



*Train 2 EN4CE Project is being funded by the
European Union's Justice Programme (2014-2020)*



English Legal Terminology on Cross-border Debt Collection in the EU

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Legal vocabulary

(1) Technical terminology (words specifically belonging to legal contexts)

Examples: litigation, authentic instrument, court of origin, free movement of persons/judgments/data, recognition and enforcement, indemnity, alimony, etc.

Includes words from other languages (in original or adapted form), e.g. Latin or French (lis pendens, exequatur, lex fori, force majeure)

(2) Semitechnical terminology (meaning in legal contexts differs from the one in general language)

„accession“ meaning „entering the EU as Member State“

„actor“ meaning „party“

„service“ meaning „document transmission or notification“

(3) General terms used in legal contexts

Examples: theft, witness, judge, agreement, consent



Special features:

a) **archaisms and formal expressions**

„whilst“

„subject to the provisions of“

„where necessary and in so far as possible“

„nothing in this Title shall preclude“

b) **complex prepositions**

„pursuant to“ instead of „under“

„in consideration of“ instead of „considering“

„in accordance with“ instead of „according to“

„in the event of“ instead of „if“

c) **binomial or multinomial expressions** (combinations of two or more elements with a similar meaning)

„under or in accordance with“

„give, devise and bequeath“



d) compound prepositions and adverbs

„hereinafter“ meaning „from this point in the text forward“

„thereafter“ meaning „from that point on“ (By 31 December 2015, and every 5 years thereafter)

„therefore“ meaning „for that reason“ (This Regulation should therefore provide ...)

„thereof“ meaning „from the time of the cited item“ (An appeal against the declaration [...] is to be lodged within one month of service thereof..)

e) choice of words pertaining to a higher register

„alien“ instead of „foreign“

„commence“ instead of „start“

„convene“ instead of „gather“

„deem“ instead of „consider“

f) nominalization (conversion from verb to noun, may include a change of form)

„to remedy“ and „a remedy“

„to stay“ (the proceedings) and „a stay“

„to access“ and „accession“

„to proceed“ and „procedure“



Legal syntax

- a) **long and complex sentences containing subordination and embedding**
„It will be your duty, when the case is submitted to you, to determine from the evidence admitted for your consideration, applying thereto the rules of law contained in the instructions given by the court, whether or not the defendant is guilty of the offense as charged.“
„In the interest of consistency of Union legislation, the definition of ‘contracting authorities’ in Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors and in Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination procedures for the award of public works contracts, public supply contracts and public services contracts should apply for the purposes of this Directive.“
- b) **frequent use of the passive**
„Rules on material and formal validity should be defined so that the informed choice of the spouses is facilitated and that their consent is respected.“
„Where applicable, a court should be deemed to be seized in accordance with Regulation (EC) No 2201/2003.“



- c) **lexical repetition as a reference mechanism instead of pronouns (it, this)**
„The SEC has reinforced the insider trading restrictions with promulgation of Rule 14e-3 of the SEC, an independent provision prohibiting insider trading in connection with tender offers. Congress has further reinforced these trading restrictions by providing the SEC with the power to seek a treble penalty under the Insider Trading Sanctions Act of 1984 (ITSA). This legislation empowers the SEC to base enforcement actions on any recognized theory of insider trading restriction.“
Also: the aforesaid, the aforementioned
- d) **use of special connectives to link sentences**
Examples: whereas, provided that, for the purposes of, in accordance with, pursuant to, within the meaning of, without prejudice to, ...
- e) **omission of the relative pronoun and the appropriate form of the verb „to be“**
„All the rights and remedies [which are] available to the party ...“
- f) **a tendency to avoid the negative particle „not“**
Instead, the use of „fail to“, „never“, „unless“, „except“, or negative prefixes, such as „un-“



- h) use of prepositions which are separated from their complements**
„tracing and identification of proceeds from, or other property related to, crime“
„illicit manufacturing of and trafficking in firearms“
- i) use of the subjunctive** (used after certain expressions that contain an order or a request, a hypothetical, or a wish)
„Even though someone may be eligible for an informal hearing, we will recommend that he attend a formal hearing.“
„There is also the recommendation that the Council meet every week.“
„There is the necessity that funding be found urgently.“
- j) special use of collective noun + singular or plural verb:**
- singular, if the purpose is to highlight the organization („The Council has approved the content of the revised texts.“)
- plural, if the purpose is to highlight members within the organization („The Commission have presented a report on the application of this Regulation.“)



k) use of „shall“ or „shall not“ to denote obligation or command

Positive command: „If the law applied to legal separation does not provide for the conversion of legal separation into divorce, Article 8 shall apply, unless the parties have agreed otherwise.“

