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Corrigenda of EU Legislative Acts as an Indicator of Quality Assurance Failures: A Micro-Diachronic Analysis of Errors Rectified in the Polish Corrigenda

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Abstract

The objective of this chapter is to approach the topic of translation quality through the lens of corrigenda, an instrument which formally rectifies errors in EU legal acts. This instrument is part of the European Commission's ex-post quality monitoring metrics included in the correction rate. Corrigenda have been rarely studied despite their potential to give insight into the nature of translation errors which were serious enough to require a formal rectification. We analyze the practice of corrigenda quantitatively and qualitatively, by investigating correction rates and the nature of corrigenda from a micro-diachronic perspective of 2004-2006 and 2015-2017 to correlate them with the maturity of the Polish Eurolect. Our findings show the growing number of corrigenda in the latter period, a large number of drafting corrections, an unpredictability of correction rates and inconsistencies in the corrigendum process. The largest group of corrections concerns terminology and phraseology. The early period is marked by unstable terminology and intra- and intertextual inconsistencies. The mature period also shows intertextual inconsistencies but, above all, domestications of terminology and phraseology to the national usage, pointing out to the key challenge of a supranational and national interplay in EU translation.

1. Introduction

The overall objective of this chapter is to approach the topic of translation quality through the lens of corrigenda, an instrument published in the Official Journal which formally rectifies an error in one or more language versions of an EU legal act (cf. Bobek 2009). Corrigenda have been rarely discussed in academic literature and publicly accessible institutional documents; likewise, to the best of our knowledge, they have not been researched empirically so far except for a recent paper by Prieto Ramos (2020). It is surprising, given the potential of corrigenda to give an insight into the nature of those quality issues in high-profile legal documents which were serious enough to require a formal rectification. This chapter intends to fill this niche. We analyze the practice of corrigenda quantitatively and qualitatively, by investigating the correction rates, the nature of corrigenda and the nature of formally identified and corrected errors (which mainly concern terminology and phraseology) to better understand quality assurance failures in EU translation. Corrigenda are analyzed from a micro-diachronic perspective of 2004-2006 and 2015-2017 to examine their correlation with the maturity of the Polish Eurolect.

2. EU law in translation: multilingual concordance and divergences between language versions

The European Union (EU) is now a supranational organization of 27 Member States and 24 official languages, which has legal autonomy. This means that EU law is autonomous and distinct from the Member States' national law and has supremacy over Member States' national laws (Case 283/81 *Srl CILFIT* [1982]; Judgment of the Court of 15 July 1964, Case 6-64 *Flaminio Costa v E.N.E.L.*; see also

Woods, Watson and Costa (2017). It is drafted by the institutions at the supranational level, yet it is applied in 28 national legal systems (Kjær 2007: 79), either through its directly binding force (regulations) or through transposition (directives) into national legal systems (Biel 2014: 59). As a consequence, it has a considerable impact on national legal systems.

EU law is promulgated in 24 language versions, which altogether contribute to the meaning of a single legal instrument (Šarčević (1997, 64), Derlén (2015: 62)). Under Regulation No 1/1958 and the principle of equal authenticity (Šarčević 1997, 64), all language versions are *de jure* authentic, have legal effect and equal status (Derlén 2015, 62). As a result, each language version functions as an independent text in respective Member States: it is used by national drafters to harmonize national legislation and for various official purposes (Robertson 2010, 147).

The fundamental relationship of translations to their source text – equivalence – is replaced by “multilingual concordance”, that is the equivalent relationship among all 24 language versions of a legal act with the same legal effect (cf. DGT (2016b, 4), Drugan, Strandvik, and Vuorinen (2018, 57)). In practice, it is predominantly the English¹ version which is a source text – or rather a base text subject to rewriting and negotiations. From a legal point of view, it is irrelevant and all language versions are presumed to have the same meaning (“legal accuracy”, DGT (2016b, 6)). Since language versions are expected to enable the uniform interpretation and application of EU law in all the Member States (Šarčević 1997: 73), it is vital to ensure minimum divergences between language versions. It applies in particular to critical divergences which may favour or disadvantage some citizens, businesses or countries in an unintended way (DGT (2015, 5), Kapko (2005, 2)). Yet, considering the political, linguistic and institutional complexity², errors and divergences between language versions are unavoidable (Schilling (2010), Šarčević (2013, 1, 9), Robertson (2010, 155), Somssich, Várnai, and Bérczi (2010, 137-141)). Some divergences may be caused by drafting³ errors (Stefaniak 2013, 59) while others may result from constraints and errors of the translation process. Some errors are corrected before a legal act is published in the Official Journal if spotted by translators or legal revisers (Stefaniak 2013, 60). After the act has been published, an error can be corrected through a corrigendum (see Section 4). Secondly, divergences can be compensated for through judicial interpretation: the Court of Justice of the European Union compares language versions through a more flexible teleological approach (Doczekalska (2009, 362-363), Šarčević (2013, 13)).

3. The EU’s renewed approach to translation quality assurance after the 2004 accessions

Recently the topic of institutional translation quality has received considerable attention in Translation Studies (cf. Prieto Ramos (2017), Svoboda, Biel, and Łoboda (2017)) and EU institutions. What is clearly visible in EU institutions is the critical reframing of the concept of translation quality and its metrics (cf. Biel 2017). Following the doubling of official languages and translation activity after the EU enlargements in 2004-2007, the resulting pressure on cost efficiency and increased outsourcing, the institutions have worked out a more integrated, systematic and structured approach to translation quality assurance in the last 15 years (Strandvik 2017b, 52). It started with the development of quality management policies, guidelines, actions and frameworks to lay the ground for a renewed process-oriented approach (cf. Strandvik 2017b, 54 ff.). It was built around two principles: consistency of approach and consistency of quality (Drugan, Strandvik, and Vuorinen 2018). The new approach focuses on the improvement of processes, quality management through knowledge management (with increased synergies between language units and institutions) and organizational restructuring into “a matrix

¹ See Biel, Biernacka, and Jopek-Bosiacka (2018) and Doczekalska (2018) on English as the EU’s main procedural and drafting language.

