society” which is translated as “shoqëri” and “kompani”, or the Albanian word “lawyer” which is translated “avokat”. In fact “lawyer” stands for anyone who has a law degree, not necessarily licenced to represent clients before the court, which would be equivalent to “përfaqësues ligjor” (“legal representative”) in Albanian. Moreover, the word “point” used in subdivision of acts, is “pikë” in Albanian but it should be translated “shkronjë” (“letter”) not “pikë”, the word “in office” is “në zyrë” (“inside the office”) should be translated “në detyrë” (“on duty”).

An interesting occurrence is that of *false friends*, or words that are look similar in form in different languages, but do not stand for the same meaning. For example, the word “magjistrat” in Albanian stands for “judge”, while “magistrate” in English means “civil officer” or “minor judicial officer”. Other examples would be the words: “article” (a separate clause or paragraph of a legal document or agreement, typically one outlining a single rule or regulation) which in Albanian is “artikull” (“item”), the word “capacity” should not be translated “kapacitet” (“intellectual background”) but “zotësi” (“legal ability”).

In the micro-structure context, it is interesting to note the frequent use of phraseologies in English such as “power of attorney” (“prokurë”), “Attorney General” (“kryeprokuroor”), “file a lawsuit” (“padis”), “over-rule” (“anuloj”), “notary public” (“noter”), “attorney-at-law” (“avokat”), “prosecutor’s office” (“prokuroria”), “all and sundry” (“të gjithë”) etc. it is interesting the use of “set one’s hand” meaning “sign”, translated as a single word in Albanian “nënshkruaj”. In general, in English, there is a tendency to use such phrases which stand for one single word translation in Albanian. However, there are also cases with the opposite tendency, such as “annuity”, a single word in English, which is translated as “pension vjetor” (two words) in Albanian.

There is also an extensive use of Latin and French phrases used in English source texts instead of ordinary English equivalents, which may bring many difficulties such as ambiguity in selecting in the source language, and difficulty finding an equivalent in the target language. For example, “bona fides” (“without intention to deceive”, “mirëbesim”), “ex officio” (“officially”, “zyrtarisht”), “inter alia” (“among other things”, “mes të tjerash”), “actus reus” (“act”, “veprimi”) etc. In practice, some of these terms are now newly coined words in

Albanian, such as “*de facto*” or “*de jure*”, “*ad hoc*”, etc. In addition, other terms such as “Habeas corpus” are translated in the same identical form in Albanian, considering that it is not applicable in the Albanian legal system.

Translators may be puzzled by the task of finding an equivalent to the Latin terminology, and it makes translation more difficult. In this context, when Latin terms also bear the gap of the legal system, can be impossible to translate as in the case of “*stare decisis*” (“*stand by the decisions*”) which is applicable to the Common Law system, not the legal system in Albania.

It is also interesting how we use “May it Please the Court” in Albanian, instead of the literal translation “*Me Pëlqimin e Gjykatës*” we use the expression “*Në Emër të Republikës*” (“*In the Name of the Republic*”). The lengthy specific language in English include the archaic phrase “Know all MEN BY these presents”, which is still used in legal instruments today. It is too long and the words do not stand for their literal meaning, which makes it difficult to translate. Other examples of long phrases include “To Whom It May Concern”, “In witness whereof”, etc.

In addition, legal texts use specific pronouns and archaic words such as “*aforesaid*” “*e lartpërmendur*”, “*hence*” (“*prandaj*”), “*hereinafter*” (“*më tej*”), “*whereof*”, “*thereof*” (“*relating to the thing just mentioned*”, “*prej saj*”), etc. The pronoun “*hereto*”, meaning “related to this Agreement”, is also a burden in English-Albanian translation. It is advised to avoid such archaisms and used English equivalents, which are more commonly used: instead of “*notwithstanding*”, it is easier to use “*in spite of*” (“*pavarësisht*”) etc. [5]

2.2. Issues with equivalents of EU legal terminology

EU legal terminology is important to be properly translated and difficulties arise with new terminology. The EU directives have been continuously translated in Albanian and as a result, new concepts need to be transferred to the Albanian national law. For example, Community law of Posted Workers Directive (PWD), it is a challenge for translators to find the Albanian equivalent for “*posting*” or “*posted workers*”. This is because if we translate word-for-word, it would be a case of *false friends*, as “*post*” in English would be translated “*postoj*” in Albanian (meaning “*send by mail*”). In the EU directive in question, it has another meaning “*send somebody to work in another country*”

As mentioned above, the PWD is difficult to be transposed into Albanian law. The title of the PWD has been officially translated into Albanian. Instead, a lengthy translation is used to explain it in Albanian as seen below:

- English: Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the ***posting of workers*** in the framework of the provision of services.
- Albanian: Direktiva e Këshillit 96/71/KE, datë 16 dhjetor 1996, “Lidhur me ***dërgimin e punëmarrësve, për të punuar përkohësisht jashtë vendit*** në kuadër të ofrimit të shërbimeve”.²

² CELEX 31996L0071, Fletorja Zyrtare e Bashkimit Europian, Seria L, nr.18, dt. 21. 1. 1997, f. 1-6.

Considering the growing need for free movement of the Albanian work force based on employment agreements, it is important to ensure adequate and timely translation of EU law into Albanian domestic law. Consequently, a correct Albanian translation of the respective EU Directives with the proper terminology is crucial.

In addition, the new public procurement law requires public contracting authorities to translate tender documents as an obligation to be open to international economic operators. This is another reason why proper terminology must be carefully selected to provide correct English documents to foreign bidders, considering how important the use of language is for the qualification or disqualification of economic operators.

