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# ECQA

## Legal Translator in Criminal Proceedings

### Skills card

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## 1. Introduction

Building on the European Master's in Translation (EMT) programme, the QUALETRA consortium (JUST/2011/JPEN/AG/2975) presents the following framework for the accreditation of legal translators specialising in criminal proceedings in line with *Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings*. A clear need exists for this professional profile on the market, as shown by significant figures recorded by the EU on criminal proceedings involving a non-national ( $\pm 10\%$ )<sup>1</sup>, so as to assure the quality of translations carried out in this complex and difficult legal area, ultimately enabling defendants to read documents pertaining to their case.

The set of skills defines the profile of the ECQA Legal Translator in Criminal Proceedings and which is to be verified through the exam includes mastery of the specific genre conventions and terminology of the essential documents (i.e. decisions depriving a person of their liberty, charges or indictments, and judgments) and European Arrest Warrants under the Directive, as well as sight translation. Language and translation skills are however to be complemented by legal knowledge of both the source and target legal systems.

The framework contained in this Skills card provided the basis for the QUALETRA project syllabus design and translator assessment/translation exam.

## 2. Skill Definition Model

### 2.1. ECQA Skill Set Strategy

A skill set is a group of specific Learning Elements that one should be able to apply within a certain job role. A standard group of skill sets within EU is necessary due to free movement of workers. EU Member States such as the UK, The Netherlands, and France already have well-established open learning courses which support Accreditation of Prior Learning (APL). Within APL, student skills are assessed, existing skills recognised, and a learning plan developed to cover skill gaps. Skill assessment is based on defined skill units and a skill profile which indicates how many skill units have been covered.

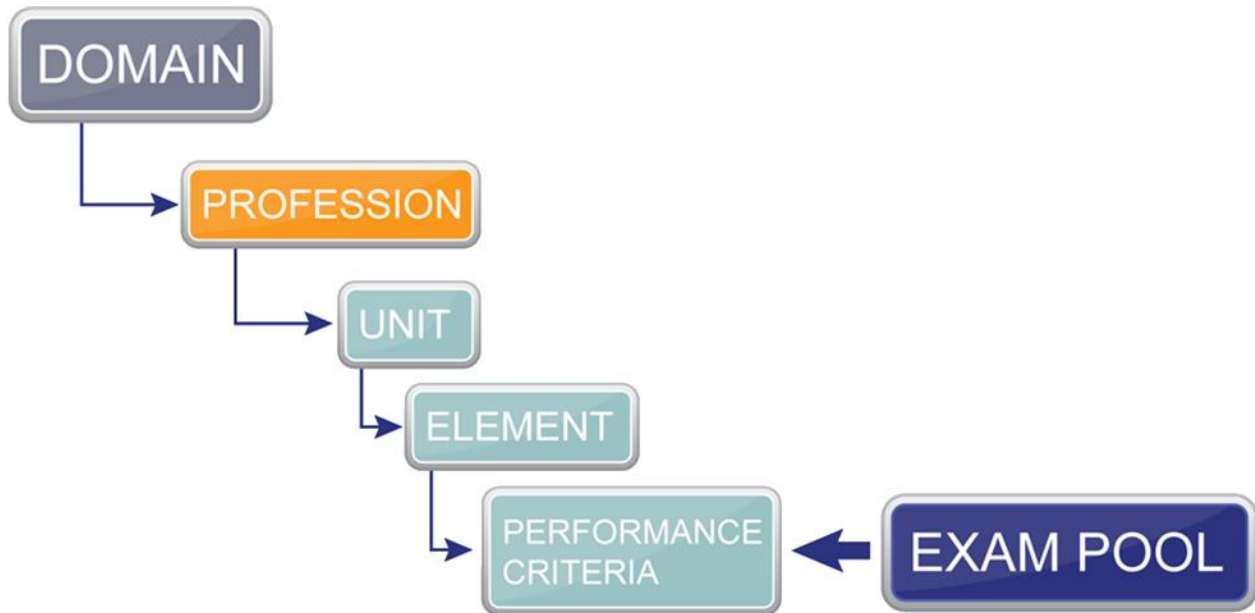
### 2.2. Modularity in ECQA Certified Professions

One of the most important ECQA principles for certified training and certification is **modularity**. The Skills card document of each profession defines the modular structure in the form of units divided into elements. Each element has a set of learning objectives (in the Skills card these are called performance criteria).