Negative command: „This Regulation shall not affect the application of the 1958 New York Convention.“

l) formulaic conventions

„whereas“ used to introduce the Preamble section

„Having regard to“ or „Acting in consideration of“ used in the introductory section of EU legal documents to indicate the legal grounds for the act

„It shall apply from [...]“ used to indicate the final article stating the specific time of entry into force

„This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties“ used to indicate the document's scope and legal grounds



Fill the gaps in the text, using words deriving from those provided in each case!

Serving a European order for payment on a defendant

A European order for payment is served on a [defend] _____(1) in accordance with the [nation] _____(2) law of the state in which [serve] _____(3) is to be effected. The [regulate] _____(4) sets out minimum [procedure] _____(5) standards regarding service either with or without [prove] _____(6) of receipt by the defendant.



Service with proof of receipt:

- personal service: the defendant signs an [acknowledge] _____(7) of receipt, including the date of [receive] _____(8);
- personal service: the [competent] _____(9) person who effected the service signs a duly dated document stating that the defendant has received the document or refused to receive it without any legal [justify] _____(10);
- the defendant signs and returns a [due] _____(11) dated acknowledgement of receipt when the European order for payment is received by post or by electronic means, such as fax or e-mail.



Fill the gaps in the text, using words deriving from those provided in each case!

Serving a European order for payment on a defendant

A European order for payment is served on a [defend] defendant(1) in accordance with the [nation] national(2) law of the state in which [serve] service(3) is to be effected. The [regulate] regulation(4) sets out minimum [procedure] procedural(5) standards regarding service either with or without [prove] proof(6) of receipt by the defendant.



Service with proof of receipt:

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Replace the words and expressions underlined in the text, using a synonym from those provided

- Verbs are provided in their infinitive form.
- Words: *annual, at least, combat, empty, in accordance with, in force, lay down, national, note, operation, seek, stage*

If interest is **asked for** _____ (1), this should be specified for each claim **according to** _____ (2) the codes indicated on the form. The code must contain both the relevant number (first row of the codes) and the letter (second row of the codes). For instance, if the interest rate has been agreed by contract and covers **yearly** _____ (3) periods, the code is 02A.



- Words: *annual, at least, combat, empty, in accordance with, in force, lay down, national, note, operation, seek, stage*

If it is for the court to decide the amount of interest the last box [to] should be left **empty**_____ (4), and code o6E should be used. Code o1 refers to an interest rate **established**_____ (5) by statute. [...] Please **bear in mind**_____ (6) that in commercial transactions as referred to in Directive 2000/35/EC of 29 June 2000 on **fighting**_____ (7) late payments, the statutory interest rate is the sum of the interest rate applied by the European Central Bank to its most recent main refinancing **transaction**_____ (8) carried out before the first calendar day of the half-year in question ('the reference rate'), plus a **minimum of**_____ (9) seven percentage points.



- Words: *annual, at least, combat, empty, in accordance with, in force, lay down, national, note, operation, seek, stage*

For a Member State which is not participating in the third **phase** (10) of economic and monetary union, the reference rate referred to above is the equivalent rate set at **domestic** (11) level (e.g. by the national central bank). In both cases the reference rate **applicable** (12) on the first calendar day of the half-year in question will apply for the following six months (see Art. 3(1)(d) of Directive 2000/35/EC).



Replace the words and expressions underlined in the text, using a synonym from those provided

- Verbs are provided in their infinitive form.
- Words: *annual, at least, combat, empty, in accordance with, in force, lay down, national, note, operation, seek, stage*

If interest is asked for/sought(1), this should be specified for each claim according to/in accordance with (2) the codes indicated on the form. The code must contain both the relevant number (first row of the codes) and the letter (second row of the codes). For instance, if the interest rate has been agreed by contract and covers yearly/annual(3) periods, the code is 02A.



