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*The problems of multilingual European Law***1. Interacting Legal Systems**

A decisive tool for European integration is EU law as an autonomous, *sui generis* supranational legal system, distinct from both national and international law, with its own growing body of legal terms and concepts. EU law to a large extent permeates and to some extent overlaps the internal legal systems of Member States, merging with them to form a new, distinct structure. This structure is held together by EU legal texts, as well as principles shaped by case-law from the European Court of Justice, such as supremacy, primacy, direct effect, direct applicability and the obligation to interpret national law in conformity with EU law. EU law is an organised and structured body of legislation, which is distinct from Member State law in that it draws on different sources and is created, interpreted and applied through different institutions and procedures.

At the same time, EU law interacts closely with national legal systems, as evidenced by the fact that it has adopted various national legal concepts, terms and institutions. For example, the title and role of ‘Advocate General’ has been taken from French law. Another example is the term ‘cabotage’, adopted from international law. Through the interaction of legal systems, such terms have acquired independent meaning and are now accepted as established EU terms in their own right.

The foundations of EU law can be traced back through a common history of 2000 years to Roman law. Yet, as the EU legal system did not come about through organic development, it lacks a consistent body of concepts and terms. EU legal texts are produced by special legislative procedures involving delicate compromise and long negotiation among representatives of disparate legal cultures and concepts. On the one hand, this ensures that EU legal texts reflect and accommodate various points of view. On the other hand, it makes the legislative process more difficult, as legislators representing different

¹ *Opinion 1/91: Opinion delivered pursuant to the second subparagraph of Article 228 (1) of the Treaty - Draft agreement between the Community, on the one hand, and the countries of the European Free Trade Association, on the other, relating to the creation of the European Economic Area. (ECLI:EU:C:1991:490), and Opinion 1/92: Opinion pursuant to the second subparagraph of Article 228 (1) of the EEC Treaty - Draft agreement between the Community, on the one hand, and the countries of the European Free Trade Association, on the other, relating to the creation of the European Economic Area. (ECLI:EU:C:1992:189).*

countries and political beliefs need to find a common language and strike the right balance between EU and national interests. Judges working with legal texts produced in this way often feel that another difficulty, besides the need for political bargaining, is codification of the resulting legislation. This may be because the EU is multilingual and the texts, which are mostly in English or, at a lesser extent in French, are likely to be drafted by people whose native language is not English or French. Unless texts are meticulously drafted, difficulties can also arise merely from the fact that a term in one language doesn't mean exactly the same thing in another language.

It is probably impossible to produce absolutely equivalent versions of legislation in all EU languages. Yet distortions in meaning must be avoided so that each language versions intended to produces the same legal effect. The main principles of EU law are equality before the law; legal certainty; predictable, clear and comprehensible legal provisions; and transparent legislation.² These principles can be upheld only if EU law has the same meaning in all language versions. So translations of legal texts should strive to ensure that all language versions match. Legal systems can interact well only if the precise meanings of legal terms are researched in translation, a seemingly technical phase of legislation. This means judging whether a given term is used only in an EU context or may be used in a national context as well.

One approach is to provide more definitions in legislation and to use standardised terms and expressions so as to ensure compatibility among legal texts, or what could be called 'freedom of movement for definitions'.

2. Legal definitions and the importance of legal interpretation

Searching for proper terms has always played a key role in the history of human thought. The definition of a term is a description of the concept to which it refers. The most important thing is for the concept itself to be unambiguous and clear. A concept is unambiguous if it is sufficiently distinct from similar concept and clear if its meaning is understood. One of the main features of legal language is that it operates with its own set of concepts and terms. In the legal set-up, terms and their definitions may be important from a number of different viewpoints. It is particularly important for terms to be used precisely

² Articles 1 and 3 of Treaty on the European Union, Article 24 of the Treaty on the Functioning of the European Union and Articles 21 and 22 of the Charter of Fundamental Rights.

