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EU LAW TRAINING IN ENGLISH LANGUAGE:
BLENDED AND INTEGRATED CONTENT AND LANGUAGE TRAINING
FOR EUROPEAN NOTARIES AND JUDGES



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The EU legal language in English

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Notary Chamber of Bulgaria



International
Association of
Judges

promoting an independent judiciary worldwide

Comparative law

«The primary aim of Comparative Law, like other sciences, is the acquisition of knowledge».

R. SACCO, *Legal Formants. A dynamic approach to comparative law*, American Journal of Comparative Law, Vol. 39 No 1, 1991, p. 4.

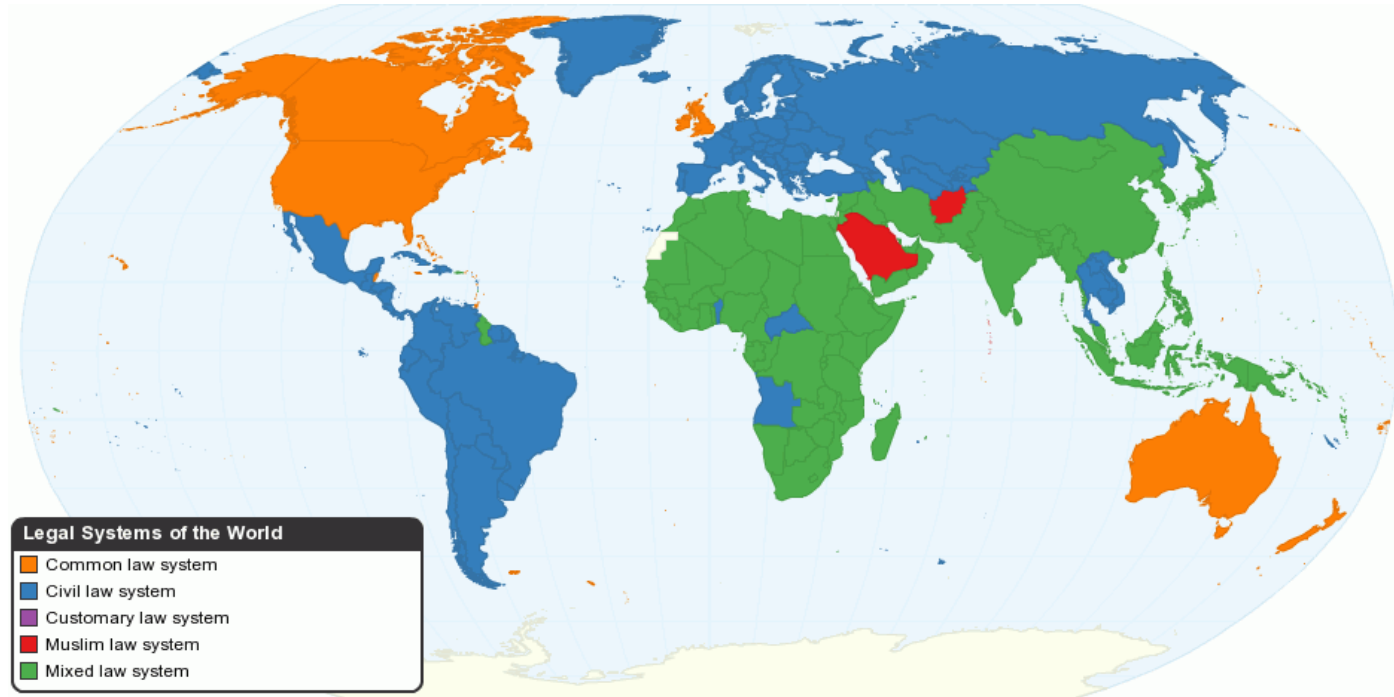


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Knowledge: models and legal language



Knowledge: the language

The language of the EU: characteristics

- Multilingual.
- New words/concepts/terms.
- Drafted 90% in English.
- The EU legal *English* is not the legal *English* of Common Law in England.



The legal language of common law in England

Battle of Hastings (1060) – Feudalism – Curia Regis – Writ

«Tort»

«Negligence»



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«Tort»

In England: legal language was created in the Courts and it is often composed by concrete expressions.

Example: “tort”

On the Continent legal language is based on Roman law (Corpus Iuris Civilis) and created by the scholars in the Universities since the XI century. Examples: “responsabilità extracontrattuale”, “acte illicite”, “Schadenersatzpflicht”



«Tort»

The decision

***Donoghue v Stevenson* [1932] AC 562 House of Lords**
is a leading precedent in English law on which the concept
«Tort of Negligence»
is still founded



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EU legal language (in English)

In EU Regulation 864/2007
on the law applicable to non-contractual obligations (Rome II)

article 4 provides that : «Unless otherwise provided for in this Regulation, the law applicable to a non-contractual obligation arising out of a **tort/delict** shall be the law of the country in which the damage occurs.....omissis...”

The EU concept «**tort/delict**» is not the English «tort»



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EU legal language (in English)

The Succession Regulation 650/12

in article 69 (3) provides that «any person who, acting on the basis of the information certified in a Certificate.....is unaware of such inaccuracy due to **gross negligence**”

The concept «negligence» in art. 69 (3) is notthe English «tort of negligence» (Doneghue v. Stevenson)

and this concept is not related to other English precedents as Wilson v Brett [1843]



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EU legal language (in English)

EU terms..... must be regarded as **autonomous, European** concepts of European Union law.....

Case C-467/08 Judgement of the Court (Third Chamber) of 21 October 2010. Padawan SL v Sociedad General de Autores y Editores de España (SGAE).

.....even if they are expressed in English



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Example

Directive 2011/83/EU on consumer rights in *article 9 regulates the*
Right of withdrawal

«....the consumer shall have a period of 10/14 days to withdraw
from a contract.....»

The «right of withdrawal» is a European concept, not an
English right.



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The English of European legal science

The terminology of legal science in EU law too is not the same of English law.

Example: Registration, transcription but also “inscription”.



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Draft common frame of reference (DCFR)

The DCFR regulates the «Juridical act»

This is an EU category and not an English common law concept



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EU legal language (in English)

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IATE: Interactive Terminology for Europe:
<https://iate.europa.eu/search/standard>

EU justice portal: <https://e-justice.europa.eu/home.do?action=hom>



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