- Words: *annual, at least, combat, empty, in accordance with, in force, lay down, national, note, operation, seek, stage*

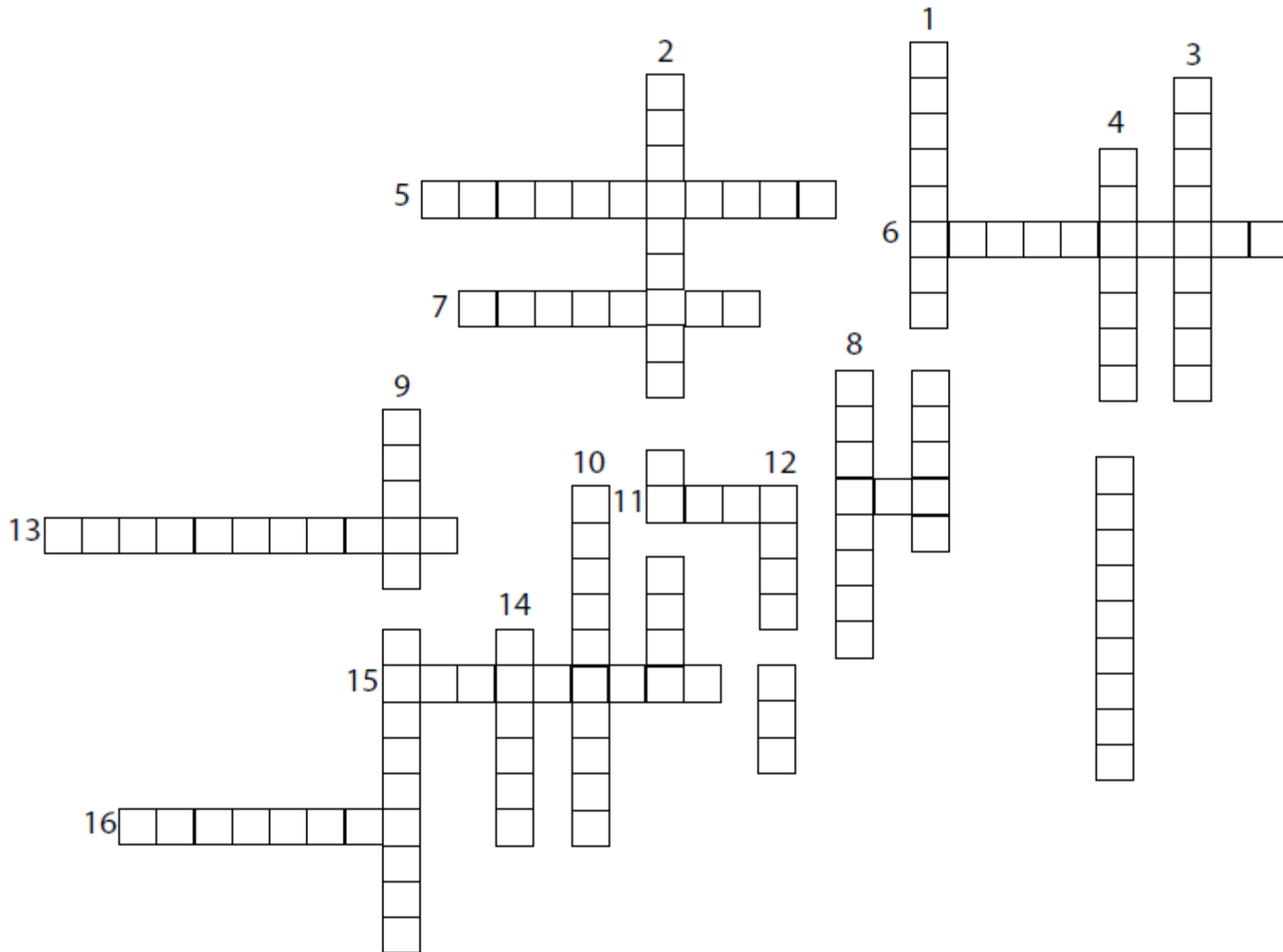
If it is for the court to decide the amount of interest the last box [to] should be left **empty/blank** (4), and code 06E should be used. Code 01 refers to an interest rate **established/laid down** (5) by statute. [...] Please **bear in mind/note**(6) that in commercial transactions as referred to in Directive 2000/35/EC of 29 June 2000 on **fighting/combating** (7) late payments, the statutory interest rate is the sum of the interest rate applied by the European Central Bank to its most recent main refinancing **transaction/operation**(8) carried out before the first calendar day of the half-year in question ('the reference rate'), plus a **minimum of/at least**(9) seven percentage points.