³ See more: GOMBOS, KATALIN: A fogalom-meghatározások jelentősége a Brüsszel I rendelet módosítása kapcsán. in: A Brüsszel I. rendelet reformja. (Ed: Osztoivits, András) Budapest. 2012. Acta Caroliensia Conventorum Scientiarum Iuridico-Politicarum, 2063-4757. 2. 22-33. p.

and consistently in legislation. Producing legislation is a complex cognitive process predicated on legal interpretation. Legal terms and concepts must be defined precisely and consistently, as using the same term to refer to different concepts will lead readers to different conclusions. The reader of a legal text containing legal terms has to process the text logically, using various precepts and arguments to draw conclusions and understand the meaning of the text.³ Proceedings before EU courts depart from national legal practice most significantly with respect to establishing the facts of a case. Due to the special nature of such proceedings, EU courts rarely establish the facts of a case themselves, instead expecting litigants to present the facts thoroughly and credibly. At the same time, legal interpretation plays a central role.

EU courts are responsible for interpreting EU law, and legal interpretation in preliminary rulings by the European Court of Justice is especially important for national courts called upon to apply EU law. Legal interpretation is so important because one of the main tools for achieving the aims of the founding treaties is the creation of a body of EU law which can be applied uniformly in all Member States.⁴ The ECJ is often criticised for overstepping its remit of providing legal interpretation⁵ and for playing a quasi-legislative role.

The ECJ needs to help shape the law, as EU treaties and legislation can be vague, incomplete or even silent on certain matters. Also, some provisions leave broad scope for discretion, again allowing the Court to shape the law to a certain extent.

There are several methods of interpretation of law; the earliest ones in history are the grammatical and the logical interpretation. The systematic way of interpretation had been added by the theoreticians of natural law, especially by the sub-school of rational law, then the first “taxonomist”, *Carl Friedrich von Savigny* elaborated the system of four interpretation canons for the modern jurisprudence. This canon involves a series of ascending steps: after grammatical and logical interpretation, legal texts undergo systematic and historic interpretation. The special feature of EU law is that EU legal texts containing key legal terms are drafted in several languages. Therefore, proper interpretation is often achieved by supplementing the classical tools of legal interpretation with techniques arising from the special nature of EU law.⁶ These may include legal interpretation by analogy,⁷ classical

⁴ See about importance of interpretation: STONE SWEET, ALEC: *The judicial construction of Europe*. Oxford 2004.1-45. p.

⁵ See more: SCHROEDER, WERNER: *Die Auslegung des EU-Rechts In: JuS 3/2004*. 180-186. p.

⁶ See more about legal interpretation with techniques arising from the special nature of EU law: GOMBOS, KATALIN: *Bírói jogvédelem az Európai Unióban – Lisszabon után..* Budapest, 2011. 134-146. p.

dogma,⁸ consideration of the subjective intent of legislation⁹ or interpretation of the apparently more objective goal of legislation.¹⁰ Teleological (purpose driven) interpretation is used to analyse the concepts to which EU terms refer, guided by the aims laid down in the founding treaties.¹¹ The principle of *effet utile*, or useful effect, means that EU terms must always be interpreted with a view to effectively achieving the intent of legislation.¹² In addition to literal and teleological interpretation, dynamic interpretation allows legal terms used in a particular legal context to be adapted to changing needs and expectations.¹³

An important precept is for EU terms to be interpreted in the context of EU law, to which national legal terms may well prove to be poor guides.¹⁴ One method of legal interpretation arising from the special nature of EU law is comparison of legal traditions, as Member States' shared traditions often help to determine the proper meaning of undefined EU terms.¹⁵ Terms may be interpreted by comparing various language versions of a legal text, given the unique multilingual nature of EU law.¹⁶ Interpretation may also be guided by treaties,¹⁷ legal principles,¹⁸ precedent,¹⁹ international conventions,²⁰

⁷ 64/82. *Tradax Graanhandel BV v. Commission of the European Communities*. ECLI:EU:C:1984:106 12. para, T 125/96. és T 152/96. *Boehringer Ingelheim Vetmedica GmbH and C.H. Boehringer Sohn v. Council of the European Union (T-125/96) and Commission of the European Communities (T-152/96)*. ECLI:EU:T:1999:302 58. para, C 23/00. *P. Council of the European Union v. Boehringer Ingelheim Vetmedica GmbH and C. H. Boehringer Sohn*. ECLI:EU:C:2002:118. 52. para

