



# An early assessment of the strategic implications of EU Regulation 2016/1191 on public document translation and languages of limited diffusion: the instructive case of Greece

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**Fotis Fotopoulos**

President of the Board,  
Panhellenic Association of Translators (PEM)

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# Terms explained

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- › **Apostille** (Hague Convention 1961): verifies authenticity of signature, not content.
- › **Sworn or State-authorized translator**: officially approved by the State to exclusively provide *certified* (or *sworn* before a court) translations.
- › **Legalisation**: verification of legal validity in the issuing country (usually more complicated than Apostille).
- › **Public documents**: emanating from courts; tribunals; public prosecutors; notaries public; public administrations; diplomatic or consular agents. Also, official certificates on private documents.



# Key changes 2016/1191

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- › Apostille / Legalisation / Certified copies... cannot be required for public documents issued by EU Member States for other EU-MS.
- › **Translation: eliminated if possible.**
- › **Multilingual Standard Form (MSF): attached to original.**
- › Application: started in Feb 18.
- › Does not affect national law or the recognition of legal effects in other EU member states.
- › Takes precedence over any overlapping agreements.

- › Covers around **20 items:**

*birth, being alive, death, name, marriage, capacity to marry, marital status, divorce, legal separation, marriage annulment, registered partnership, parenthood, adoption, domicile / residence / nationality, absence of criminal record,* documents required to vote or stand in Eur Parl or municipal elections for non-nationals, certified copies of originals.



- › Cyprus's Multilingual Form for birth (page 4).
- › Eliminate translation of the original as far as possible.
- › For a citizen it means you don't have to pay for the translation of the original. But you may have to pay a (small) fee.
- › **The receiving Authority decides if a translation is still needed.**
- › If in *reasonable doubt*, EUMS assist each other via a special admin portal (IMI).

<b>4. INFORMATION ON THE PERSON BORN</b>
4.1 Surname(s) .....
4.1.1 Personal identification number .....
4.2 Forename(s) .....
4.3 Date (dd/mm/yyyy) of birth .....
4.4 Place <sup>1</sup> and country <sup>2</sup> of birth .....
4.4.1 Place of origin .....
4.5 Sex:
4.5.1 <input type="checkbox"/> Female
4.5.2 <input type="checkbox"/> Male
4.5.3 <input type="checkbox"/> Undetermined
4.6.1 Father's name .....
4.6.2 Father's surname .....
4.7.1 Mother's name .....
4.7.2 Mother's maiden name .....

<b>5. SIGNATURE BOX</b>
5.1 Surname and forename of official who issued the form .....
5.2 Position of the official who issued this form .....
5.3 Date (dd/mm/yyyy) of issue .....
5.3.1 Place and date of registration .....
5.4 Signature .....
5.5 Stamp .....

<sup>1</sup> The term "place of birth" refers to the name of the city, town, village, or hamlet and province in which the person was born.

<sup>2</sup> The name of the country and, where it exists, the ISO code of that country or the option "Other (to be specified)" should be chosen from the drop-down list in the model multilingual standard form available in the European e-Justice Portal.



# Translation & Language related

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- › Each EU Member State can expressly accept languages other than its official ones. It can also allow its authorities to accept further EU languages.
  - › Like Norway (EFTA) accepts documents in English.
- › **A certified translation carried out by a person qualified to do so under the law of a Member State shall be accepted in all of the EU.**
  - › An (unqualified) Greek lawyer's translations are now acceptable in Slovenia.
  - › A (part-time) Romanian sworn translator's product is now acceptable in Spain.



# And now, the TRUTH

- › Languages of limited diffusion may start losing further ground, as national bureaucracies gradually accept more untranslated originals.
  - › How does Norway compensate?
- › **Sworn Translation was the clearest signalled and best regulated T&I sector, even protected in a few countries.** But the rules vary enormously from country to country.
  - › From None (UK), to virtually none (Greece), to highly complex structures within the same country (Germany, Spain).
  - › Very little cross-border recognition of Sworn Translators.

EU solution

Let's accept every country's own rules (or lack of) overnight, whilst reducing the volume of available work.

**Instead of ONE COMMON STATUS for public document translation across the EU, now ANY STATUS is good enough.**

Any provider who ever managed to gain access to a register somewhere, is now rewarded.  
This weakens national rules where they are strong, in favour of member states with fewer, loose, disorganised frameworks.

