

**EU directives and standards on translating and interpreting and their implementation in Serbia as a non-EU country and a country in the Stabilization and Association Process (SAP)**

Implementing EU directives and standards on translating it seems that a legal system is taking shape. Just in the field of translation, it becomes clear that the process of rapprochement with the EU is not a harmonization process merely in linguistics. The harmonization process mainly affects systems that are coordinated. Categorized in legal terms, challenges for legal translators become visible arising in each particular case from a new category. The role, which is thereby given to the legal translators, will be shown in the example of the Serbian rapprochement process with the EU. Besides the question of whether a term in a specific language is known at all, questions relating to the interpretation of terms are brought up. Therefore, for translation we must distinguish between questions of legal matters, on the one hand, that is to say the object itself, and on the other hand questions of linguistic origin and relating to the translation. These questions may relate to the meaning or simply stylistics. Demonstrated by some examples taken among others from EUROVOC THESAURUS, the characteristics of problems that may appear in perspective because of translational misperceptions will be shown as well as the role that appropriate control procedures may play in avoiding errors. From the example of the Serbian experience it shall be made clear that this is not just about translation problems as successes or failures. Although it is not their function, translators also highlight or even contribute to finding solutions to sensitive political issues.

**Key words:** control procedure, EU directives, EUROVOC THESAURUS, legal terms, legal translator, standards on translating

“A wrong translation costs the citizens 20 million Euros. The ignorance of the employees in the National Health Insurance Fund” This news headline (Todorović 2013: 2) recently has aroused tempers. The director of the Serbian National Health Insurance Fund was taken to task for initiating the use of new health insurance cards despite the costs it will incur for the citizens at a time when the global financial crisis burst in upon Serbia. It is claimed that the health card, as it is called in translation, refers not to the health insurance card but to the health record. Although the translation from English to Serbian is obviously not wrong, confusions arose from the interference between the meanings of the European Health Insurance Card (or EHIC) and the electronic health record. This example clearly shows the onus placed on the translator. We see the intentions of the newspaper article more clearly if we have a closer look at the newspaper article itself. Here we will see that the companies actually have to pay for the expense of issuing the new electronic health cards. Regardless of the willingness to fulfill obligations or of a person's political orientation, a solution was found in accusing a nameless translator even if he had done a good job.

Such phenomena, which bring into question the readiness of Serbian society and its institutions to engage fully in the process of the rapprochement with the EU, should be an occasion to inquire about the steps to EU rapprochement and related translation work prepared for it by the Serbian institutions. Intended to be a terminological database, what is

---

\* Association of Scientific and Technical Translators of Serbia (UPIT), University of Belgrade, Serbia; mvukcevic@fil.bg.ac.rs, sm.vukcevic@neobee.net

commonly known as the EUROVOC THESAURUS was published in Serbia in 2006 as a multilingual edition to support the quality of translating the *acquis communautaires* - the Community Acquis - of the EU into Serbian. Moreover a system established for coordinating the translation of the EU legal acts into Serbian shall ensure that the translation process controlled in practice, at the start of the Stabilization and Association Process (SAP).

Creating the national version of the EU Community Acquis is in fact the first step leading to the harmonization of the national legislation with the legislation of the EU. For this purpose, institutions needed to show that the process is an institutionalized one. Therefore, in 2004 the Serbian Office for European Integration was founded as the central coordinating authority under the European integration process. Five years later, in 2009 the Department for Translation Coordination<sup>1</sup> was founded, and the system for coordinating translations was established at the same time. To this end the government of the Republic of Serbia proposed the adoption of the Information of the preparation of the EU Acquis in Serbian language, where the workflow process for translating the Community Acquis was laid down.<sup>2</sup> The Department for Translation Coordination is divided into two parts: a) the section for coordinating translations and legal editing and b) a coordinating group for technical and linguistic editing. The main task of the Department for Translation Coordination is to prepare the national version of the EU Community Acquis. And the preparations were set in motion by the European Integration Office in cooperation with the governmental departments. The work that was to be done, was to start translating, for which external staff were hired. But because of the extensive workload, employees in all the Serbian ministries have been involved in translating and technical editing.

