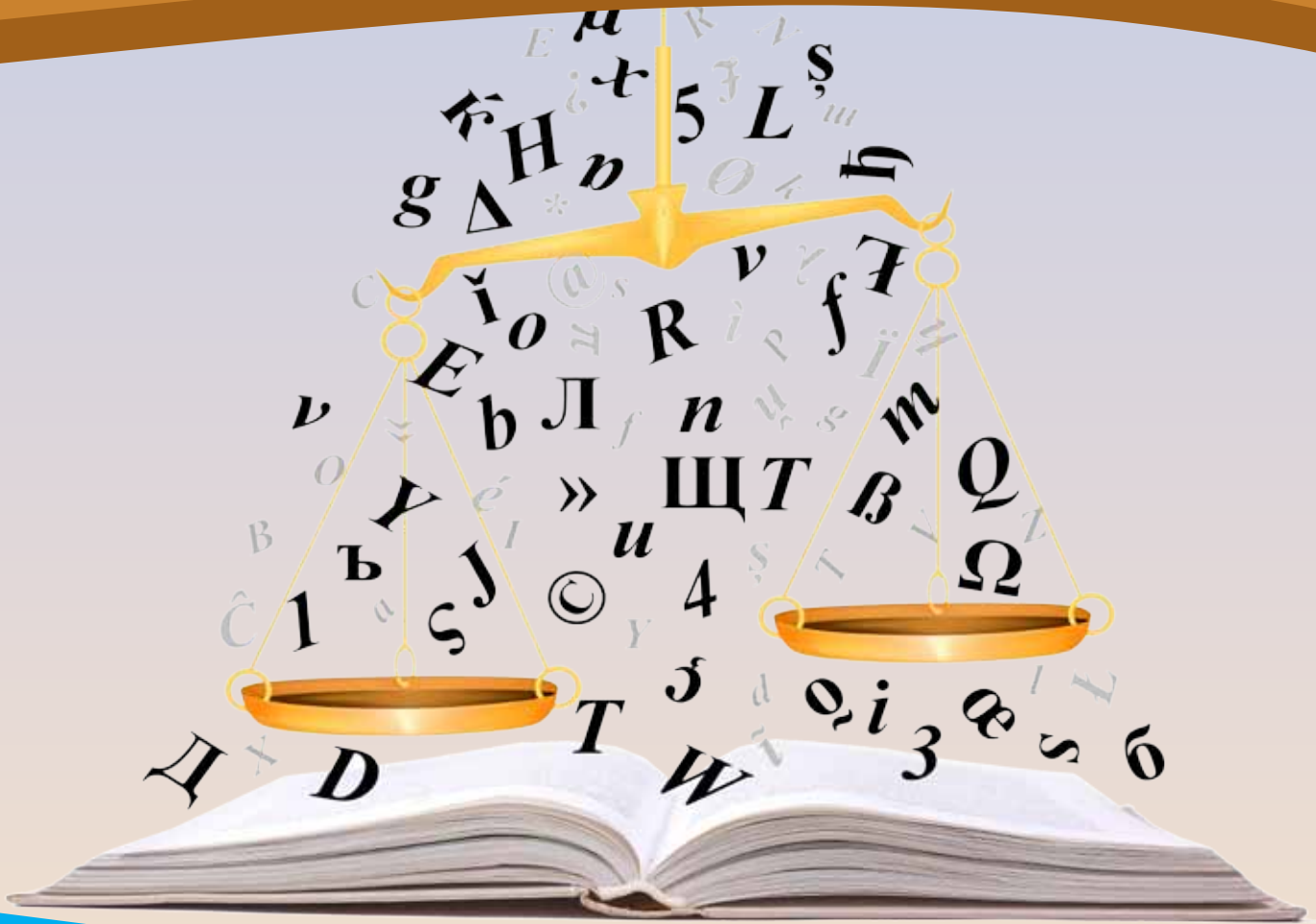


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- **Études sur la traduction**
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- **et le multilinguisme**
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- **Légiférer dans**
- **l'environnement**
- **multilingue de l'UE**
-



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Union Européenne, 2010

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Résumé

La politique du multilinguisme de l'Union européenne poursuit trois objectifs :

- encourager l'apprentissage des langues et promouvoir la diversité linguistique dans la société ;
- favoriser une économie multilingue performante ;
- concevoir la législation de l'Union européenne dans les langues officielles et assurer ainsi l'accès des citoyens et des destinataires aux procédures et aux informations de l'UE dans leur langue.

La présente étude aborde le troisième volet de cette politique, et plus précisément le processus d'élaboration multilingue du droit européen, le rôle des différents acteurs institutionnels dans ce processus et les méthodes visant à assurer la bonne qualité rédactionnelle, juridique et linguistique des actes juridiques produits par les institutions européennes.

En fait, le régime linguistique de l'Union européenne est unique au monde avec ses 23 langues officielles et de travail jouissant du même statut. L'équivalence de chacune des langues est reflétée par le traité sur l'Union européenne dans son article 55 et son application au niveau législatif a été déterminée par le tout premier règlement adopté par le Conseil en 1958. L'Union est ainsi tenue d'adopter et de publier sa législation dans toutes les langues officielles afin d'assurer le respect de la sécurité juridique et l'égalité de traitement entre les destinataires.

Ce régime juridique multilingue met en évidence la relation étroite entre le langage et le droit, du fait de la cohabitation entre les 27 systèmes juridiques exprimés dans les langues officielles des États membres et le droit européen, rédigé officiellement en 23 langues qui ne sont pas dépourvues des influences juridiques des systèmes nationaux qu'elles décrivent traditionnellement.

L'étude donne un aperçu des fondements juridiques du multilinguisme européen, en clarifiant les notions de 'langue faisant foi', 'langue officielle' et 'langue de travail', et analyse le processus de rédaction multilingue des textes législatifs et non-législatifs depuis les travaux préparatoires au sein de la Commission jusqu'à l'adoption par le Parlement européen et le Conseil.

Ce processus ne consiste pas en une co-rédaction à 23 langues proprement dite, mais en un système basé sur l'alternance de trois phases : la rédaction dans la langue source, la traduction dans toutes les langues officielles et la révision juridique des différentes versions linguistiques visant à assurer une valeur juridique équivalente à chacune d'elles. Les traductions deviennent ainsi des textes qui font foi et les traducteurs ont une responsabilité égale à celle des auteurs des textes.

L'étude tend à démontrer que la traduction et la dimension linguistique de la législation constituent le pivot central du droit européen : les actes juridiques étant exprimés dans les différentes langues de l'Union, ces actes ne peuvent être appliqués de manière uniforme et conforme que s'ils sont rédigés d'une manière compréhensible, précise et dépourvue d'ambiguïté et si les différentes versions linguistiques sont concordantes et équivalentes.

La présente étude touche à la fois à des aspects théoriques (par exemple, les implications du principe d'autonomie du droit de l'Union européenne du point de vue linguistique et les grands principes régissant les choix terminologiques) et à des questions pratiques (par exemple, le

fonctionnement réel de ce système législatif multilingue, l'interaction entre langues juridiques au niveau national et au niveau de l'Union européenne, les problèmes qui émergent du fait de la rédaction multilingue, ainsi que la jurisprudence de la Cour de justice en la matière). Par souci de comparaison, l'étude examine d'autres systèmes législatifs multilingues dans le monde, en particulier ceux de la Belgique, de Malte, de la Suisse et du Canada.

L'expression linguistique particulière du droit européen, notamment sa croissante technicité et la spécificité de la terminologie, s'explique largement par les conditions de son élaboration et de son application, par l'impact des compromis politiques et les différents effets juridiques des actes du droit dérivé. Les langues doivent donc s'adapter, ce qui génère parfois un écho négatif dans les cercles de linguistes et dans la population. Par ailleurs, le multilinguisme européen contribue aussi au développement des langues nationales des États membres et à la création de ressources linguistiques structurées (surtout des bases de données). Il est à la source de termes nouveaux exprimant des notions propres au droit européen, de nouveaux sens attribués aux termes existants ou de la reprise de mots abandonnés. Le fait que la langue officielle d'un État membre est devenue en même temps langue officielle de l'Union a favorisé dans plusieurs pays l'émergence d'une politique linguistique consciente.

Le multilinguisme lance de nombreux défis aux langues officielles, et l'étude donne des exemples tirés de toutes les langues officielles. L'étude consacre aussi un chapitre entier à l'examen systématique de deux champs lexicaux, la protection des consommateurs et l'environnement, tous deux assez nouveaux parmi les compétences de l'Union mais différant substantiellement au niveau de la terminologie. Tandis que le vocabulaire du droit des consommateurs est étroitement lié à la terminologie traditionnelle du droit des contrats, consolidée depuis longtemps dans le droit privé des États membres, le vocabulaire du droit de l'environnement, souvent le produit de l'innovation et du progrès technologique, a dû être créé. La présente étude analyse le vocabulaire de base et les problèmes de traduction ou bien la réception de certains termes des directives.

La fin de l'étude aborde la jurisprudence européenne dans le domaine linguistique. La Cour a ainsi estimé à plusieurs reprises que le droit européen utilise une terminologie qui lui est propre et que les notions juridiques n'ont pas nécessairement le même contenu en droit européen et dans les différents droit nationaux. De plus, elle a souligné que, sauf renvoi exprès au droit national, une disposition du droit européen doit normalement trouver une interprétation autonome et uniforme, en tenant compte du contexte de la disposition et de l'objectif poursuivi par la réglementation en cause. Selon la jurisprudence permanente de la Cour, un texte ne peut être interprété isolément mais, en cas de doute, il doit s'interpréter à la lumière des autres versions linguistiques.

De la même façon que les systèmes juridiques, les cultures et les langues des États membres ont influencé le système juridique de l'Union, celui-ci rejaillit sur les systèmes juridiques des États membres et sur leur environnement linguistique et culturel. Pourtant, toutes les langues de l'Union ne peuvent pas participer de la même façon au processus législatif des institutions, puisque les textes se préparent en anglais, plus rarement en français ou en allemand, avant d'être traduits en 22 langues. L'usage des langues de travail est donc subordonné à la rapidité du processus législatif mais la traduction fait figure d'étape essentielle pour des textes qui, une fois adoptés, n'en sont qu'au début de leur longue vie. L'égalité entre les langues officielles de l'Union est donc bien respectée. Le principal message de notre étude est que le système législatif multilingue de l'Union est pour le moment une réussite en ce qu'il arrive à répondre à la fois aux exigences de sécurité juridique et aux considérations pratiques.