² See e.g. Biel (2014), (2019) for discussion.

³ The EU’s legislative drafting is multilingual and multistage with a frequent rewriting of drafts; it is intertwined with translation and language switching at all stages (Doczekalska (2009, 360), Koskinen (2001, 293), Robinson (2014, 207)). Drafts are often written by non-native speakers of English, which increases ambiguities (Sosoni (2011), Biel, Biernacka, and Jopek-Bosiacka (2018, 252)). Translators often work on non-final drafts (Koskinen (2000, 59), Stefaniak (2013, 60)).

structure for quality management” with new coordination roles, such as quality managers and portfolio managers (Strandvik (2017b, 55-57), DGT (2016a)).

Some noteworthy initiatives at the European Commission⁴ include: IT investments, prioritization of documents, increased editing of English documents before translation, uniform standards for the evaluation of outsourced translation (Strandvik 2017a), knowledge-sharing and standardization through translation manuals, style guides and clear writing guides (Drugan, Strandvik, and Vuorinen 2018, 44). Key performance indicators were introduced to quantify quality from a process-oriented perspective, including a correction rate (see Section 4), customer satisfaction rate, editing rate, deadline compliance rate, etc. (DGT 2016b). The very concept of quality was redefined in line with the EN 15038:2006 standard (ECS 2006) from traditional “faithfulness” to more flexible “fit-for-purpose”; for example, error relevance descriptors in the Commission no longer refer to changes in meaning but to an impairment of “the usability of the text for its intended purpose” (Strandvik 2017a, 125). This redefinition was intended to match quality requirements with text types to prioritize documents and manage resources more effectively (Biel 2017, 35).

Thus, according to the Translation Quality Guidelines (DGT 2015) developed by the European Commission’s Directorate-General for Translation’s (DGT), EU legal acts belong to the prioritized Category A of documents due to the high legal, financial and political risks they entail. They are translated mainly in-house and were initially excluded from outsourcing; however, currently this exclusion is not restrictively applied and ca. 20% volume of legislative translation was outsourced by the Commission in the 1st quarter of 2014 (Strandvik (2014, 221) (2017b, 53)). Legal acts are allocated to the most stringent quality control level with full bilingual revision (DGT 2015, 7) and legal revision by lawyer-linguists. In addition to standard linguistic requirements, they should comply with drafting and other guidelines and have intra- and intertextually consistent terminology of unchanged conceptual scope (DGT 2015, 6). Any new terms created should be consulted with the DGT and source text errors should be flagged to the DGT (DGT 2017, 2). To sum up, EU legal acts are subject to the most rigorous quality assurance requirements.

4. Corrigenda as a translation quality metric

A corrigendum is a sub-genre in the legislative genre chain. It is a document which formally rectifies an error in one or more already published language versions of an EU legal act and which is published in the Official Journal: “[i]ts purpose is to realign the published legislative text with the original will of the legislative body by removing mistakes that occurred in the publication process” (Bobek 2009, 950).

Corrigenda requests are submitted by Member States, legal persons or EU institutions (EC 2012, 30) to an applicable EU institution which is in charge of a given act. Rectification procedures date back to the 1970s and differ across the institutions. In the case of the European Commission, obvious drafting errors in Commission acts are corrected by the Secretary General, where obvious errors are understood as “easily recognizable errors in the text (e.g. spelling, typing or printing errors, mathematical errors or the omission of one or more words or of part of the text)” (Commission Decision of 12.7.2017, C(2017) 4898 final). Translation errors are corrected by the DGT under the empowerment in SEC(2008)2397. The empowerment lists three cumulative conditions to be met by an error to qualify for rectification: (1) it should appear in translation; (2) it should be “easily recognisable” or identified beyond doubt in comparison to the original; (3) it should not affect “the substance of the text as a whole”. The Commission’s procedure requires consultations with the author Directorate-General and the positive opinion of the Legal Service. Substantial drafting/translation errors are corrected by way of procedure corresponding to the adoption of the initial act (Somssich, Várnai, and Bérczi 2010, 144).

The rectification procedure of the Council is specified in its Manual of Precedents, which stresses that “In practice, a corrigendum (...) is made to those parts of the text that are so lacking in form as to be incomprehensible, as well as to errors liable to produce *undesired legal effects* (obvious typing or

⁴ See Hanzl and Beaven (2017) on quality assurance in the Council of the European Union.

language errors that are *unimportant should not be corrected* by a corrigendum)” (Council 2015, 177, emphasis added). Obvious errors are corrected by way of corrigenda while non-obvious errors can be corrected either by way of corrigendum or by a new act, depending on the delegations’ decision (Somssich, Várnai, and Bérczi 2010, 145). In the case of acts adopted in the ordinary legislative procedure, which are analysed in this study, the corrigendum has to be formally approved by the European Parliament and requires prior consultations with Member States and other stakeholders (see Council 2015, 179-180 for a detailed description of the procedure).

In one of few papers devoted to corrigenda, Bobek distinguishes two types: (1) **purely formal corrigenda**, and (2) **meaning-changing corrigenda**. The former are regarded as “genuine corrigenda” as they rectify errors caused during the publication process, including “typographic mistakes and omissions, obvious flaws in writing or type-setting. They might include things like omitted letters, small instead of capital letters at the beginning of a sentence, incorrect internal references caused by a typing mistake, wrongly type-set sentences or paragraphs, and so on” (Bobek 2009, 951). The meaning-changing corrigenda “substantively alter the content of the legal norm” and are usually caused by translation errors at an earlier stage rather than typing mistakes (Bobek 2009, 951). Such corrections “include narrowing or broadening of notions in a legal text, changing the nature of a list of conditions to be fulfilled (from enumerative to exhaustive), turning positive sentences into negative ones, or even plainly rewriting of substantive parts of a piece of EC legislation” (Bobek 2009, 951), thus effectively changing the scope of rule application (Bobek 2009, 252).

