

## **TRANSPOSING EC TERMINOLOGY INTO POLISH LANGUAGE BREAKING NEW GROUNDS**

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The paper discusses various difficulties encountered by a translator who attempts to translate EEC legislation into Polish language. These difficulties arise mostly due to the fact that the legal systems and the economic structures of EEC are not compatible with those of the Eastern and Central Europe. Anybody who would venture to compare these systems must keep in mind that often there are no equivalent concepts as far as the legal framework is concerned; there are no matching institutions while the economic definitions may sometimes denote different concepts.

In 1994 Poland signed an association agreement with the EEC which contains the conditions of joining the Union in the future. The Community legislation is being translated into Polish language with a view to publishing it before Poland is ready to join the EEC. The practical need for translation of the EEC documentation into Polish in the recent years caused much terminological confusion and many practical difficulties encountered by translators. There are no official dictionaries nor official interpretation guidelines. Most of the Community terms peculiar to its functioning and structure are coined in the Polish language by the translators themselves for the sake of their own translation practice. In such conditions, homogenous translations of acts and treaties, continuity of the style and vocabulary is impossible to attain.

### **GENERAL SITUATION IN POLND AND THE LINGUISTIC CONSEQUENCES**

In examining any aspect of translation into a given language, one must keep in mind the overall situation at the time when such translation is made. Poland, like most of the Eastern European Countries, is in the midst of the historic transition from centrally planned economy and state ownership to market-driven private sector. The legal frameworks for the development of the private sector and in other areas are evolving rapidly. There are many structural and institutional changes matched by a general lack of experience of Polish people in the ways and functioning of the new system. All these changes have a massive influence on the language. In some areas the Polish language matches the changes, in others it lags behind. The socialist legacy can still be felt in the everyday speak. Therefore, the language into which we shall try to transpose the EEC terminology is a "newspeak", with some outdated terminology (but still in use due to the lack of new terms), full of borrowings (mostly from English and American languages) which make it sound foreign and give it a sense of stiffness, with some direct transfers which sound peculiar, and evolving very fast, incorporating new terms or coining new ones.

In this paper I would like to concentrate on two kinds of difficulties encountered by the translators in transposing the EEC terminology into the Polish context. Two aspects can be distinguished here: legal and economic. The linguistic problems which arise here are the following:

- the scope or meaning of two terms for a concept existing in Poland and in the EEC countries varies or is totally different,
- there is no Polish term to express a given legal or economic concept, for which a term has been coined in the EEC and is widely used in its texts,
- there is a controversy as to the understanding of a certain concept, a term for it could be coined in Polish if the interpretation of this concept in the understanding of the drafters of the EEC legislation were presented.

#### **A. LEGAL TERMS**

Generally speaking, the Polish commercial and civil law follows the continental models of law, the company law being based on the German commercial code, the civil law on the French Code Napoleon, etc. However, the current Polish legal frameworks are not compatible with the legal systems of the EEC countries.

Let me present a few exemplary cases of difficulties which I have encountered during the translation of EEC texts into Polish language with my remarks as to their nature and possible solutions:

##### **HARMONIZATION**

The very first problem that I have encountered was the word "harmonization". Article 20 of the Schengen agreement which we were translating reads as follows:

*"The Contracting Parties shall strive to harmonize their policies on visas and entry conditions to their territories".*

The expression "harmonization of laws" of Member States provoked some simple questions. To harmonize the laws means to equalize the legal differences which further leads to issuing commonly binding Community legislation. However, it is quite clear that harmonization is different from unification. In this context, "harmonization" could have been rendered into Polish as "harmonizacja", a foreign-sounding word, though often used in the recent years in Poland. Nevertheless, there are some other expressions which seemed to cover a similar scope of meaning. Article 54 (3) (g) of the EEC Treaty speaks of "coordinating". Article 68 of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part contains a statement that approximation of Polish legislation is a priority in order to make Polish law compatible with that of the EC. I wondered what the notional difference between "coordinating" and other legal terms such as "approximation" or "harmonization" was. The classical interpretation has it that "to approximate" has a more general character, whilst "to coordinate" has a narrower sense, expressing a higher degree of harmonization which should be the general term covering both.