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<sup>1</sup> Impact Assessment for the Directive on the right to interpretation and translation in criminal proceedings (COM(2009) 338 final){SEC(2009) 916, pp. 18-19}





The structure should comply with the ECQA modularity rules for professions. The content of a profession should be divided into:

- **Domain:** The domain is the name of the profession (e.g. ECQA certified legal translator)
- **Unit:** The content of the training should be grouped into logical topics (units). The number of units should be 3 to 7 for each domain
- **Element:** For better unit structuring, each unit is divided into elements. The suggested number of elements is 3 to 7 for each unit.
- **Performance criteria (PC):** Performance criteria are the criteria for the minimum level of knowledge and performance required for a participant to pass the exams. Performance criteria are defined for each element and the suggested number of PCs is 3 to 6.

This modular structure is reflected in the hierarchical numbering system used throughout this document, whereby each sub-component of the Domain (Unit > Element > Performance Criteria) is represented by its initial letter and listed sequentially, as in the example “U1.E2.PC3”, which indicates ‘the third Performance Criteria of the second Element in the first Unit’.

In addition, the abbreviation “LTiCP” throughout this document stands for ‘Legal Translator in Criminal Proceedings’.

The content of a Skills card is used within the ECQA for several purposes, such as:

- to describe the profession in dissemination materials and on the ECQA web page,
- to structure the ECQA exam portal,
- to design certificates for participants,
- to design syllabi,
- to design exams which match the performance criteria contained in the Skills Card.



### 2.3. Conceptual elaboration

The QUALETRA research group first developed a conceptual grid of legal translator competences on which the ECQA Skills Card for legal translators in criminal proceedings is based. The grid is intended to complement the European Master's in Translation (EMT) reference framework for translation competences that identifies a set of macro-competences as "the minimum requirement to which other specific competences may be added"<sup>2</sup>. In the QUALETRA legal translator competence model, the six EMT competences (translation service provision, language, intercultural, information mining, thematic and technological) are integrated with additional core components more strictly related to legal translation. The model is attached to this document as Appendix 1.

For the purpose of certifying LTICPs, the QUALETRA model has been adapted to the ECQA modular format by relating Performance Criteria directly to criminal proceedings and removing all those sub-competences already acquired during EMT training (e.g. mastery of tools), which is the prerequisite for access to ECQA certification. Specifications of certification procedure are included as Appendix 2.

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<sup>2</sup> EMT Expert Group (2009) Competences for Professional Translators, Experts in Multilingual and Multimedia Communication, p. 3.

[http://ec.europa.eu/dgs/translation/external\\_relations/universities/documents/emt\\_competences\\_translators\\_en.pdf](http://ec.europa.eu/dgs/translation/external_relations/universities/documents/emt_competences_translators_en.pdf)



## ECQA Legal Translator in Criminal Proceedings (LTICP)

### 2.4. LTICP.U1: Legal knowledge

#### 2.4.1. LTICP.U1.E1: Criminal law and procedure

The performance criteria for this element are:

- LTICP.U1.E1.PC1** The candidate masters the main domains and sub-domains of criminal law, especially the most frequent offences in essential documents and European Arrest Warrants, e.g. drugs, fraud and theft.
- LTICP.U1.E1.PC2** The candidate has a sound understanding of criminal procedure in the legal systems involved (e.g. levels of jurisdiction, legal structures, institutions, settings, parties).
- LTICP.U1.E1.PC3** The candidate has a general awareness of current legal issues and their development in the relevant countries.
- LTICP.U1.E1.PC4** The candidate is familiar with the EU directives on legal translation.

#### 2.4.2. LTICP.U1.E2: Monolingual legal terminology

The performance criteria for this element are:

- LTICP.U1.E2.PC1** The candidate masters the specific terminology of essential documents.
- LTICP.U1.E2.PC2** The candidate masters the specific terminology of European Arrest Warrants.
- LTICP.U1.E2.PC3** The candidate can make appropriate connections between terms and concepts in context.