The recently intensified practice of corrigenda prompts criticism. Bobek criticizes⁵ its “inflationary (mis-)use”, arguing that EU corrigenda go beyond purely formal corrigenda and often consists in meaning-changing corrigenda, which materially should be treated as amendments, that is as “*ex post* alterations of the content of the published [...] legal norm” (2009, 951, 960, 962). He also points out that corrigenda are used to belatedly fix translation errors which should have been eliminated much earlier at the drafting stage (Bobek 2009, 958). The European Commission also perceives corrigenda as one of the costs of poor-quality translation which reduce legal certainty due to their retroactive legal effect and may entail a loss of reputation, image risks, litigation risks as well as the costs of handling corrigendum requests from Member States (EC 2012, 12). As a result, the European Commission introduced the correction rate as one of translation quality metrics in its ex-post quality monitoring. The correction rate is defined as “the ratio between the number of translations formally corrected during one year and the number of translations of the same year and the preceding two years that can be subject to such corrections”, with the 2020 target being below 0.5% and the base rate in 2015 – 0.42 (DGT 2016b, 9).

5. The Polish Eurolect: phases of development and quality issues

EU legislation is formulated in 24 Eurolects – translator-mediated supranational varieties of national legal languages, which emerged to cater for the needs of supranational EU law and are hybrid at the terminological, grammatical and stylistic levels (Biel 2020). The Eurolects are in different phases of development, ranging from 10 to 60 years, depending on a country’s accession date, e.g. Dutch, French, German, Italian are the oldest Eurolects while Croatian is the youngest one (Biel 2020).

With Poland’s accession to the EU in 2004, the Polish Eurolect is relatively young. Its phases of development can be divided into: the pre-accession formative stage, the transition stage, and the mature post-accession stage (Biel 2018, 296). It started to form before the accession in the early 2000s when Poland started to translate the *acquis* and harmonize its national law with EU law. It developed under time pressure in a chaotic manner with insufficient quality assurance on the part of the Polish government, resulting in the low quality of Polish translations and over 4,500-pages of corrections of translations submitted to the EU institutions soon after the accession (Uhlig (2005), Biel (2014, 74-75)).

⁵ Another interesting aspect of corrigenda raised by Bobek is that they are not explicitly regulated in EU law, case law or doctrine and their nature is unclear, e.g. whether their application is retroactive or prospective (2009, 955-956).

This is also confirmed by the findings of the corpus-based Eurofog project covering the period of 1958-2006, which evidences the low textual fit of the Polish Eurolect to national law and its visible translatedness (Biel 2014, 295). The transition took place after the accession when the EU institutions took control over the translation process and started to build the Polish language unit and Polish resources. Starting from 2008-2010, the Polish Eurolect became stabilized and entered a mature phase of development (Biel 2018).

6. Material and method

The study investigates the practice of corrigenda which affected the Polish language versions of EU legal acts from a micro-diachronic perspective by comparing corrigenda in the early formative stage of the Polish Eurolect 2004-2006 and the mature stage of 2015-2017. The first part of the study adopts a quantitative approach to identify rectification trends in the two periods by analyzing corrigenda to the Polish versions of EU legal acts contained in EUR-Lex⁶, an official database of EU law (refine query option, subdomain – legal acts, type of act – corrigendum, year of document). The second part of the study is qualitative in nature and manually investigates the nature of errors corrected by means of corrigenda. It is narrowed down to a specific type of legislative acts – regulations of the European Parliament and of the Council adopted in ordinary legislative procedure.

The choice of this legal act was dictated by several considerations. First, regulations are directly applicable in Member States; they are self-executing and automatically incorporated into national legal systems as binding law. By contrast, directives require transposition into national law and transposing acts may eliminate translation errors or divergences. Secondly, legislative acts were selected over non-legislative acts, such as delegated acts and implementing acts, since they are higher in the hierarchy of norms (cf. Curtin and Manucharyan 2015). These basic legal acts serve as a terminological reference for future legislation, in particular non-legislative acts (Stefaniak 2017, 116). Thirdly, the **ordinary legislative procedure**, previously known as a “co-decision” procedure, is the most democratic way of EU decision-making with growing importance⁷. It requires the joint involvement of and balance between three institutions: the Council and the European Parliament adopt a legislative act proposed by the Commission (Lelieveldt and Princen 2015, 82-83). The study does not cover legislative acts adopted in special legislative procedures which are reserved for limited prescribed policy areas⁸. Finally, the ordinary legislative procedure is interesting due to its complexity and negotiations in and between all the institutions, with numerous amendments and up to three readings in the Council and the Parliament. It represents the EU legislative procedure at its fullest, with translators “patching up” the text at its multiple stages.

Some corrigenda have only one correction while others have multiple corrections. One correction point may rectify a single error or a number of errors, usually coming from one editing unit of a legal act. The same errors repeated in one corrigendum were counted only once. However, if the same error was made in two or more regulations, it was counted separately for each act. Errors were classified according to the eight-category error typology used by the DGT to evaluate translations: sense, omission, clarity, grammar, reference documents/materials, term, punctuation, and spelling (Strandvik 2017a, 125-126).

7. The quantitative analysis of Polish corrigenda to EU legal acts in 2004-2006 and 2015-2017

The EUR-Lex search for corrigenda to the Polish language versions of regulations of the European Parliament and of the Council yielded 10 corrigenda for the 2004-2006 period and 82 corrigenda for 2015-2017. These figures indicate a, somewhat surprising, exponential increase in the number of corrigenda in recent years in the mature phase of the Polish Eurolect. This is contrary to our expectations and we will look into these figures in more detail.