I am convinced that these terms are more or less synonymous. The same terms in one Community language are in different texts differently translated into other languages. I have

found some examples that different terms are even used in the same contexts where the same term should obviously be used. The distinction is therefore not very sharp. The only conclusion that might be drawn in this respect is that harmonization of law does not mean unification of law. We rendered this term in Polish as "harmonizacja", a direct copy of the English word having the same Latin core.

### **ACQUIS COMMUNAUTAIRE**

This is a typical example of difficulty caused by the non-existence of a term for the concept of "acquis communautaire" in the target language. However, the French expression "acquis communautaire" came to be recognized in English language in its French version and as such is familiar to anyone dealing with Community law. It denotes the overall law (legislation, case law, etc.) of the Community. It is reasonable enough to leave it in French in the Polish text as it has been left in the English text.

### **EC INSTITUTIONS**

The Community has various institutions: the European Commission, the European Parliament, the Economic and Social Committee, the Council of Ministers, the European Court of Justice, etc. They are called "institutions" in English.

According to the explanation given in the Webster Dictionary of English language, an institution is: an established organization or foundation, esp. one dedicated to public service. In the legal register such institutions are in Polish language called "organy", which means "bodies", just like bodies of a company. This word is commonly used in legal texts to refer to committees, parliament, courts, and other institutions which fulfil certain public functions. However, after a closer look this word is typical of a former communist administration of the country, belongs to the former nomenclature and may be confused with the former understanding of the functions of the state institutions. The Great Dictionary of Polish Language gives a definition of the word: "organy", which runs as follows: separate organizational unit of the State fulfilling certain specific public functions. It is the word which – though belonging to the old nomenclature – would normally be used in Polish to express the notion of institutions.

However, to avoid the misunderstanding and confusion with the former system, the preferred term here would be the term "instytucja", which exists in Polish and is quite similar to the scope of meaning of the word institution. According to the Great Dictionary of Polish Language, the definition of the word is as follows: office of a public character, dedicated to certain field of activity, bureau. This word has been selected by us to convey the meaning of the word "institution" although this word is not used in legislative texts and is not typical of legal acts.

### **HORIZONTAL (DIRECTIVES/MEASURES)**

Article 134 of the Act concerning the accession of the Kingdom of Spain and the Portuguese Republic and the adjustment to the Treaties contains a phrase "horizontal structural measures". In EC directives or measures which are horizontal apply to a range of products or services across a certain sector, as opposed to the vertical directives or measures which are narrower, applying to a certain product from top to bottom, concerning all matters

related to that product. Without such interpretation, or exact definition, the translation “horyzontalne środki/dyrektywy” (English: “horizontal measures/directives”) is vague and not clear by itself.

### **ADVOCATES GENERAL**

According to the definition of this term advocates general assist the judges of the European Court of Justice in their work. In Polish we have the term “adwokat” (English: “advocate”), which means a lawyer representing his clients in court in legal matters. A direct copy of the English term which seems to be the most appropriate solution of this translation problem is ambiguous as the term "adwokat generalny" is not self-explanatory without a definition of the scope of his functions and position in the court hierarchy. This is a typical example of creating a new term which does not yet exist in the target language, or already exists, but there are no official interpretations as to its meaning because there is no such institution or function in the country.

### **CONCLUSION**

To conclude the section devoted to legal terms difficult to translate into Polish, I would like to mention that such difficulties are resolved rather quickly. The general rule is that the terms are being copied directly from English language if they do not have a direct Polish counterpart. Their interpretation or supplementing these terms with definitions is left to the lawyers specializing in the EC law.

### **B. ECONOMIC TERMS**

In recent years Poland has undergone dramatic changes in its economic structure. It has passed from a centrally planned (command) economy into a market-oriented system. This transformation brought revolutionary changes in the language, resulting in an overwhelming chaos in terminology and conceptual definitions of certain terms. Old nomenclature is still functioning, acting as “false friends”, denoting different concepts and causing confusion. In the past, the Polish language often lacked precise technical expressions in the field of economics and finance as the development of these areas lagged behind their development in the West. To match the tremendous changes in the Polish economy, the language of economics and finance is evolving fast enough to incorporate new expressions which are coming into life every day. This is the language into which the EEC terminology is to be transposed.