A brief look at the workflow for translation demonstrates the importance of a competent approach. At the beginning, after the initial collection of terms, the public administration handled the legal and technical editing. Thus it appears that it is not merely a translational task but rather a harmonization of legislation. In order to confirm the terminology used in Serbian institutions as well as by the general public, the Statistical Office of the Republic of Serbia does linguistic editing, consults external staff on these questions and confirms the accuracy of the translation. At the very end of the process, the Working Group on Verification prepares the documentation that is to be sent to the institutions of the EU where the verification by EU bodies takes place before the results are published on the website of the Serbian European Integration Office<sup>3</sup>.

Looking at the coordination scheme for creating the EU Community Acquis in the Serbian language it appears that misunderstandings of the characteristics of the assignment have caused some of the difficulties in the rapprochement process. At the beginning the translation is planned with setting the priorities. After the task the documents have to be prepared and

---

<sup>1</sup> <http://www.seio.gov.rs/office.662.html>

<sup>2</sup> Božidar Đelić: Informacija o pripremi pravnih tekovina EU na srpskom jeziku, Vlada Republike Srbije, Kancelarija za Evropske integracije, Beograd, 2009. Accessed at: [http://seio.gov.rs/upload/documents/naslovna/informacija\\_prevodjenje\\_lat.pdf/04.01.2014/11:27](http://seio.gov.rs/upload/documents/naslovna/informacija_prevodjenje_lat.pdf/04.01.2014/11:27)

<sup>3</sup> <http://www.seio.gov.rs>

posted to the translator. In the second step, the quality of the translation is controlled before the results of the first step are saved and, as it is said, put in an archive. Then the documents are sent out for technical editing. After finishing this step the documents are archived and the terms are stored in a data base. Subsequently the legal editing is scheduled and the data is stored once again in a basic record. Next in the workflow scheme is the linguistic editing once the legal editing in the previous stage is complete. In this context, the efficiency of this approach is questioned (Berteloot, 1999: 101). And that is one of the main problems of the procedure envisaged. The examples presented below show that linguistic editing needs to come before legal editing, since once the lawyers have decided on the wordings it is very difficult to get further changes approved (Pescatore, 1999: 93). In this case it is not clear, whether it is just proof-reading that is meant by linguistic editing. On the other hand the question arises on how to manage cooperation with the lawyers after their editing, for them to approve the suggested linguistic changes. Obviously, the workflow scheme is not in line with the level of understanding regarding the task that is to be managed. Therefore, it can be supposed that it is just proof-reading that is meant by linguistic editing. For the subsequent steps intended to ensure quality, it is also not clear how mistakes should be managed after the documents have been received and archived for the last time before they are posted to be verified. Once verification is complete, the documents are archived and published on the Internet. Finally, the documents are prepared and posted off to the EU institutions.

Considering that each national version of the Community Acquis has its peculiarities, preparing it is the most extensive translation project in Serbia. The piece of legislation that has to be translated comprises 120 000 pages of the EU Official journal. The fact that, at this time, the translation consists of 200 000 pages, demonstrates plainly the difficulties of providing an equivalent translation. The difference in the number of pages is on the one hand the result of linguistic differences in syntax and new semantics in phrases that are used in Serbian language, and on the other hand the result of translation work done in the way described previously. Nevertheless, this translation is a permanent and a continuing process that will go on until Serbia's accession to the EU and beyond.

It is a well known fact that legal texts require a strict form. In connection with the legal framework in the EU, the texts deal with various fields, due to the interdisciplinary nature of the EU legal acts. These are divided into twenty areas beginning with the 1<sup>st</sup> group of general, financial and institutional tasks up to the 20<sup>th</sup> group of the Europe of Nations (European citizenship, freedom of mobility inter alia). There is no need to list all the groups in detail, because they are also well known. Notwithstanding this fact, it should be noted that this sort of categorization is of great interest in Serbia because of the way things are divided up and how the groups are made up. But the real challenge is to prepare a unified technical terminology in accordance with the national legislation in order to ensure unified quality of translations.

