The Problem of Meaning in Multilingual EU Legal Texts

Colin Robertson*

The European Union creates rules of law that bind member states and citizens. The EU, with 27 member states, is multicultural and, with 23 official languages, multilingual. Its institutions produce *inter alia* legislative and judicial texts, which are read and interpreted by many actors at many levels, within and outside the EU. A legal text is intended to create meaning. Its purpose is to make some change in the 'real world' of ideas and action in some way, within the context of legal system and policy domains, using language as a tool for communication. The EU legal text is subject to multicultural influences in negotiation and interpretation; it is created in a single text comprising 23 authentic language versions.
This paper explores the problem of meaning in EU legal texts. It first introduces the EU context within which the texts are constructed. It then considers some approaches drawn from the semiotics of Peirce as tools for studying meaning across languages. Thirdly it proposes a case study of Case C-265/03 Simutenkov as an example of multilingual judicial interpretation

Keywords: EU, legal language, meaning, multilingualism, interpretation, semiotics, Case C-265/03 *Simutenkov*

1 Introduction

1.1 Purpose of the paper

The purpose of this paper is to explore some of the issues which arise in connection with creating, reading, interpreting and applying EU legal texts and ways in which meaning is created and derived from 23

* The opinions expressed are personal to the author.

language versions which all have the same legal status as 'authentic', or 'source' texts. The subject is complicated as it entails an exploration of legal as well as linguistic issues within a multilingual environment (Morgan, 1982; Robertson, 1999, 2009a, 2009b, 2010a, 2010b, 2010c, 2011). The law of the European Union is developing rapidly; old problems are being tackled in new ways and this involves close international cooperation by 27 member states (soon to be 28 with the accession of Croatia) within a legal and linguistic environment that is highly structured and carefully organised, using the methods of legal language and legal texts as an instrument for action and change on the ground. One of the advantages of using EU texts for linguistic research is that the materials are readily accessible in the EU languages from the *http://europa.eu* website. Thus, although this paper is in English, the substance can be studied in parallel in the other EU languages. Further, it is not just 23 or 24 EU languages that are involved, but more accurately 25 or 26 languages. This is so because many EU legal texts have also been translated into Icelandic and Norwegian, as a result of the European Free Trade Association (EFTA) and the Agreement on the European Economic Area (1993) between the EU and EFTA states. However, the focus here is on the EU context.

1.2 Structure of the paper

The substance of this Paper is divided into three parts. First, there is a brief introduction to the EU context and EU legal language. Meaning is created in context and when interpreting a legal text it is necessary to have a clear view of the particular legal context in which the text was created, as well as the background culture of philosophy, aims and ambitions and the wider intertextual web of relationships between legal instruments which also influence meaning and are drawn on when constructing an act, for example through references and incorporation of provisions of other acts.

Second, this paper takes a look at some ideas developed by the American philosopher and semiotician Charles Sanders Peirce: his concepts of 'firstness', 'secondness' and 'thirdness'; his concept of the sign as comprising three elements: representamen, object and interpretant (as opposed to a binary Saussurean approach of signifier

and signified); his classification of signs as index, symbol or icon. These are placed in relation to EU legal language.

Third, a case study is presented as a practical example of methods of multilingual judicial interpretation of an EU legal text. This is Case C-265/03 *Simutenkov* brought before the European Court of Justice in Luxembourg. The Opinion by Advocate General Stix-Hackl is particularly clear in the analysis of different ways in which the European Court of Justice in Luxembourg interprets EU multilingual texts. It provides valuable insight into the Court's methods, the legal approach to interpretation, and the search for meaning.

1.3 Viewpoints

When studying meaning in EU legal texts, it is suggested that there are different viewpoints for approaching the subject, for example, linguistic, semiotic and legal and each is linked to purpose and the information being sought. These viewpoints are reflected in this paper. However, for legal texts two further viewpoints influence the creation, interpretation and application of legal texts which are not covered in this paper. These are the viewpoint of the (paying) client who wants a specific product or practical result from the text and for whom the text is created. Then there is the public, or persons, to whom the legal text is addressed. It must (or should) be written in a way they can understand. Their needs and opinions also have an impact on the drafting and interpretation of the text. Law is shared throughout society, so is EU law.

2 EU context

2.1 Meaning in context

Meaning is created within a context. For legal texts, there is the context of the legal system taken as a whole, with possible interaction with other legal systems, depending on the circumstances; second, there is the context of the branch of law, policy field, domain (family, commercial, agriculture, sport, competition, etc.); third, there is the context of language and of the specific text, how it is constructed and its relationship to other texts. The law of the European Union (EU law) uses legal language and it shares many features with the legal language

of domestic systems of law in the Member States (national law). Concepts, methods and approaches are borrowed from national law, for example French law as the original EU texts were drafted in French. One can see this from terminology, for example the expression '*aquis* of the Union' used to cover all EU law to date, that is to say the whole EU patrimony. On the other hand, there is borrowing from international law. The foundation of EU law is in international treaties and, for example, the EU procedure for correcting errors is based on the method for rectifying international agreements.

2.2 EU treaties

The EU context (legal, policy domain and linguistic) is currently based on two main treaties: the Treaty on European Union (TEU) and the Treaty on the functioning of the European Union (TFEU). These treaties are international law treaties and have the purpose to change and align the domestic law of member states of the EU. Thus we find that EU law occupies a kind of middle ground between international law (the law concerning relationships between nations) and national law (internal domestic law of a state). Normally the internal domestic law of a nation prevails, since through its organs (legislature, courts, police) it has the ability to control and enforce its own rules, but for the EU system to achieve its objectives it is necessary for EU rules to take precedence over national law and for the national institutions to place it at a higher level than national law, subject to safeguards. This concept of precedence, established by the European Court of Justice in *Case 26-62, van Gend & Loos* involves identifying EU law not as 'inter' national but as 'supra' national, i.e. above national law. Further, because the EC/EU system does not match other existing legal approaches it is classified as a separate 'legal order'. EU law is thus seen as constituting a specialised and separate legal order which creates its own context for the construction of meaning.