⁶ <https://eur-lex.europa.eu/homepage.html?locale=pl>

⁷ Its role has increased after the Lisbon Treaty from 49% of legislative proposals in the 2004-2009 parliamentary term to 89% in 2009-2014 (Lelieveldt and Princen 2015, 82).

⁸ In most cases the European Parliament’s role is reduced to an advisory body while the Council adopts an act.

7.1 Corrigenda according to error type: drafting versus translation errors

The analysis of Polish corrigenda shows that they can be divided into source-text, target-text and mixed-type corrigenda, depending on the origin of the errors they rectify, which is whether an error is caused at a drafting or translation stage or both:

- a. **source-text (ST) corrigenda:** rectify errors in the English version which were subsequently mirrored in other language versions, i.e. a drafting error;
- b. **target-text (TT) corrigenda:** rectify errors caused during the translation process from English into the target language, i.e. a translation error;
- c. **mixed-type corrigenda:** rectify both English-language source-text errors and target-text errors.

Table 8.1 shows corrigenda according to the source of error origin. The 2004-2006 period has only one ST corrigendum. It is likely that drafting errors may have already been rectified before translations into Polish began. The 2015-2017 period covers as many as 32 ST corrigenda; hence, although corrigenda are typically associated with translation errors, in the latter period 39% of them concern drafting errors only. This is alarming and raises attention to insufficient institutional efforts to ensure the adequate quality of drafting. ST errors are copied in other language versions since translators have no agency to correct errors in the source text “even if they are obvious” (Stefaniak 2017, 117). On the other hand, as ST errors affect all language versions, they – one could argue – paradoxically do not affect the uniform interpretation and application of the legal act; although they are contrary to the legislator’s will.

Table 8.1: Corrigenda to the Polish versions of regulations of the European Parliament and of the Council

	ST corrigenda	TT corrigenda	Mixed corrigenda	Total
2004-2006	1	9	-	10
2015-2017	32	37	13	82

As illustrated in Table 8.2, ST corrigenda tend to be what Bobek refers to as “meaning-changing corrigenda”. They correct wrong dates, e.g. a date of application of the regulation (Examples 1 and 2), intra- and intertextual references (3, 4), omissions and additions, e.g. a missing *or* in the enumeration of the definition of *person closely associated* (5). Corrections of the English version required corresponding corrections in other language versions.

Table 8.2: Examples of ST corrigenda

#	Corrigendum details	EN initial version	EN corrigendum
1	28.7.2017 to Reg. 2017/1128	<i>It shall apply from 20 March 2018.</i>	<i>It shall apply from 1 April 2018.</i>
2	21.12.2016 to Reg. 2015/848	<i>The provisions of this Regulation shall apply only to insolvency proceedings opened after 26 June 2017.</i>	<i>The provisions of this Regulation shall apply only to insolvency proceedings opened from 26 June 2017.</i>
3	18.9.2015 to Reg. 1007/2011	<i>In the case of the products referred to in Article 9(4)</i>	<i>In the case of the products referred to in Article 9(3)</i>
4	21.12.2016 to Reg. 909/2014	<i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.</i>	<i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.</i>

5	21.10.2016 to Reg. 596/2014	<i>a legal person, trust or partnership, the managerial responsibilities of which are discharged by a person discharging managerial responsibilities or by a person referred to in point (a), (b) or (c), which is directly or indirectly controlled by such a person, which is set up for the benefit of such a person, or the economic interests of which are substantially equivalent to those of such a person</i>	<i>a legal person, trust or partnership, the managerial responsibilities of which are discharged by a person discharging managerial responsibilities or by a person referred to in point (a), (b) or (c), or which is directly or indirectly controlled by such a person, or which is set up for the benefit of such a person, or the economic interests of which are substantially equivalent to those of such a person</i>
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To sum up, the increasing number of corrigenda for these EU legislative acts should not be perceived as a merely translation quality issue but also as a drafting problem. The figures also suggest the potential overuse of corrigenda, in particular, source-text corrigenda which affect all language versions.

7.2 Correction rates

To view the corrigenda figures in a broader perspective, we will juxtapose corrigenda to various types of legal acts, calculating their correction rates, that is the number of corrigenda in a given year divided by the number of legal acts in that year plus two preceding years (EC DGT 2016a: 4). For this purpose the number of legal acts in respective years was obtained from the EUR-Lex statistics⁹ while the number of corrigenda was retrieved from the EUR-Lex search engine since they were not included in the official statistics. Table 8.3 shows correction rates (CR) calculated for 2006, 2015, 2016 and 2017, excluding the years 2004 and 2005 as the data for two preceding years were not available.

Table 8.3: Correction rates (CR) for Polish versions of EU legal acts

	Legislative acts, ordinary procedure			Other legislative acts	Non-legislative acts
	Regulation	Directive	Decision		
2006 corrigenda	4 [3]*	7 [4]	1	22	39
2004-2006 acts	105	101	39	1289	4573
2006 CR	3.8% [2.9%]	7% [4%]	2.56 %	1.7%	0.8%
2015 corrigenda	25 [14]	24 [16]	1	41	98
2013-2015 acts	212	82	27	1195	4869
2015 CR	11.79% [6.6%]	29.3% [19.5%]	3.7%	3.4%	2%
2016 corrigenda	38 [26]	14 [10]	0	32	85
2014-2016 acts	182	79	18	1231	4832
2016 CR	20.9% [14.3%]	17.7% [12.7%]	-	2.6%	1.8%
2017 corrigenda	19 [10]	7 [3]	0	22	83
2015-2017 acts	146	46	13	1131	4833
2017 CR	13% [6.8%]	15.2% [6.5%]	-	1.9%	1.7%

* Figures in square brackets exclude ST corrigenda and contain only TT and mixed corrigenda. They were calculated only for legislative acts in the ordinary procedure.

