

The Need for Standardized Terminology in Croatian Translations of EU Legislation

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Objectives:

- Identifying relevant competition terminology
- Providing adequate Croatian equivalents
- Avoid terminological inconsistency in competition law and standardize the respective terminology

1 Introduction

- Competition – complex subject matter + complex terminology
- Croatian Competition Agency est. in 1997
- Croatian Competition Act adopted in 2003
- Consistent terminology is essential to enhance reliability of the relevant legislation in Croatian for lawyers, judges, public prosecutors and undertakings
- large amount of Secondary legislation to be translated into Croatian + Case law (not yet systematically translated)

2 Terminological inconsistency

Kartelno pravo (before 1990s the term *kartelno pravo* goes back to German *Kartellrecht* - ABGB)

Konkurencija (still used in Eurovoc, Euroterm, EU Law Glossary)

Tržišno natjecanje (official wording: CA, CCA)

- *Wettbewerbsrecht* is cited today in German legislation instead of *Kartellrecht* (but still *Bundeskartellamt*)
- *Antitrust law* in the U.S.
- the *Cartel Court* and the *Superior Cartel Court* in Austria
- *Ured za zaštitu konkurence* (Competition Protection Office) in Slovenia
- *Agencija za zaštitu tržišnog natjecanja* (Croatian Competition Agency)

3 The search for equivalents:

3 ways in which translators can proceed:

- a) To keep national terms that already exist within the domestic law, in this case in the Croatian legal system;
- b) Create new terms to denote new concepts from Community law, linguistic equivalents – coins or neologisms (*newbuilding-novogradnja*);
- c) Take over a term already used in the Community law, such as *ombudsman* or *posting*

■ Example 1:
Croatian equivalents for
leniency

Eng: leniency	Hrv: program oslobođenja od kazne ili smanjenja za sudionike kartela u pravu tržišnog natjecanja
De: Kronzeugenprogramm	Sl: program prizanesljivosti

leniency

Kronzeugenprogramm

?

Example 2:

Conceptual analysis of the terms cited in the national legal system:

- Izaslani radnik (COIA, PIA *inter alia*)
- Radnik upućen na rad u inozemstvo (LA)

Existing translations of the title of PWD:

- Raspoređivanje radnika*
- Slanje radnika na rad u inozemstvo
- Proposal: *Izaslani radnik*

*Unrevised translation of the Ministry of Foreign Affairs and European Integrations.

Example 3:

Finding equivalents for *justiciability*

a) Utuživost

b) Justiciabilnost

c) ostvarivo sudskim putem

Eng: justiciability Hrv: utuživost

De: Einklagbarkeit Sl: iztožljivost

4 Concluding remarks

- ✓ Terminological consistency essential for legally watertight texts
- ✓ Legal revisers should conduct final checking
- ✓ Strong need for standardized Croatian terminology in legal texts

- ✓ As pointed out in the Decision of the Constitutional Court of the Republic of Croatia No *U-I/2694/2003*, standardization of legal terminology and consistency in the use of the terminology constitutes a precondition for safeguarding the rule of law and legal certainty!
- ✓ The Government of the Republic of Croatia issued the Decision on establishing a special Language Unit for proofreading and editing on 17 February 2005

Thank you for your attention!

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