

VADEMECUM*) for users of legal translations

Introduction:

- EU Directive 2010/64 (mention of translation, essential documents and EAW)
- QUALETRA
- standards on translation services
- to be used by judges, prosecutors, lawyers, police officers, court staff, translation companies, etc.

Definition: Legal translators are translators of legal texts (also called court interpreters/translators, certified/authorized court interpreters/translators, sworn interpreters/translators, etc.) such as civil status documents, essential (court) documents, evidentiary material, other texts relevant to investigative and judicial proceedings.

- 1) Legal translators are usually required to work not only into their mother tongue but also into their foreign language(s). Special attention must therefore be paid to their translator qualifications.
- 2) Some EU member states require translators to become authorized/certified before entrusting legal translation assignments to them. Their linguistic and legal expertise is checked in the admission test/examination to establish their qualifications.
- 3) As far as reasonable and feasible, the four-eyes-principle should be applied, i.e. requiring legal translators to have their translation checked by another qualified translator. Users of legal translations need not have any reservations concerning confidentiality, as legal translators must/should abide by a strict code of ethics.
- 4) Legal translators should be able to have access to the relevant material of a translation assignment in order to be aware of the content of, and terminology used in a specific context. (Translation companies, in particular, should not prevent legal translators from having direct access to the relevant material.)
- 5) Wherever possible, the documents to be translated should be provided in a format that can be edited by the translator (MS Word or similar format) in order to facilitate the translation process and enhance translation quality (use of translation memories and similar tools).
- 6) When assigning translations, users of legal translations should fix reasonable delivery times that enable legal translators to engage in all necessary research and produce translations of high quality at reasonable working hours.

7) Legal translators usually abide by a code of ethics on account of their admission/authorization/certification or their membership in professional associations which requires them to observe strict ethical rules in the exercise of their profession (e.g. confidentiality, professionalism, etc.)

8) Legal translators appreciate feedback from their clients on their delivered translations. This interaction between users and legal translators contributes towards further improving translation quality and establishes a constructive working relationship between them.

9) The legal systems of EU member states are very different. There is therefore never full concordance of legal concepts. Legal translators are aware of these differences and should therefore be free to take account of this fact and provide readers with terminological comments, if necessary.

10) The authors of legal texts that are eventually translated should be aware of the fact that the legal systems of other countries are different from their own system and therefore use straightforward language that will enable translators and readers to more readily understand the text. (EU and/or national efforts to standardize legal text modules should be supported.)

11) The work of legal translators should be adequately remunerated. Whenever countries enact rate/fee schedules they should make allowances for surcharges for difficult texts, express delivery and special working hours (night-time, weekends and holidays).

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**) The VADEMECUM for users of legal translations has been developed during the QUALETRA project. Participants at the QUALETRA Final Conference in Antwerp on 16 and 17 October 2014 were invited to make additional proposals. These proposals have been incorporated. Users are encouraged to use and disseminate the VADEMECUM.*