⁸ See: KELSEN, HANS: *Tiszta jogtan (Translated. Bibó, István) Budapest 2001.*

⁹ C-267/03. *Lars Erik Staffan Lindberg*. ECLI:EU:C:2005:246. 30. para

¹⁰ C 267/03. *Lars Erik Staffan Lindberg*. ECLI:EU:C:2005:246. 30. para

¹¹ See for example requirement of principle of equivalence of procedures.

¹² LENAERTS, KOEN: *L'égalité de traitement en droit communautaire. Un principe unique aux apparences multiples en Cahiers de droit européen, 1991. 3-41. p., particularly 38. p.*

¹³ 218/85. *Association comité économique agricole régional fruits et légumes de Bretagne v. A. Le Campion*. ECLI:EU:C:1986:440.

¹⁴ C 443/03. *Götz Leffler v. Berlin Chemie AG*. ECLI:EU:C:2005:665. 45. 46. para

¹⁵ C 119/05. *Ministero dell'Industria, del Commercio e dell'Artigianato kontra Lucchini SpA*. ECLI:EU:C:2007:434.

¹⁶ 29/69. *Erich Stauder v. Ville d'Ulm – Sozialamt*. ECLI:EU:C:1969:57.

¹⁷ 218/82. *Commission of the European Communities v. Council of the European Communities*. ECLI:EU:C:1983:369. 15. para; 201/85. és 202/85. *Marthe Klensch and others v. Secrétaire d'État à l'Agriculture et à la Viticulture*. ECLI:EU:C:1986:439. 21. para; C-314/89. *Siegfried Rauh v. Hauptzollamt Nürnberg-Fürth*. ECLI:EU:C:1991:143. 17. para; C 98/91. *A. A. Herbrink v. Minister van Landbouw, Natuurbeheer en Visserij*. ECLI:EU:C:1994:24. 9. para, C 1/02. *Privat-Molkerei Borgmann GmbH & Co. KG v. Hauptzollamt Dortmund*. ECLI:EU:C:2004:202. 30. para

¹⁸ C 418/97. és C 419/97. *ARCO Chemie Nederland Ltd v. Minister van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer (C-418/97. sz. ügy) és Vereniging Dorpsbelang Hees, Stichting Werkgroep Weurt+ and Vereniging Stedelijk Leefmilieu Nijmegen v. Directeur van de dienst Milieu en Water van de provincie Gelderland (C-419/97. sz. ügy)*. ECLI:EU:C:2000:318. 37. para

fundamental rights,²¹ shared constitutional traditions of Member States,²² moral values,²³ as well as common legal traditions²⁴ and customs.²⁵ Determining the concepts to which terms refer often requires complex interpretation using a combination of methods.²⁶

One guiding principle in this effort is that EU terms must always be interpreted with a view to achieving the intent of legislation. Another basic principle is that EU terms must generally be interpreted as applying in an EU context. Things are fairly straightforward if EU law uses specific legal terms which do not appear in national law (for example, the term ‘certificate of succession’ in Regulation 650/2012/EU).

However, many terms in EU legal texts appear identical to terms commonly used in national legislation, although they refer to different concepts. An example of this is the term ‘referring court’, used in the preliminary ruling procedure. Whether a body is actually called a ‘court’ is immaterial in determining whether it is entitled to request a preliminary ruling. Preliminary rulings may be requested by other bodies as well, while some bodies called ‘courts’ are not entitled to request preliminary rulings if they do not meet the principles and conditions set out in ECJ case-law. This case-law has defined the term ‘referring court’ by specifying certain conditions which a body must meet in order to request a preliminary ruling.²⁷ These include whether the body is established by law, whether it is permanent, whether its jurisdiction is

¹⁹ See the reasoning of of the Commission in the case C 389/05. *Commission of the European Communities v. French Republic*.

