

**Questions asked in relation to Michael Bailey's presentation at EULITA 2018 in Sofia on "The market for legal translation in Austria: the financial markets supervision perspective"**

**You have mentioned machine translation. Are you of the opinion that it will NOT take over?**

There are two fundamental issues surround the use of MT in supervision: firstly, its use for assisting legal translators as part of their work, and secondly, its use to helping non-translators to have their source texts translated into target language texts.

In relation to the former issue, currently in-house translators in financial markets authorities already extensively use Computer Assisted Translation (nearly all Central Banks and National Competent Authorities with an internal language services unit or in-house translation capacity use SDL Studio (either the 2014, 2015 or 2017 version). The freelancers that the FMA work with currently use a range of CAT systems, with the most common ones being SDL Studio, MemoQ or DéjàVu<sup>1</sup>. However, the use of Machine Translation is still a fair way off in particular for outsourcing of translations, given the fact that the charging models involved (namely for post-editing, and translation only in the case of mistranslations) create new issues – we will not attract the best translators, whose skills are in translating. While many freelance translation and localisation portals offer MT-based projects, with dumping rates, this is not an approach we intend to take.

While there are many providers of MT systems, part of the issue in legal translation for financial markets supervision lies with the need for complete confidentiality. With many solutions there is still no way to ensure the end-to-end security of data, or to prevent the submitted data from ending up bolstering an MT engine. Anonymising translation units/sentences is a time-consuming process, and very few engines can render anonymization properly, thereby defeating the purpose, which sets the rolling out of MT to non-translators even further back, so for the time being the focus is likely to remain on human translation with CAT assistance for all translation purposes, with accuracy being of paramount importance. IT Services are also very cautious about people using online machine translation resources (although Google Translate or similar tools are not yet blocked) I did run a brief pilot project for utilising spare roaming licences for SDL Studio to allow non-translators to theoretically translate (with a read-only access to the principle translation memory), but the trial users were put off by the lack of instant results for many sample sentences, although this helped some trial users to rethink some of their writing techniques<sup>2</sup>.

In the legal setting, a lot of translation assignments involve references to specific passages within supervisory laws and FMA Regulations (i.e. primary and secondary legislation) as well as the European legal acts that they transpose, with recurring reuse of certain specific sentences. Typically the formulations for sanctions for breaches/infringements of legal provisions are more or less identical for nearly all supervisory laws in Austria, however, there is still also a lot of human interpretation required of many individual clauses within laws and regulations. The legal interpretation of the wording of the law, in particular with regard to the

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<sup>1</sup> We will not exclude a freelance translator's bid for an outsourced assignment solely on the grounds of them using another system to the one we use, although we do expect CAT usage, particularly since on occasions we will make alignments of primary and secondary legislation available to them to help them build up terminology and to supplement their Translation Memory.

<sup>2</sup> There are many style guides available – the Commission's Information Providers Guide website has a number of useful resources at [http://ec.europa.eu/ipg/content/tips/sources/index\\_en.htm](http://ec.europa.eu/ipg/content/tips/sources/index_en.htm)

specific case in hand, is often the specific reason for colleagues, who are otherwise confident in authoring texts in English, requesting a translation from German to English over submitting a text that they have written in English for reviewing. Frequently the rendering of the nuance that the author conveyed in the source text in the output text is one of the most critical points. The use of MT in such contexts might strongly alter the output, rendering it useless.

While CAT systems facilitate the task of translation once translation memories have reached a certain “critical mass”, it is still the case that for large documents, despite using a CAT system, the translator nevertheless needs to go through every sentence in turn, to check that the context fits. The introduction of MT would also not change this. An oft-cited advantage of the use of CAT has been that it helps increase translator productivity, and the real-time nature of MT might also help refine the translation process further. But where the context doesn't match, both can be disastrous. Context is an area where both CAT and MT have traditionally struggled, particularly say where the meaning of a noun can be so dependent on the context of its setting, or where a modal verb affects the nuance of a sentence. Neural MT is making leaps forward, and is less susceptible to the issues that Statistical MT frequently struggled with (e.g. in German to English any minor change in word order and complex sentences with nested clauses, or the nuances imparted by modal verbs), but at the end of the day NMT remains a pattern recognition tool.

(N)MT uses human translations as the basis for its corpuses. The learning processes in (N)MT are reliant on massive amounts of data, which might not be available in equal amounts across different language combinations, and of course it has to overcome issues like translation between agglutinative and analytical languages, as well as non-inflected and inflected languages. In supervisory authorities, the quickness of adoption of MT is questionable, due partially to the fact that the IT landscapes of supervisory authorities might also hinder the uptake of MT, particularly where cloud services are used<sup>3</sup>, while the issue might also be one of how quickly a large enough corpus can be built up for the NMT, as well as whether the capacities can be taken away from language units, that are traditionally small in size, to develop such a system. Many translators in this setting are only gradually coming on board with regard to the advantages of CAT in their daily work.

Other institutions are more forward looking, for example, the European Commission is already looking at NMT, having previously had a Statistical MT project MT@EC<sup>4</sup>, which existed for a number of years, where the degree of confidence in machine translations varied wildly between one language pair and another, although the levels of translation data that they hold are vastly larger than in many supervisory authorities. While MT might be used to hold the expansion of language services units in check, it is still a long way off replacing the human translator, or rendering translators obsolete.