2.3 Matrix

The EU context exists alongside the context of international law, through which it was created and on which it depends for existence, on the one hand, and the national law contexts of 27 (28 with Croatia) domestic legal systems of the member states, on the other hand. These

contexts influence the creation of EU texts and their interpretation and application. They affect terminology, and through terminology they have an impact on meaning. Words are 'mobile'. They move between contexts. As they do so, they may shift meaning. For example, words may start in a national context and move into an international context (United Nations (UN), Organisation for Economic Co-operation and Development (OECD), etc), then to the EU context through EU law implementing an international obligation, and then back again to the national context via implementation of an EU obligation into national law by 'transposition' of an EU directive. We can ask: does a word that has travelled this circuitous path come back to the national context with the same meaning as when it left it, and where it still remains? Do we have the 'same' word with different meanings? An answer in each case can be put forward through terminological and semiotic analysis. Thinking of words in terms of signs (representamen, signifier) can help to reveal the deeper levels of meaning attached to terms, firstly in terms of the object (signified) and secondly of the interpretant. We see that terms exist within a matrix of systems and texts (Robertson, 2011).

One example of the process is to be found in Copyright Law, where there are legal texts at the levels of international, EU supranational and national domestic law: (a) International: Berne Convention for the Protection of Literary and Artistic Works; (b) EU: Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights; (c) national: UK: Copyright, Designs and Patents Act 1988. Thus, one can search for terms that occur in each text and ask whether in each case those terms have exactly the same meaning as the same terms in the other texts. For example, expressions such as: "literary *or* artistic work", "literary *and* artistic work". Do these have the same meaning in each context?

We can note in passing that words such as "and"/"or" may be used differently in different languages. That seems to be the case between French and English and a question that regularly arises in EU texts is whether the word should be 'and' or 'or', often leading to 'and/or'. So, in addition to reflecting on the meaning of words in each context within a single language, one must also reflect on the meaning of those words in relation to the equivalent terms in all the other language versions of

each text. Is the same, or similar, meaning conveyed across all the language versions of a text?

Further, since language and languages change and evolve over time the terminology used within the same language may also change over time. This can be a problem for legal texts, because laws are usually drafted so as to be continuously in the present tense once they are in force. As they travel through time in the continuous present other legal acts become connected to them in various ways and if the terminology changes over time and the new laws are expressed in a different way then the new forms of wording may not fit exactly with the older texts, unless particular attention is paid. Up till now the EU is still young, so this issue has not emerged to any significant extent. However, with older legal systems as in Scottish or English law, the differences are very marked if one makes a comparison with laws dating from the 15th or 16th centuries.

2.4 'Horizontal' and 'vertical' views

We can express the relationships between and within languages in spatial terms. If we imagine all the language versions laid out side by side like soldiers in an army marching in step, text by text, article by article, sentence by sentence, term by term, then we can look across the texts horizontally, as it were, and ask if they all march in step and whether the information contained in each unit of meaning is the same across all the language versions. We can call this a 'horizontal' view. On the other hand, we can step inside any language version and consider it exclusively from the point of view of being one text in a sea of other legal texts expressed in that same language code (English, French, German, etc). Then we look for consistency between the texts within the same language. We can call this a 'vertical' dimension to make a distinction or alternatively an 'internal' language-code bound view. The EU drafters, translators, revisers and legal-linguistic revisers must simultaneously view the texts from both a 'horizontal' and 'vertical' viewpoint and adjust them so that they align in both ways. Thus, when interpreting EU legal texts, one must look for meaning across all language versions of a text 'horizontally' and also 'vertically' within each language for consistency. Divergences are generally accidental, or incidental and difficult to avoid, but extremely rarely

they may also be intended. The problem is to find out what is intended and that is a task for legal interpretation.

2.5 Variation

EU texts are mainly translated texts and translators each have their own style and preferences, ironed out through conformity to established and standardised words and expressions and through the use of translation memory tools to enhance speed and accuracy. There may be slight translation divergences between similar texts where the meaning is substantially the same for each but the precise formulation differs. A later text may use a different term for the same thing compared to an earlier text. This may create a problem when interpreting 'vertically' or 'internally' within a language, if texts do not seem to match. However, if one examines other language versions, one may find the same terms being used consistently or alternatively that there are clear differences. Thus, no version can be read solely on its own. Each is a part of the whole, since each text exists only as a single strand of a multilingual text 23 languages wide.

To these considerations, we should add that the texts and wording may have been subject to judicial interpretation over time. The rulings determine the meanings to be given. However, do determinations of terms in one text carry over to other texts where the same words are used?

With EU multilingual legal texts, there are further dimensions that have a bearing on meaning. For example, one language version is generally taken as the base language to work on, draft, consult and negotiate the text; with translation into other languages following. However, there is no obligation to stay with the same language as base text throughout the process of preparation. The Commission may work in one language, say French, and the Council presidency may choose to work on the English translation as base, or vice versa.

2.6 Non-native speakers

Furthermore, base texts are frequently prepared by non-native speakers who may introduce concepts and syntax structures from their own language. It is against the foregoing background that the EU institutions employ lawyer-linguists to check and revise EU legal texts in all

languages and oversee their final preparation, as described by Šarčević and Robertson (forthcoming 2012). In this process of revision, the language versions are compared and adjusted, which gives rise to the concept of 'co-drafting' (Gallas 1999) but also, more recently with the collaboration between Council and European Parliament lawyer-linguists, there is the concept of 'co-revision' of the EU multilingual texts (Guggeis & Robinson, [forthcoming] 2012).

A picture of EU linguistic 'reality' starts to emerge which is complex. How does one cope with all this complexity? We can analyse the EU context, deconstruct texts, sentences and words using semiotic tools and see how they are put together. Legal analysis, interpretation and construction of meaning are not generally simple activities even for texts written within a national legal system in one language. It is more complex in the EU context, since the message is conveyed in the parallel language versions. However, as noted earlier, the EU texts are readily available on the internet.

2.7 Hierarchy of texts

EU law is organised hierarchically. EU primary law as expressed in the treaties provides the written foundation. EU meaning is created first by the EU treaties. They have a purpose, thrust and intention: action. That governs meaning as it points in a direction… towards results. The action is placed in each case within a policy context (agriculture, competition, environment) which provides a thematic context for meaning. The texts are constructed using legal concepts and methods adapted to EU context, needs and problems. The texts are created through language and languages (currently 23, soon to be 24 with Croatian) so as to enhance the EU system and deal jointly with problems that arise in the member states.