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Summary

The European Union's multilingualism policy has three aims:

- to encourage language learning and promote linguistic diversity in society;
- to promote a healthy multilingual economy; and
- to develop European Union legislation in the official languages, thereby giving citizens and other target groups access to European Union law, procedures and information in their own language.

This study will focus on the third aspect of this policy, specifically the process of multilingual drafting of EU legislation, the role of the various institutional players in this process and the methods geared towards ensuring the drafting, legal and linguistic quality of the legal acts produced by the European institutions.

The European Union's linguistic regime, in which the 23 official and working languages all have equal status, is the only one of its kind in the world. The equality of each of the languages is reflected in Article 55 of the Treaty on European Union, and its applicability to the process of lawmaking is enshrined in the very first regulation adopted by the Council in 1958. The Union is thus required to adopt and publish its legislation in all of the official languages in order to ensure respect for legal certainty and equal treatment for all those to whom the legislation is addressed.

This multilingual legal system highlights the close ties between language and law arising out of the cohabitation of the 27 legal systems expressed in the official languages of the Member States with European law, officially drafted in 23 languages in a way not wholly free of the influence of the national legal systems that they traditionally describe.

The study will provide an overview of the legal foundation of European multilingualism by clarifying the concepts of "authentic language" "official language" and "working language", and will examine the process of multilingual drafting of legislative and non-legislative texts from the preparatory work within the Commission to adoption by the European Parliament and the Council.

This is not a co-drafting process in 23 languages as such but a system based on three alternating stages: drafting in the source language, translation into all of the official languages and legal revision of the different language versions with a view to ensuring that each one has equivalent legal value. Translations thus become authentic documents and translators' responsibility is equal to that of the authors of the source texts.

The study will demonstrate that translation and the linguistic dimension of legislation are the linchpin of European law: as legal acts are expressed in the different languages of the Union, they can only be applied in a uniform and compliant manner if they are drafted clearly, precisely and unambiguously and on the condition that the different language versions tally and are equally authentic.

This study will touch on theoretical aspects (such as the implications of the principle of autonomy of the law of the European Union from a linguistic point of view and the main principles governing the choices of terminology) and practical issues (such as the actual operation of this multilingual lawmaking system, the interaction between legal languages at national and EU level, the problems arising out of multilingual drafting, and Court of Justice case-law in this area). For

purposes of comparison the study will also look at other multilingual legal systems in the world, specifically those of Belgium, Malta, Switzerland and Canada.

The language particular to European law, especially its growing technicality and the specificity of the terminology, can be largely explained by the conditions under which it is drafted and applied, the impact of political compromises and the different legal effects of acts of secondary legislation. Languages must therefore adapt, which sometimes creates a negative impression in linguistic circles and in the population as a whole. Furthermore, European multilingualism also contributes to the development of the national languages of the Member States and to the creation of structured language resources (primarily databases). It is the source of new terms to express concepts peculiar to European law, new meanings for existing terms or the renaissance of abandoned words. In some countries, the fact that the official language of a Member State has at the same time become an official language of the EU has promoted the emergence of a conscious language policy.

Multilingualism poses a number of challenges to official languages, and the study provides some examples taken from all of the official languages. The study also devotes an entire chapter to the systematic examination of two lexical fields, consumer protection and the environment, both of which are rather new areas of responsibility for the Union but differ considerably at the level of terminology. While consumer law vocabulary is closely linked to traditional contract law terminology, which has for some time now been consolidated in the private law of the Member States, environment law vocabulary – often the product of innovation and technological progress – has had to be built up. This study will analyse the basic vocabulary and translation problems or how certain terms used in the Directives have been received.

The final part of the study will touch on European case-law in the language field. The Court has thus stated on several occasions that European law uses its own terminology and that the substance of legal concepts is not necessarily the same in European law as in the different national legal systems. It has also stressed that, unless express reference is made to national law, a provision of European law must normally be autonomously and uniformly interpreted, taking account of the context of the provision and the aim sought by the legislation in question. According to consistent Court of Justice case-law a text cannot be interpreted in isolation but, in the event of uncertainty, must be interpreted in the light of the other language versions.

In the same way as the Member States' legal systems, cultures and languages have influenced the legal system of the Union, the said system has, in turn, had a knock-on effect on the legal systems of the Member States and on their linguistic and cultural environment. However, all of the languages of the Union cannot participate in the same way in the institutional lawmaking process, since the texts are prepared in English – and, less frequently, in French or German – before being translated into 22 languages. The use of working languages is thus subordinated to the speed of the lawmaking process but translation is an essential step for texts which, once adopted, are only at the start of their long life. Equality between the official languages of the Union is thus properly respected. The main message of our study is that the Union's multilingual lawmaking system is currently a success in that it addresses both the demands of legal certainty and practical considerations.

CROWDSOURCING TRANSLATION

What does "crowdsourcing" precisely refer to? This neologism was created at the end of the 1990's to define a revolutionary offspring of the Internet. It indicates a new way of getting work done, by involving the 'crowd'.

Indeed, the advent of the Internet, with the huge opportunities for communication or access to information it offers, has revolutionised our habits and patterns of behaviour. It is now a routine to perform through a machine an increasing number of tasks which in the past involved direct human contacts. As a consequence, though its opponents blame the Web for disrupting human relations, new forms of communication are emerging thanks to the Web, notably the Web 2.0 — web applications that facilitate participatory information sharing, interaction and collaboration among users and creation of user-generated content, like social networks, blogs, wikis, and also crowdsourcing.

The idea behind crowdsourcing is that 'the many' are smarter and make better choices than 'the few', and that the 'crowd' has a huge potential for which they often find no outlet. There are more and more people who have knowledge and competences but do not have the chance to use them in their professional lives. Now, crowdsourcing offers them the opportunity to pursue their interests at amateur level. And indeed, its growing popularity shows that many are willing to provide their skills, time and energy without expecting any financial compensation in return; the possibility of cultivating their interests and passions, and the appreciation and recognition they get for their work are sufficient rewards.

Secondly, the explosion of content to be processed and tasks to be carried out is not matched by a similar increase in resources, which, on the contrary, seem set to decrease as a result of the current economic crisis. According to its supporters, crowdsourcing is the way out of this impasse because it taps a huge reservoir of skills and competences which would be lost otherwise and, in this way, it helps to match needs and resources. The challenge is how to harness and channel the wisdom of the crowd.

On the other hand, opponents of this evolution warn that not all that glitters is gold and urge not to underestimate the risks inherent in this approach: the risk that businesses exploit free labour to increase their profits, that qualified professionals are deprived of their source of revenue because they cannot stand the competition of the crowd and, last but not least, that quality standards decline when tasks are carried out by unqualified amateurs without any control. Furthermore, worries are voiced about the impact of this new approach on society and our way of living more in general, with boundaries between working and leisure time becoming blurred and crowdsourcers spending too many hours on these activities at the expense of their family or social lives.

This phenomenon has penetrated very diverse fields, ranging from photography to marketing and from science to the non-profit sector — notably citizen journalism and humanitarian projects — and new applications appear all the time. The use of crowdsourcing grows from day to day, though we may not even be aware of its existence. Whenever we consult Wikipedia, use open-source software, vote for a specific feature of certain products in a marketing campaign or for our favourite participant in a TV programme, we take advantage of the opportunities offered by crowdsourcing.

Regardless of the kind of projects it is applied to, the characterising features of crowdsourcing tend to be the same: resorting to the crowd to get a work done more rapidly by a large number of people who dispose of the relevant skills and knowledge but would not be reachable otherwise; tapping into a wider reservoir which often helps to come up with more efficient and creative responses; creating a strong bond among all those involved, who perceive themselves as a community sharing interests and objectives and are willing to work collaboratively towards a common goal.

Among the areas affected by this new way of doing things, translation is worth mentioning. Crowdsourcing is radically transforming translation as we have known it up to now. New applications are appearing every day and all those involved in this activity are faced with new challenges in order to adapt to and keep pace with these evolutions.

As happens in other areas, in translation crowdsourcing is raising not only interest and enthusiasm, but also harsh criticism and serious worries, notably about the adverse effects it has on the prospects and status of professional translators. Gloomy scenarios are sketched according to which the very survival of the category would be at stake, while amateurs dump the prices on the market without being able to guarantee high quality standards.

An overview of the main areas of, or related to, translation where crowdsourcing is employed helps highlight both the general features of this strategy which apply to crowdsourced translation and the elements which are specific to this area.

The changes brought about by this new and highly innovative way of working concern all facets of translation. Crowdsourcing does not affect merely the practice of translation, but has an impact also on the theories of translation and on the way this activity is perceived. In particular, since it involves a large number of people in an activity usually regarded as quite invisible, it may help promote its recognition and visibility, and raise interest about it and about the importance of multilingualism in general. Last but not least, as is happening in other fields where crowdsourcing is taking ground, by transforming the way in which work is performed, it will inevitably affect the professional prospects of translators. However, this does not necessarily mean that it will jeopardise the very survival of this category, as some fear, but obliges translators to face the challenge and take on board the positive aspects of these changes in order to improve the effectiveness and efficiency of their work and of the services they offer to their customers.

Finally, international organisations should not be forgotten. They are often regarded as something apart. Though they work according to specific rules and procedures and to fulfil specific needs, however, they do not exist in isolation. Therefore, they too must confront and come to terms with developments occurring in society at large — and crowdsourcing is one of these. With all caveats, there are certainly lessons a large translation service like the European Commission's Directorate-General for Translation can learn from these developments in order to make its workflow more efficient and to better involve its staff, promoting collaboration and stimulating exchanges among translators. And indeed, though — like similar institutions — it tends to be more rigid and to react to changes more cautiously, something is changing at that level too. More collaborative ways of working are now being promoted and voices are being heard inside the European Commission's translation service spurring it to accept these changes, learn from them and introduce innovative approaches, both to help the staff and convey the EU political message to the public more effectively.

There is, by now, large agreement at all levels — amateurs, non profit, businesses and also institutional organisations — that crowdsourcing is not a transient phenomenon; it is a reality we have to come to terms with. It offers great opportunities but it also entails serious risks and both sides of the same coin must be carefully taken into account without prejudices or easy optimism. In order to promote the practice and status of translation, which plays an essential role for the advancement of society, it is vital to master these developments and steer them for the benefit of the professionals and also of the citizens at large.