From experience, we see that the tools available from IT technologies can be extremely useful and helpful in this procedure. In Croatia for instance, a broad basis for translation purposes was created within a Tempus Project. Similar efforts were made in Serbia too. On the one hand a data base of court interpreters was introduced. After the initial project that was financed by foreign nongovernmental organizations was started, various other websites

appeared with information about legal translators for different languages.<sup>4</sup> There are two questions that arise in relation to the appearance of such websites. First of all there is the question of the source of this information and whether the persons listed in these sites are willing to have their names published and of course in connection with this, give their permission to do so. Another question that arises when dealing with personal data in data bases intended for specific purposes is naturally the question of data protection. At least the question of setting up a data base of court interpreters and legal translators in Serbia shows the need for regulations to ensure data protection.

On the other hand IT components were also set up in Serbia to support translations. The approach should be facilitated by the fact that a portal was set up, which manages the designation of priorities including a progress editor and a document management system. One of the components used in this procedure is the so-called EVRONIM, a multilingual term base developed during the process of translating the Acquis Communautaire into Serbian, and accessible on the official web site of the Serbian European Integration Office. On the internet there are also other sources such as EUR-LEX and the Interactive Terminology for Europe IATE, EUDICT, CCVista and SDL TRADOS. But not all of them have a Serbian dictionary. It is a reasonable question to ask why institutions that are responsible for the Serbian rapprochement process, offer these sites. An answer could be that these sites be used mainly as a terminological data base in order to explore the terms to be translated from the source language. Since the Serbian terms were not included in data bases like IATE, Serbian associations of translators were contacted to offer the most used terms in translations with the aim of establishing a data base that is used now in SDL TRADOS. The key tools for translation or what we might call the manuals for translating EU legal acts are SDL TRADOS and the electronic databases EVRONIM and EVROTEKA. EVROTEKA is a collection of European Union legislation texts and their segments created for this purpose, i.e. a bilingual (English-Serbian) corpus.

With the intention of establishing a method of coordination in order to ensure quality it was concluded that constant communication with translators is highly beneficial. To that purpose contact between legally and professionally qualified technical editors has to be established and maintained. Certainly continuous training of translators and editors will also guarantee constancy in the quality of translations. Approaches like these stress the important role of professional associations in the field of translation. But first of all patience and precision are aspects which will offer good prospects for permanent work in the years ahead.

Comparing Serbia and Croatia and considering that were part of one country until very recently, it might give the impression that perhaps conceptually the terminology in most sectors is still very similar so that productivity could be gained in by building on the Croatian language version when translating the Community Acquis into Serbian. Regardless of the fact that the two languages - Croatian and Serbian - belong to one family and that, linguistically, they have the same roots, in order to affirm their own peculiarity from the Croatian side, there were tendencies to find expressions that are different from Serbian. This was taken into

---

<sup>4</sup> <http://www.adresar.mojpravno.net/tumaci/index.php?page=29> or <http://www.sudskitumac.rs/?section=home>

account very seriously by the Croatian authorities while doing the work for themselves. That is why the translation in Serbia now is being done from scratch.

An impression of the results achieved in Serbia up to now can be obtained from the presentation at the REFLESS project conference “Towards a Strategy for Developing and Implementing Language Education Policies in Serbia - STRALED” held in the Palace “Serbia” in Belgrade on November 13th 2012.<sup>5</sup> On this occasion Mila Ćipović-Gligorić, the Assistant to Director in charge of the process of translation of EU legislation at the European Integration Office, gave a presentation on the strategic importance of translation and interpreting in the light of language education policies and national strategies.<sup>6</sup> The results achieved so far are the translation of the founding treaties, including the Treaty of Lisbon which was in the process of being verified at the moment the conference took place. At that date over 70 000 pages of secondary legislation had been translated and about 22 000 pages professionally edited. Now, the second edition of the translation of the EU Acquis lies ahead. Among further results achieved there is also an electronic database of terms with about 10 600 terms. Moreover various training courses for translators, coordinators and editors were organized in more than 20 seminars. At the time it was assumed that the coordination system was complete.