- Words: *annual, at least, combat, empty, in accordance with, in force, lay down, national, note, operation, seek, stage*

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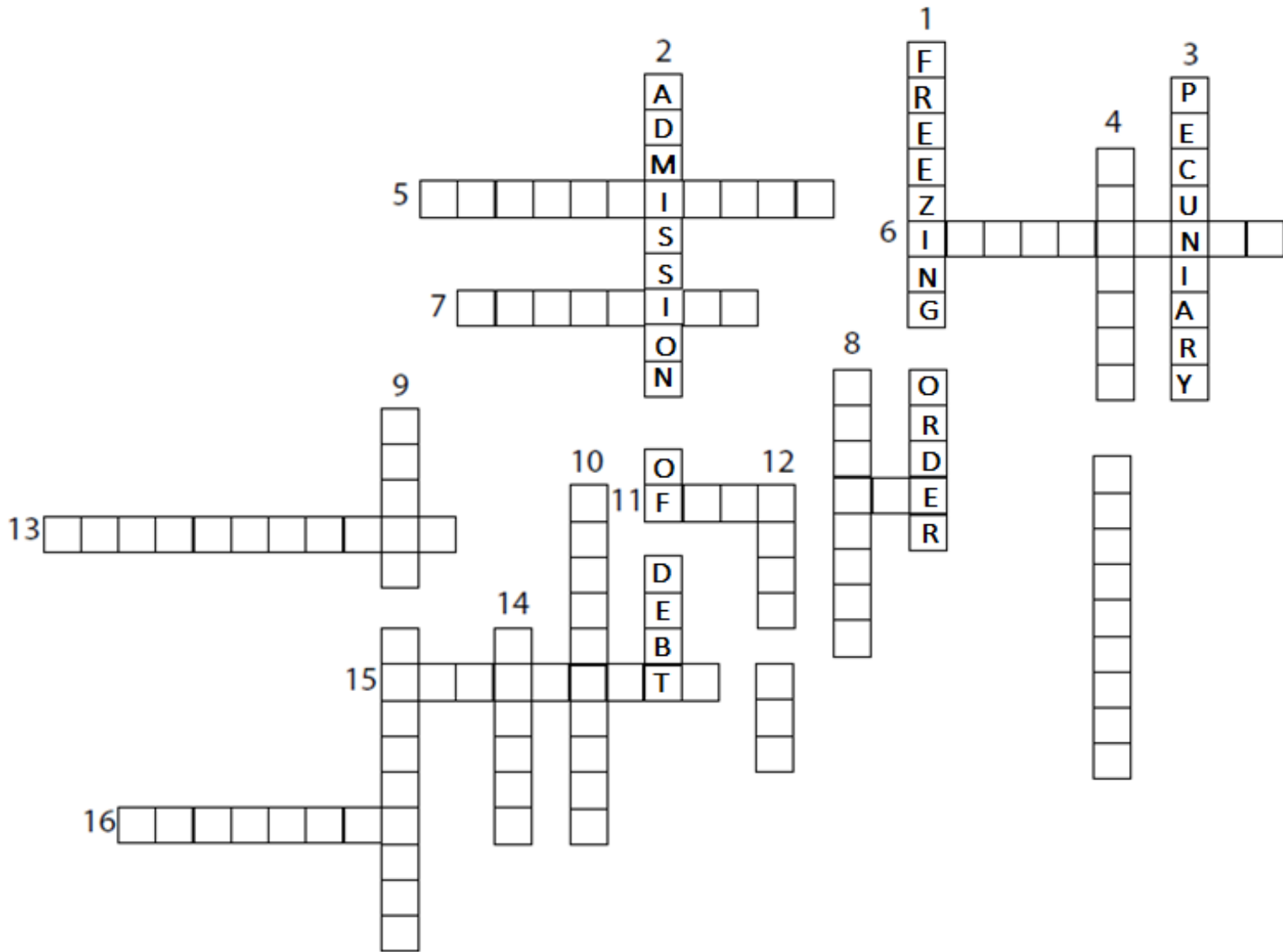
Complete the crossword