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- **Studies on translation**
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- **Lingua Franca:**
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- **Chimera or Reality?**
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LINGUA FRANCA: CHIMERA OR REALITY?

Executive Summary

The study looks into the role of English as today's lingua franca against the backdrop of our globalised world. As a starting point, the concept of lingua franca is defined to see whether and to what extent it can be applied to the present status of English.

The main body of the study is divided in two parts.

- The first part is a broad overview of different lingue franche in various historical periods and geographical areas, without neglecting artificial languages, which have repeatedly and unsuccessfully been created in an attempt to overcome the confusion after Babel.

A chapter is devoted to the lingua franca of the Mediterranean, the lingua franca *stricto sensu*, which was widely used until the 19th century in the Mediterranean area by merchants, pirates, travellers and diplomats alike to communicate directly without recurring to interpreters. Mainly oral, its origins and features are still largely unknown; what is certain is that it was a sort of corrupted Italian with loan words from all the languages spoken in the area. It never achieved the status of mother tongue of any specific group; it always remained a tool for communication among strangers, who perceived themselves as equals. It is particularly interesting with regard to the main topic of this study – i.e. the present role of English as international language – because it is this lingua franca which is taken as a model by the scholars who in the past twenty years have developed the concept of English as a lingua franca.

- The second part of the study concentrates on English as used in dealings which involve non-native speakers and which are the vast majority: this new approach is considered by many the most interesting and controversial development of the past decades as concerns the evolution of the English language.

The study looks into the linguistic and pragmatic features which, according to ELF scholars, characterise this new form of English and its speakers (morphological and structural simplification, increased redundancy, redefinition of the concept of ownership, but also cooperative attitude and accommodation among the speakers, for whom the language is merely a tool to communicate efficiently and not a means for identification).

Secondly the political and economic impacts of the unprecedented spreading of English are taken into consideration and the positions of eminent experts in this field are presented in order to draw attention to the advantages and risks entailed in the generalised use of English (economic impacts, impacts in term of social justice and democracy, impacts in term of identity and cultural diversity).

Based on this comprehensive overview of the state of the art in this field, the study shows that, as concerns language use, we are experiencing a transitional phase, marked by extreme fluidity, with the demand for efficient communication tools soaring. In this context it is widely accepted that English functions as today's lingua franca and that it will very likely continue to play this role, at least in the short- and medium-term. On the other hand, it is also becoming evident that it is not enough, that multilingualism is also spreading and that the more English spreads, the more its knowledge is taken for granted and ceases to be an asset while new skills are required.

As a consequence, a wide panoply of strategies is necessary to tackle these new challenges efficiently. English as a lingua franca should not be demonised nor idealised – as is often the case today – but rather exploited side by side with all other linguistic resources and strategies available.

The study is rounded off with interviews with three eminent experts in this field (Prof. François Grin, Prof. Wolfgang Mackiewicz, and Prof. Philippe Van Parijs) who approach this issue from different viewpoints, highlight its pros and cons, and reflect on how language can help Europe to become a real community.



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- **Studies on translation
and multilingualism**
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- **Contribution of translation to
the multilingual society in the EU**
- English summary
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Contribution of translation to the multilingual society in the EU

English summary



The whole report is available in French on http://ec.europa.eu/dgs/translation/publications/studies/index_en.htm

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Synthesis of the study on the contribution of translation to a multilingual society

Context

Translation (transposing a text from one language into another) unquestionably plays a major role in today's world (daily life, information, interaction, cultural and economic activities, etc.) – and that role is growing with globalization and the consequent proliferation of interactions in which the partners speak different languages. In an ordinary day, a European citizen may drink coffee imported from Peru, on which the label has been translated, read an article in a newspaper translated by a news agency, check his or her emails on a localized interface installed on a computer with a localized operating system, read a translated Finnish novel in the bus or tube, operate a machine tool at work, of which the manual is translated, use an automatic translation website to obtain up-to-date news on events in Iceland, go home to watch a TV series with subtitles, and so on.

Given that translation dissolves in the flow of texts and, more generally, in the information that we receive, it is often perceived as a technical activity (and rightly so), which is inferior to the production of original content. As one of our interviewees commented, “translation is usually an invisible activity; if it becomes visible, it means there's a problem” .

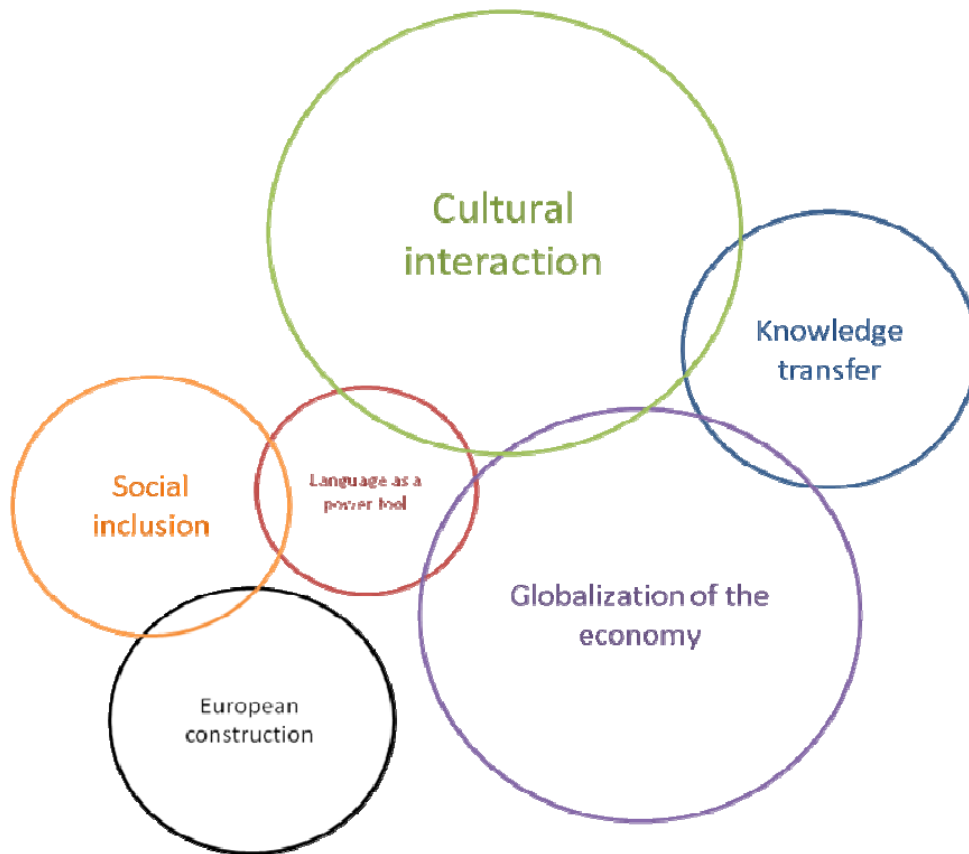
The fact that translation is a largely invisible activity is not a problem per se; firms and administrations working in an international context still use it daily. On the other hand, the Directorate General of Translation (DGT) at the European Commission (and many experts and professionals that we contacted for this study), believe that by constantly remaining in the background, translation and especially human and professional translation may eventually be perceived as a superfluous activity, a cost that is not necessarily justified. If this perception were to spread among the citizens of Europe it could rapidly become a threat to European multilingualism, for which the translation activities in European institutions provide a solid base.

DGT therefore wishes to contribute to the debate by pointing out the range of positive impacts that translation has on a society, as well as some of the perceptions of translation found in European countries. Based on multiple sources (scientific articles, the press, numerous interviews), the present study describes, discusses and illustrates fields of impacts defined with the help of a panel of experts. In so doing it lays the foundations for enlightened debate and possibly for further studies.

Main impacts

Use of a concept-mapping technique to facilitate the work of a panel of nine European experts enabled us to identify the fields of impacts presented below. Without going into details on the methodology, it is important to note the following: - in many cases the advantages mentioned below could also be due to multilingualism or any other form of intercultural communication; - our choice consisted in separating the importance of the impact (is it important for the society?) and the role of translation (without translation, could this

contribution be obtained?), which was not always easy to do; - the size of the circles is proportional to the relative importance that the experts ascribed to the various fields; - and finally, the different fields are porous, as the diagram shows, which means that an impact is in one field rather than another as a result of the experts' choice.



Translation supports **cultural interaction** in two ways. First, between individuals of different cultures it facilitates mutual understanding, meetings and transactions. Second, translation allows individuals access to foreign cultures as well as ancient ones, and makes it possible to spread a culture or outlook towards the rest of the world. Certain states, regional authorities and organizations implement policies with this very objective, for example to consolidate a language with a view to strengthening the identity of a people or group.

Given that it facilitates economic interaction between linguistic communities, translation is a crucial driver of **globalization of the European economy** and single market. It allows for a swift, reliable exchange of information, goods and services, reduces risks related to the linguistic dimension of an international activity (e.g. on the terms of a contract), and facilitates the internal functioning of multinationals.

With regard to regulatory or security constraints, translation also enables firms to penetrate markets with goods or services produced in another language, and facilitates their adoption by consumers who are not multilingual.

For a territory, generalized translation is also a condition for the development of mass tourism, along with policies to promote multilingualism.

Finally, albeit to a lesser extent, translation is itself the source of certain interactions and new markets, for instance through the retranslation of previously translated works, or the exchange (free or not) of books, services or products translated by users (translations, authorized or not, of the works of amateurs, or fansubbing, but also localization of intangible services, notably by users).

Translation also allows for **knowledge transfer** by facilitating the exchange of cultural, technical and scientific knowledge and its dissemination to large numbers of people. In particular, it makes a significant contribution to scientific debate by guaranteeing the precision of concepts and reasoning (mainly with regard to the use of a language of communication). Moreover, the retranslation of scientific, technical, political and philosophical works can, in itself, shed new light on a subject. It thus enables members of the scientific community to have as many perspectives on a subject as possible, which the experts maintain is a requirement of creativity and innovation.

Translation contributes to **social inclusion**, especially of two types of community: minority native linguistic communities in a territory; and migrant linguistic communities. The role of translation is primarily to allow access to all basic services (e.g. education, health) and to justice, thus ensuring equal treatment of individuals and favouring a better quality of life for everyone. In the workplace, translation (e.g. instructions) improves the employability of monolingual individuals, especially when they are also less qualified. Finally, and more generally, translation allows access to resources (e.g. cultural) and services (notably on-line) that would otherwise be reserved for a multilingual fringe of society – often the wealthiest – in a territory.