## 2.5. LTICP.U2: Professional aspects

### 2.5.1. LTICP.U2.E1 Professional practice

The performance criteria for this element are:

- LTICP.U2.E1.PC1** The candidate understands the professional role of the legal translator in criminal proceedings.
- LTICP.U2.E1.PC2** The candidate has a good knowledge of the relevant national and international professional associations for legal translators.
- LTICP.U2.E1.PC3** The candidate is aware of the need to be briefed and obtain access to relevant documentation.
- LTICP.U2.E1.PC4** The candidate is aware of personal safety and documentary security issues resulting from provision of translation services in criminal proceedings.

### 2.5.2. LTICP.U2.E2: Professional conduct

The performance criteria for this element are:

- LTICP.U2.E2.PC1** The candidate is aware of the legal obligations and responsibilities resulting from provision of translation services, with special reference to issue of confidentiality in criminal proceedings.
- LTICP.U2.E2.PC2** The candidate is aware of the need to comply with professional ethics.
- LTICP.U2.E2.PC3** The candidate masters the rules for interaction between the parties involved in criminal proceedings.





## 2.6. LTICP.U3: Instrumental competence

### 2.6.1. LTICP.U3.E1 Information management

The performance criteria for this element are:

- LTICP.U3.E1.PC1** The candidate identifies specific legal sources (e.g. dictionaries, term bases, glossaries, corpora, experts), with specific reference to essential documents and European Arrest Warrants.
- LTICP.U3.E1.PC2** The candidate evaluates the reliability of legal reference sources.
- LTICP.U3.E1.PC3** The candidate discriminates between legal sources with reference to national, international and EU systems and jurisdictions.
- LTICP.U3.E1.PC4** The candidate extracts relevant information (documentary, terminological, phraseological) from parallel and comparable documents.

### 2.6.2. LTICP.U3.E2: Legal terminology management

The performance criteria for this element are:

- LTICP.U3.E2.PC1** The candidate extracts terminology from essential documents and European Arrest Warrants.
- LTICP.U3.E2.PC2** The candidate identifies the use of terminology depending on the jurisdiction.
- LTICP.U3.E2.PC3** The candidate creates terminology records from essential documents and European Arrest Warrants.
- LTICP.U3.E2.PC4** The candidate adjusts each term entry so as to address linguistic and conceptual differences between legal systems.



## 2.7. LTICP.U4: Translation

### 2.7.1. LTICP.U4.E1: Translation of essential documents (Directive 2010/64/EU)

The performance criteria for this element are:

- |                        |  |
|------------------------|--|
| <b>LTICP.U4.E1.PC1</b> | The candidate understands the purpose and content of essential documents as listed in Directive 2010/64/EU, i.e. decisions depriving a person of their liberty, charges or indictments, and judgments. |
| <b>LTICP.U4.E1.PC2</b> | The candidate masters the genre conventions and rhetorical standards of essential documents.   |
| <b>LTICP.U4.E1.PC3</b> | The candidate reproduces the overall structure of an essential document.   |
| <b>LTICP.U4.E1.PC4</b> | The candidate delivers a translation appropriate to the specific context and by reference to source and target legal systems.  |
| <b>LTICP.U4.E1.PC5</b> | The candidate identifies translation problems due to differences between the relevant legal systems and to find appropriate solutions.   |
| <b>LTICP.U4.E1.PC6</b> | The candidate masters legal language, including the specific writing conventions at the levels of e.g. grammar, syntax, phraseology, terminology, punctuation, abbreviations.                          |
| <b>LTICP.U4.E1.PC7</b> | The candidate produces a register appropriate to the given situation in criminal proceedings (e.g. levels of jurisdiction; international, European and national law and proceedings).                  |

### 2.7.2. LTICP.U4.E2: Translation of European Arrest Warrants

The performance criteria for this element are:

- |                        |  |
|------------------------|--|
| <b>LTICP.U4.E2.PC1</b> | The candidate understands the purpose and content of European Arrest Warrants.   |
| <b>LTICP.U4.E2.PC2</b> | The candidate has a good knowledge of the multilingual template of the European Arrest Warrant<br>( <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32002F0584">http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32002F0584</a> ). |
| <b>LTICP.U4.E2.PC3</b> | The candidate masters the genre conventions and rhetorical standards of the European Arrest Warrant.   |
| <b>LTICP.U4.E2.PC4</b> | The candidate reproduces the overall structure of a European Arrest Warrant.   |
| <b>LTICP.U4.E2.PC5</b> | The candidate delivers a translation appropriate to the context and by reference to source and target legal systems.   |
| <b>LTICP.U4.E2.PC6</b> | The candidate identifies translation problems due to differences between the relevant legal systems and find appropriate solutions.  |
| <b>LTICP.U4.E2.PC7</b> | The candidate masters legal language, including the specific writing conventions at the levels of e.g. grammar, syntax, phraseology, terminology, punctuation, abbreviations.  |
| <b>LTICP.U4.E2.PC8</b> | The candidate produces a register appropriate to the given situation in criminal proceedings (e.g. levels of jurisdiction; international, European and national law  |



and proceedings).