2.8 Creation of meaning

EU meaning is created in various ways: first, the foundation treaties (TEU and TFEU) specify the policy fields and lay down what is compulsory or permissible within the EU system and ways in which things are to be done. They provide for the organisation, institutions and allocation of funds that make everything possible. Second, the treaties provide for delegation of tasks to the institutions and empower

them to make legal acts as secondary-level legislation. Each type of act has a particular function and status and is prepared in ways that are set down in the treaties. Thus, there are legal acts adopted by 'ordinary legislative procedure' (Art. 289(1) TFEU) or by 'special legislative procedure' (Art. 189(2) TFEU. Under Article 288 TFEU the binding acts are 'regulations', 'directives' and 'decisions'. A 'regulation' binds directly by itself. A 'directive' binds as to result but leaves the methods of implementation for the member states which must align, or 'harmonise', their national law on it. This involves 'transposition', that is to say the transfer of 'EU meaning' into a national law context, thereby creating 'national law' meaning, or rather a combined EU/national law meaning. The field of 'transposition' is a specialised domain of 'meaning transfer' which involves 'intra-lingual translation' within the multilingual context. It merits separate study. Thirdly, a decision binds the person addressed. There are other types of acts, but these are the main ones for the general EU system of law.

2.9 Type and structure of acts

The type of the EU legal act is significant for meaning as it sets the structural context in which meaning is created. Within each act there is a standardised internal structure that allocates roles to each part of the act and this structure is significant for the segmentation of the text into 'units of meaning'. Each language version follows the same synoptic approach, that is to say, each language version contains the 'same information' in the same place (Interinstitutional Style Guide) so that the texts may be used interchangeably between the language versions and any reference to an article, paragraph or sentence will be valid for each and every language version. This can be checked by consulting any edition of the Official Journal on the EUR-Lex website. The synoptic approach is a vital tool for aligning meaning across languages and forms part of the translation, linguistic and legal-linguistic revision processes. Thus, each act is structured into parts; each part has a purpose and uses language to that end and meaning is connected to the part as well as the whole.

2.10 Drafting guidance

Guidance on the structure of EU acts is provided in the Interinstitutional Agreement of 22 December 1998 on common guidelines for the quality of drafting of Community legislation (1999/C 73/01). It sets out how EU acts should be constructed: title; citations; recitals (setting out background facts, problems, purposes of the act); enacting provisions in the form of 'articles' as basic unit, with higher and lower levels of division of text (the 'operative part' comprising commands, norms, rules); annexes (containing technical, frequently non-legal, provisions). The parts function together: the articles create the primary meaning; the recitals indicate the general context and what the articles are intended to achieve and are pointers towards intentions behind the text and the wording of the articles; the annexes are an extension of the articles, separated off as a matter of convenience for setting out technical information. Other documents give guidance to drafters, in particular the Joint Practical Guide for persons involved in the drafting of legislation within the Community institutions, the Manual of Precedents for acts established within the Council of the European Union and the Interinstitutional Style Guide. Each of these exists in the EU languages.

From the point of view of controlling meaning across languages, one can note the adoption of essentially rigid formal structures and methods which compartmentalise texts and chop off segments of meaning so that the 'same' (or 'equivalent') information in each language is conveyed on the same page number, in the same article number, same paragraph, same sentence, down to the lowest level of unit; this is the synoptic approach.

2.11 Translation and terminology

There are many issues relating to translation and terminology, which touch on the most subtle levels of fine tuning as to meaning and intention. There is not space to go into detail, but one can make a couple of observations that touch on issues of meaning.

First, the use of standardisation has been mentioned in connection with the structure of texts. However, this extends to words and terms also. On the one hand, there are many EU concepts, such as the types of act (regulation, directive, decision), which are the same in spite of the

different labels used by different languages, so that we have a conceptual singularity that can be studied using semiotic tools, such as the Peircian tripartite concept of the sign discussed below. This standardisation extends to set wordings and patterns which are carefully constructed in all languages and then treated as being functionally and, it is hoped, semantically 'equivalent'. One finds them for topics such as 'subsidiarity' in recitals, or where a text relates to the 'Schengen' area and cooperation. More examples can be seen in the Council Manual of Precedents which contains precisely such standardised wordings and expressions. The problem each time is to determine which ones are appropriate for which texts and contexts.

Second, there are terms in primary acts which must be retained for use in secondary acts with the same meaning in order to maintain consistency as to meanings and connect the lower-ranking texts to the higher-ranking ones that they are implementing. This is basic drafting practice and forms part of intertextuality inherent in legal texts.

A third topic that is relevant here relates to translation. It is frequently difficult for a target language to follow in exact synchronicity every syntactic and conceptual twist and turn and concept of a source language text. This stems from different linguistic structures and different 'chopping up of reality' conceptually and terminologically. These factors work against precise semantic equivalence, but by adopting smaller segments of text as the 'units of meaning' the degree of divergence is reduced; in this respect punctuation plays a role. Commas are useful to restrict ambiguity within sentences, but semicolons are also a device to split a sentence while remaining within the unit of the sentence. There is an example of this in the German text of Recital (9) of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) (Robertson, 2011).

The synoptic approach and need for standardisation and uniformity have consequences. Other languages are put into the 'mould' of the source language text and at the same time there is pressure to 'bend' the source text to suit other languages. This can extend to inventing new terms and altering the grammar or traditional meaning of existing terms (e.g. in English: "*actions*" to reflect French "*les actions*" and a "*good*" for "*un bien*"). New terms are created ("sheepmeat", "goatmeat",

"comitology") (on Euro-English, see Mollin 2006). This double-direction pressure derives from the fact that each text is part of a single system of law. We can say that the language is 'system bound'.

2.12 Equivalence of language versions

A key issue for the meaning of EU texts concerns the equivalence of language versions. Does the same meaning flow from each language version? Frequently a difficult question to answer in the abstract and on a narrow view usually answered by: "Well, not exactly, but does it matter?" This is the problem that arises for every word in every text. For example, does it matter that in Article 7 of Regulation No. 1 determining the languages to be used by the European Economic Community, as amended on each accession, which in English states: *"*The languages to be used in the proceedings of the Court of Justice shall be laid down in its rules of procedure."

