

INTERNATIONAL INTERDISCIPLINARY CONFERENCE:

**"EUROLANGUAGE IN PRIVATE INTERNATIONAL LAW.
LEGISLATING, TRANSLATING AND APPLYING"**

Thursday, 14 June 2018

Faculty of Law, Tarragona (Universitat Rovira i Virgili)

CALL FOR PAPERS

I. Object of the conference

The Conference "Eurolanguage in Private International Law. Legislating, Translating and Applying" is an interdisciplinary forum for lawyers and scholars in the field of private international law, comparative law and private law to establish fruitful discussions with scholars and practitioners in the areas of legal language and translation, with the personnel from international institutions, academics and professionals.

The aim is to reflect on the possible establishment and impact of a European legal language framed within the area of private international law (PIL). The ground rules of European PIL are enshrined in European regulations, but also directives, which are discussed in the legislative process using, *a priori*, the 24 official languages in a context of integral multilingualism. As a result, EU rules in 24 language versions are applicable in all 28 Member States. European rules are published in all official language versions and all of them are equally valid (EUECJ, 20 November, 2001, *Jany and others*, C-268/99, sec. 47 ECLI:EU:C:2001:616). In practice, many of the versions of European rules are translations.

The analysis will focus on the linguistic issues pertaining to drafting the EU rules; the tools, techniques, and problems in translating the linguistic versions of the rules; whether interlinguistic coherence is achieved; and the legal-linguistic issues the legal operators of Member States face when applying European rules on PIL norms coexisting with other rules of conventional and domestic origin.

Translation in this context has specific and distinctive conditions, which are also reflected in the guidelines and institutional dictionaries: domestic legal languages and terminology need to be neutralized for European languages and meanings to take over. Furthermore, the variety of registers, the differences between internal and European writing styles, the inclusion of terms and concepts which are foreign for national legal systems (*e.g. trust, közjeggyő*, authentic instruments), and terms whose meaning cannot be unified because they refer to domestic law (*e.g. ordre public*, CJEU, 14 October, 2004, *Omega* (C-36/02), ECLI:EU:C:2004:614). In this context, can translation aspire to vertical and horizontal coherence among the different linguistic versions of the rules pertaining to an area?

From the lawyer's point of view, the final aim of all 24 language versions of European rules of private international law is the uniform application of the rules within the Member States in the context of the European judicial area (<https://e-justice.europa.eu/home.do>) which guarantees the free movement of any citizen of the European Union. Sometimes, a uniform application is not possible because errors in drafting and/or translating the language version invoked are detected, which impact the application of the norm to citizens, thereby creating mistrust in justice systems from other Member States. For instance, is not the same "*recurrente/susceptible de recours*" than

"*ejecutable/exécutoire/enforceble*" of the certificates accompany judgments in Regulation 2201/2003 (corrigendum DO L 82 of 22.3.2013) or; "after/después" or "as from/a partir", these terms have transcendence in determining the applicability of the Regulation 593/2008, (CJEU, of 18 Octobre 2016, *Nikiforidis*, (C-135/15), ECLI:EU:C:2016:774).

Further, the rules of the European PIL have to be applied and coordinated with the rules and terms enshrined in the PIL conventions (e.g. the 2017 Hague Protocol needs to be coordinated with Regulation 4/2009, or the UNCITRAL 1980 Vienna Convention with the EU Regulations on contractual obligations), as well as domestic norms on PIL. Added to these coordination needs, there are others derived from the necessary (vertical and horizontal) coherence between European autonomous concepts introduced in the interpretations by the Court of Justice of the European Union and its judgments and between these and the European regulations.

The legal operators of Member States (judges, lawyers, barristers, administrations of justice) are required to apply European legislation in the private relations among citizens and businesses with cross-border implications, and to that end they use the language version of their country, but not always in a European sense. There is no doubt that the difficulty lies in the coexistence of different normative sources, besides a lack of knowledge of the emerging European legal tradition and its European legal language. Coexistence is a fact: an effort is required from domestic systems to integrate European rules, and to understand that one same term does not necessary have one same meaning in both contexts.