Regarding the 10 600 terms included in the Serbian data base, questions arise referring to the kind of data base and the categorization of the terms. Looking at the base for collecting the terms, it is not completely clear what criterion was used for categorizing them. Data collected from professional translation associations for this purpose were expected to constitute a foundation for further development on working on terminology needed in the rapprochement process with the EU. Due to the fact that this process is a continuing one, introducing only certain terminologies in a data base is not enough. As an example the way the state administration proceeded to translate the questionnaire of the European Commission into English can be mentioned. The translation was done during permanent execution of daily operations in the Serbian Office for European Integration. In this context the starting point is the assumption that the experience of state administration should help in defining the terms in Serbian language. Problems arising hereby have an effect on the introduction of standards in translation. A first impression can be seen in this example of expressions used as terms in German language. For example, the German term for Public Procurement or Purchasing is called *öffentliche Beschaffung* (the appellation of a procurement system is *Beschaffungswesen* or *Beschaffungsrecht* for the procurement law). On the website of the City of Belgrade and its version in German language the term public procurement is translated in *öffentliche Anschaffung*.<sup>7</sup> Naturally it begs the question of how communication is to take place subsequently, especially when it is well known that the target language is a foreign language,

---

<sup>5</sup> <http://www.refless.rs/index.php?page=news&id=105#sthash.8StMg7Gk.dpuf>

<sup>6</sup> Mila Ćipović-Gligorić: Sistem koordinacije prevodenja pravnih akata EU na srpski jezik, Kancelarija za evropske integracije Vlade Republike Srbije, Sektor za koordinaciju prevodenja, Beograd, 13.11. 2012. at <http://de.slideshare.net/REFLESS/prez-mila-c-g-tempus> (accessed on January 3rd in 2014 at 14.42)

<sup>7</sup> <http://www.beograd.rs/cms/view.php?id=332092>

in this case German. Thus, it seems that the source language, Serbian, in this case can not be detected by German speaking actors in any further course, because it does not correspond to the German term. It would appear that a final language editing is missing, one that should be performed by speakers of the target language. This would prevent a potential misdirected communication.

Of course, it is a question of survival for the translator to translate correctly into the target language. The English language is expected to be the most accessible. As an intermediary language, it is most likely that a general comparison and possible distinctions on different connotations can be established in English. In such an approach, it is not only the target language which is faced with an impending change. Focusing on different target languages but mainly on English as the lingua franca shows at the same time the need for adaptation in the source language. In the case of Serbian, translations into the Serbian language are at the same time a question of identity. The problem of Serbian spelling (Cyrillic/Latin) raises the question of whether a transcription or transliteration should be applied when translating into Serbian. First, there is the question of how the names and designations of institutions and state agencies are to be translated. According to the Serbian Constitution the official language in the regulatory, legal and institutional practice is defined as Serbian. The Constitution of the Republic of Serbia in Article 10 ("Official Gazette of the Republic of Serbia", No. 83/06) determines that in the Republic Serbia, the Serbian language and Cyrillic script are in official use, except for the official use of languages and alphabets regulated by law and based on the Constitution of the Republic of Serbia. Moreover, the provision of Article 79 specifies the right of minority ethnic communities to maintain their specificity, which includes the right to use their language and script. The Law on Official Languages and Scripts ("Official Gazette of RS", No. 45/91, 53/93, 67/93, 48/94, 101/05, 30/10), which arises from that, determines that the Serbian language shall be in official use in the Republic of Serbia as well as the use of the Cyrillic alphabet and the Latin alphabet in the manner established by this Law. The role of the script can be seen in the example of the constitutional changes. In 2004 the Manual for translating the EU Acquis for the common state of Serbia and Montenegro was written first in the Latin script.<sup>8</sup> In the meanwhile the third edition is written in Cyrillic.<sup>9</sup> In addition to the practice of publishing the laws in Serbian language, the official Gazette of the Republic of Serbia publishes various legal acts, laws also in English language.<sup>10</sup> At least the following text should not elaborate different varieties or possibilities of use for the different scripts, particularly as script and language cannot be treated as equal.

---

<sup>8</sup> Jela Baćović. (izd.): Priručnik za prevođenje pravnih akata Evropske unije. Priredila Irena Banovčanin Heuberger, Kancelarija Srbije i Crne Gore za pridruživanje Evropskoj uniji/ Evropska agencija za rekonstrukciju, Excelsior d.o.o, Novi Beograd, Beograd, 2004

<sup>9</sup> Милица Делевић (izd.): Приручник за превођење правних аката Европске уније. Канцеларија за европске интеграције и Републички секретаријат за законодавство, стручни сарадници Александра Чавошки, Ивана Андрић, Београд, <sup>3</sup>2012