As one of the basic elements of relations between Member States, translation contributes to **European construction**. Systematic translation, notably of legislation, is part of the pact guaranteeing European cohesion and thus facilitating the entry of new Member States. The translation of legislation into the national languages adopted as the official languages of the European Union is moreover a condition underpinning a country's adhesion.

Translation enables all citizens to have access, without an intermediary, not only to legal texts but also to the decisions requiring their participation, for example during referendums. It is one of the catalysts of interaction between citizens of all countries, so necessary for the forging of a common identity and a sense of European citizenship.

Finally, translation has impacts in situations of **conflict** and **domination**. It facilitates both military operations and peace-keeping missions. In general, in situations of crisis, and not only from the mediator's point of view, translation is a key tool recognized by all the stakeholders. Some may even be tempted to manipulate it in conflicts (for example by choosing biased, truncated or inaccurate translations).

Under authoritarian regimes the monopoly on translation (of books and especially news) is an essential means of control. More generally, and notably via the pivotal role of news agencies, it is a way of implicitly or explicitly supporting a point of view on international events.

Types of impact

Like other modes of intercultural communication, translation acts in one way or another on:

- The distance between an individual and a resource produced in another language;
- The speed of access to a resource;
- The precision of access to the resource obtained;
- The number of resources available;
- The extent of access to those resources;
- Agents' autonomy in a particular field or place.

Perception in the Member States

Translation is rarely a subject of public debate because it is usually invisible to most citizens. When it does become apparent, this is often because there is a problem: the translation has a shortcoming, is of a bad quality or is controversial. Studies of the press have revealed that the main public debates over translation concerned the following: the feeling among some citizens that European communication is translated less and less; issues of dubbing and subtitling; machine translation and its comparison with human translation; the cost of translation (especially the idea of a "fair price"); and, finally, the professional quality of translators.

In the absence of existing data on Europeans' perception of translation in general, the subject has been treated by means of a survey on the stakeholders of translation: professionals, researchers and public officials. Although the survey results are based on 150 answers, they are by no means representative. They do however enable us to posit the following, which would need to be validated by further research:

- Individuals generally have very little awareness of the use of translation in their daily lives, especially in the British Isles. Awareness seems to be greatest in the Benelux countries, the Baltic countries and Finland;
- Europeans' opinion of translation is neither particularly positive nor particularly negative. It is above average in Germany, Austria, Benelux and Denmark, and below average in Spain, Britain, France and Italy. The respondents' seem to consider that translation as a profession is not recognized by the public.
- In certain sectors and for certain services, large firms and administrations are prepared to pay for high-quality translations. On the other hand, small businesses and administrations in which multilingual exchange is not part of the core activity tend to see professional translation as a heavy expense that will reduce an SME's profits on small contracts. These organizations prefer to rely on their employees' linguistic skills or on automatic translation.
- Finally, the media do not give a particularly positive or negative image of translation, except perhaps in the British Isles where they tend to present it negatively.

Recommendations

Our proposals, set out in the study, can be summed up as follows:

1. **Provide facts and figures on translation in Europe, in order to contribute fully to the European public sphere.** This would require the consolidation of this study by means of a new concept-mapping exercise with participants from all the European countries and all sectors, with a view to reaching consensus on the advantages of translation.
2. **Contribute to organizing the translation profession by developing consensus on subjects of importance to the community.** The EMT (European Master's in Translation) is one of the first steps to take. It would also be necessary to envisage the creation of thematic networks of trainers, researchers, professionals and public officials.
3. **Draw on the funds of other Directorates General of the European Commission to promote the role of translation in European policies.** Many DGs are likely to launch projects that make use of translation, and DGT is capable of helping them to see the advantages of translation for their projects.
4. **Promote citizens' involvement in translation,** for example by favouring crowdsourcing of works in the public domain.

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Études sur la traduction et le multilinguisme



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Contribution de la traduction à la société multilingue dans l'Union européenne



Étude portant sur la contribution de la traduction à la société multilingue dans l'Union européenne

Commission européenne –
Direction générale de la traduction

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1. Synthèse

Synthèse de l'étude sur la contribution de la traduction à la société multilingue

Contexte

La traduction (le fait de transposer un texte d'une langue à une autre) a, c'est un fait, un rôle majeur dans la marche des choses (dans la vie quotidienne, dans l'information, dans les échanges, dans les activités culturelles et dans les activités économiques, etc.), rôle qui tend à s'accroître avec la multiplication des échanges dans lesquelles les partenaires sont de langue différente, qui est une des conséquences de la mondialisation : dans une journée ordinaire, un citoyen européen pourra boire un café importé du Pérou dont l'étiquette est traduite, lire dans son journal des informations traduites par une agence de presse, consulter sur un ordinateur (dont le système d'exploitation a été localisé) ses courriels (dans une interface localisée) puis, dans les transports en commun, lire un roman finlandais (traduit), au travail manipuler une machine-outil dont le manuel est traduit, utiliser un site de traduction automatique pour avoir plus vite des informations sur les événements en Islande, rentrer chez lui pour regarder une série sous-titrée, et ainsi de suite.

Parce que la traduction se fond dans les flux de textes, plus généralement d'informations que nous recevons, elle est aussi souvent perçue comme une activité technique (elle l'est assurément), subalterne aussi par rapport à la production d'un contenu original. Comme nous l'a indiqué un de nos interlocuteurs, « la traduction est d'habitude une activité invisible : si elle devient visible, c'est qu'elle pose problème »¹.

Le fait que la traduction soit une activité souvent invisible n'est pas un problème en soi : cela n'empêche pas les entreprises ou les administrations qui travaillent dans un contexte international d'y faire appel quotidiennement. En revanche, pour la Direction générale de la traduction de la Commission européenne (et pour de nombreux experts et professionnels que nous avons contactés pour cette étude), il existe un risque qu'à force de discrétion, la traduction, et notamment la traduction humaine et professionnelle, soit à terme perçue comme une activité superflue, un coût qui n'est pas forcément payé de retour. Or, la diffusion d'une telle opinion parmi les citoyens pourrait rapidement constituer une menace pour le multilinguisme européen, dont les activités de traduction au sein des institutions européennes constituent un socle.

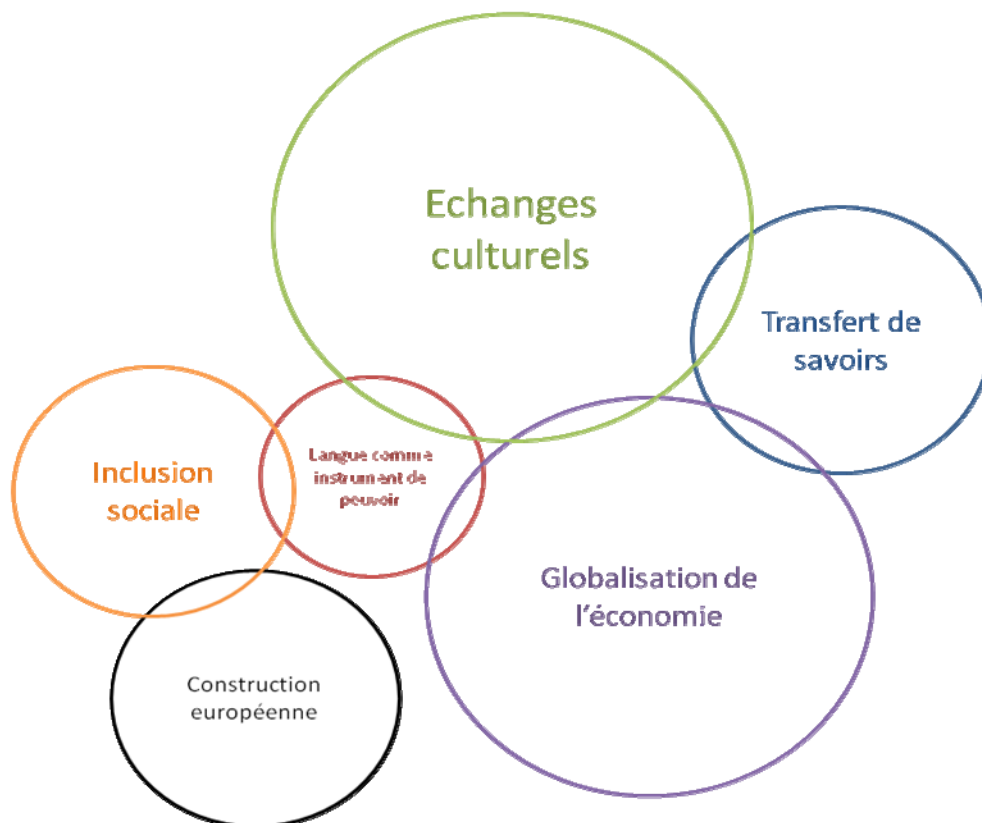
C'est à partir de ce constat que la Direction générale de la traduction (DGT) a souhaité contribuer à la discussion en mettant à disposition un panorama des effets de la traduction sur la société, et quelques premiers éléments sur la

¹ *Ce n'est pas l'opinion de tous : d'autres n'hésitent pas à définir les traducteurs comme des « coauteurs » (cf. Eric Lane, éditeur britannique, lors de la 4e Conférence EMT du 12 octobre 2010 à Bruxelles).*

perception de la traduction dans les pays européens. S'appuyant sur un large éventail de sources (articles scientifiques, presse, nombreux entretiens), cette étude propose des champs d'effet définis avec l'aide d'un panel d'experts, les détaille et les illustre, et fournit ainsi une première base pour un débat éclairé, et peut-être de futurs travaux.

Principaux effets

Le recours à une méthode dite de cartographie conceptuelle pour animer un panel de 9 experts européens a permis de faire apparaître les champs d'effet présentés ci-dessous. Sans rentrer dans le détail de la méthode, il est essentiel de rappeler que dans de nombreux cas, les effets qui sont mentionnés plus bas pourraient aussi être les effets du multilinguisme ou de tout autre dispositif de communication interculturelle ; que notre choix a consisté à séparer l'importance de l'effet obtenu (est-il important pour la société ?) et rôle de la traduction (sans traduction, pourrait-on obtenir cet effet ?), ce qui s'est révélé parfois ardu ; que la taille des cercles est proportionnelle à l'importance relative des différents champs selon les experts ; qu'enfin, les différents champs sont poreux, comme le montre la figure : c'est souvent grâce aux choix du panel d'experts qu'un effet a été rentré dans un champ plutôt qu'un autre.