1. order to stop a party from disposing of money or assets pending a final decision being made by the court about distribution of that money or assets

2. recognition by a party that an amount of money is owed

3. related to money



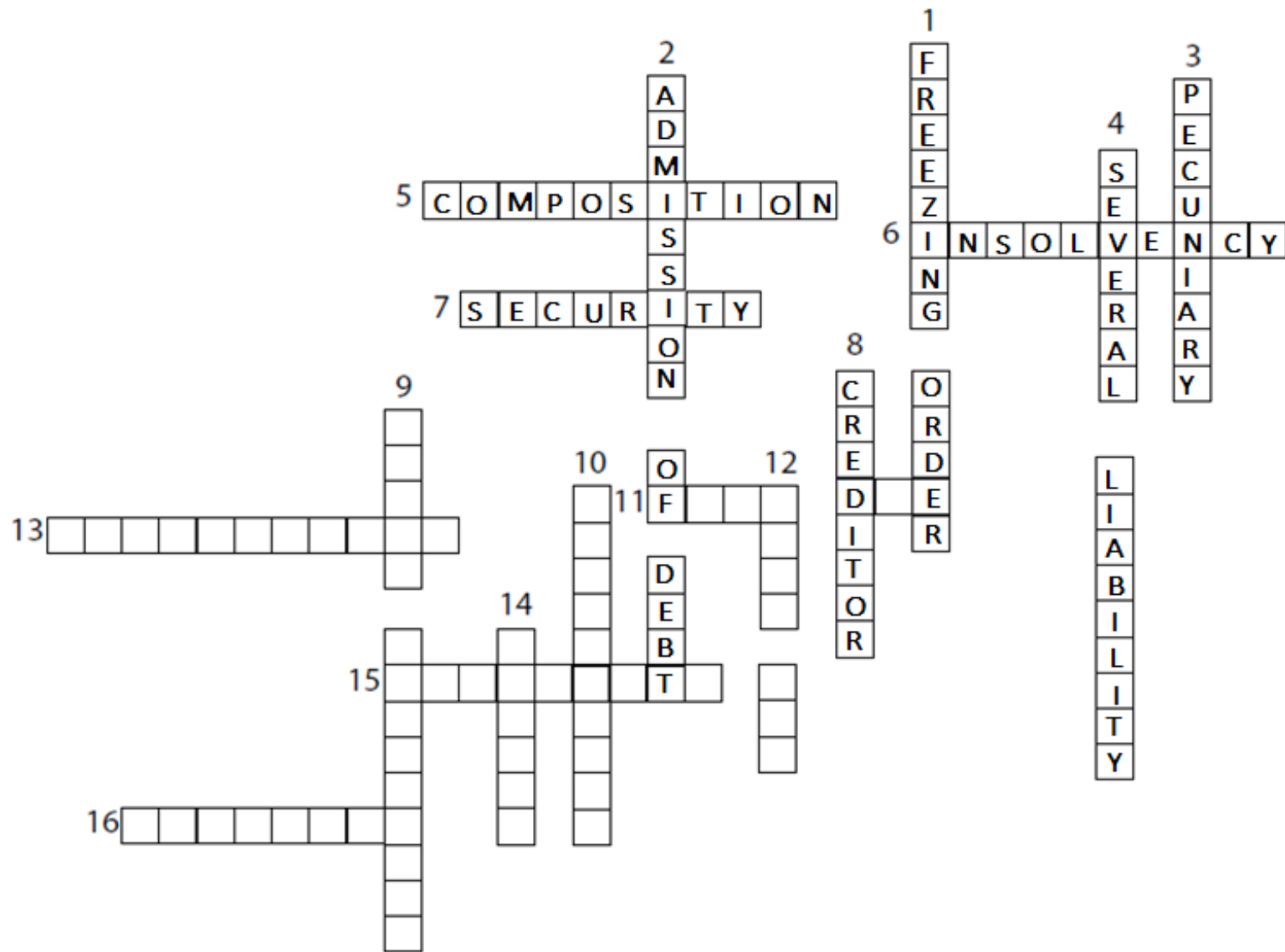
4. situation where parties are liable only for their respective obligations

5. agreement or compromise by which a creditor or group of creditor accept partial payments from a debtor