Correction rates differ considerably for specific types of legal acts and are significantly higher for legislative acts adopted in the ordinary procedure – regulations and directives of the European

⁹ <https://eur-lex.europa.eu/statistics/legislative-acts-statistics.html>, date of access 30.10.2019.

Parliament and of the Council, ranging from 3.8% (the year 2006) to 29.3% (2015) for all types of corrigenda and from 2.9% (2006) to 19.5% (2015) for target-text and mixed-type corrigenda only. Thus, the correction rates for these two types of legislative acts are much higher than the Commission’s impressively ambitious tolerance level for corrigenda to translations of its own legal acts at <0.5% (DGT 2016b, 9) and they evidence quality assurance failures. This may be due to the much more complex ordinary legislative procedure as well as the high status and visibility of these basic acts, which may result in higher pressure to rectify errors. The lowest correction rates were observed for non-legislative acts and other legislative acts adopted in the special procedure at the level of ca. 2% on the average. Similar genre-dependent findings were obtained by Prieto Ramos (2020) in his study of French and Spanish corrigenda in three international institutions (the EU, the United Nations (UN), and the World Trade Organization (WTO)). In the case of the EU, his study demonstrates the highest correction rates¹⁰ for directives and regulations of the European Parliament and of the Council, followed by other non-legislative and legislative acts, soft law instruments and international agreements (2020: 116).

Although we do not have full data for the early period of 2004-2006, the comparison of 2006 to 2015-2017 confirms a considerable increase of corrigenda in the latter period for regulations and directives adopted in the ordinary procedure, but shows similar correction rates for other legislative and non-legislative acts. Yet, in global (absolute) figures, although the number of Polish-language corrigenda is significantly higher in the latter period, it decreased from a total of 189 in 2015 to 131 in 2017. What is also noticeable is the high variation and unpredictability of correction rates in 2015-2017: for example, the 2015 correction rate for the Polish language regulations in question is 6.6% and it rises to 14.3% in 2016 to fall again to 6.8% in 2017. Furthermore, correction rates cannot be correlated with the sub-genre of a legislative act, that is whether regulations or directives are corrected more often, as it varies depending on the year. Finally, these findings may point to the lack of consistency of quality. However, it should be borne in mind that “[A]s a methodological caveat, it would be impossible to predict the exact number of corrigenda that legal acts from a particular year may accumulate after their publication” (Prieto Ramos 2020: 119). While the majority of corrigenda in our study do correct most recent legal acts, they may correct legal acts from earlier years as well, which is especially visible for the 2015 and 2016 corrigenda¹¹ (see Table 8.4); and hence, may not be regarded as a direct measure of translation quality in a given or preceding year.

Table 8.4: Breakdown of years of legal acts corrected by corrigenda

Year of legal act corrected by corrigendum	2006	2015	2016	2017
1960s			1	
1970s	3			
1980s			3	1
1990s	3	4	2	2
2000-2003	11	6	3	
2004	6	2	5	2
2005	23	1	1	1
2006	27	5	4	
2007		4	2	1
2008		4	2	2
2009		8	5	5
2010		5	0	2
2011		12	2	4

¹⁰ The study calculates correction rates differently by using two ratios: (1) the number of corrigenda to the number of texts of a particular genre; (2) the number of corrections in corrigenda to translation volumes (number of words) (cf. Prieto Ramos 2020: 114).

¹¹ A similar trend for 2015 was reported in the case of Spanish and French (Prieto Ramos 2020: 119).

2012		10	5	2
2013		15	24	11
2014		65	22	12
2015		48	36	12
2016			52	26
2017				48
Total no. of corrigenda	73	189	169	131

We believe that a target-text corrigendum should be regarded as a measure of actions taken to correct errors rather than a measure of error incidence in itself. In our opinion the growing number of corrigenda in the mature phase of the Polish Eurolect should not necessarily be interpreted as a sign of the deteriorating quality of Polish translations but rather, above all, as evidence of the growing role of this instrument. First, the strikingly low number of corrigenda in the early period may be a result of delays in the translation of *acquis* on the part of the Polish government, as a result of which translation errors might have been corrected by the EU institutions before translations were published with some delays in the Official Journal. Secondly, a few corrigenda in the mature period rectify pre-accession regulations and a large percentage of corrigenda rectify drafting rather than translation errors. Thirdly, another possible explanation is that corrigenda were not so commonly known to national authorities at that time, which had to find their way of dealing with EU institutions amongst more pressing issues after the accession. In recent years it has become easier to submit corrigendum requests and stakeholders, including Member States, have a higher awareness of corrigenda as an instrument which allows them to take a more active role in the rectification of EU law (cf. EC 2012, 31). Finally, a similar trend of the growing number of EU corrigenda from 2005 to 2015, in contrast to the UN and the WTO, was demonstrated for mature Eurolects — French and Spanish — by Prieto Ramos (2020: 112-113); hence, this increase is not limited to the Polish language only. As will be shown below, corrigenda can be correlated with the phase of Eurolect in terms of their content rather than number.

8. A qualitative analysis of Polish target-text corrigenda to EU regulations: a focus on terminology and phraseology

This section analyzes the content of TT and mixed corrigenda to regulations of the European Parliament and of the Council adopted in the ordinary legislative procedure in the two periods. We first examine error categories and next investigate the most frequent error of terminology and phraseology, based on EUR-Lex, IATE and the Polish Law Corpus (cf. Biel 2014).

8.1 Error categories

Main error categories in the 2004-2006 corrigenda are terminological errors (45%), SENS errors, i.e. mistranslations (30%), and clarity/stylistic issues (10%). In respect of the mature 2015-2017 period, the content of corrigenda depends on the year. Over half of the corrigenda from this period were published in 2016 and they mainly correct a batch of regulations, spanning over 600 pages, which were published in the Official Journal on the same date of 20 December 2013. Translation and revision must have taken place under extreme time pressure, which is evidenced by a surprisingly high number of typographic (spelling and punctuation) errors and omissions rectified by the 2016 corrigenda. The typographic errors accounted for 31% of corrections in 2016, which shows that, contrary to the guidelines, corrigenda rectify not only serious but also minor issues. It also indicates insufficient controls put in place to handle such bottlenecks. By comparison, the typographic category represents only 6% of 2017 errors, with main categories being terminological (53%) and phraseological/stylistic issues (28%). The 2015 corrigenda correct a small number of errors from various categories. Still, the overall trend in the mature period is an increased focus on terminology and phraseology, which will be examined below.