La traduction soutient **les échanges culturels** à double sens : entre individus, elle facilite la compréhension mutuelle, les rencontres et les transactions entre personnes de cultures différentes. Elle permet à un individu d'accéder aux cultures étrangères et aux cultures anciennes, et permet aussi de diffuser une culture ou un point de vue vers le reste du monde ; d'ailleurs, certains États, autorités régionales ou organisations mènent des politiques en

ce sens, par exemple pour consolider une langue, avec comme objectif de renforcer l'identité d'un peuple ou d'un groupe.

Parce qu'elle facilite les échanges économiques entre communautés linguistiques, la traduction est un vecteur majeur de la **mondialisation de l'économie** et du marché intérieur européen : elle permet l'échange rapide et prédictible d'informations, de biens et de services, réduit les risques liés à la dimension linguistique d'une activité internationale (par exemple sur l'objet d'un contrat) et facilite le fonctionnement interne des multinationales.

Pour une entreprise, la traduction permet aussi de pénétrer les marchés avec un bien ou un service produit dans une autre langue, que ce soit pour des raisons réglementaires ou de sécurité ou pour favoriser son adoption au-delà des consommateurs multilingues.

Pour un territoire, la traduction généralisée est aussi une condition du développement d'un tourisme de masse, aux côtés de politiques favorisant le multilinguisme.

Enfin et de façon plus réduite, la traduction est elle-même à l'origine de certains échanges et marchés nouveaux, par exemple via la retraduction d'œuvres déjà traduites, ou les échanges (gratuits ou non) d'œuvres, services ou produits traduits par les utilisateurs (traduction autorisée ou non d'œuvres par des amateurs, ou *fansubbing*, mais aussi localisation de services dématérialisés notamment par ses utilisateurs).

La traduction permet aussi le **transfert de savoirs**, en permettant l'échange des savoirs culturels, techniques et scientifiques et leur élargissement au plus grand nombre. En particulier, elle offre une contribution majeure au débat scientifique, en assurant la meilleure précision des concepts et des raisonnements (par rapport à l'usage d'une langue de communication notamment) ; d'ailleurs, la retraduction d'œuvres scientifiques, techniques, politiques ou philosophies peut apporter à elle seule des points de vue nouveaux. Elle permet en conséquence aux membres de la communauté scientifique de se confronter au plus grand nombre de perspectives sur une question donnée, condition nécessaire selon les experts de la créativité et de l'innovation.

La traduction contribue à l'**inclusion sociale**, en particulier de deux groupes : les communautés linguistiques autochtones minoritaires d'un territoire, et les communautés linguistiques migrantes. Le rôle de la traduction est notamment de permettre l'accès de tous aux services de base (éducation, santé) et à la justice, assurant aussi l'égalité de traitement entre individus et favorisant la meilleure qualité de vie de tous. Au travail, la traduction (des consignes par exemple) améliore l'employabilité des personnes monolingues, notamment lorsqu'elles sont aussi les moins qualifiées. Enfin et de façon plus générale, la traduction donne accès à des ressources (culturelles, par exemple), mais aussi à des services (notamment en ligne) qui ne seraient autrement réservés qu'à la frange multilingue d'un territoire donné, souvent la plus aisée.

Parce qu'elle constitue un des éléments du socle des relations entre États membres, la traduction participe à la **construction européenne**. La traduction systématique, notamment du corpus législatif, fait partie du pacte assurant la cohésion européenne, et facilite ainsi l'entrée de nouveaux États membres. La traduction de la législation en vigueur dans la ou les langues nationales adoptées parmi les langues officielles de l'Union européenne est d'ailleurs une condition de l'adhésion du pays.

La traduction permet à tous les citoyens d'accéder sans intermédiaire au texte des lois, mais aussi des décisions qui requièrent leur participation, par exemple lors de référendums. Elle constitue enfin un des ferments des échanges entre citoyens de tous les pays, condition à la constitution possible d'une identité commune et d'une citoyenneté européenne.

La traduction, enfin, a des effets dans des situations de **conflit** et de **domination**. Elle facilite les opérations militaires ou de maintien de la paix, ou de façon générale en situation de crise, et pas seulement du point de vue de l'intervenant : la traduction est un enjeu reconnu de toutes les parties, qui sont d'ailleurs susceptibles de la manipuler dans les conflits (via un choix de traductions biaisées, tronquées ou erronées par exemple).

Dans les régimes autoritaires notamment, le monopole de la traduction (des œuvres et surtout de l'information) est un moyen essentiel de contrôle. De façon plus générale enfin, et notamment via le rôle pivot des agences de presse, elle est un moyen de soutenir un point de vue, implicite ou explicite, sur l'actualité internationale.

Types d'effets

Au final, la traduction, comme d'autres modes de communication interculturelle, agit dans un sens ou dans l'autre sur :

- La distance entre un individu et une ressource produite dans une autre langue ;
- La vitesse d'accès à une ressource ;
- La précision dans l'accès à la ressource obtenue ;
- Le volume de ressources disponibles ;
- L'amplitude d'accès à ces ressources ;
- L'autonomie des agents sur un champ ou dans un lieu donné.

Perception dans les États membres

La traduction est rarement un thème d'opinion, car elle est souvent invisible pour les citoyens. En réalité, lorsqu'elle apparaît c'est souvent qu'elle pose problème, qu'elle soit manquante, de mauvaise qualité ou qu'elle fasse débat. L'étude de la presse notamment a fait apparaître que les principaux débats d'opinion faisant intervenir la question de la traduction étaient les suivants : le sentiment d'une partie des citoyens que la communication européenne est de moins en moins traduite ; le débat sur le doublage et le sous-titrage ; la traduction automatique et sa comparaison avec la traduction humaine ; le coût de la traduction (notamment l'idée de « juste coût ») ; et enfin, la qualité professionnelle des traducteurs.

Quant à la perception de la traduction, de façon générale, par les Européens, elle a été traitée en l'absence de données existantes par une enquête auprès de parties prenantes de la traduction : professionnels, chercheurs et fonctionnaires. Bien qu'elle s'appuie sur 150 réponses, elle ne peut en aucune façon prétendre à la représentativité, mais elle permet de proposer quelques hypothèses qui devront être validées par un travail ultérieur.

Ces hypothèses sont les suivantes :

- Les individus sont généralement très peu conscients de l'usage de la traduction dans leur vie quotidienne, en particulier dans les îles britanniques. La prise de conscience semble la plus forte dans les pays du Benelux, les pays baltes et la Finlande ;
- Les Européens n'ont une opinion ni vraiment positive, ni vraiment négative de la traduction : elle est meilleure que la moyenne en Allemagne, en Autriche, au Benelux, au Danemark ; inférieure à la moyenne dans la péninsule ibérique, dans les îles britanniques, en France et en Italie. Pour les répondants la profession de traducteur n'est pas reconnue par le public.
- Les entreprises et les administrations sont dans certains secteurs et pour certaines prestations prêtes à payer pour des traductions de haute qualité. En revanche, dans les petites entreprises et les administrations dans lesquelles les échanges multilingues ne sont pas au cœur du métier, le recours à la traduction professionnelle est souvent perçu comme un coût élevé, susceptible de grever la marge d'une PME sur un petit contrat. En priorité ces donneurs d'ordre vont s'appuyer sur les compétences linguistiques de leurs salariés ou la traduction automatique.
- Enfin, les médias ne donnent pas une image particulièrement positive ni négative de la traduction, sauf peut-être dans ce dernier cas pour les médias des îles britanniques.

Recommandations

Nos propositions, détaillées dans l'étude, sont les suivantes :

1. **Contribuer à fournir des faits et des chiffres sur la traduction en Europe, de façon à contribuer pleinement à la sphère publique européenne.** Cela passe notamment, pour consolider cette étude, par un nouvel exercice de cartographie conceptuelle, cette fois-ci avec des participants de tous les pays européens et de tous les secteurs, pour créer du consensus sur les effets de la traduction.
2. **Contribuer à organiser le monde professionnel de la traduction en développant des consensus sur les sujets importants pour la communauté.** Le réseau EMT (Master européen en traduction) est un premier pas à suivre ; il faudrait également envisager la constitution de réseaux thématiques réunissant formateurs, chercheurs, professionnels et fonctionnaires.
3. **S'appuyer sur les fonds des autres Directions générales de la Commission européenne pour faire valoir le rôle de la traduction dans les politiques européennes.** De nombreuses DG sont susceptibles de lancer des projets faisant appel à la traduction, et la DG Traduction est capable de les aider à en voir l'intérêt pour leurs projets.
4. **Favoriser l'implication des citoyens dans la traduction,** par exemple en favorisant des chantiers de « traduction par les foules » (*crowdsourcing*) d'œuvres tombées dans le domaine public.



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- **Studies on translation**
- **and multilingualism**
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- **Mapping Best**
- **Multilingual Business**
- **Practices in the EU**
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Summary of the Study on Mapping Best Multilingual Business Practices in the EU

Study carried out by *Bureau van Dijk* on behalf of the Directorate-General for Translation (DGT)

The digital age and globalisation together have changed the European business environment for good. According to the study commissioned by DGT on the best multilingual business practices in the EU, multilingualism cannot longer be considered as a mere asset and competitive advantage, but a fact of life, as companies and their employees deal with different languages and cultures on daily basis. Therefore the issue of multilingualism has become global as well as transversal in the organisation, since digital communication is erasing national and linguistic boundaries.

To face this multilingual reality, companies have adopted various innovative business practices described in the case studies carried out in European companies. These include practices such as intercomprehension – parallel use of different languages with similar structure and vocabulary –, collaborative interpretation and use of language technology tools, such as machine translation. However, the use of social networks and collaborative methods have lead to increasingly complex and technical content, and human resources will always be needed to validate translation, be it automatic or not.

In addition to case studies and analysis, the study on multilingual business practices comprises a set of recommendations to enhance multilingualism in business. These include encouraging development of real multilingual business strategies and creating a European Observatory of Multilingual Business Practices, setting up a quality label for multilingual European company websites translated in more than four languages, and support for the Statute of European Company.