II. Topics

The organizers invite proposals on issues related to the general topic of the conference, including but not limited to:

Abstracts 1: working systems and issues arising when translating legislative texts at EU (integral multilingualism) and international institutions; multilingual documentation at international organizations; analysis of the legal corpus; vertical and horizontal consistency between the language versions of European normative instruments (*multilingual concordance*); implications of *global English* in the work of the translators / linguists and in the results of the language versions of rules; the language situation after Brexit.

Abstracts 2: coordination and legal-linguistic consistency between the different language versions of EU regulations in PIL; errors and / or confusion in the language versions of the PIL regulations (e.g. differences in meaning across versions, see above); coordination and legal-linguistic coherence among international rules of PIL (EU, Hague Conference, UNCITRAL, CIEC); and among those and domestic rules of Member States.

Abstracts 3: terminological research in Law; analysis of institutional, multilingual thesaurus, dictionaries (eg *IATE-InterActive Terminology for Europe, EuroVoc*); creation of Eurolanguages; autonomous or uniform concepts of the CJEU and vertical and horizontal coherence in PIL (eg. the concept of 'consumer', contractual and non-contractual obligations, marriage, trading of goods, provision of services, courts); referral to domestic concepts (eg public order); the interpretative function of the CJEU.

Abstracts 4: analysis of EU Member States' case law incorrectly applied to applying national rather than European meanings (eg, in Spain, the "maintenance obligations" in PIL rules include a "compensatory pension between spouses" while that is not the case in Spanish domestic law). Analysis of issues in drafting and translating international contracts and deeds with cross-border

effects that must be legally and linguistically coordinated with existing regulations and terminology (eg testaments than need to be linguistically and legally coordinated with national regulations on Inheritance).

III. Submission, acceptance of proposals, registration of speakers and publication

Formal requirements: 500-600 word-long abstracts and 5 keywords in a MS Word file.

Languages: Spanish and English.

Content: Title of the proposal. Full name of speakers. University and academic position, or institution and position, or profession and place of practice.

Selection: the scientific committee will evaluate and select proposals according to their relevance for the topics (see above) and the quality and originality of the approach developed in the proposal. Priority will be given to proposals approaching specific aspects (difficulties / problems / errors detected, proposal of solutions, reflections on a specific area), either from a legal (private international law) or a linguistic, terminological or translation perspective (from either an institutional or a professional point of view).

Deadline and address for submissions: Proposals may be submitted until 21 May, 2018. Proposals should be sent to: mireia.eizaguirre@urv.cat, who will confirm reception.

Confirmation of acceptance and oral presentation: All authors will receive an email with the decision by 25 May, 2018: proposals may be accepted to be presented orally (10 minutes); accepted not to be presented orally; or rejected.

Registration: authors of accepted proposal should complete registration by 8th June 2018. Registration will be valid after payment on a € 50 fee credited to the account number: BANCO BILBAO VIZCAYA, IBAN: ES9601826035450201605723. SWIFT: BBVAESMMXXX. Proof of payment should be sent to: mireia.eizaguirre@urv.cat.

Publication: Accepted papers, presented or not, will be published in a collective volume as long as they are positively assessed in the relevant blind review.

IV. Scientific Committee

Dr. JJ Forner Delaygua, Professor of Private International Law (Universitat de Barcelona)

Dra. Diana Marín Consarnau, Associate Professor of Private International Law (Universitat Rovira i Virgili)

Dr. Anthony Pym, Professor of Translation and Intercultural Communication (Universitat Rovira i Virgili)

Dr. Esther Monzó-Nebot, Associate Professor of Translation and Communication (Universitat Jaume I)

Dr. Barbara Pasa, Associate Professor of Diritto privato comparato (Università luav di Venezia)

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