### 3. Acknowledgements

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## Appendix 1: Competence Grid

EMT - Competences for professional translators, experts in multilingual and multimedia communication	QUALETRA - Competences for professional legal translators
<b>TRANSLATION SERVICE PROVISION COMPETENCE</b>	
<b>INTERPERSONAL dimension</b>	
<ul style="list-style-type: none"> <li>- Being aware of the social role of the translator</li> <li>- Knowing how to follow market requirements and job profiles (knowing how to remain aware of developments in demand)</li> <li>- Knowing how to organise approaches to clients/potential clients (marketing)</li> <li>- Knowing how to negotiate with the client (to define deadlines, tariffs/invoicing, working conditions, access to information, contract, rights, responsibilities, translation specifications, tender specifications, etc.)</li> <li>- Knowing how to clarify the requirements, objectives and purposes of the client, recipients of the translation and other stakeholders</li> <li>- Knowing how to plan and manage one's time, stress, work, budget and ongoing training (upgrading various competences)</li> <li>- Knowing how to specify and calculate the services offered and their added value</li> <li>- Knowing how to comply with instructions, deadlines, commitments, interpersonal competences, team organisation</li> <li>- Knowing the standards applicable to the provision of a translation service</li> <li>- Knowing how to comply with professional ethics</li> <li>- Knowing how to work under pressure and with other experts, with a project head (capabilities for making contacts, for cooperation and collaboration), including in a multilingual situation</li> </ul>	<ul style="list-style-type: none"> <li>- Being aware of the professional role of the legal translator</li> <li>- Being aware of the relevant national and international professional associations for legal translators</li> <li>- Being aware of the need to be briefed and obtain access to relevant documentation</li> <li>- Being aware of personal safety and documentary security issues resulting from provision of translation services</li> <li>- Being aware of the legal obligations and responsibilities resulting from provision of translation services, with special reference to issues of confidentiality</li> <li>- Being aware of the need to comply with professional ethics</li> </ul>



<ul style="list-style-type: none"> <li>- Knowing how to work in a team, including a virtual team</li> <li>- Knowing how to self-evaluate (questioning one's habits; being open to innovations; being concerned with quality; being ready to adapt to new situations/conditions) and take responsibility</li> </ul>	
<b>PRODUCTION dimension</b>	
<ul style="list-style-type: none"> <li>- Knowing how to create and offer a translation appropriate to the client's request, i.e. to the aim/skopos and to the translation situation</li> <li>- Knowing how to define stages and strategies for the translation of a document</li> <li>- Knowing how to define and evaluate translation problems and find appropriate solutions</li> <li>- Knowing how to justify one's translation choices and decisions</li> <li>- Mastering the appropriate metalanguage (to talk about one's work, strategies and decisions)</li> <li>- Knowing how to proofread and revise a translation (mastering techniques and strategies for proofreading and revision)</li> <li>- Knowing how to establish and monitor quality standards</li> </ul>	<ul style="list-style-type: none"> <li>- Mastering translation of legal documents</li> <li>- Delivering a translation appropriate to the specific context and by reference to source and target legal systems</li> <li>- Identifying translation problems due to differences between the relevant legal systems and finding appropriate solutions</li> <li>- Identifying and dealing appropriately with errors of factual content in the source text</li> <li>- Mastering sight translation</li> </ul>
<b>LANGUAGE COMPETENCE</b>	
<ul style="list-style-type: none"> <li>- Knowing how to understand grammatical, lexical and idiomatic structures as well as the graphic and typographic conventions of language A and one's other working languages (B, C)</li> <li>- Knowing how to use these same structures and conventions in A and B</li> <li>- Developing sensitivity to changes in language and developments in languages (useful for exercising creativity)</li> </ul>	<ul style="list-style-type: none"> <li>- Mastering legal language, including specific writing conventions at the levels of e.g. grammar, syntax, phraseology, terminology, punctuation, abbreviations</li> <li>- Recognising stylistic inconsistencies between legal documents and within the same document</li> </ul>