Background and scope

Doing business in Europe is a daily reality for many companies, not only for global companies but also for pan-European companies (companies with cross-border activities) and small and medium-sized enterprises (SMEs). The European business environment is today represented by a large European market involving 27 countries. In Europe, multilingualism provides new opportunities for developing pan-European business and offers some assets for the competitiveness of European companies.

In the European Union, the whole scope of multilingualism concerns a population of 500 million European citizens, distributed in 27 States, involving 23 official languages: Bulgarian, Czech, Danish, Dutch, German, English, Estonian, Finnish, French, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish.

In 2009, approximately one third of the top 500 global companies' headquarters were located in Europe. There are over 20 million of SMEs in Europe representing 99% of the overall number of companies.

The single market is one of the greatest achievements of the European Union. It helped to dismantle economic barriers in Europe and to increase competition, thus generating better quality and lower prices for goods and services. Some of the price reductions have been more sensitive in the field of air travel and communications. Although the EU represents only 7 % of the world population, its trade with the rest of the world account for about one- fifth of the global imports and exports.

Method and findings

Multilingualism is a vast issue with transversal links in the company. The first approach was to target a full list of homogeneous themes and questions in order to collect a maximum of comparable answers from people and companies with different profiles. This point has been taken into consideration in the user guide for conducting the interviews.

Among a selection of European companies – SMEs, global companies and pan-European companies – identified during the first phase of the study, 5 companies were selected to be interviewed. These case studies related to multilingual business practices were supported by interviews carried out with the help of a case study sheet and an analytical grid.

According to these elements, and taking into account the study's final targets, recommendations have been developed for promoting good practices related to multilingualism within the company and for selecting the best means in sharing information. The recommendations have been based on the case studies of individual enterprises and on the overview of multilingual business strategies in the European Union.

These recommendations aim at encouraging companies to develop strategies with a view to enhancing multilingual business development opportunities. Multilingualism is a competitive advantage for sales of products and services. Linguistic skills and socio-cultural aptitudes must be taken into consideration at each level and function of the company. These recommendations also aim at promoting outsourcing to language service providers that can complement company's linguistic skills.

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Language and Translation in International Law and EU law

Executive summary

The study on Language and Translation in International law and EU law explores the role of language and translation in the global environment with special regard to legal instruments.

Divided into four thematic chapters and supported by two case studies, the study

- gives an overview of the language regime applied in international fora,
- presents the language-related aspects of the treaty-making powers of the EU, including the specific translation methods of treaties concluded by the EU and the impact of the terminology of international law on EU legislation,
- highlights the main regulatory instruments of international law on language rights and identifies the role and nature of linguistic rights,
- investigates the relationship between linguistic diversity and economic efficiency in view of the smooth functioning of the internal market and in a broader context, based on two case studies (one on labelling and the other on patents).

The research was based on a thorough analysis of the relevant literature and of other publicly available documents, on replies received to previously prepared questionnaires and on personal interviews.

At an international level, language and translation come to play a role when sovereign states conclude agreements among themselves (macro level), or in the context of international trade when goods, services, capital and persons cross national borders (micro level). Some language-related aspects of international trade are regulated at international level (patents) and even if they are not, their existence cannot be ignored by the relevant instruments of international law (labelling) altogether.

At macro level, international law cannot ignore the issue of language. As international treaties are the main written legal sources of international law, the language in which they are binding, that is, in which they are authentic, is crucial. States acting at international level endeavour to have their official language(s) as the authentic language(s) of the international treaties, although restricted multilingualism is accepted as a general rule in the case of international treaties either with a very high number of contracting states or concluded under the auspices of international organisations.

In this regard, translation plays an important role both in an official and non-official context. International treaties are usually drafted in a commonly agreed language and then translated into the other authentic languages. As the legal value of all authentic texts will be the same, the quality of these "translations" must be unchallengeable. The current mechanisms of translating international instruments have been criticised by many, and new ideas have been put forward in order to ensure that the translation phase is not completely separated from the drafting phase of the agreement. Problems caused by diverging but equally authentic language versions also demonstrate the importance of translation.

On the other hand, the impact of non-authentic translations of international agreements cannot be underestimated either. In cases where the official language of a contracting

party is not among the authentic languages of the agreement, the non-authentic translation (generally contained in the promulgating law of the contracting party) will be the main source of information concerning the substance of the agreement. Bringing translation closer to drafting, managing multilingual terminology databases, setting model conventions with commentaries and making the relevant case-law available in several languages are all methods that could efficiently contribute to the quality of translations, but they might remain fruitless without addressing the language awareness of drafters and translators.

The EU as an actor at international level is also confronted with the language regime of international treaties which are of course separate from the regime defined by Regulation 1/58. Though it strives to have all of its official languages become at the same time authentic languages of the international treaties it concludes, it must in the vast majority of cases conform to the established language regime of the multilateral treaty concerned. An unconventional consequence is that the non-authentic language versions of the agreement will be published as "translations" in the Official Journal of the EU.

As a matter of fact, the translation of international treaties is not just a purely technical exercise: the terminology of international agreements can have a serious impact on European terminology even at the level of secondary law. Thus, very often the translation of international agreements presupposes and requires conscious linguistic choices made by translators and policy makers.

Beside the issue of authentic languages and the availability of international treaties in different languages, the extent to which instruments of international law deal with language rights is another aspect worth studying. Language rights have been explicitly dealt with by international law since the early 90s, although some earlier instruments also had certain provisions granting implicit rights on language use (for instance the right to a fair trial).

International law grants language rights at different levels and for different purposes. In some instruments language rights are seen as a tool for preserving peace and security; in others the use of one's language is intended to guarantee fair treatment of individuals while the preservation of linguistic diversity is also an objective followed by international law. These purposes include the protection of linguistic minorities, but at the same time they give rise to specific language rights which are necessary for exercising classic fundamental rights: procedural guarantees, freedom of expression and non-discrimination.

The European Union itself is fully committed to preserving and promoting multilingualism. On the one hand official multilingualism is a logical consequence of its legal order where EU legislation may directly affect individuals and must therefore be available in their official languages. On the other hand, multilingualism is an expression of an "ecological" approach to diversity. Moreover, multilingualism reflects the principle of subsidiarity: a sharing of competences between the EU and its Member States confirming that the EU will not intervene in areas which fall under the Member States' competences or which they are best placed to regulate.

It should still be recalled that since the Treaty of Lisbon, preserving linguistic diversity has been included among the objectives of the EU, and that the Charter of Fundamental Rights explicitly provides for the protection of linguistic diversity. However, the EU is at

the same time committed to ensuring the smooth functioning of the internal market, and these two objectives may in certain cases contradict each other. Enhancing the internal market may increase the need for translation (interconnecting national authorities, provision of information in other EU languages on national legislation, labelling requirements) while reducing language barriers to trade may weaken linguistic diversity (limited language regimes in the case of trademarks, standards and the future unitary patent), let alone weaken the protection of individual freedoms. The EU's main challenge is to strike a delicate balance between these equally important objectives.

The burden of translation under these provisions is borne either by the EU or by the Member States or by the market players, depending on the provision concerned. Thus translation and language run through the whole economic chain, from macro to micro levels, a horizontal dimension which affects more than final beneficiaries and which EU legislation takes into account. At the same time, however, the EU's competences are restricted in the field of language use which under the principle of subsidiarity is, as a general rule, a matter to be regulated by the Member States. The EU can only intervene and set rules at European level if it is necessary for the functioning of the internal market and thus dictated by some higher ranking objectives: the protection of consumers, health and safety. Such European provisions on the one hand eliminate language barriers (for consumers) and on the other hand create translation costs (for business); however, they do so for the sake of some higher ranking rules. Thus, the elimination of language barriers might result in more translation work. The nature and scope of these requirements varies. Some provisions explicitly provide for the use of the official languages of the Member States (for medicines), others authorise the Member States to foresee language requirements (for example in the case of toys) and some prescribe the use of a language which can be "easily understood" by the consumers (for distance selling contracts). All of these requirements express different forms and levels of language rights.

These tensions between economic efficiency and linguistic diversity are illustrated by two case studies. Both the issue of labelling and that of patents had to be tackled by international instruments and also by European legislation.

Labelling was studied in the light of the WTO system and under the relevant EU legislation, in both primary and secondary law. Historically speaking, both the WTO regime and the EU focused on the interests of producers when exporting goods. The protection of consumer interests was channelled into the existing legal frameworks only at a later stage of development. Language requirements related to labelling imposed by states of import aim, at least partly, at protecting consumers. From the perspective of human and economic rights, language-related labelling requirements in fact grant consumers the right to receive certain information in their own language. Consumer protection considerations are recognised in both systems as a legitimate interest, which increases the number of situations where the translation of labels is necessary. Although the WTO Agreements do not explicitly deal with labelling requirements, in practice, the issue could not be ignored under the Agreement's provisions on technical regulations, which seem to tolerate labelling requirements.

Within the ambit of EU law, linguistic labelling requirements are considered as measures having an equivalent effect to quantitative restrictions. Such measures, however, may be justified on the grounds of the protection of consumers as set out in the European Court

of Justice's case-law. Moreover, secondary legal sources – regulations and directives – contain various requirements concerning labelling. They impose diverse language requirements. Some require only the use of a language easily understood in the Member State concerned (including symbols or familiar expressions), while others – and this seems to be the new legislative approach – permit, or even impose, an obligation on Member States to require the use of the language of the place of marketing on the product labels. EU labelling rules demonstrate a development towards a graduated (risk-based), more comprehensive approach to the impact of language and translation in economic transactions. Adequate translation of labels is important: mistranslation or non-translation is not only harmful for the consumer but it might also trigger reputational and also legal consequences for the producer or trader.

The introduction of a future unitary patent system, one of the most topical issues at the European level, clearly shows that the role of languages can in no way be underestimated and that there is no "neutral" way to manage language issues. International treaties in force attempted to introduce some restrictions on the language regimes applicable to patents granted protection in more than one state. The restrictions were not supported by a significant number of states, which is perhaps explained by the following analysis: the restriction on the use of the national language raises efficiency and reduces costs, while it may also weaken legal certainty and pose constitutional problems. Needless to say, in the case of patents it is not the general public which is concerned by publication or non-publication, but a much narrower circle.