There are variations between language versions. The original base text was French and it refers to *'régime linguistique'* which is rendered in different ways, such as "*languages to be used*" (EN); "*die Sprachenfrage*" (DE); "*system językowy postępowania*" (PL); "*používanie jazykov*" (SK). If one studies the language versions one can see patterns of proximity, but within the context of the article it looks as if they are all pointing towards the same thing. In the abstract the precise formulations differ, but the result seems to be the same in practice. If no one raises a problem then people take the meaning they interpret from the words and act as they think appropriate. However, if a divergence of opinion as to the interpretation of the words arises, one has to go deeper. This brings us to the role of the courts, in particular of the European Court of Justice, to determine the interpretation and meaning to be given to EU legal texts. We will consider how the Court handles such issues of interpretation in a study of Case C-265/03 Simutenkov but first it is proposed to reflect on some semiotic concepts of Peirce as tools for analysing texts and exploring meaning in multilingual EU texts.

3. Semiotic viewpoint

3.1 Semiotics of Peirce

All law-making can be thought of as arising according to a particular sequence of perceptions and actions. The EU itself is a creation of law, in this case of international law. The founding treaties are international law treaties which create the EU supranational legal order and the national legal systems confirm this supranational status through their laws and courts. The American philosopher and semiotician Charles Sanders Peirce (1839-1914) (see inter alia Chandler, 2002; Deledalle, 1978; Houser, 2010; Merrell, 2001; Scott, 2004) proposed certain concepts relating to the sign. Of these, three sets of concepts are mentioned here. The first set is that of 'firstness', 'secondness' and 'thirdness'. The second is his classification of signs as index, icon, or symbol. The third is his conception of the sign as comprising three elements: representamen, object and interpretant. We can look briefly at these ideas and link them to the EU context and the problem of meaning.

3.2 Firstness, secondess, thirdness

In the beginning there was no word – no 'EU word'. Only EU emptiness, bad historical experiences and a wish to do better (firstness). People, through their governments, came together and decided to act (secondness). They chose *inter alia* to create texts binding on them as law, to merge the technologies behind war (coal and steel), to create a customs union, to organise peaceful competition between themselves (thirdness).

Together they created words and concepts to express their ideas in texts. They used legal methods and language to express economic ideas and gradually extended the field of activity across numerous policy sectors, each time with the aim of securing particular action and changes on the ground in the way that people acted and thought. They did this initially in one language (French) which was translated into three languages (Dutch, German, Italian); later they did that in four languages, and the number of languages gradually increased in number over time as more states joined with them, until they reached 23, soon to be 24 (with Croatian) languages.

The texts were divided into categories, some higher ranking (treaties), others lower ranking (secondary legislation). The texts were read, interpreted and acted on (or not) by people in all the member states. It was the legislators who had the task of making the texts, but it was the courts that had the task of determining what the words meant in the context of specific cases and problems that arose. Among the courts, one court, the European Court of Justice was given a pre-eminent role to interpret and determine the meaning of the EU texts and their view was binding on everyone.

3.3 Questions

Now, we can ask questions: how is EU meaning created? How is it read? Who creates meaning: the drafter of a text or the reader? Without a text there is nothing to read and so no meaning is created, but with a text the 'final' meaning is that which is created in the mind of the reader. Each reader may create a different meaning in his or her mind from the same text. How does the drafter avoid a misreading? How does the drafter ensure that only one reading is possible – the one intended by the legislator? On the other hand, multiple meanings may actually be intended. Ambiguous wording may indeed be the only way to achieve agreement on a particular text; a small price to achieve a 'greater good' from the creation of the text. How do different languages cope? Control of meaning in one language is difficult; how does one control meaning in a text written in 23 languages? How does one ensure certainty, predictability and stability, which form part of the purpose of law, and by extension EU law?

3.4 Court cases

A court case can be viewed as a 'struggle' between litigants over 'meaning'; if particular words are given meaning A, then one side may win; if the same words are given meaning B, the other side may win. There are different ways of looking, seeing and imagining, for example legal, linguistic, semiotic, sectoral (economic, competition, environment, human rights).These influence meaning as they place the focus of attention, and attach importance, to different matters. That is why when new laws are being made the draft texts are circulated as widely as possible and scrutinised and debated in parliaments, so that

they may be tested against as many viewpoints as possible, faults and weaknesses detected and remedied and the text gain acceptance as law. There is competition over meaning from differing interests, both in the creation phase and in the interpretation phase. Litigation in the courts over the meaning of words involves a struggle between parties over meaning and hence involves relations of power. Litigation involves competition over whose viewpoint or position should prevail. In a court case, the viewpoints and positions brought before the court are taken into account, but a court has a wider role, beyond the competing interests of the parties, and that is to uphold the 'Rule of Law', to exercise 'Justice' and to look at the whole context in which the competition for meaning takes place. And so it is for EU law.

3.5 Signs as index, icon, or symbol

Now we can turn to the concept of the sign, seen as something that stands for something else. The purpose is not to enter into a wide examination, but simply to mention a few ideas from Peirce that appear capable of being adapted as tools to reflect on meaning in EU multilingual texts. Three kinds of sign are proposed. One is the 'index', which is "a sign that signifies its object by a relation of contiguity, causality or by some other physical connection" (Cobley, 2001, p. 205). An example of an index might be a weather vane which points to the direction of the wind. Broadly speaking, we are not concerned with such types of sign in EU law. A second type of sign is the 'icon' which is "characterised by a relation of similarity between the sign and the object." (Cobley, 2001, p. 204). An example of this might be a map or a photograph. While maps do form part of certain EU legal texts, for example relating to transport matters, they are not significant for EU legal language.

The third type of sign is the 'symbol' seen as a sign "in consequence of a habit" (Cobley, 2001, p. 272). There is no necessary connection between the symbol and what it is taken to represent. We see this with letters of the alphabet to represent sounds and the large variety of alphabets that exist. We see it also in languages and the huge variety of languages in which to convey ideas and information. However, while the foundation points may be arbitrary, the signs become combined in ways and patterns which cease to be arbitrary and

it is that which enables meaning to be created and interpreted in the manner of codes. Thus, applying this to EU multilingual law we have language codes, each of them rooted ultimately in arbitrary symbols but all structured in complex ways to convey meaning. We have to learn the codes and the associations.