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<sup>3</sup> Typically due to the highly confidential nature of the translation work done, there is a general IT policy in supervisory authorities and central banks to not permit data from leaving the local IT environment, e.g. server-based CAT systems are maintained within the same domain, rather than making use of cloud-based solutions

<sup>4</sup> For further information, please see the presentation by Daniel Klivanec presented at EULITA 2017 on MT ([http://eulita.eu/wp/wp-content/uploads/files/Klivanec\\_Vienna%20TEW%202017.pdf](http://eulita.eu/wp/wp-content/uploads/files/Klivanec_Vienna%20TEW%202017.pdf))

### **How do you manage workload vs deadlines? Is the level of pressure manageable?**

The issue of workload is something that has become easier to predict with time. When I was recruited, just prior to the launch of the SSM (I started in the position only six weeks before the SSM commenced activities in November 2014), it was impossible to gauge what demand there would be on an instant basis, and no historical data to allow me to estimate when the peaks and troughs in demand fell. By being a one-man show, I also have a lot less administrative work in terms of having to

There are some weeks where there is a continuous flow of assignments coming in and going out, with barely time to breathe between jobs, to the extent that it is the case that I have to prioritise based on the length of assignments and deadlines, while in other weeks, demand can be low, in which case I can turn to less urgent projects. Around holiday periods it can be a case of “feast or famine”: there is often either a surge (due to “customers” wanting to send off a submission to their Joint Supervisory Team before leaving for holiday) or a drop in demand (“customers” are trying to clear desks, but do not have specific translation requirements).

Public holidays can create a break in demand, which I tend to use to make headway on larger projects, since the office is often considerably quieter. I also insist on having a full summer break (three weeks for regenerative purposes). Some pressure can be self-made – many in-house translators have reported required minimum amounts of texts processed over the years, but ultimately deadlines met are more important than out-and-out volume translated. Since I am also involved in some knowledge management projects that eat into my working hours, and realise that 100% efficiency (i.e. translating every minute of every working day is both unrealistic and not likely to happen), I argued from the outset that the important benchmark is that translations are delivered that are delivered on time, and are fit for purpose.

To avoid unnecessary pressure, I never look at my output figures (every job is tracked in terms of characters and words translated, with editing in terms of pages corrected), unless specifically asked to, so that I don't place myself under unnecessary pressure that I tell myself that I am not on schedule for the day, and also know on occasion that it is better to finish early, rather than to try to make up a shortfall. There are also translation-related tasks that need to be done, but the rewards of which are not immediately apparent. For example, alignments for boosting thematic translation memories and/or increasing terminology in MultiTerm are very important tasks, but ones that are often neglected due to the pressure of the working day, but I make a point of doing at least one alignment and adding a certain number of entries into the termbase between assignments on a regular basis. Doing so tends to speed up some of the soft law translations I have to do, but the rewards are not always so immediate.

Resolution weekends (where a bank is placed into resolution on a Friday night and has to reopen on the Monday morning for “business as usual”) are fortunately few and far between, but have happened before now. In such cases I have had to work for the duration of the resolution weekend, although I am paid extra for doing so and am given extra compensatory leave, if anything in the in-house setting it has proven to be a positive experience in terms of recognition of my work, and teamwork with supervision and resolution staff.

**Do you outsource any translations? If so, is it because of language combinations or workload?**

Most translations that are outsourced are ones in other language pairs than German <> English. Previously the translation of soft law publications (circulars, minimum standards and guidelines) was selectively outsourced. To date, since having an in-house translator, the only German <> English translations that have been outsourced have been ones that have not been of a highly confidential nature, to assist preparations for a Supervisory College where the in-house translation capacity was otherwise engaged in translations that were not possible to be outsourced.

The largest demand for translation outsourcing to date has been in relation to enforcement issues in other Member States, and the necessity to have sworn translations for presentation to courts in foreign countries. Other (non-legal) projects that are outsourced include the FMA's Annual Report and a publication Facts, Trends and Strategies, which was published along with the Annual Report, but is now published separately, where it is been deemed necessary to outsource such publications to allow the in-house translation capacity to be free to focus on banking supervision topics, that are of greater confidentiality, or time-critical translations.

As mentioned in my presentation, we have moved away from the "cheapest bidder" approach, where there was a vulnerability towards having to accept teaser rates from large agencies, who in turn make use of dumping rate translations by freelancers, where large translation projects were "sliced and diced" and distributed between various freelancers, leading in some cases to projects that were not fit for purpose.

To discourage this practice, as part of our "best bidder" approach, I check that the line rate<sup>5</sup> is within the pricing band stated in the biennial survey<sup>6</sup> conducted by Universitas Austria (the Austrian Interpreters' and Translators' Association) as a way to gauge the plausibility of rates. As part of the process that I have implemented, I have also tried to make sure that our practices recognise the translator rather than the agency, with a preference towards supporting small dedicated teams of translators and in-house translation teams over large agencies that use freelance translators remotely located around the world.

For sourcing reliable external translators (and interpreters), I use the directories run by Universitas and the Gerichtsdolmetscherverband, with the former using peer review for admission to membership by members of the association, which helps to ensure that a reliable translator is found. I also believe it to be a responsibility to treat external translators as I would wish to be treated (or would have wished to have been treated when I was a freelancer myself) and recognise their training and dedication by honouring their work with competitive remuneration for their hard work. For me there is no glass ceiling or "them" and "us" in terms of freelancers and in-house translators.

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<sup>5</sup> In Austria translation services are quoted by Normzeile (standardised line of 55 characters including spaces), with surcharges for extra proof-reading, correction of galley proofs, as well as attestation fees for legalization of documents. Some providers also add a project management fee.

<sup>6</sup> Available in German at: [http://www.universitas.org/uploads/media/Honorarspiegel\\_2017neu.pdf](http://www.universitas.org/uploads/media/Honorarspiegel_2017neu.pdf)