²⁰ C 344/04. *The Queen, on the application of International Air Transport Association and European Low Fares Airline Association v. Department for Transport*. ECLI:EU:C:2006:10. 35. para

²¹ C-311/04. *Algemene Scheeps Agentuur Dordrecht BV v. Inspecteur der Belastingdienst - Douanedistrict Rotterdam*. ECLI:EU:C:2006:23. 25. para, C-61/94. *Commission of the European Communities v. Federal Republic of Germany*. ECLI:EU:C:1996:313. 52. para, C-286/02. *Bellio F.II v. Prefettura di Treviso*. ECLI:EU:C:2004:212. 33. para

²² Art. 6. TEU

²³ C 275/92. *Her Majesty's Customs and Excise v. Gerhart Schindler és Jörg Schindler*. ECLI:EU:C:1994:119. 58. para, C 124/97. *Markku Juhani Läärä, Cotswold Microsystems Ltd és Oy Transatlantic Software Ltd v. Kihlakunnansyyttäjä (Jyväskylä) és Suomen valtio (Etat finlandais)*. ECLI:EU:C:1999:435. 33. para

²⁴ C 36/02. *Omega Spielhallen- und Automatenaufstellungs-GmbH v. Oberbürgermeisterin der Bundesstadt Bonn*. ECLI:EU:C:2004:614. 36. para, C 438/05. *International Transport Workers' Federation, Finnish Seamen's Union v. Viking Line ABP, OÜ Viking Line Eesti*. ECLI:EU:C:2007:772. 75. para

²⁵ T 222/99, T 327/99 és T 329/99. *Jean-Claude Martinez, Charles de Gaulle, Front national and Emma Bonino and Others v. European Parliament joined cases*. ECLI:EU:T:2001:242.

²⁶ 283/81. *Srl CILFIT és Lanificio di Gavardo SpA v. Ministero della sanità*. ECLI:EU:C:1982:335.

²⁷ C-96/04. *Standesamt Stadt Niebüll v. Stefan Grunkin, Dorothee Regina Paul*. ECLI:EU:C:2006:254. 12. para

compulsory, whether its procedure is *inter partes*, whether it applies rules of law²⁸ and whether it is independent and impartial.²⁹ The term was refined and certain aspects made relative in the Hungarian *Cartesio* case.³⁰ The ECJ has often indicated that national legal terms may be poor guides in the context of EU law.

Things can be even trickier when EU texts contain terms which refer to different concepts in different Member States because of differences in legal systems. When this happens, comparing legal traditions can provide a useful guide to interpretation. This was the case with the term ‘legal force’, which refers to different concepts in different countries.³¹ Such comparisons, based on serious legal research, can be found at the ECJ’s Library, Research and Documentation Service. EU judicial documents also refer to such studies.³² Comparisons of legal traditions based on legal bibliographical research³³ and analysis can shed light on out how terms are used in a specific context. This was the case with the Advocate General’s opinion³⁴ on the rules for the service of documents and with the judgment later handed down.³⁵

If legislators consider it necessary for a term in a legal text to be interpreted consistently and properly, they provide a definition of the term in the text.³⁶

²⁸ C 53/03. *Farmakopoiion Aitolias & Akarnanias (Syfait) és társai v. GlaxoSmithKline plc and others*. ECLI:EU:C:2005:333. 29. para, C 246/05. *Armin Häupl v. Lidl Stiftung & Co. KG*. C-246/05. 16. para, 61/65. *G. Vaassen-Göbbels (a widow) v Management of the Beambtenfonds voor het Mijnbedrijf*. ECLI:EU:C:1966:39. 395. para, C 54/96. *Dorsch Consult Ingenieuresellschaft mbH v. Bundesbaugesellschaft Berlin mbH*. ECLI:EU:C:1997:413. 23. para, C 111/94. *Job Centre Coop. ARL*. ECLI:EU:C:1995:340. 9. para, C 195/98. *Österreichischer Gewerkschaftsbund, Gewerkschaft öffentlicher Dienst v. Austrian Republic*. ECLI:EU:C:2000:655. 24. para, C 110/98–C 147/98. *Gabalfrisa SL and others v. Agencia Estatal de Administración Tributaria (AEAT)*. ECLI:EU:C:2000:145. 33. para, C 516/99. *Walter Schmid*. ECLI:EU:C:2002:313. 34. para, C 416/96. *Nour Eddline El-Yassini v. Secretary of State for Home Department*. ECLI:EU:C:1999:107. 17. para