<sup>10</sup> <http://pregled-rs.rs/products2.php?id=1&lang=en>

In the Basic provisions, Article 1 states that in the territory of the Republic of Serbia inhabited by national minorities, the Serbian language and the languages and scripts of national minorities are in official use simultaneously in the manner prescribed by this Law. The official use of languages and scripts, in terms of this Act, means the use of languages and scripts at work of public authorities, autonomous provinces, cities and municipalities, institutions, companies and other organizations that exercise public authority as well as it means the use of languages and alphabets by public enterprises and public services and also in work of other organizations when performing duties under this Law. Referring to the problem of the script it is a question of translating as well. The decision to be made in this context asks for the public communication and whether the names of institutions to be established should be translated or it would be sufficient to transliterate the new denominations regarding the need of the languages and scripts of the minorities living in Serbia. Even if the answer to this question on how names of institutions and state authorities should be spelled seems to be obvious, it is also obvious that this question will take on a political dimension among the official minorities in Serbia. Naturally, the trouble that could be caused is closely related to the need to protect the characteristics of national identities.

At least the complexity of translating first the Questionnaires of the EU and now the Community Acquis is a question of a proper knowledge according to the subject-specific terminology in English and in the next step then the problem of translating into Serbian (and of course vice versa). By using the Ministries and giving them the job of translating into Serbian, difficulties arising beg the question whether the problem is the Serbian translation or the appropriate understanding of the terms used in English. The question to be asked in this context is whether the person has the ability to transfer meanings into the mother tongue and if there is insufficient knowledge to enable the meaning to be transferred into the mother tongue, then in the second step a request to obtain the necessary foreign language skills needs to be issued. Translation by machines and tools, means using ready-made solutions. But the real challenge should be the right choice between different meanings that have a synonymous matching. Regarding the impossibility of comparing alternative solutions due to lack of language skills, it is surely clear that only adequately trained personnel with technical experience can provide suitable solutions for these complex tasks.

Drawing on the system for coordinating translations and the preparations made to this purpose, mentioned before, it seems not to be the optimum approach at the very beginning of the process. Now the issue is focusing on recognizing the problems and then the application of the legal solutions in order to guarantee public interest. The European Integration Office in cooperation with the governmental department is familiar with using the Ministries and allocating the translation work into Serbian. It is more than obvious what is to be expected in the subsequent course of events. Regarding the future steps, these were discussed at a conference in November 2012 in Belgrade, which was organized as an event of the Tempus Project Reforming Foreign Language Studies in Serbia. As mentioned above in this context, the presentation made by Mrs. Mila Čipović-Gligorić at this occasion addressed the strategic importance of translation and interpreting in the light of language education policies and

national strategies.<sup>11</sup> Her presentation demonstrated the huge workload to be done that induced the staff of the Serbian government, currently working on the translation of the Community Acquis, to include the entire state administration on this job. Obviously no emphasis was placed on the technical aspects. Professional associations and UPIT especially were not contacted. Apparently, this question relates to how quality is to be ensured. It might be questioned whether employing agencies operating on the market at economic conditions is the right choice. If the work is to be ensured mainly through outsourcing relying on freelance contracts or with external staff, how is quality and consistency over time to be ensured? Therefore, in the decision between concerns in the economic sphere and the quality of the task, the priority was deemed to be the economic aspect. A number of further questions that arise associated with the setting of contracts for translators and whether they are set from one work assignment to another. Because of the variation in terminology, it is also recommended that an internal revision team be set up.

The results achieved draw attention especially to those tasks which need attention in the years to come. In the multilingual edition of the EUROVOC THESAURUS the entries show an approach based on the English language. But examining the entries for instance in German, it is also useful to recall the examples quoted above. Now, the following examples show on the one hand an influence of globalization tendencies and an understanding of English as the lingua franca but also insufficient elaborated language skills or literacy.