<b>INTERCULTURAL COMPETENCE</b> (the dual perspective – sociolinguistic and textual – is in the comparison of and contrast between discursive practices in A, B and C)	
<b>SOCIOLINGUISTIC dimension</b>	
<ul style="list-style-type: none"> <li>- Knowing how to recognise function and meaning in language variations (social, geographical, historical, stylistic)</li> <li>- Knowing how to identify the rules for interaction relating to a specific community, including non-verbal elements (useful knowledge for negotiation)</li> <li>- Knowing how to produce a register appropriate to a given situation, for a particular document (written) or speech (oral)</li> </ul>	<ul style="list-style-type: none"> <li>- Knowing how to recognise function and meaning in varieties of legal language usage (e.g. levels of jurisdiction; international, EU and national law and proceedings)</li> <li>- Mastering the rules for interaction between the specific parties involved, such as legal professionals and clients</li> </ul>
<b>TEXTUAL dimension</b>	
<ul style="list-style-type: none"> <li>- Knowing how to understand and analyse the macrostructure of a document and its overall coherence (including where it consists of visual and sound elements)</li> <li>- Knowing how to grasp the presuppositions, the implicit allusions, stereotypes and intertextual nature of a document</li> <li>- Knowing how to describe and evaluate one's problems with comprehension and define strategies for resolving those problems</li> <li>- Knowing how to extract and summarise the essential information in a document (ability to summarise)</li> <li>- Knowing how to recognise and identify elements, values and references proper to the cultures represented</li> <li>- Knowing how to bring together and compare cultural elements and methods of composition</li> <li>- Knowing how to compose a document in accordance with the conventions of the genre and rhetorical standards</li> <li>- Knowing how to draft, rephrase, restructure, condense, and post-edit rapidly and well (in languages A and B)</li> </ul>	<ul style="list-style-type: none"> <li>- Mastering the genre conventions and rhetorical standards of different types of legal document (e.g. doctrine, normative texts, forms, certificates, contracts, wills, insurance policies, patents, trust documents, affidavits, directives, power of attorney)</li> <li>- Relating a given legal text to its specific legal context (e.g. stage of proceedings in source and target legal systems, level of jurisdiction)</li> <li>- Analysing the overall structure of legal documents (e.g. EAW template, judgments) and recognising potential inconsistencies</li> <li>- Identifying the essential information in and purpose of legal documents</li> <li>- Identifying and transferring intentional and unintentional ambiguities in legal documents</li> <li>- Preserving the intertextual nature of a legal document (e.g. references to acts, laws, directives)</li> </ul>



<b>INFORMATION MINING COMPETENCE</b>	
<ul style="list-style-type: none"> <li>- Knowing how to identify one's information and documentation requirements</li> <li>- Developing strategies for documentary and terminological research (including approaching experts)</li> <li>- Knowing how to extract and process relevant information for a given task (documentary, terminological, phraseological information)</li> <li>- Developing criteria for evaluation vis-à-vis documents accessible on the internet or any other medium, i.e. knowing how to evaluate the reliability of documentary sources (critical mind)</li> <li>- Knowing how to use tools and search engines effectively (e.g. terminology software, electronic corpora, electronic dictionaries)</li> <li>- Mastering the archiving of one's own documents</li> </ul>	<ul style="list-style-type: none"> <li>- Identifying specific legal sources (e.g. dictionaries, term bases, glossaries, corpora, experts) and evaluating their reliability</li> <li>- Being able to differentiate between legal sources with reference to national, international and EU systems and jurisdictions</li> <li>- Extracting relevant information (documentary, terminological, phraseological) from parallel and comparable documents</li> <li>- Extracting terminology from relevant documents</li> <li>- Consulting legal experts so as to better understand and foresee how legal documents may be interpreted by the parties involved or the competent court or both</li> </ul>
<b>THEMATIC COMPETENCE</b>	
<ul style="list-style-type: none"> <li>- Knowing how to search for appropriate information to gain a better grasp of the thematic aspects of a document (cf. Information mining competence)</li> <li>- Learning to develop one's knowledge in specialist fields and applications (mastering systems of concepts, methods of reasoning, presentation, controlled language, terminology, etc.) (learning to learn)</li> <li>- Developing a spirit of curiosity, analysis and summary</li> </ul>	<ul style="list-style-type: none"> <li>- Being familiar with the main domains and sub-domains of law</li> <li>- Knowing different procedures in the legal systems involved (e.g. levels of jurisdiction, legal structures, institutions, settings)</li> <li>- Having a general awareness of current legal issues and their development in the relevant countries</li> <li>- Knowing the EU directives relating to legal translation</li> <li>- Mastering legal concepts and terms in the translation at hand</li> <li>- Being aware of asymmetries between legal concepts in different legal systems and being able to address them</li> </ul>
<b>TECHNOLOGICAL COMPETENCE (mastery of tools)</b>	
<ul style="list-style-type: none"> <li>- Knowing how to use effectively and rapidly and to integrate a range of software to assist in correction, translation, terminology, layout,</li> </ul>	<ul style="list-style-type: none"> <li>- Knowing how to effectively and rapidly integrate all available tools in a legal translation (e.g. European Arrest Warrant,</li> </ul>