Below, there are other examples of terminology in EU documents, which cannot be translated in Albanian or are translated using descriptive phrases:

- "EU Acquis" / "Acquis communautaire" - "Akti Komunitar" "Prona e përbashkët e komunitetit"
- "EU Settlement Scheme" (EUSS) is a registration process for EU nationals and their family members who wish to stay in the UK after the UK leaves the EU - "skema e aplikimit të shtetasve të BE për rezidencë në Mbretërinë e Bashkuar".
- "Certificate of solvency"- "certifikatë e aftësisë paguese"

2.3. Corpus based analysis of improper translation of EU directives

In analysing translations of EU directives in official Albanian language documents, we can observe some inappropriate equivalents such as "conclude" - "përfundoj" (meaning "terminate") as seen below:

- Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work **concluded by** ETUC, UNICE and CEEP.³
- Direktivën e Këshillit 1999/70/KE, datë 28 qershor 1999, "Mbi marrëveshjen kuadër për punën me afat të caktuar, e **përfunduar nga** UNICE, CEEP dhe ETUC"⁴

Other cases of mistranslated terminology are:

In the next Directive, the word "concentration" stands for "mergers, acquisitions and certain joint ventures", and the Albanian equivalent "përqendrim" is too general. In addition, the word "undertakings" in this case does not refer to the Albanian "ndërmarrje" ("enterprise"). It would be more appropriate to use "shkrirjes dhe bashkimit ndërmjet shoqërive tregtare" instead of "përqendrimeve ndërmjet ndërmarrjeve". In this case, we have also revised the use of "ndërmarrje" and proposed the use of "shoqëri tregtare". Still, we have to do with a case of word-for-word translation which results in a vague translation.

- Rregullore e Komisionit (KE) nr. 802/2004 e 7 prillit 2004 në zbatim të Rregullores së Këshillit (KE) nr. 139/2004 mbi kontrollin e **përqendrimeve** ndërmjet **ndërmarrjeve**⁵

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31999L0070>

⁴ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/100843/121198/F2036237860/ALB-100843.pdf>

⁵ [https://www.meiks.net/repository/docs/Rregullore_e_Komisionit_\(KE\)_nr._8022004_e_7_prillit_2004_ne_zbatim_te_Rregullores_se_Keshillit_\(KE\)_nr._1392004_mbi_kontrollin_e.pdf](https://www.meiks.net/repository/docs/Rregullore_e_Komisionit_(KE)_nr._8022004_e_7_prillit_2004_ne_zbatim_te_Rregullores_se_Keshillit_(KE)_nr._1392004_mbi_kontrollin_e.pdf)

- Commission Regulation (EC) No 802/2004 of 7 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of **concentrations** between **undertakings**⁶

The following EU Directive concerns “*takeover bids*”, which is translated in Albanian using a word-for-word translation approach “*ofertat e marrjes nën kontroll*”, while we suggest another wording “*Mbi ofertat e kompanive ofertuese*” or “*Mbi ofertat për blerjen e kompanisë së synuar*”.

- Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on **takeover bids**⁷
- Direktiva 2004/25/KE e Parlamentit Europian dhe e Këshillit e 21 prillit 2004, “Për **ofertat e marrjes nën kontroll**”⁸

Instead of using “*niveli*” for the English word “*margin*”, “*kufirit minimal*”, “*shkalla*” or “*marzhi*” could be used since these are the technical terms already in use in the official Albanian documents for the concept of “*solvency margins*”. The same applies for “*undertaking*” which is translated “*ndërmarrje*” instead of “*shoqëri*”, since it is a common standard terminology in Albanian (“*shoqëri sigumi*”).

- Directive 2002/13/EC of the European Parliament and of the Council of 5 March 2002 amending Council Directive 73/239/EEC as regards the **solvency margin** requirements for non-life insurance **undertakings**⁹
- Direktiva 2002/13/KE e Parlamentit Europian dhe e Këshillit, datë 5 mars 2002, për ndryshimin e Direktivës së Këshillit 73/239/KEE në lidhje me kërkesat për **nivelin e aftësisë paguese** për **ndërmarrjet** e sigurimeve jo-jetë.¹⁰

3. Conclusion

Overall, there are certainly gaps in Albanian legal terminology to translate new EU legal concepts and it is our responsibility to identify and deal with it. Databases were used for analysing translation inconsistencies, with databases that include Eur-Lex, the multilingual online database, dictionaries etc. Translating EU legislation into Albanian both in terms of appropriate terminology for new EU terms and due to the fact that there are also new concepts to be transferred into the national law.

In the absence of a standardized translation, descriptive equivalents are being used in the Albanian translation of the Directive, but such paraphrases are not exactly the same as the EU terminology. In fact, the lengthy paraphrases are still a main concern to the translators as they are incomplete and sometimes misleading. Translators opt for single words when translating but cases with no equivalents are frequent and they are forced to use descriptive phrases instead. Further surveys and research is needed to see how new EU terms and concepts enrich the Albanian language and how they are transported to the target language.

⁶ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004R0802>

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0025>

⁸ <http://mei-ks.net/sq/aktet-ligjore-t-prkthjera>

⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32002L0013>

¹⁰ <http://mei-ks.net/sq/aktet-ligjore-t-prkthjera>

To conclude, the translation of EU legislation into English presents significant terminological challenges for candidate countries like Albania. By understanding these challenges and implementing effective strategies, Albania can improve the accuracy and consistency of its translations, thus facilitating its legal harmonization with EU standards. This paper contributes to the understanding of terminological issues in legal translation and provides practical insights for legal practitioners and translators involved in EU accession processes.

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A. Online Resources

<https://eur-lex.europa.eu>