²⁹ 14/86. *Pretore di Salò v. X.* ECLI:EU:C:1987:275. 7. para, 338/85. *Fratelli Pardini SpA v. Ministero del commercio con l’estero és Banca toscana (filiale di Lucca)*. ECLI:EU:C:1988:194. 9. para, C-17/00. *François De Coster v. Collège des bourgmestre et échevins de Watermael-Boitsfort*. ECLI:EU:C:2001:651. 17. para

³⁰ C-210/06. *Cartesio Oktató és Szolgáltató bt*. ECLI:EU:C:2008:723.

³¹ C 119/05. *Lucchini*. ECLI:EU:C:2007:434

³² *Opinion of Advocate General Geelhoed delivered on 14 September 2006 in case C-119/05. (Ministero dell’Industria, del Commercio e dell’Artigianatov. Lucchini Siderurgica SpA)* ECLI:EU:C:2006:576. 37. para

³³ See more: BENACCHIO, GIANNANTONIO: *Az Európai Közösség magánjoga Polgári jog- Kereskedelmi jog Budapest 2003. 47-55. p. and GRAZIANO, THOMAS KADNER.: Összehasonlító szerződési jog. (Translated: BÓKA, JÁNOS). Budapest, 2010.*

³⁴ *Opinion of Advocate General Stix-Hackl delivered on 28 June 2005 in case C 443/03. (Götz Leffler v. Berlin Chemie AG)* ECLI:EU:C:2005:409. 26. para

³⁵ C 443/03. *Leffler*. ECLI:EU:C:2005:665.

³⁶ See more: GOMBOS 2012. 22-33. p.

Such definitions are generally placed in the explanatory provisions of a legal text. In this way, legislators make it clear to courts how to interpret and where to apply the terms in a legal text. If legislators do not consider it necessary to define such terms, the terms must be interpreted by courts. Legal interpretation helps courts understand the terms in legal texts and the concepts to which they refer.

Thus, legal terms can be defined either in formal definitions or through the ECJ providing legal interpretation and sometimes helping to shape the law. It is easy to see, especially for fundamental terms, that definitions in legal texts play a major role in ensuring uniform interpretation of the law. One aim of the European Area of Freedom, Security and Justice is to establish a single area of justice. This means ensuring proper access to law and justice, which can be promoted by a conscious effort to standardise the terms used in EU legislation.

Let us take a few examples.

- a.) The ECJ ruled on 20 May 2010 in case C-111/09, *Ceská podnikatelská pojistovna as, Vienna Insurance Group v. Michal Bilas*.³⁷ In this judgment the Court ruled that Article 24 of Regulation (EC) No 44/2001 must be interpreted as meaning that a breach of Chapter II, Section 3 of the Regulation must lead the court seized to claim jurisdiction if a defendant appears before that court and does not contest its jurisdiction, as appearing before the court amounts to a tacit prorogation of jurisdiction. Clearly, a legal definition settling the relatively straightforward question of whether a defendant's appearance before a court amounts to a tacit prorogation of jurisdiction would have obviated the need for a preliminary ruling.
- b.) The ECJ ruled on 7 December 2010 in joined cases C-585/08 (*Peter Pammer v. Reederei Karl Schlüter GmbH & Co KG*) and C-144/09 (*Hotel Alpenhof GesmbH v. Oliver Heller*).³⁸ The Court made the following findings:
 - a. A contract for a voyage by freighter, as in the main proceedings in case C-585/08, amounts to a contract for a combination of travel and accommodation for an inclusive price, under Article 15(3) of Regulation 44/2001.