8.2 Corrections of terminological and phraseological errors

An analysis of errors classified as terminology and phraseology has identified the following trends in corrigenda:

- standardization of EU institutional terminology;
- stabilization of equivalents;
- elimination of intra- and intertextual variants to ensure consistency and continuity;
- domestication with terms of national law;
- replacement of an equivalent which triggers an inadequate concept;
- domestication of term-embedding collocations.

Corrections of institutional terminology appear in the early period only. At that time institutional terminology was still taking shape and translators had limited resources at hand. Example 1 in Table 8.5 contains the term *committee procedure* which was wrongly translated as *procedura Komitetu* [procedure of the Committee]¹² and rectified into *procedura komitetowa* [committee-ADJ procedure], interestingly, only in one out of ten instances. Example 2 shows a mistranslation of *Community* as *unijny* [of the Union] instead of *wspólnotowy* [of the Community]. Example 3 corrects the terminology related to the subdivision of legal acts since *paragraph* was translated as *punkt* [point] instead of *ustęp* [paragraph]. EU-related terminology is currently highly standardized and controlled through the style guides.

Table 8.5: Corrigenda standardizing Polish variants of EU institutional terminology

	Corrigendum	EN	PL initial version	PL corrigendum
1	1.5.2004 to Reg. 2700/2000	<i>committee procedure</i>	<i>procedura Komitetu</i>	<i>procedura komitetowa</i>
2	1.5.2004 to Reg. 1760/2000	<i>a Community framework</i>	<i>jednolite unijne ustalenia</i>	<i>wspólnotowe ramy</i>
3	1.5.2004 to Reg. 1760/2000	<i>paragraph</i>	<i>punkt</i>	<i>ustęp</i>

The next – relatively rare – group of corrections stabilizes equivalents and shows how some of them evolved. The initial instability of terminology has been reported for most new EU languages (Bhreathnach, Cloke, and Pháidín 2013, 48-50). Table 8.6 shows attempts at explicitation which was later replaced by literal equivalents or direct borrowings. Example 1 concerns the concise English term *traceability* which was initially explicitated into: *przejrzystość ciągu informacji, identyfikujących pochodzenie mięsa i sięgających wstecz aż do daty i miejsca urodzenia zwierzęcia* [transparency of information sequence, identifying the origin of meat and going back up to the date and place of birth of an animal]. This clumsy but accurate equivalent was rectified with a more literal and less semantically transparent *możliwość śledzenia* [possibility of tracing], to evolve later into another neologism *identyfikowalność* [identifiability] (IATE ID 1120179). Example 2 concerns a conceptual lacuna (cf. Biel 2018, 306) from the domain of wine-making¹³: a low-alcohol beverage *piquette* with fizz which was explicitated as *napój wzbudzony* [activated beverage] to be corrected into a direct borrowing *piquette*.

Table 8.6: Corrigenda stabilizing equivalents with literal equivalents and borrowings

	Corrigendum	EN	PL initial version	PL corrigendum
1	1.5.2004 to Reg. 1760/2000	<i>traceability</i>	<i>przejrzystość ciągu informacji, identyfikujących pochodzenie mięsa i sięgających wstecz aż do daty i miejsca urodzenia zwierzęcia</i>	<i>możliwość śledzenia</i>

¹² Back translations of Polish examples are in square brackets.

¹³ Conceptual lacunas were also reported for deep-water sea fish for Czech and Slovak and rail transport for Maltese (Bhreathnach, Cloke, and Pháidín 2013, 43).

2	19.5.2016 to Reg. 1308/2013	<i>piquette</i>	<i>napój wzbudzony</i>	<i>piquette</i>
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Tables 8.7 and 8.8 show a very frequent type of corrections which eliminate terminological variants within or across documents. The early period is marked by a considerable intratextual variation of terminology within the same act where a single English term is translated with two or more equivalents. Examples 1-3 illustrate considerable terminological variation in Regulation 1760/2000, where *beef* was translated as *mięso wołowe* [beef meat] and *wołowina* [beef], *holding* as *gospodarstwo* [farm] and *hodowla* [breeding farm], (*animal*) *keeper* as *dozorca* [caretaker] and *hodowca* [breeder], despite the fact that both *holding* and *keeper* were high-visibility defined terms. The corrigendum eliminates one of the variants or replaces them with a new equivalent in line with the then national usage. Another inconsistency is shown in Example 4, where *agricultural levy* was rendered as *rolnicza opłata wyrównawcza* [agricultural compensatory fee], except for one case when it became *opłata rolna* [agrarian fee]. The latter was rectified into *rolna opłata wyrównawcza* [agrarian compensatory fee] to ensure continuity with the Community Customs Code, yet the first equivalent was left unchanged.

Despite CAT tools¹⁴, this intratextual variation is, surprisingly, occasionally found in the mature period, as shown by Examples 5-6. Example 5 contains as many as four equivalents of *vine plantings*: *nasadzenia winorośli* [vine plantings], *sadzenie winorośli* [planting of vine], *uprawy winorośli* [cultivations of vine] and *uprawa winorośli* [cultivation of vine]. The corrigendum replaced them with the first variant, known in the national agricultural usage. Example 6 shows an inconsistency between an equivalent of *retention periods* used in the preamble, *okresy zatrzymywania* [retention periods], and in enacting terms – *okresy przechowywania* [storage periods].

