



EUROPEAN CENTRAL BANK

Multilingual drafting – the ECB's approach

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History & Organisation

- June 1999 ECB establishes Juristes-Linguistes Division (JUL) within ECB's DG Secretariat and Language Services;
- May 2004 reorganisation two distinct sections created: 1)Operational Law Section and 2)Institutional Law Section;
- April 2006 Division renamed the Lawyer-Linguists Division (LLI) and merged with DG Legal Services. Sections renamed: 1) Legal revision and 2) National law

LLI's principal legal revision tasks

Implementing the ECB's linguistic regime by:

- ensuring high quality in the drafting of ECB legal acts, in particular by applying ECB and Community drafting rules;
- preparing legal acts in all official Community languages;
- reviewing texts for legal and linguistic consistency;
- ensuring transparency via wide publication – OJ & ECB website

⇒ 'cradle to grave' approach involving LLIs from initial drafting to final publication

Legal drafting – 2 key principles

1) **Clarity** = clear, precise and simple drafting – essential to ensuring legal certainty

2) **Consistency** applies across the whole legal framework and involves :

- content
- conventions (style guides)
- concordance (between all language versions)

Key objective = clear separation between descriptive provisions (recitals) and binding provisions (enacting terms)

What does this mean in practice?

- **Concise recitals**
 - explain the enacting terms
 - no obligations
- **Short and structured articles**
 - no description – only rights and obligations
 - group similar provisions together
 - division into chapters and sections
 - subject matter and scope article
 - consistent definitions grouped at the beginning
- **Annexes**
- **Clear procedure for amendment**

Legal drafting - structure

- **Standard structure for enacting terms:**
 - Subject matter and scope
 - Definitions
 - Rights and obligations
 - Procedural/implementing provisions
 - Transitional/final provisions
- **Division into titles, chapters and sections**

The working methods and working tools

- team work – coordinators, multilingual drafting teams, translatability tables and meetings with experts;
- early involvement of several languages in drafting process;
- individual responsibility for a language and an area of expertise;
- proficient IT support (Trados translation tools)

Working methods (cont.)

Phases of project:

- New project arrives - appoint English editor and if necessary coordinator and multilingual drafting team (3-4 languages);
- Establish project objectives and restrictions, set deadlines and draw up a production schedule;
- Gather and read any relevant background material;
- Attend drafting panel meetings;
- Once EN text is stable launch translation into all languages, establish 'translatability queries table' and organise 'translatability' meeting.

Tools of the trade:

- Community drafting principles: The Joint Practical Guide;
- Style Guides: Interinstitutional Style Guide, Council, Commission, ECB;
- Internet, CELEX, EurLex, NCB websites, Community institutions' websites;
- Cooperation and exchange of ideas with colleagues at the Council, Commission and Parliament.

Advantages of clear drafting

- **Technical precision**
- **Lessens legal risk**
- **Increases legal certainty**
- **Transparency - public accessibility**

Advantages of multilingual drafting

- Early involvement subject experts highlights drafting, translation or other problems posed by EN text thus improving the quality of the text at an early stage and using resources efficiently;
- Produces a number of reference texts that help other LLI to raise and answer queries;
- Project team identify useful background information and sources of specialised terminology;
- LLI's multilingual approach to drafting allows timely and valuable input from colleagues covering the other 21 languages.

The translatability process (ex. 1)

- Original EN text ‘[...] euro banknotes which are printed only to be issued by the Eurosystem [...]’
- Query - please explain what ‘only’ refers to
- Final EN text - ‘[...] euro banknotes which are printed to be issued by the Eurosystem alone [...]’

The translatability process (ex. 2)

- Original EN text - '(T)he [...], as the appointed agent of the Irish Treasury.'
- Query – Is Irish Treasury a descriptive term or is it the official title ?
- Final EN text – '(T)he [...], as the appointed agent of the Irish Department of Finance.'

The Future...

Future actions to improve ECB legal acts:

- Greater use of documents outside the legal framework (such as manuals);
- Clearer distinction between legal and technical provisions, e.g. by moving any rights or obligations in the annexes to the enacting provisions;
- Reduce the size of the annexes and merge annexes where possible;
- More frequent use of recasting instead of amending legal acts.