3.6 Representamen, object, interpretant

We can be helped in this task by reflecting on Peirce's concept of the sign, of whichever variety, comprising three elements: firstly the sign itself, also termed 'representamen' (that which stands for something else, the signifier). With language we can think of this as being a word or term, such as 'cheese'. Secondly, there is the 'object' that is represented, or signified, by the word, for example a piece of cheese. However, if the cheese is not in front of us, it is in our minds as an idea and that gives rise to the idea of 'semiotic object', the object in the mind, which we imagine. However, what are we imagining? Is it cheese from the milk of the cow, goat, sheep? Different cultures have different imaginings. One word may represent different objects. This leads to the third element of the sign, the 'interpretant'. This is the most difficult concept to grasp as it appears nebulous, but it is the link between the other two. However, if we use it to reflect on all the associations in the mind relating to representamen and object, we can use it as a tool to enquire not only about words and terms and what they refer to as object, but also to enquire about cultural associations attached to both of them. This is useful in the cross-language translation context where terms from different languages are being compared as to meaning and implications in order to select the optimal (least bad) solution from a range of words to insert in a text. From a legal point of view, the question asked each time concerns the practical implications and legal effects of selecting word A as opposed to word B and how the choice fits into the whole conceptual structure of the text, related texts and EU law as a whole. Another incidental consideration is how the term might fit into the national context in the event of the transposition of the EU text (directive) into national law. However, this raises the issue of transposition which cannot be discussed here.

3.7 Classifying EU terms

We can use this tripartite approach to the sign to classify terms in EU legal texts in certain ways which have an incidence on meaning. The broad concept of EU law is that within each treaty there is a certain singularity in that the rules are broadly to be the same for all member states and all languages (except where expressly derogated from). This is EU law seen as a single unified system, conceptually. On that view certain terms are terms of the EU system and therefore supposed to be uniform. We can use the Peircian concept of the sign to analyse this. For example the term 'regulation' is an EU concept and as such the 'object', an abstraction made real through a piece of paper, is the same regardless of language. Also, if the system is unified there should be only one set of associations that is to say a single interpretant. In this way two elements of the sign can be thought of as matching. That leaves the representamen as the element that is variable. This is the name used in each language (*regulation, règlement, Verordnung*, etc).

However, if a term is shared with another domain, it is not exclusive to the EU context. This is typically the case with policy terminology. Thus the word 'sheep' may appear in an EU text, but it also occurs in non-legal texts dealing with farming, agricultural markets or veterinary medicine. We can use the analysis of the sign to identify not only the object, the animal, but also the cultural context and associations attached to it wherever the sign appears. In this way it is possible to reflect on highly subtle aspects of meaning and variations in meaning across languages. Again, it forms part of the drafting, revision and legal-linguistic process.

With those words we can turn to a case study and reflect on legal methods for interpreting EU multilingual texts.

4. Case C-265/03 *Simutenkov*

4.1 Reference for a preliminary ruling

Without going into the complexities of EU law and EU case law, we can look at one case in which the approach that the European Court of Justice takes in connection with the multilingual interpretation of EU texts was set out particularly clearly by Advocate General Stix-Hackl. This is Case C-265/03: *Reference for a preliminary ruling from the*

Audiencia Nacional: Igor Simutenkov v Ministerio de Educación y Cultura and Real Federación Española de Fútbol. The case involved a reference from a Spanish court in which it asked for a preliminary ruling on the 'direct effect' and meaning of Article 23 of the *Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation, of the other part.* The background was that Mr Simutenkov, a footballer of Russian nationality, was prevented by the rules of the Spanish sports federation from playing in certain competitions and brought legal proceedings in the Spanish courts. He had moved to Spain and played in Spanish football teams but was not allowed to play in premier league games and claimed he was entitled to be eligible. He claimed that the EU/Russia Agreement gave him directly enforceable rights under EU law.

4.2 Opinion of Advocate General Stix-Hackl

In her Opinion to the Court, Advocate General Stix-Hackl, observed (original German):

"14. The starting point for assessing Article 23 of the Agreement in isolation must be its wording. In so doing it must be borne in mind that Community legislation is drafted in various languages and that the different language versions are all equally authentic. An interpretation of a provision of Community law thus involves a comparison of the different language versions."

Article 23 stated in English (emphasis added below in bold):

"1. Subject to the laws, conditions and procedures applicable in each Member State, the Community and its Member States **shall ensure that** the treatment accorded to Russian nationals, legally employed in the territory of a Member **State shall be free from any discrimination based on nationality**, as regards working conditions, remuneration or dismissal, as compared to its own nationals."

And in Spanish:

"1. Salvo lo dispuesto en la legislación, las condiciones y los procedimientos aplicables en cada Estado miembro, la Comunidad y sus Estados miembros ***velarán por que*** *el trato que se conceda a los*

*nacionales rusos, legalmente empleados en el territorio de un Estado miembro, **no implique ninguna discriminación por motivos de nacionalidad**, por lo que respecta a las condiciones de trabajo, la remuneración o el despido, en comparación con los nacionales de ese mismo Estado."*

A comparison of the language versions revealed that in Art 23(1) of the Agreement the wording and meaning did not correspond in all of the language versions. Seven languages, including Russian, pointed to an 'obligation' ("*shall ensure ... shall be free"*) and three pointed to 'endeavours'(*velarán por que ... no implique* ...) (Opinion, paragraph 15.).

A G Stix-Hackl discussed possible methods of interpretation. One approach was to take the **common minimum of all languages** as starting point (i.e. "endeavours"); but there were no convincing arguments for this approach and it was not supported by practice in the case law (Opinion, paragraph 16). A second method was to determine the **clearest text**, eliminate texts which were not typical, or contained a translation error. This approach was possible and was to be found in the Court's case law (Opinion, paragraph 17), but:
"in the **circumstances of the present case**, in which it is not just one text that diverges from all the others, the approach **does not permit a convincing solution**".

A third approach was that the "**language versions forming the majority prevail**" (preference in favour of language versions laying down "obligation"). The approach was possible and to be found in Court's case law (Opinion, paragraph 18) but:
"That may … be countered by the Court's line of argument under which, **in certain circumstances, a single language version is to be favoured** over the majority."

A fourth approach was to take the **original text** which served as source for the translations (Opinion, paragraph 19). Here the text had been negotiated in English ("*shall ensure*": obligation). A fifth approach was to consider the intention of the parties and the object of the provision to be interpreted (Opinion, paragraph 20).

"The **intention of the parties is of decisive importance** for the interpretation of Article 23(1) of the Agreement. The documents which have been submitted by the Commission that were used in preparing for the negotiations on the Agreement support the view that the **parties wanted to lay down a clear obligation** going beyond the obligation merely to use endeavours." (Opinion, paragraph 22.)