Table 8.7: Corrigenda eliminating intratextual terminological variants

	Corrigendum	EN	PL initial version	PL corrigendum
1	1.5.2004 to Reg. 1760/2000	<i>beef</i>	<i>mięso wołowe</i> <i>wołowina</i>	<i>mięso wołowe</i>
2	1.5.2004 to Reg. 1760/2000	<i>holding</i>	<i>gospodarstwo</i> <i>hodowla</i>	<i>gospodarstwo</i>
3	1.5.2004 to Reg. 1760/2000	<i>(animal) keeper</i>	<i>dozorca</i> <i>hodowca</i>	<i>posiadacz</i>
4	1.5.2004 to Reg. 82/97	<i>agricultural levy</i>	<i>opłata rolna</i> <i>rolnicza opłata</i> <i>wyrównawcza</i>	<i>rolna opłata</i> <i>wyrównawcza</i> -
5	19.5.2016 to Reg. 1308/2013	<i>vine plantings</i>	<i>nasadzenia winorośli</i> <i>sadzenie winorośli</i> <i>uprawy winorośli</i> <i>uprawa winorośli</i>	<i>nasadzenia winorośli</i>
6	19.5.2016 to Reg. 1308/2013	<i>retention periods</i>	<i>okresy zatrzymywania</i> <i>okresy przechowywania</i>	<i>okresy</i> <i>przechowywania</i>

The mature period has more examples of corrections which eliminate intertextual variation, i.e. discontinuity with terminology in earlier translations. Example 1 in Table 8.8 replaces a literal equivalent of *import or export certificate* – *certyfiakat przywzowowy lub wywzowowy* [certificate of import or export] with domesticated *świadcetwo przywzowowe lub wywzowowe* [certificate of import or export], used in the pre-accession Community Customs Code (Regulation (EEC) 2913/92). Similarly, Example 2 replaces the explicitation of *customs offences* as *przestępstwa lub wykroczenia przeciwko obowiazkom celnym* [offences or minor offences against customs duties] consistent with national usage with more

¹⁴ Although CAT tools offer automatic terminology consistency checks, this functionality does not work optimally for inflectional languages (we owe this comment to an anonymous reviewer).

literal *przestępstwa lub wykroczenia celne* [customs offences or minor customs offences], already used in the Modernised Customs Code (Regulation (EC) No 450/2008) and also known nationally as a more informal variant.

Table 8.8: Corrigenda eliminating intertextual variants (discontinuity)

	Corrigendum	EN	PL initial version	PL corrigendum
1	30.9.2016 to Reg. 952/2013	<i>import or export certificate</i>	<i>certyfikat przywozowy lub wywozowy</i>	<i>świadcstwo przywozowe lub wywozowe</i>
2	30.9.2016 to Reg. 952/2013	<i>customs offences</i>	<i>przestępstwa lub wykroczenia przeciwko obowiązkom celnym</i>	<i>przestępstwa lub wykroczenia celne</i>

Some corrections rectify equivalents which trigger inadequate concepts. This can be well illustrated with Example 2 in Table 8.9 which corrects an equivalent of the civil aviation term *unauthorised interference* from *bezprawna ingerencja* [unlawful interference] to *nieupoważniona ingerencja* [unauthorized interference]. The former refers only to intentional access while the latter covers both intentional and unintentional access (IATE ID 926872, 829246) and is also used in national aviation law.

Table 8.9: Corrigenda adjusting an inadequate conceptual scope of an equivalent

	Corrigendum	EN	PL initial version	PL corrigendum
1	1.5.2004 to Reg. 1760/2000	<i>slaughterhouse</i>	<i>ubojnia</i>	<i>rzeźnia</i>
2	4.2.2016 to Reg. no 300/2008	<i>unauthorised interference</i>	<i>bezprawna ingerencja</i>	<i>nieupoważniona ingerencja</i>

The largest and most interesting group of changes, which is especially dominant in the recent period, concerns the replacement of EU equivalents with terms of national law (domestication), as was also the case with some examples discussed above. These corrections are illustrated in Tables 8.10 and 8.11: the former shows denominative changes while the latter shows non-denominative changes, i.e. minor linguistic modifications. Example 1 in Table 8.10 replaces *pasek informacyjny* [information slip] with *kolczyk* [earring] for *ear tag*. Example 2 replaces the equivalent of *declarant – osoba zainteresowana* [person interested] – with *zgłaszający*, a term used in the Polish Customs Code. Example 3 replaces a literal equivalent of *judicial arrangements – porozumienia sądowe* [court agreements] – with *ugody sądowe* [court arrangements], a term used in the Polish Code of Civil Procedure. Example 4 also corrects the literal equivalent of *forest holders – posiadacze lasów* – into a functional equivalent *gospodarstwa leśne* [forest farms] commonly used in Polish, although again only one instance of the term is corrected. This lack of consistency in the corrigendum may have resulted from three spelling variants, *forest holders*, *forest-holders* and *forest- holders*, in the English regulation. The domestication trends may be partly due to the overreliance of EU translators on neologisms and literal equivalents which express autonomous concepts of EU law (Stefaniak 2013, 63) and are easily copied to other concepts which coincide with national concepts.

Table 8.10: Corrigenda replacing equivalents with terms of national law: denominative changes

	Corrigendum	EN	PL initial version	PL corrigendum
1	1.5.2004 to Reg. 1760/2000	<i>ear tag</i>	<i>pasek informacyjny</i>	<i>kolczyk</i>
2	15.2004 to Reg. 82/97	<i>declarant</i>	<i>osoba zainteresowana</i>	<i>zgłaszający</i>
3	8.3.2017 to Reg. 655/2014	<i>judicial arrangements</i>	<i>porozumienia sądowe</i>	<i>ugody sądowe</i>

4	19.5.2016 to Reg. 1305/2013	<i>forest holders</i>	<i>posiadacze lasów</i>	<i>gospodarstwa leśne</i>
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Corrigenda are also used to fine-tune EU equivalents to national usage also in the case of less confusing non-denominative variants. Example 1 in Table 8.11 concerns *agricultural land* which was translated as *grunty rolnicze* [agricultural land]. This informal variant was replaced by the common term of national law *grunty rolne* [agrarian land], which contains an adjectival morphological variant. Example 2 simplifies the equivalent of *export customs declaration* – *wywozowe zgłoszenie celne* [export customs declaration] into *zgłoszenie wywozowe* [export declaration], endorsed by the Polish Ministry of Finance (IATE ID 1568026) and consistent with the long-term national usage.