6. situation where someone has insufficient assets to meet debts and liabilities

7. property deposited as a guarantee of the payment of a debt

8. someone to whom money is owed

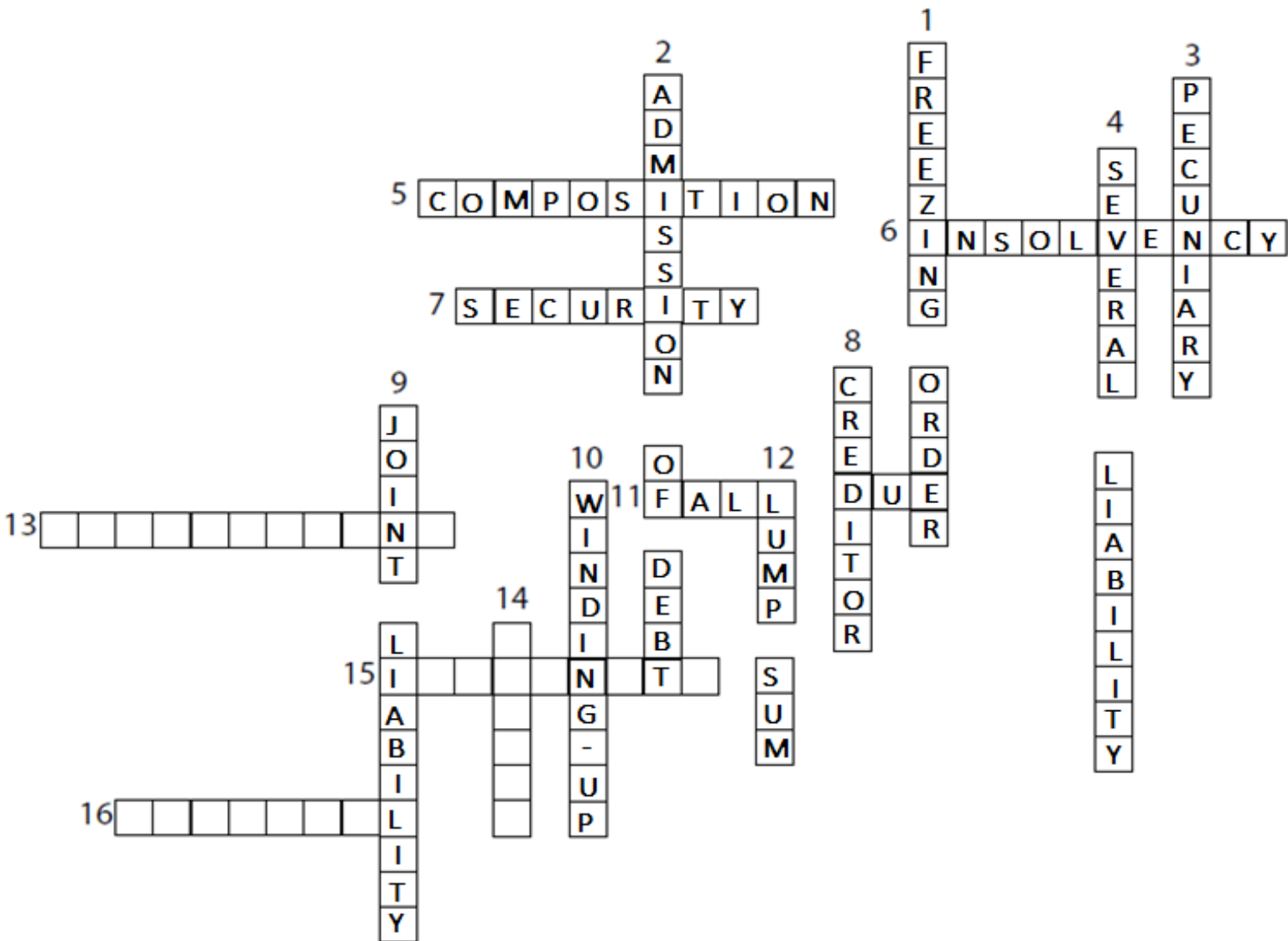


9. situation where to parties share a single liability, but each can be held liable for the whole of it

10. process of dissolving a corporation by collecting all assets and income, satisfying creditors, and distributing any net assets left