Item N <sup>o</sup> , page	Serbian	English	German	instead of
2804. p. 146	микро-рачунар	micro-computer	Personal Computer	Mikrocomputer (Mikrorechner)
2850. p. 148	мобилност студената	student mobility	schulische Mobilität	studentische Mobilität
2957. p. 153	накит и производи од злата	jewellery and goldsmith's articles	Schmuck und Goldwarenerzeugung	Goldwarenerzeugnisse
2542. p. 133	Лорен	Lorraine (Lorraine (F))	Lothringen	Лорен <del>а</del>

## References

---

11

<https://docs.google.com/document/d/1nQZ4tQQkw5a5IpA55FSA9oCOH6KScXol0GOEPPM9O6M/edit?pli=1>, p. 5 (accessed on January 3<sup>rd</sup> in 2014. at 14.40)



BAĆOVIĆ, Jela. (izd.): Priručnik za prevođenje pravnih akata Evropske unije. Priredila Irena Banovčanin Heuberger, Kancelarija Srbije i Crne Gore za pridruživanje Evropskoj uniji/ Evropska agencija za rekonstrukciju, Excelsior d.o.o, Novi Beograd, Beograd, 2004

BERTELOOT, Pascale (1999): Der Rahmen juristischer Übersetzungen, G.-R. De Groot und R. Schulze (Hrsg.) Recht und Übersetzen, Nomos, Baden-Baden

ДЕЛЕВИЋ, Милица (izd.): Приручник за превођење правних аката Европске уније. Канцеларија за европске интеграције и Републички секретаријат за законодавство, стручни сарадници Александра Чавошки, Ивана Андрић, Београд, <sup>3</sup>2012

DIMIRIJEVIĆ, Duško (izd.): Rečnik EUROVOC (EUROVOC THESAURUS, 4th edition). Višejezičko izdanje. Institut za međunarodnu politiku i privredu. „Mladost biro“ d.o.o. Beograd, 2006.

ЂЕЛИЋ, Božidar: Informacija o pripremi pravnih tekovina EU na srpskom jeziku, Vlada Republike Srbije, Kancelarija za Evropske integracije, Beograd, 2009.

Закон о службеној употреби језика и писама. Службени гласник Републике Србије, број 45/1991-1802, 53/1993-2467 (др. закон), 67/1993-3111 (др. закон), 48/1994-1497 (др. закон), 101/2005-28 (др. закон), 30/2010-141

NIKOLIĆ, Jasmina et al.: Towards a Strategy for Developing and Implementing Language Education Policies in Serbia (STRALED). Reflex project second top-level Conference in Belgrade November 13<sup>th</sup>, 2012, Tempus, REFLESS Project, Serbia, 2013

PESCATORE, Pierre (1999): Das Konzipieren übersetzungsrechtlicher juristischer Dokumente, G.-R. De Groot und R. Schulze (Hrsg.) Recht und Übersetzen, Nomos, Baden-Baden

TODOROVIĆ, Sonja, Neznanje zaposlenih u RFZO. Greška u prevodu će nas koštati 20 miliona evra, Tanjug | 03. 08. 2013. - 19:48h **08:28h** | Foto: R. Ristić. *Blic*. Godina XVII, br. 5918, Ringier Axel Springer d.o.o. Beograd, str. 2

ЋИPOVIĆ-GLIGORIĆ, Mila: Sistem koordinacije prevođenja pravnih akata EU na srpski jezik, Kancelarija za evropske integracije Vlade Republike Srbije, Sektor za koordinaciju prevođenja, Beograd, 13.11. 2012.

Устав Републике Србије. Службени гласник Републике Србије, број 83 од 01.10. 2006.

## **Internet**

<http://www.adresar.mojepravo.net/tumaci/index.php?page=29>

<http://www.blic.rs/Vesti/Tema-Dana/396924/Greska-u-prevodu-ce-nas-kostati-20-miliona-evra>

<https://docs.google.com/document/d/1nQZ4tQQkw5a5IpA55FSA9oCOH6KScXo10GOEPPM9O6M/edit?pli=1>, p. 5 (accessed on January 3<sup>rd</sup> in 2014. at 14.40)

<http://www.refless.rs/index.php?page=news&id=105#sthash.8StMg7Gk.dpuf>

<http://www.seio.gov.rs>

<http://www.seio.gov.rs/office.662.html>

[http://seio.gov.rs/upload/documents/naslovna/informacija\\_prevodjenje\\_lat.pdf](http://seio.gov.rs/upload/documents/naslovna/informacija_prevodjenje_lat.pdf)

<http://www.sudskitumac.rs/?section=home>

<http://pregled-rs.rs/products2.php?id=1&lang=en>. „Прописи на енглеском језику.“