³⁷ C-111/09. *Ceská podnikatelská pojistovna as, Vienna Insurance Group v. Michal Bilas* ECLI:EU:C:2010:290

³⁸ C-585/08. (*Peter Pammer v. Reederei Karl Schlüter GmbH & Co KG*) and C-144/09. (*Hotel Alpenhof GesmbH v. Oliver Heller*) joined cases. ECLI:EU:C:2010:740.

- b. In order to determine whether a trader whose activity is presented on its website or that of an intermediary can be considered to be ‘directing’ its activity to the Member State of a consumer’s domicile within the meaning of Article 15(1)(c) of Regulation 44/2001, it should be ascertained whether those websites and the trader’s overall activity before concluding any contract with the consumer indicated that the trader planned to conclude contracts for business with consumers domiciled in one or more Member States, including the Member State of that consumer’s domicile.

These two findings would have been unnecessary or at least much easier to make if EU legislators had been more consistent, using the same terms to refer to the same concepts in EU legal instruments covering related matters, as was the case in the preparatory documents, and/or defining those terms in the preparatory documents.

These examples illustrate the need for attention to defining terms in legislation to avoid future problems of interpretation, which make things more difficult for courts.

3. Problems arising directly from multilingualism of EU law

Some mistakes in translation cannot be avoided by legal interpretation or cannot be avoided at all. In cases of doubt, it is sometimes necessary to compare different language versions of an EU legal text, as they may turn out to mean different things and produce different legal effects. The ECJ gave express consideration to differences between language versions in 246 of the 8978 cases which led to judgments between 1960 and 2010.

Some examples of problems due to differences in language versions:

In the 90/83 *Paterson* judgment,³⁹ different language versions of Regulation 543/69 and the lack of a comma in one language led to a need for legal interpretation. A minor syntactic difference between language versions was the basis for the *easyCar* judgment⁴⁰ in case C 336/03, requiring an interpretation of Article 3(2) of Regulation 97/7 by the Court.

Mistakes in translation can often be due to overly complex structure in EU legislation, such as texts full of bullet points and subparagraphs with opaque cross-references.

³⁹ 90/83. *Michael Paterson and others v. W. Weddel & Company Limited and others*. ECLI:EU:C:1984:123

⁴⁰ C-336/03. *easyCar (UK) Ltd v. Office of Fair Trading*. ECLI:EU:C:2005:150

Another typical source of mistakes is the confusion caused by transferring terms directly from one language to another despite partial or complete differences in meaning (e.g. in Hungarian law *aktus* (act) and *jogi aktus* (legal act)).

A particular problem is when terms from one legal system or language are used in legal texts even though they do not exist or refer to different concepts in other legal systems, e.g. FR: *faute* (fault), *grief* (objection, point, argument) or *raison d'ordre public* (overriding reason, bar to proceedings, matter of public policy, general interest).⁴¹

The names of EU institutions are also rendered inconsistently in some languages – a problem which could surely be mitigated by standardising translations published in the Official Journal (See table attached).⁴²

Problems may arise involving turns of phrase particular to a given language, e.g. EN: 'first come, first served' (Article 4 of Regulation (EU) No 1234/2009) or 'as the crow flies' (Article 3(5) of Directive 2007/74/EU); FR: *sans préjudice* (subject to, notwithstanding).⁴³

One of the biggest problems for courts in applying EU law is inconsistent terminology. Some legal instruments use different terms to refer to the same legal construct or the same term to refer to different legal constructs. It is particularly problematic if a legal text refers to the same concept using different terms which refer to different legal concepts in different countries (e.g. Directive 85/577: HU 3: *elállás, felmondás, visszavonás*, FR 2: *résilier, renoncer*, EN 3: *cancel, waive, renounce*, DE 2: *Widerruf, Rücktritt*; Directive 93/13: HU 2: *felmondás, felbontás*, FR 3: *renoncer, rompre, résilier*, DE 3: *unterlassen, kündigen, Rücktritt*, EN 2: *dissolve, cancel*).

It is also a problem if legal texts covering related matters use different terms to refer to the same concept or the same term to refer to different concepts (e.g. consumer protection rules: the 'right of withdrawal' is regulated differently in Directives 85/577/EEC, 94/47/EC, 97/7/EC and 2002/65/EC).