There were arguments in support of this last and fifth approach regarding interpretation: comparison with other similar agreements which say clearly "*shall endeavour to ensure*" (Opinion, paragraph 23), since different wording could imply a different meaning and intention; circumstances, revealed by the negotiating documents ("*Russia expressed a wish to that effect*.") (Opinion, paragraph 24.). So the intention seemed clear, but did the Agreement have **direct effect**? If not, then national law, discriminating against Simutenkov, could prevail. If yes, then the wording of the Agreement, as part of EU law, should prevail.

4.3 Comment

The issue here was in effect one of power relations between national law and EU law over the effects of an international agreement. We see three legal orders in play, namely EU law, national law and international law. Can the inferred intention of the parties be defeated in practice? The introductory words in Article 23(1) "Subject to the laws, conditions and procedures applicable in each Member State…" suggest freedom by national law to disregard the inferred obligation, but then the provision could become meaningless and without practical effect (*effet utile*). Why bother making the text? Non-discrimination on the grounds of nationality is a core concept of EU law enshrined in the TFEU Treaty (Article 18) and to be upheld.

An interesting question raised by the *Simutenkov* case concerns the extent to which the meaning of certain words in terms of practical results depends on the meanings given to other words. Thus, if the meaning of the words ***'shall ensure ... shall be free from any discrimination based on nationality...'*** is to create an obligation not to discriminate, can this meaning be 'defeated' by other words: "**Subject to** the laws, conditions and procedures applicable in each Member State…"? We see here how there is a 'web' of terms and their

meanings, and the resulting decision as to what to do, or what is ‘right’ or ‘wrong’ in terms of law and legal obligation depends on a complex manoeuvring between different parts of the text and drawing an Ariadne thread through a semantic labyrinth in which words in legal texts (at different levels) are matched against behaviour and actions in the real world and set against standards as to how one ‘ought’ to act (i.e. non-discrimination). The process of giving meaning in law becomes a complex process that draws on different strands, both linguistic and non-linguistic (intention, behaviour). It is not just one word, but a web of words, and often also a web of texts.

4.4 Influence of international law

In the context of the *Simutenkov* case, rights given at EU law were restricted or taken away by national law, so we can see a link between EU and national law. But A G Stix-Hackl drew on international law to support the arguments:

“29. The Court, referring to Article 31(1) of the Vienna Convention of 23 May 1969 on the Law of Treaties, has stated with regard to the interpretation of international agreements that ‘a treaty must be interpreted in good faith in accordance with the ordinary meaning to be given to its terms in their context and in the light of its object and purpose’.”

One can add some further personal comments. In this reference to the Vienna Convention there is not a mention of intention, but it is perhaps implicit in the idea of “object and purpose.” If one has an ‘object’, or a ‘purpose’, that implies an intention to do something. Intention is a key concept in legal texts: the intention, or 'will', of the legislator, or contracting parties, as revealed by the text upon close analysis in the light of all the circumstances. The *Simutenkov* case concerned an international agreement and so background papers created during the initial negotiation phases could also be looked at in order to determine intention and meaning but that is generally not the case with legislative texts, which fall to be read and interpreted themselves as they stand. In EU legislation the intention of the legislator is drawn from the different parts of the text, including articles, annexes and recitals. Cases are brought between parties who argue for meanings in line with their interests; outsiders’ interests and views on meaning tend

not be represented in a case since no one is present to argue for their point of view. This, it may be commented in passing, is a problem for litigation relating to the environment where there is no one to present the point of view of nature. Hence the question: should trees have standing? (Stone, 2010).

4.5 Institutional context

In the organisation of the European Court of Justice, the Advocate General has the status of a judge under the Protocol on the Statute of the Court of Justice of the European Union and has the role to make a detailed and reasoned analysis of each case to assist the Court. He or she proposes an answer to the Court on the reference from the national court, but the Court makes its own decision and issues its own judgment which may follow or depart from the viewpoint and analysis of the Advocate General. This underscores that the 'allocation' of meaning in law is not automatic or deterministic; there is an element of choice and this choice can be seen as having a political dimension as it determines the course of future action, and future law. For that reason the Court itself is composed of judges coming from different member states and different legal and linguistic cultures. The Court makes its decisions first in French and the language of the case, here Spanish. Translation is made into the other EU languages. Contrast this with the Advocate General who writes the opinion in his or her tongue. (On the European Court of Justice, see the Court's website *Curia* at http://curia.europa.eu/.)

4.6 Court decision

The Court's Ruling in *Simutenkov* was as follows (emphasis added):

"Article 23(1) of the Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation, of the other part, signed in Corfu on 24 June 1994 and approved on behalf of the Communities by Decision 97/800/ECSC, EC, Euratom: Council and Commission Decision of 30 October 1997**, must be construed as precluding** the application to a professional sportsman of Russian nationality, who is lawfully employed by a club established in a Member State, of a rule drawn up by a sports federation of that State

which provides that clubs may field in competitions organised at national level only a limited number of players from countries which are not parties to the Agreement on the European Economic Area.".

The Court observed in its judgment:
"40. Finally, as has been stated in paragraph 24 of the present judgment, the words '[s]ubject to the laws, conditions and procedures applicable in each Member State', which feature at the beginning of Article 23(1) of the Communities-Russia Partnership Agreement, and Article 48 of that Agreement **cannot be construed** as allowing Member States to subject the application of the principle of non-discrimination set out in the former of those two provisions to discretionary limitations, inasmuch as **such an interpretation would have the effect of rendering that provision meaningless and thus depriving it of any practical effect."**

4.7 Problem of meaning
From the point of view of the problem of meaning in EU legal acts, the *Simutenkov* case is interesting for several reasons: A G Stix-Hackl made a detailed analysis of different possible methods of multilingual interpretation. The case involved a national from a third country and an international Agreement, so it applied the protection against discrimination for EU nationals to third country nationals. The judgment is worded in a special way: it does not specify what particular words mean; so there is no literal interpretation of any particular words. Instead, it goes to result: "Article 23(1) ... must be construed ...". Interpretation is teleological, but also searches for intention; methods of linguistic interpretation that do not make it possible to arrive at the (desired) result are rejected. The Court is rendering 'Justice' in the case; the path to arriving at the 'just' result may vary, according to the circumstances of each case, since the facts of a case influence the interpretation and application of a text. It may also be argued that the needs of 'Justice' and to arrive at a just result also have an impact on the meaning of a text; for example, courts will not give effect to a contract to do something illegal. This in turn implies that every legal text is being expressly or tacitly compared against wider and deeper reference points. These may be embedded in a constitutional text, as in

a civil law system, or embedded in the case-law of the legal system as in a common-law system, and they may be of a moral or ethical nature. Yet, regardless of the system, there is a complex legal background that is always in play. The Court in *Simutenkov* made an interpretation; but at the same time it laid down a rule of law, valid for cases with similar facts. For these cases, the decision is a prediction as to how the court will decide in future cases.