<p>documentary research (for example text processing, spell and grammar check, the internet, translation memory, terminology database, voice recognition software)</p> <ul style="list-style-type: none"><li>- Knowing how to create and manage a database and files</li><li>- Knowing how to adapt to and familiarise oneself with new tools, particularly for the translation of multimedia and audiovisual material</li><li>- Knowing how to prepare and produce a translation in different formats and for different technical media</li><li>- Knowing the possibilities and limits of MT</li></ul>	<p>judgments)</p>
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## Appendix 2: Certification procedure

### Prerequisite

Only European Master's in Translation Network (EMT) graduates may apply to take the ECQA certification examination.

### Examination

The examination consists of 3 stages. A candidate must pass each element of each stage before passing to the next stage. A candidate who fails one or more elements of a stage only has to repeat the failed element(s).

The 3 stages of the examination are:

1. [Multiple choice questions](#): 10 questions for each element of *LTiCP.U1 Legal Knowledge*, which has 2 elements: *U1.E1 Criminal law and procedure* and *U1.E2 Monolingual legal terminology (in both languages)*. Internet access **is not** permitted at this stage.
2. [Open questions](#): at least 1 question for each element of *LTiCP.U2 Professional aspects* and *LTiCP.U3 Instrumental competence*. *LTiCP.U2* has 2 elements: *U2.E1 Professional practice* and *U2.E2 Professional conduct*. *LTiCP.U3* has 2 elements: *U3.E1 Information acquisition* and *U3.E2 Legal terminology management*. Internet access **is not** permitted at this stage.
3. [Translation](#): 2x250-word texts, one for each element of *LTiCP.U4 Translation*. *LTiCP.U4* has 2 elements: *U4.E1 Translation of essential documents (Directive 2010/64/EU)* and *U4.E2 Translation of European Arrest Warrants*. Internet access **is** permitted at this stage.

	Skill Card	Type of Examination
<b>LTiCP.U1</b>	<b>Legal Knowledge</b>	
<b>U1.E1</b>	Criminal law and procedure	MCQ
<b>U1.E2</b>	Monolingual legal terminology (in both languages)	MCQ
<b>LTiCP.U2</b>	<b>Professional aspects</b>	
<b>U2.E1</b>	Professional practice	Open Questions
<b>U2.E2</b>	Professional conduct	Open Questions
<b>LTiCP.U3</b>	<b>Instrumental competence</b>	
<b>U3.E1</b>	Information acquisition	Open Questions
<b>U3.E2</b>	Legal terminology management	Open Questions
<b>LTiCP.U4</b>	<b>Translation</b>	
<b>U4.E1</b>	Translation of essential documents (Directive 2010/64/EU)	Translation
<b>U4.E2</b>	Translation of European Arrest Warrants	Translation



### *Language combination*

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A candidate taking one language combination, e.g. English into German, has to pass all 3 stages of the examination.

A candidate taking two language combinations, e.g. English into German and German into English, only has to take and pass stage 1 and 2 once, but will have to do the translation stage for each language combination, i.e. 2 translations from English into German and 2 translations from German into English.

A candidate taking two language combinations with two different source languages and one or more target languages, e.g. French into English and German into English or French into English and German into Italian, has to take and pass all 3 stages for each language combination.



## QUALETRA

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