- › **The case of Greece: how a chaotic and unfair system can survive and thrive thanks to the EU.**
- › **Lawyers** allowed to translate any document from any language. They also certify copies.
  - › They self-declare working languages to their Bar Association.
  - › No due diligence on competencies, knowledge, skills, quality, process.
  - › The Greek Lawyers Code explicitly allows them to translate in the reverse direction.
- › **Courts** compile a list of approved interpreters and translators each year, locally.
  - › Part-timers and secondary-education graduates with limited linguistic skills are accepted on a par with professionals.
  - › No checks or assessments beforehand. Very low wages.
- › All Greece needs to do – and will likely do – is **merge Bar Association and Courts registers into one. Then email it to the European Commission.** That will be the new competition for all of us.

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# Impact for Translators & Associations

- › **Reduces Sworn Translation revenues**
  - › 2-3 million pages of these public documents (estimate) → 100-150mEUR of translation revenue
  - › 25/59 of FIT Europe associations are definitely affected, with another 12 possible.
  - › 103 prof. associations existed in Europe in 2012 – more now.
- › **More translators drop out**
  - › Turn Part-time, or change jobs.
  - › High production from Universities + Shorter stay → major headache
- › **Expansion of the Regulation in the next 5-10 yrs**
  - › Targets: legal status and representation of companies; formal qualifications; disability.
- › **Increases pressure on our Associations**
  - › Status signal eroded → pressing need to compensate with tangible offerings and assist the transition of members.
  - › Increases competition between us.
  - › Specialist associations hit hardest. Generalist associations will become safer havens. **Do we have the management, leadership, structures and mutual support needed to cope?**
  - › Larger, more assertive associations will in turn expect a stronger status signal from their affiliation with FIT Europe and FIT.
    - › *Practical suggestions at the end.*
- › **View the Regulation as ‘outsourcing’**
  - › Lessons to learn from the UK include fragmentation into more associations with a narrower, more directly demanding focus.

› **Short term: not much to see.**

- › Resistance to change. Inertia.
- › Client loyalty will hold out for a while.

› **Medium term:**

- › May save time (debatable).
- › Will reduce Apostille fraud.
- › The more complex the document, the more risk a MSF transfers to citizens and businesses.
  - › Inaccuracies can take long to detect → who's to blame?
- › 'Hard' Brexit will ease the pressure, as the need for >EN will continue.
- › Case law developing.

› **Long term:**

- › The Sworn Translation market won't disappear. There are more factors at play in opting for paid translation.
- › Germany, Spain, Italy and France the main receiving countries in the EU. **Disruption.**
- › Associations may lobby for new national barriers and might well be heard – a new nationalism.
- › Eg. a Protected Title would bring:
  - › Tighter regulation, 2005/36/EC
  - › Higher profit margins for some translators (but less revenue)
  - › More value attached to University qualifications





# Why are they doing this? (Really)

- › **Too low in the service pecking order.**
  - › Those who advise the EU see Translation as an operational service (Cleaning, Security), *not as Knowledge-Intensive.*
  - › Not considered an integral part of the manufacturing value chain.
  - › Not considered to have an impact on the wider economy.
- › **Translation viewed as a Cost Centre and a Barrier.**
  - › Not as an investment.
  - › Not as a safeguard of cross-border mobility but as a hindrance.
  - › Despite an EU sectoral analysis showing that Translation costs much less than legal format and other barriers to cross-border provision of services.

We have not hammered home the point that

**Translation prevents key risks  
and is a Core Value-Adding Service.**

*(Not all Translation is equally value-adding.)*



# What we can do

## › **Individuals**

- › Come in from the cold.
- › Focus on adding value to clients at the micro-level. Emphasise value.

## › **Specialist associations of Sworn Tr.**

- › Band together in urgency.
- › Run a Europe-wide ad campaign.
- › Focus on safeguarding clients from risks (see example).

## › **Generalist associations**

- › Prepare for enlargement.
- › Train in managing, leading, organising, being effective.
- › Care more for new graduates.
- › Lobby and protest harder.
- › Arrange liability insurance cover.
- › Learn from good practice (eg ITIA).

## › **The Federation**

- › Accept that Regulation 1191 is a game changer.
- › Prepare for associations that demand stronger status signalling from their affiliation with FIT and FIT Europe.
- › **Strengthen status signalling with:**
- › A database of public document risks resulting from the Regulation's 'ANY STATUS WILL DO' philosophy.
- › Our own CPD accreditation system.
- › Management and leadership competences to develop capacity in associations.



# Key sources

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- EU Regulation 2016/1191. CELEX 32016R1191.
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- The European Commission’s Press Release, 24/4/2013.
- e-Justice Portal. Public documents page listing Multilingual Forms by country.
- EU Single Market: Regulated professions database.
- “Administrative formalities and costs involved in accessing markets cross-border for provisions of Accountancy, Engineering and Architecture services.” Ecorys Netherlands B.V., May 2017. Commissioned by the European Commission.
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