For the EU context, there is another aspect. Spanish law did not confer the right *Simutenkov* claimed. The Court's decision leaves Spanish national law out of line with EU law. Spain could choose to leave it like that and rely on EU law overriding national law, but better is to adapt the national law and make it have the same results as EU law. And all other Member States who took the same approach as Spanish law have to take note that they too must review their national laws. This is 'harmonisation' of law. So EU meaning and national meaning are intimately bound together.

5 Conclusion

This Paper has explored some of the issues in creating meaning in multilingual EU texts. Needless to say, more could have been said. In terms of the EU context, one could mention the steps and processes by which EU legal texts are created, the policy environment for each text and the legal environment. One could also dwell on particular methods and styles of drafting and problems of translation and terminology. One could enter into the whole domain of legal texts and legal language as a class of applied linguistics, legal linguistics and analyse them according to different theories and approaches. These things can be undertaken from any of the 23 or more languages of the EU, as well as languages (Icelandic, Norwegian) of EFTA states which incorporate EU law into national law via the Agreement on the European Economic Area (EEA). One can enter into a broader linguistic and semiotic analysis of legal texts taken as a whole, of which EU texts are just one class, and if one does so, one will encounter different methods and techniques used by courts to extract meaning from legal texts through judicial interpretation.

That said, it is possibly the case that such linguistic research places the focus at the 'microscopic' level whereas the everyday environment in which lawyers work with language functions simultaneously at all levels of law and language, from microscopic to macroscopic, and there is a constant shift of attention, according to immediate needs, between every level. Thus, for example, when drafting attention must be paid to spelling and syntax at the lowest level of detail, but also to the way in which a text fits into the total intertextual discursive environment at national, international and supranational EU level. This ability requires years of training and experience.

With the study of meaning the work of lawyer and linguist come close together. The problem of meaning lies at the heart of legal work. It can be explored through the case law where judges take it on themselves to analyse every argument and give reasons for their decisions. Within the EU legal order, there are additional factors: multiculturalism, multilingualism leading to hybridity and a certain degree of 'fuzziness' or lesser degree of precision in the meaning of words at times (countered by the use of definitions). However, a study of the case law of the European Court reveals another key issue: at times the legal interpretation departs from the actual wording of texts. There is a gap, a jump to the end result. This is the teleological approach, functionally necessary. It is based on the language versions, but it reveals that the correlation between law and language is not absolute. There is clearly an extra-linguistic dimension to law and the *Simutenkov* case helps us to understand why that is the case and how the process of reasoning functions.

We can conclude this paper by listing a few factors that contribute to the control of meaning in multilingual EU legal texts. These include (1) clear thinking in policy making and having clearly defined objectives when drafting the text; (2) expert knowledge as regards the policy domain, on the one hand, and the legal context and legal methods to create specialised meaning, on the other; (3) using relevant technical terms correctly according to standardised usage; (3) good terminology work to establish term equivalences which are agreed on by experts and fixed across languages; (4) drafting that is clear, concise and as simple as possible; (5) units of meaning that are broken into segments (through punctuation) and with all languages aligned

together; (6) co-drafting, whereby the source, or base, language takes account of translation problems and syntax is adjusted where possible to improve clarity across all languages; (7) avoidance (where possible) of ambiguity, since among other reasons German and Slavic languages have difficulty in following as they are inflected languages and must frequently choose for meaning, so unity of message may be lost; (8) discussion of meanings attached by different cultures and languages to terms and concepts at the outset of the preparation of a text. For example, if we ask "What is 'cheese? Is it milk from cow, goat, sheep, buffalo, camel, horse…?" Different cultures give different answers and if an EU text is to be constructed relating to 'milk' this issue must first be clarified. Next comes the question of what term to use in each language for the concept and if a language lacks a term, a new term must be invented; consider EU terms 'goatmeat' and 'sheepmeat' in English; (9) the use of definitions of terms to increase precision, (e.g. 'cheese' means ….); (10) control by the EU Commission, aided by national experts, to align readings and interpretations of EU texts and the implementation and transposition of EU obligations into national law; (11) care by national authorities to observe the letter and spirit of EU law; (12) rulings on meaning by the European Court of Justice which fix the meaning for all languages; (13) revision of EU legislative texts in the light of European Court judgments to maintain consistency, but with a risk of creating uncertainty as to whether past rulings of the Court on a particular revised matter remain as key reference points or have been overtaken by the revised legislation.

Lastly, lawyers use language as a tool for legal purposes and to achieve specific results. The text is a legal product, that seeks to achieve particular effects in the 'real' world of human relations. Thus law is goal-oriented and linked to behaviour and conduct, whether active or passive, and the language of its texts is constructed accordingly. It is this link to the real world and real effects which is perhaps the most important criterion for determining meaning in legal texts. It is the 'acid test' for making legal decisions and since it is linked to intention and behaviour, law ultimately goes beyond language.

References

Agreement on the European Economic Area (EEA) http://efta.int/eea/eea-agreement.aspx (accessed 9 November 2011).

Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation of the other part. http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=201 (accessed 9 November 2011).

Berne Convention for the Protection of Literary and Artistic Works. http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html (accessed 10 November 2011).

Cabré, T. (1998). *Terminology. Theory, methods and applications.* Amsterdam/Philadelphia: John Benjamins.

Case 26-62. NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration. European Court Reports. English Special Edition p. 1.

Case C-265/03: Reference for a preliminary ruling from the Audencia Nacional: Igor Simutenkov v Ministerio de Educación y Cultura, Real Federación Española de Fútbol. European Court Reports 2005 p. I-02579.

Chandler, D. (2002). *Semiotics: The Basics.* Abingdon:Routledge.

Cobley, P, Ed. (2001). *The Routledge Companion to Semiotics. and Linguistics*. London:Routledge.

Cobley, P, Ed. (2010). *The Routledge Companion to Semiotics.* Abingdon:Routledge.

Curia. http://curia.europa.eu (accessed 9 November 2011).