For reasons of cost-effectiveness, the language regime of the planned unitary patent would be based on three languages (English, French and German) although after a transitional period of twelve years, patents would be made available in all official EU languages for information purposes without binding force using machine translation. The costs of translations under the planned system would be transferred from the right holders to the European Patent Office to the competitors. The question therefore is not one of simple gains in competitiveness but rather of the distribution of benefits and costs among economic agents.

The findings of the study sustain that language plays a crucial role in an international context. It has a symbolic value for states, it expresses the cultural identity of language groups and it is essential for individuals to understand and make themselves understood in economic transactions and in judicial proceedings alike. Language and translation are also found to be highly significant elements in international transactions where they will generate positive or negative externalities depending on the status they are granted. States acting on their own or at international level have to articulate a policy to manage language matters. This requirement is even more important for the EU when acting on its own behalf.

Quantifying Quality Costs and the Cost of Poor Quality in Translation

Quality Efforts and the Consequences of Poor Quality in the European Commission's Directorate-General for Translation

What is quality in translation? While it is easy to identify an incorrect or inaccurate translation as a translation of poor quality, excellence is almost invisible. Quality is often taken for granted and the fact that it comes at a cost – or rather requires an investment – is often overlooked. Similarly, the full dimension of the costs and consequences of poor quality translations is not always visible for managers and political decision-makers.

Quality in translation has always been the subject of intense discussions within and outside public translation services. International organisations are increasingly affected by public deficits and indebtedness, leading to calls for more accountability, efficiency and transparency. Most of them are confronted with zero-growth or a reduction of resources.

The translation services of these organisations face the same challenges, but they have an additional 'handicap' since their role is not always clear or recognised within international organisations, which often makes them a primary target for budget cuts. It is therefore essential to make the best use of the resources available and to identify if and how existing practices can be improved.

This study will take the operations of the European Commission's Directorate-General for Translation (DGT) as a basis to propose a methodology for a cost-based evaluation of that may be of use for other public translation services. DGT's own experience, challenges and solutions might well prompt other organisations to use them and adapt them to their work environment.

Unlike a manufacturing company or a private sector services provider, DGT does not suffer from a decrease in sales or lower profit margins due to bad quality. But poor quality can damage its reputation as a centre of excellence in translation, both within and outside the Commission. Moreover, like other public sector organisations, DGT is under continuous scrutiny and pressure to enhance its efficiency, i.e. do more with fewer resources.

The present study makes the case that quality efforts in translation are indispensable and worth paying for, as these costs actually save money in the long run. It aims to provide a methodology for calculating:

1. The quality-related costs, *i.e.* quality investment, which in addition to quality control measures in the translation activity includes recruitment, training, IT and translation tools, terminology, etc.
2. The costs of poor quality, *i.e.* the costs of corrigenda, poorly written originals, IT problems, poor quality of external translations, as well as the costs, financial or otherwise, for the Commission, the EU and society in general.

The first part puts the concepts of "quality", "quality costs" and the "cost of poor quality" in a theoretical framework. After that, the study provides an overview of DGT's activities that have an impact on the quality of its translations, and indicate how the costs and benefits of DGT's quality efforts and the costs of poor quality for DGT can be quantified (chapter 4). Chapter 5 will look into the consequences of poor quality outside DGT, i.e. for the Commission and EU companies and citizens.

The term "quality costs" has different meanings to different people. For some, "quality costs" are the same as "costs of poor quality" (mainly the costs of finding and correcting defective work); others equate the term with costs to attain quality; still others use the

term to mean the costs of running the Quality department. In Juran's Quality Handbook, on the other hand, "quality costs" means the cost of poor quality¹, i.e. in the sense of the costs incurred due to the poor quality of the product and not in the sense of the costs incurred to attain good quality.

Another definition of the "costs of poor quality" (COPOQ) or "poor quality costs" is the costs that would disappear if processes and products were perfect, or, as H. James Harrington put it:

*"poor quality cost is defined as all the cost incurred to help the employee do the job right every time and the cost of determining if the output is acceptable, plus any cost incurred by the company and the customer because the output did not meet specifications and/or customer expectations"*².

The study bases its definitions of poor quality cost on work done by H. James Harrington and Armand Feigenbaum:

- Prevention of poor quality: all costs involved in helping the employee to do the job right every time (also called cost-avoidance investment).
- Appraisal of poor quality: all costs expended to determine if an activity was done right every time. Often appraisal activities are too late and too little.
- Internal failure costs: the costs incurred by the company before a product is accepted by the customer because everyone did not do the job right every time.
- External failure costs: the costs incurred by the company because the appraisal system did not detect all errors before the product or service was delivered to the customer.

So the cost of poor quality in translation will be all costs that are linked to:

- The prevention of poor quality
- The appraisal of poor quality
- The handling of the consequences of poor quality (internal and external failure).

In most cases the cost of an activity can be calculated by converting the time spent on it into a yearly amount of money. The elements required for such a calculation are:

- (Estimate of) the time spent on a certain activity
- The average yearly cost (salary, IT, office, space, etc.) per staff member. This cost can differ according to the category (e.g. between translators and support staff).
- The number of days worked per year (daily availability rate)³ (average for the service, not individual staff)

For the purposes of this study the following hypothetical figures will be used to illustrate the calculation method:

Average yearly cost per staff member (translator-AD level)	100 000 EUR
Average yearly cost per staff member (support staff-AST level)	50 000 EUR
The number of days worked per year (daily translation availability rate)	200
Number of hours worked per day	8

¹ Juran, p. 8.2.

² Harrington, H. James (1987), Poor-Quality Cost, American Society for Quality Control, p. 13-15.

³ The number of days worked is the result of deducting all weekends, all public holidays, annual leave, training, absences because of illness or for other reasons, etc.

For the consequences of poor quality outside DGT the impact of cases brought before the Court of Justice of the European Union (hereafter "the Court") and examples of translation errors have been looked at.

DGT's external failure costs of poor-quality translations are actually quite modest compared with the investment in the prevention of poor quality. For example, in financial terms the cost for DGT of handling requests for corrigenda is not high enough to justify a massive additional effort to bring down the number of these requests, but it may be possible to use existing resources differently to address this issue.

Even when looking at court cases where translation and translation errors played a role, translation errors were never decisive for the outcome of a case, but were rather used as supporting arguments, prompting the Court to interpret erroneous versions bearing in mind the general objective of the legal text or in light of the other language versions.

Investment in quality is indispensable for reducing the risk of providing poor quality; without this investment there would most likely be more corrigenda requests, a higher risk of legal uncertainty and image damage, both for a public translation service and the organisation to which it belongs. The potential damage is substantial.

In the EU context, reducing this quality investment in an effort to save money would be a risky operation, which would entail serious risks for DGT, the Commission and the EU as a whole, since poor quality could lead to court cases in which translation is the main cause of a dispute and, what is worse, to more conflicts between citizens and their governments or between Member States, (and even greater) lack of understanding about the European project among the general public. It is not possible to quantify in detail the costs this would entail, but it is safe to say that the non-financial cost would be considerable.

The analysis provided in this study is based on quality management as practiced in the private since the 1950s. While there are certainly valuable lessons to be learned from the private sector in terms of efficiency gains, it must be borne in mind that by providing multilingual information to the citizens and all other interested parties, translation plays its part in boosting transparency, democracy and legitimacy and equal access to information for all stakeholders. Linguistic diversity is a value in itself, and its preservation a sign of respect for the cultural identities of the EU's citizens. It is also a democratic right and as such priceless.

The status of the translation profession in the European Union

Executive summary

This report is a study of the mechanisms by which the status of translators is signalled in the European Union in 2011-12, with comparisons with the United States, Canada and Australia. The report is based on previous surveys and input from some 100 experts and informants. It offers sociological and economic modelling of the way signalling mechanisms affect markets in this field, with specific reference to academic qualifications, professional certifications, membership of associations and years of experience. The report proposes criteria for actions that might be taken to enhance the signalling of status.

Status is understood as the presumed value of expert skills, rather than the skills themselves. An individual or group with high status is ideally attributed trustworthiness, prestige, authority, higher pay and a degree of professional exclusivity. However, when the signals of status are weak or confusing, those values are low, market disorder results, and good translators may leave the market. The process of professionalisation can then be seen as the production of efficient signals of status such that good translators stay in the market.

Data from previous surveys indicate that, with important sectorial variations, the translation field in Europe comprises around 74 percent freelance (self-employed) workers and about 60 percent part-time workers. The general proportion of women is 70 percent or above. Annual salaries are spread across a very wide range, from under 6,000 euros up to around 50,000 euros, with a small group at more than 90,000 euros, where translation seems to be combined with managerial tasks. More importantly, the generic activity of translators appears not to qualify as a "regulated profession" in terms of Professional Qualifications Directive (2005/36/EC): no one can stop an unqualified person from working as a translator, except as under a 2007 law in Slovakia. This general profile (freelance, part-time, fragmented and unregulated) may require modes of professionalisation that differ significantly from those of other liberal professions.

The professional sector that is most clearly regulated, and thus potentially subject to the Professional Qualifications Directive, is authorised or sworn translation. There are, however, three quite different ways in which the translation of official documents is handled in Europe: in some countries, translations are certified by notaries, or are not certified at all; in others, a corps of authorised or sworn translators is tested and certified by a state institution of some kind; and in a third set of countries, authorised/sworn translators can be recognised on the basis of educational qualifications alone. The distribution of these three different approaches does not correspond to the general divisions between Common Law and Statutory Law countries, suggesting that the systems may be quite mutable. It seems possible to envisage, in terms of the Professional Qualifications Directive, a Common Platform for countries in which there are authorised/sworn translators, and to pursue a European Professional card in this field. This would promote professional mobility, which is currently severely restricted. Further, since there are few systematic distinctions between authorised/sworn translators and interpreters, these initiatives could be pursued for interpreters as well.

Translator associations can act as strong signals of status, in some cases on the basis of professional exams and/or strict entrance criteria. There are, however, some 103 associations of translators and interpreters in the EU Member States, many of them of quite recent creation. This proliferation suggests that the newer associations are carrying

out informative and social functions, rather than attempting to signal status to employers, while some older associations appear to remain stagnant. The new functions are also being carried out by online translator-client portals, which have been highly innovative in promoting communication between freelance translators. These portals have started to develop new modalities of translator certification.

An in-depth analysis of data from the Société Française des Traducteurs indicates that members of the association are better paid than non-members. Higher pay also correlates positively with experience and in general with levels of formal education. In the freelance field, men also earn more than women, possibly because of faster turn-around times (according to self-report data), which may in turn be due to greater use of translation technologies.