11. reach the date for payment

12. capital payment from one party to another

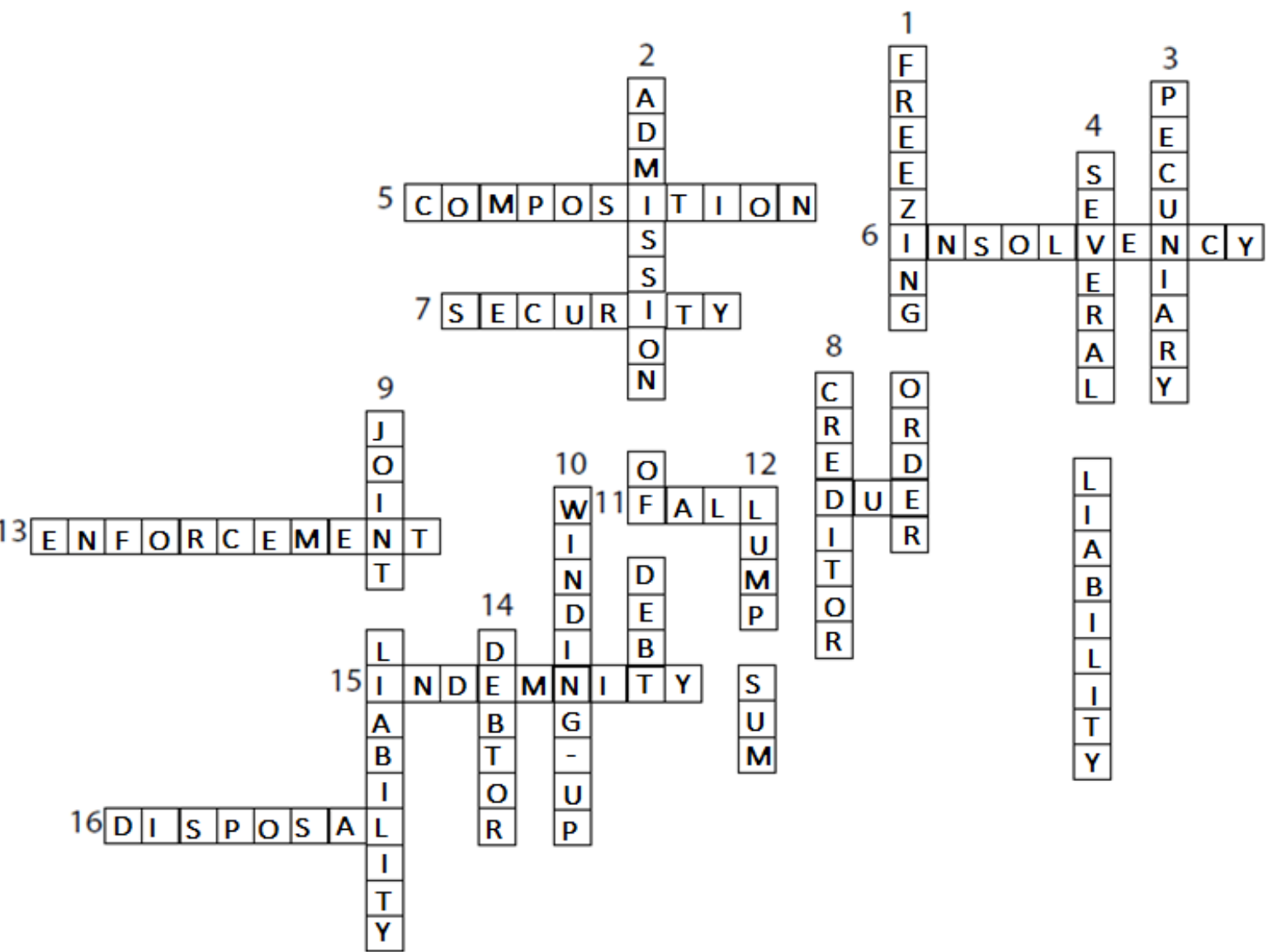


13. execution of a law or court decision

14. party owing a debt to another

15. right to recover from a third party the whole amount one has to pay

16. act of selling or transferring goods





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Thank you for your attention!

References: European Judicial Training Network, Language training on the vocabulary of judicial cooperation in civil matters – Handbook, 2013.

Acknowledgements: Kristjan Zahrastnik