Copyright, Designs and Patents Act 1988 http://www.legislation.gov.uk/ukpga/1988/48/contents (accessed 9 November 2011).

Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights (Official Journal L 290, 24.11.1993, p.9).

Deledalle, G. (1978). *Charles S. Peirce. Écrits sur le signe.* Paris:Seuil.

Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) (OJ L 20, 26.1.2010. 7).

Gallas, T. (1999). Coredazione e Traduzione Giuridica nella Legislazione Multilingue, in Particolare Quella Comunitaria. *43 Quaderni di Libri e riviste d'Italia, la Traduzione, Saggi e documenti (IV)*. 135-147.

Guggeis, M. & Robinson, W. (forthcoming 2012). Corevision: Legal-linguistic revision in the European Union Codecision Process. In Baaij, C.J.W. (Ed.). *The Role of Legal Translation in Legal Harmonization.* Alphen an den Rijn: Kluwer Law International.

Houser, N. (2010). Peirce, phenomenology and semiotics. In Cobley, P. (Ed.). *The Routledge Companion to Semiotics*. Abingdon: Routledge.

http://europa.eu (accessed 9 November 2011).

Interinstitutional Agreement of 22 Decenber 1998 on common guidelines for the quality of drafting of Community legislation (OJ C 73, 17. 3. 1999. 1) (http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999Y0317(01):EN:NOT) (accessed 9 November 2011)

Interinstitutional Style Guide http://publications.europa.eu/code/en/en-000100.htm (accessed 9 November 2011).

Joint Practical Guide of the European Parliament, the Council and the Commission for the Drafting of Community legislation. Luxembourg. Office for Official Publications of the European Communities. 2003. (http://eur-lex.europa.eu/en/techleg/pdf/en.pdf (accessed 9 November 2011).

Manual of Precedents for acts established within the Council of the European Union. 2011. http://ec.europa.eu/translation/documents/council/manual_precedents_acts_en.pdf. (from original: Losson G. '*Formulaire des actes'*).

Merrell, F. (2001). Charles Sanders Peirce's concept of the sign. In Cobley, P. (Ed.). *The Routledge Companion to Semiotics and Linguistics.* London: Routledge.

Mollin, S. (2006). Euro-English: Assessing Variety Status. In *Language in Performance.* Tübingen: Günter Narr Verlag.

Morgan J.F. (1982). Multilingual Legal Drafting in the EEC and the Work of Jurist/Linguists. *Multilingua* I-2. pp. 109-117.

Official Journal of the European Union. (http://eur-lex.europa.eu/JOIndex.do) (accessed 9 November 2011)

Regulation No 1 determining the languages to be used by the European Economic Community. (O J L 17, 6.10.1958. 385). Updated version at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1958R0001:20070101:EN:PDF (accessed 9 November 2011).

Robertson, C. (1999). Multilingual Law: A Framework for Understanding. In *Language for Special Purposes. Perspectives for the new Millenium*, Vol.2. 697-703. Tübingen: Gunter Narr.

Robertson, C. (2009a). Multilingual Law: What is it? How is it made? How is it Used and Applied? (with reference to EU practice). In Sočanac, L., Goddard, C., Kremer, L. (Eds). *Curriculum, Multilingualism and the Law*. (pp. 373-395). Zagreb: Globus.

Robertson, C. (2009b). LSP and EU Legal Language. http://www.asb.dk/fileadmin/www.asb.dk/isek/robertson.pdf (accessed 9 November 2011).

Robertson, C. (2010a). Legal-linguistic Revision of EU Legislative Texts. In Gotti M., & Williams C. (Eds). *Legal Discourse across Languages and Cultures*. (pp. 51-73). Bern: Peter Lang.

Robertson, C. (2010b). EU Law and Semiotics. *International Journal for the Semiotics of Law*. (pp. 145-164). Dordrecht. Springer.

Robertson, C. (2010c). Legislative drafting in English for non-native speakers: some do's and don'ts (with reference to EU legislation). In Gotti, M. & Williams, C. (Eds). *ESP across cultures. Special issue: Legal English across cultures*. Volume 7. 147-163. Bari: Edipuglia.

Robertson, C. (2011). Multlingual legislation in the European Union: EU and national legislative-language styles and terminology. *Research in language*. Warsaw: Versita Pp. 51-67. (http://versita.metapress.com/content/g851738257gm73k1/) (accessed 10 November 2011).

Robinson, W. (2008). Drafting of EU Legislation: A view from the European Commission. *Rivista di Diritto Pubblico Italiano, Comunitario e Comparat*o.

(http://www.federalismi.it/ApplOpenFilePDF.cfm?artid=9008&dpath=document&dfile=08012008032419.pdf&content=Drafting+of+EU+legislation:+a+view+from+the+European+Commission+-+dottrina+-+dottrina+-+). (accessed 26 January 2012).

Šarčević, S. & Robertson, C. (forthcoming 2012). The work of lawyer-linguists in the EU institutions. In Albi, A. B. & Ramos, F.P. (Eds). *Legal Translation in Context: Professional Issues and Prospects*. Bern:Peter Lang.

Schengen area and cooperation http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33020_en.htm (accessed 9 November 2011).

Scott, A. (2004). *Charles S. Peirce's Theory of Signs.* http://www.angelfire.com/md2/timewarp/peirce.html (accessed 26 January 2012).

Stone, C. (2010). *Should Trees Have Standing?* Oxford University Press (USA).

http://isites.harvard.edu/fs/docs/icb.topic498371.files/Stone.Trees_Standing.pdf (accessed 10 November 2011).

Colin Robertson holds a Law Degree from Aberdeen University and is a member of the Law Society of Scotland. He works as legal-linguistic reviser (lawyer-linguist) at the Council of the European Union. He has knowledge of several languages, including English, French, German, Italian, Czech, Slovak and Bulgarian. Previously he worked as lawyer in UK government service and the Legal Service of the European Commission; and as legal translator in the Court of Justice of the EU. He is interested in legal language, especially EU legal language and terminology. In his spare time he participates in workshops and seminars and has published recently *inter alia* on *multilingual law, LSP and EU legal language, EU law and semiotics.* He has publications in Scots dialect in Lallans, a Scots language publication: inter alia on l*awborrows*, m*aills an duties, the Scots leid an Europe, British Union an European Union, eurojargon, and Croatia jynin the EU*. He is married with two children. Email: colin.robertson@pt.lu.