A particularly unfortunate practice in drafting legislation is circular definitions, i.e. definitions which contain the terms being defined (e.g. Article 2 of Directive 2004/35: the definition of 'environmental damage' contains the term 'damage', which is not defined in the Directive and refers to different concepts in different national legal systems).

⁴¹ Examples from József Villányi, *Head of Unit DG Trad – Hungarian Translation Unit European Parliament, Luxembourg*

⁴² The example from William Robinson. See: ROBINSON, WILLIAM – GUGGEIS, MANUELA: 'Corevision': Legal-Linguistic Revision In The European Union 'Codecision' Process." in: *The Role of Legal Translation in Legal Harmonisation, Kluwer Law International July 2012. 77. p.*

⁴³ Examples from William Robinson. See: ROBINSON, WILLIAM – MBOS OONIOMOLA A 2012. 75. p.

Courts can make serious mistakes in applying EU law if legal instruments use seemingly trivial legal terms which are not explained or defined and refer to different legal concepts in different national legal systems (e.g. Directive 93/13/EEC: the term ‘contract’ is not defined, so that the scope of the Directive could vary from one Member State to the next).

A similar problem arises if seemingly legal terms are used in legal texts but do not refer to a specific legal concept in national or EU law (e.g. ‘tax fraud’, ‘tax evasion’, ‘tax avoidance’, ‘unintended non-taxation’).⁴⁴

Mistakes in translation can be remedied through corrigenda, though this makes it harder to find the version of a legal text which is actually in force in a given language in EUR-Lex, the EU’s official repository of legal texts. In Hungary, courts can search for national legislation using a special standard-format, updated search engine with a time machine function, which is much easier than searching for EU legislation.

4. Summary

If we made a chart of steps needed to ensure the proper application of EU law, the first step would be providing more definitions of legal terms, which would avoid many problems of interpretation. The second step could be properly informing courts applying EU law of the special methods of legal interpretation arising from EU law; establishing a principle of primacy in interpretation,⁴⁵ as proposed, would help achieve this aim. The third step could be making a greater effort to standardise⁴⁶ private and criminal EU law, which could go a long way towards creating a consistent, general and self-contained body of EU legal terms and concepts.

‘Passarelle-clauses’ could be built between the various steps, with legal research playing a major role in creating a consistent, cross-disciplinary body of EU legal terms. More multilingual legal dictionaries and glossaries should also be prepared with definitions of EU legal terms. Since the proper application of EU law depends on the attitude of national courts, one way to help them could be by extending the practice of *amicus curiae*, currently

⁴⁴ *Examples from József Villányi, Head of Unit DG Trad – Hungarian Translation Unit European Parliament, Luxembourg*

⁴⁵ *See about principle of primacy in interpretation: GOMBOS, KATALIN: A jogértelmezés jelentősége a közösségi jogban - avagy az értelmezési elsődlegesség elvéről. in: Európai jog, 2010./2. 3-10. p.*

⁴⁶ *See more: GOMBOS, KATALIN: A polgári és kereskedelmi ügyekben folytatott igazságügyi együttműködés jelenlegi helyzete az Európai Unióban. in: FORUM. Acta Universitatis Szegediensis: Acta juridica et politica. 2013./2. 49-65. p.*

used only in EU competition law, to other areas such as internal market law and matters relating to cross border disputes. These questions were raised in one Hungarian request for a preliminary ruling,⁴⁷ but the Court did not have jurisdiction to rule on the matter. Still, EU legislators, legal experts and courts should give greater consideration to such questions in future.

Annex

Hungarian	English	French	Spanish	Swedish
Bíróság	Court of Justice	Cour de justice	Tribunal de Justicia	Domstolen
Törvényszék	General Court	Tribunal	Tribunal	Tribunalen
Közszolgálati Törvényszék	Civil Service Tribunal	Tribunal de la fonction publique	Tribunal de la Función Pública	Personaldomstolen

⁴⁷ C-56/13. *Érsekcsanádi Mezőgazdasági Zrt v. Bács-Kiskun Megyei Kormányhivatal*.
ECLI:EU:C:2014:352.