Beyond the positive market effects of associations and the measures that can be taken for authorised/sworn translators, there are many areas where inefficient or confusing signals seem to be resulting in market disorder, low status and a corresponding decline in perceived standards. Some indications of current or potential market disorder are:

- A general lack of efficient signalling (training, qualifications or certification) with regard to translation services in “immigrant” languages;
- Unrestricted web-based marketing of certification as a commodity, with little testing of language skills;
- Very little cross-border recognition of the status of sworn or authorised translators, in a world of increasing professional mobility;
- Lists of authorised translators that far exceed potential market demands (notably in Romania);
- Online lists of “professional translators” that have been compiled with no checking of qualifications or skills;
- Outsourcing of translation services for justice systems, notably to private companies that have little regard for skills or qualifications (in Spain) or are not trusted by translation professionals (in the United Kingdom);
- Some evidence of declining prices for translations;
- Significant fragmentation of the market in some countries, with a corresponding multiplicity of translator associations;
- Review processes of long-standing certification systems, especially in the United States, Canada and Australia.
- As a response to market disorder, employers tend to trust professional experience or their own recruitment tests rather than academic qualifications or membership of an association.

In short, there are serious indications that the status of translators is in flux: some old signalling mechanisms are no longer efficient, and some new online mechanisms are turning status into a readily available commodity.

There are several kinds of actions that can be envisaged by policy in this field: European regulation of authorised/sworn translation; European (and/or global) accreditation of certifying bodies; accreditation of translator-training programmes; and the development of standardised examinations for translator certification.

It is recommended that any action designed to improve the signalling of status in this field should build on the work done by the EMT¹ and Optimale² initiatives and pay special heed to the following desiderata:

- 1) It should address the paraprofessionals who are translating and interpreting in many "immigrant" languages;
- 2) It should involve more than the official languages of the European Union;
- 3) In principle, it should be as lean as possible and paid for by the main beneficiaries;
- 4) It should seek to ensure cross-border recognition of qualifications and certifications;
- 5) It should be coordinated with certification systems operative in other countries (particularly the United States, Canada, Australia and China);
- 6) It should be clear and recognisable for employers;
- 7) It should build on and incorporate the examination and certification systems that currently have a positive market value;
- 8) In the absence of standard exams and grading mechanisms, it should be wary of granting automatic professional certification on the basis of academic degrees alone.

¹ European Master's in Translation. See http://ec.europa.eu/dgs/translation/programmes/emt/index_en.htm#emteuropa

² Optimising Professional Translator Training in a Multilingual Europe. See <http://www.translator-training.eu/optimale/index.php>

Intercomprehension

Intercomprehension is a relatively new field in linguistic research, which has focused mainly on the usefulness of intercomprehension in language teaching. The present study aims at broadening this scope. The study does not claim to be academic, but to describe how intercomprehension is used in organisations, companies and society at large and look into how the European Commission could benefit from it.

Intercomprehension refers to a relationship between languages in which speakers of different but related languages can readily understand each other without intentional study nor extraordinary effort. The idea is that of a communication where each person speaks his/her own language and understands that of the other(s).

Intercomprehension is present and is used in society, education and the business world. Since its precondition is the existence of more languages, the same as for translation, it seems logical to explore to what extent translation can benefit from intercomprehension. The aim of the study is two-fold, namely to examine the potential of intercomprehension for:

How mutually intelligible are certain languages? The present study deals with questions of democracy and linguistic diversity and the important role of intercomprehension for transparency, European integration and cohesion between Member States and people. It looks into how it is or can be used in private companies.

Due to the ongoing economic crisis in Europe, the European Commission and the other institutions will have to face more severe budgetary constraints. In July 2011, the Commission adopted a proposal for the Multi-annual Financial Framework (MFF) 2014 – 2020. It defines the budgetary means for all policies and programmes at European level until 2020 and will be decisive in shaping the EU in the coming years. These measures will also have an impact on the Directorate-General for Translation, which will have to make substantial savings.

One reason for this study is therefore to see if intercomprehension can help to reduce translation costs, while still maintaining a functioning multilingual translation service, ensuring full respect of the EU's language regime. Could intercomprehension help enhance the efficiency of translation at the European Union, open new paths to high productivity by offering alternative arrangements to the workflow or to procedures such as training, revising, recruitment, etc? The current translation regime faces further challenges with up-coming enlargements and an ever growing burden of documents that have to be translated.

Intercomprehension is also in line with the political priorities of the European Union and European integration. The 2005 European Commission communication *A new framework strategy for multilingualism*¹ reaffirmed the value of linguistic diversity and stressed the need for a broader policy to promote multilingualism. The 2008 European Commission communication *Multilingualism: an asset for Europe and a shared commitment*² stressed that passive language knowledge and intercomprehension should be explored.

Most individuals have to invest considerable time and effort in order to master a language other than their mother tongue. However, some related languages are so similar to each other in terms of grammar, vocabulary and pronunciation that speakers of one language can understand the other language without prior instruction.

¹ http://ec.europa.eu/education/languages/archive/doc/com596_en.pdf

² http://ec.europa.eu/languages/pdf/comm2008_en.pdf

Intercomprehension between languages can be asymmetric, with speakers of one understanding more of the other than speakers of the other understand the first. For instance many Portuguese can easily understand Spaniards whereas the latter find it more difficult to understand Portuguese.

Apart from the receptive capacity of mother tongue speakers without intentional study described above, intercomprehension works between languages that have been studied and learned. Intercomprehension can be both *inherent* and *acquired*. The former relies on language features that are available to interlocutors prior to any language learning, whereas the latter requires some acquired knowledge and thus allows constellations between less related languages. (Bahtina & ten Thije 2010, Zeevaert 2010)

Another important factor is awareness; Braunmüller (2007) underlines that awareness of the interactants concerning languages' mutual intelligibility plays an important role. Speakers of languages that are mutually intelligible, for instance Spanish and Italian, have to be made aware of it. Anne Ribbert and Jan ten Thije also underline that language users arguably have to be familiar with the phenomenon of receptive multilingualism itself in order to adequately use it. (Ribbert and ten Thije 2007, 78)

The third factor is ideological. Attitudes can either enhance or block comprehension between communities and languages that are mutually intelligible (Bahtina & tenThije 2010), examples of attitudes enhancing intercomprehension can be found between the Scandinavian languages in Nordic cooperation, whereas intercomprehension is sometimes blocked due to attitudes between the speakers of the languages of the Western Balkans. Negative attitudes can block comprehension in one direction whereas the other is still active. (Irvine & Gal, 2009). The more equally the two groups are represented in terms of number and status, the more probable it is that intercomprehension is used. (Ribbert and ten Thije 2007, 77)

A fourth factor is experience or the institutional language policy (Beerkens 2010) or explicit personal agreement of social actors, or a shared communication experience (Bahtina & ten Thije 2010, Ribbert & ten Thije 2007), for instance language practices at work places. Also the length of cooperation between for instance colleagues at work places determines whether intercomprehension is used or not. Colleagues who know each other well, know what languages they can make themselves understood in (Ribbert and ten Thije 2007, 77, Koole and ten Thije 1994).

All official languages in the European Union except Finnish, Estonian, Hungarian and Maltese belong to the Indo-European group of languages and therefore have common structures and vocabulary. Intercomprehension is an effective language learning method, based on a person's ability to exploit previously acquired knowledge, especially knowledge in another language of the same linguistic family. Intercomprehension starts with recognising words, guessing, discovering and anticipating. As the learner becomes aware of tendencies and systems, it turns into deduction. Knowledge in any area that helps interpret the signs of languages one has not studied can be exploited. Everyone has interpretative skills that help them understand messages. Intercomprehension does not imply learning a foreign language, but rather the acquisition of receptive strategies, in order to co-construct a meaning from clues provided by different sources. It is about making people aware of this knowledge and enabling them to use this knowledge by developing the appropriate strategies.

In many parts of Europe, such as Catalonia, Galicia, Friesland and Valle d'Aosta, intercomprehension is used in everyday life. Intercomprehension takes place without people thinking about it or making a conscious choice to use it. In a conversation two people speaking different languages understand each other; this happens at workplaces, in shops, banks and restaurants. It also takes place at local council meetings, radio talk shows, interviews, sports and cultural events. In other words it can happen in almost any

situation or activity. It is a practical and fair way of communicating in the sense that each person uses his or her mother tongue and no-one is obliged to change language.

Intercomprehension is used widely in the private sector. News agencies and broadcasters use it regularly in their news gathering, in order to understand languages no-one in the office has studied. For example, a person who speaks a Slavic language tries to decode and explain the content of pieces of news in other Slavic languages and a person speaking Hindi makes a rough translation of incoming news in Punjabi, Gujarati, Bengali or other related languages he understands. At the Nordic Public Service Broadcaster, intercomprehension is used regularly in internal communication. At Spanair, intercomprehension is also used for internal communication so that everyone speaks his or her mother tongue, either Spanish or Catalan. Intercomprehension is also used very much at Scandinavian Airlines System (SAS), where the staff are encouraged to speak their mother tongue (either Danish, Norwegian or Swedish). SAS is also a good example of how ideology affects intercomprehension. Using the Scandinavian languages is part of the company's image. SAS is perceived as an intrinsic part of Scandinavia and 'Scandinavian thinking'. SAS as a company is based on the idea of a Scandinavian community — 'Scandinavian' is an added value for the company.

Intercomprehension is also a common phenomenon in translation; European Commission translators use it in their daily work when they compare language versions of a text they are translating. However, the impact or benefit of intercomprehension in translation seems limited, since machine translation and reverse translation already fulfil the role intercomprehension could play.

That said, it might be worth setting up a test to explore the potential of intercomprehension as a way to enhance efficiency. The results of such a test would also be interesting in the context of the upcoming EU accession of Croatia and the possible future accession of Serbia, Bosnia-Herzegovina and Montenegro.

Three areas where intercomprehension could play a bigger role are **multilingual concordance** (creating a pool of translators covering all 23 languages, which could check legal texts for discrepancies), **external translation** (evaluating translated text from freelance translators) and **training of translators** (teaching translators — in the English and French departments — a language that is closely related to one or more languages that the translator already knows). Intercomprehension provides alternative paths and margins for flexible arrangements also in DG Translation and in other Directorates-General of the European Commission, reflecting the ethics of an inter-cultural, multilingual organisation.