### **PRICES**

One of the most difficult problems which I encountered in the translation of the EC texts were the various prices. Specific economic terms which appear in the Act concerning the accession of the Kingdom of Spain and the Portuguese Republic and the adjustment to the Treaties initially caused my confusion, especially the prices such as: withdrawal price, norm price, intervention price, guide price, target price, reference price, guaranteed minimum price, threshold price. The official interpretation of these prices has been in the past determined in numerous EEC Regulations concerning various agricultural products. For example, the target price is defined in Regulation (EEC) No. 3330/74, dated 19/12/1974, as a price fixed each year for the Community area having the largest surplus of a given product. This price is set by

the Council of Ministers as part of the agricultural policy and represents the return that the Council farmers want to receive on their sales. On the other hand, the threshold price, defined in Regulation (EEC) No. 2727/75, dated 29/10/1975, is the minimum price at which the agricultural produce from the non-EC countries can come into the Community, and fixed in such a way that the selling price for the imported product shall be the same as the target price, differences in quality being taken into account.

It does not serve any purpose to quote definitions of the remaining prices and, needless to say, these prices are all inter-related and functioning only within the Community relating to products imported, exported, produced or sold in the Community. Such terms are characteristic of the economic structure of the EC and the methods to provide agricultural aid to producers, a system which is very complicated and quite difficult to grasp for a translator aiming to convey them into another language. Moreover, translations of those terms prove to be ambiguous and misleading as there is no official interpretation in the target language similar to the one which exists in the EC. In the Community, all these prices appear in the glossaries and EURODICATOM, thus the translators need not go deep to extract what exactly they stand for. All the EC official support prices have an unmistakable bearing of EC interpretation, and their translation outside the Community means little if there is no official interpretation in the target language.

The same applies to “guarantee threshold”, a term denoting a mechanism functioning within the EC and closely connected with the above mentioned prices, and many other terms within this field. Such concepts simply do not exist in Poland and attempts to find an equivalent face a conceptual vacuum

### **COMMUNITY SCHEMES**

The conclusions drawn in the above paragraph regarding various EC support prices apply accordingly to the Community schemes and programs, some of which have not been defined and no official terms are available for these in Poland. For example, the “Generalized System of Preferences” (GSP), a scheme of reduced tariff rates on imports to the Community from many developing countries, has been translated in different ways by many translators and there is no officially approved version.

### **STATE AID**

In various EC documents regarding agriculture and transitional measures for accession to the EC, the term “aid” or “state/national aid” is widely used. Although the interpretation of this term is quite clear, there are certain problems regarding the translation of this term into the Polish language. State aids are direct or indirect subsidies by Member States to their home industries which may take the form of grants, tax concessions or cheap loans. In the Polish language, there exists the direct equivalent: "pomoc" (English: "help", "assistance"), usually used by Polish newspapers when referring to the concept of aid by the Member States of the Community. However, apart from sounding somewhat dramatic, this Polish term does not clearly express the notion that this assistance is of financial nature, which it should, as there is no official interpretation of this word and no officially approved scope of its meaning. Very often, another term is used: "subwencje" (English: "kind of subsidies") which, according to a

Great Dictionary of Polish Language, denotes a financial aid granted by the State to public organizations or economic entities, possibly also to natural persons. This term in Polish is narrower in its sense in comparison with the other denoting assistance, but seems more appropriate in this context due to its direct reference to financial assistance which conveys the meaning of the term "aid" in EEC.

### **CONCLUSIONS**

One of the main problems of translating economic terms into the Polish language was either that the Polish equivalents selected to transpose the meaning of the EC term sounded a little too foreign and not at all common to the Polish system, or there were no terms which could convey the scope of meaning of the EC terms. This is clearly evident in the field of financial terms, such as the prices quoted above.

My assumption in translation of the EEC terminology into Polish language is to keep in mind that the legal and structural frameworks of EEC and Poland are still very different. Therefore, the best solution to apply in translation is probably to try to find counterparts which would be as equivalent as possible to the English terms (for example, having the same Latin root of the word) and at the same time to work on definitions of these terms which could make the term officially adopted by the Polish administration with reference to EEC terminology.

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