Table 8.11: Corrigenda replacing equivalents with terms of national law: non-denominative changes

	Corrigendum	EN	PL initial version	PL corrigendum
1	19.5.2016 to Reg. 1305/2013	<i>agricultural land</i>	<i>grunty rolnicze</i>	<i>grunty rolne</i>
2	30.9.2016 to Reg. 952/2013	<i>export customs declaration</i>	<i>wywozowe zgłoszenie celne</i>	<i>zgłoszenie wywozowe</i>

In respect of phraseology, the early period rectifies mainly grammatical and lexical patterns, including deontic modality, and text-navigation patterns. The mature period shows more interest in legal collocations, in particular by domesticating term-embedding collocations and eliminating intratextual phraseological variants. Example 1 in Table 8.12 comes from an early period and corrects the clumsy calque *placed under a customs procedure* from *umieszczone pod procedurą celną* [placed under a customs procedure] to *objęte procedurą celną* [covered by the customs procedure], a collocation used in Polish law. Similar domestications were made in Examples 2-5 from the mature period. Example 2 adjusts the collocation *wyprowadzone spod dozoru celnego* [carried out from customs supervision] to its national variant *usunięte spod dozoru celnego* [removed from customs supervision]. Examples 3-5 eliminate the inconsistent use of term-embedding collocations in the same act, opting for variants used in Polish law: *wszczęto postępowania upadłościowe* [insolvency proceedings have been instituted], *wylądzone spod zajęcia* [exempt from under seizure] and *postępowanie o wydanie nakazu zabezpieczenia* [proceedings concerning the issuance of a preservation order].

Table 8.12: Corrigenda pertaining to phraseology: domestication

	Corrigendum	EN	PL initial version	PL corrigendum
1	1.5.2004 to Reg. 82/97	<i>placed under a customs procedure</i>	<i>umieszczone pod procedurą celną</i>	<i>objęte procedurą celną</i>
2	30.9.2016 to Reg. no 952/2013	<i>removed from customs supervision</i>	<i>wyprowadzone spod dozoru celnego</i>	<i>usunięte spod dozoru celnego</i>
3	8.3.2017 to Reg. no 655/2014	<i>bankruptcy/insolvency proceedings have been opened</i>	<i>zainicjowano/wszczęto postępowania upadłościowe</i>	<i>wszczęto postępowania upadłościowe</i>
4	8.3.2017 to Reg. no 655/2014	<i>exempt from seizure</i>	<i>wylądzone z/spod zajęcia</i>	<i>wylądzone spod zajęcia</i>
5	8.3.2017 to Reg. 655/2014	<i>proceedings to obtain a Preservation Order</i>	<i>postępowanie o uzyskanie/wydanie nakazu zabezpieczenia</i>	<i>postępowanie o wydanie nakazu zabezpieczenia</i>

To sum up, the early corrigenda more frequently deal with unstable terminology and a lack of consistency within a single document. The continuity of terminology with previous translations is an issue; quite surprisingly, also in the mature period, despite the technology and resources available. A considerable batch of corrections adjusts the terminology and phraseology to the national usage. Since Polish language versions of regulations automatically become part of the national legal system,

domestications increase their 'fit' to the national terminology and eliminate confusing terminological variants where they refer to the same legal concept. There were also instances of a reverse process replacing a national term which evokes an inadequate concept. This delicate interplay between supranational and national conceptual layers is one of the major challenges in EU legal translation.

9. Conclusions

As shown by our study, corrigenda contain a wealth of information on quality failures in EU legal acts. First, they raise attention to the inadequacies of both drafting and translation, and some findings are alarming (a considerable number of drafting errors, high correction rates for basic legal acts). Secondly, the findings indicate a lack of predictability and stability of those processes, and such inconsistent quality of drafting and translation may adversely affect the certainty of law. The findings also raise attention to the quality of corrigenda themselves which is not always consistent: in some cases corrections rectify a few rather than all occurrences of an error. Finally, more reflection on the nature and function of corrigenda is needed: they include "meaning-changing" corrigenda and, on the other hand, they correct not only "serious" errors but also minor language issues.

The data confirm the increasing use of corrigenda in recent years. This should not be construed as evidence of the deteriorating quality of Polish translations but rather as a heightened awareness of this instrument and a more active role of stakeholders in eliminating translation errors to ensure multilingual concordance, improve consistency and increase the coherence of EU translations with national terminology. From a micro-diachronic perspective, corrigenda may be correlated with the phase of Polish Eurolect in terms of their content rather than number. The largest group of corrections pertains to terminology and phraseology, in particular in the domain of agriculture, food, finance and customs law. The formative period is marked by unstable terminology and intra- and intertextual inconsistencies. Corrigenda from the mature period also eliminate terminological variants; yet these are mainly intertextual inconsistencies. The mature period is characterized by domestications to the national use, which points to the growing sensitivity of how EU terminology 'fits' the national terminology and illustrates the fundamental challenge of the supranational and national interplay in EU translation.

Considering the overall number of official languages in EU translation, our study of Polish corrigenda from two 3-year periods should be regarded as small-scale and exploratory in nature. It confirms that corrigenda may provide new insights into the quality of institutional translations and that they require further larger-scale research both from the quantitative and qualitative perspective, involving more languages.

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