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# EUROPOS SAJUNGOS DOKUMENTŲ VERTIMŲ VARIANTIŠKUMAS

Variability in European Union Document Translations

## SUMMARY

The article considers the translation issues of EU documents. It focuses on the legal language translation techniques and the variability of syntax and lexis. The analysis is conducted on the EU texts translated from English into the Lithuanian language. Though the studied EU documents cover legal, political and economic matters, the translation process is considered as the legal translation whose linguistic features are manifested in lexicon, syntax, pragmatics and style. The translations of EU documents into Lithuanian show syntactical and lexical variability while stylistics and pragmatics of legal texts do not show marked differences. Lexical variability proves to be rather extensive.

## SANTRAUKA

Straipsnyje nagrinėjami Europos Sąjungos dokumentų vertimo klausimai ir variantiškumo raiška vertimo tekstuose. Analizuojami ES dokumentų vertimo iš anglų į lietuvių kalbą tekstai. Dėmesys skiriamas teisinės kalbos vertimo metodams ir sintaksės bei leksikos variantų taikymo atvejams. Nors nagrinėjami ES dokumentai susiję su teisiniais, politiniais ir ekonomikos klausimais, jų vertimas laikomas teisiniu vertimu, kuriam būdingi lingvistiniai bruožai pasireiškia leksikoje, sintaksėje, pragmatikoje ir stiliuje. ES dokumentų vertimuose į lietuvių kalbą matomas sintaksės ir leksinis variantiškumas, o teisinių tekstų vertimo stilistika ir pragmatika beveik nesiskiria nuo šių dokumentų tekstų anglų kalba. Leksinių variantų panaudojimas yra gana platus.

## INTRODUCTION

Since great numbers of EU documents are translated into EU national languages, the quality translation of political, legal, economic, and other texts into the Lithu-

RAKTAŽODŽIAI: Europos Sąjungos dokumentai, teisinis vertimas, leksikos variantiškumas, skoliniai.

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anian language is of considerable importance. The Eurojargon, words signifying different new phenomena and state-of-the-art concepts are regularly used in the EU documents, and this leads to the employment of divergent translation techniques and variability of lexis in the translation of EU documents. New phenomena of life gain reflection in the text of EU documents and this situation does not only affect the life of people in the EU and Lithuania but it also paves the way for the launch of new words in the Lithuanian language, bringing up changes to the language lexicon in various areas of life.

When confronted with the innovations set forth by different transformations on the level of the development of a state, it becomes clear that language alone is unable to cope with its lexis corpus, and the lexicon, then, becomes the most vulnerable and susceptible to change. Global trends show that the majority of new words (about 80–90%) are nouns, as they usually name new objects, phenomena or concepts. Besides, nouns are structurally the least related to the other words in the sentence, so they are most prone to change and the easiest to borrow (Vaičiukienė 2013).

## TRANSLATION OF EU DOCUMENTS AS LEGAL TRANSLATION

Translation of EU documents means that translators are involved in the translation of texts on legal, political and economic matters. The translation of EU documents is in its essence the legal translation, and the legal translation is a practice that stands „at the crossroads of legal theory, language theory and translation theory“ (Joseph 1995: 14). Thus, the process of legal translation entails much more than a simple replacement of terms, and researchers in legal translation may favour different approaches of what is of primary importance in the translation of a legal text. For example, J. Vaičiukaite, who did the analysis of EU legislation translations, points out that the decisive role in the EU legal texts is not played by the language. In her opinion, the law enshrined in those texts should take the priority over the language and, therefore, when choosing the strategy of translating legal texts, legal importance must prevail. The researcher

relies on the context-oriented theory of a weak language and states that the meanings of a legal text are variable, dynamic and depend on many factors, e.g., the development of the society, etc. Therefore, the translation must convey not the equivalent provided in a dictionary, but the word the meaning of which was expressed by the author (Vaičiukaite 2006: 14). M. Harvey expresses a completely opposite view. He argues that the translation of legislative texts must be dominated by translation strategies geared to the addressee and explains that the “term “equivalence” does not imply one-to-one correspondence but has the more pragmatic meaning of a possible translation, the acceptability of which is subject to a number of variables” (Harvey 2012: 2) Harvey identifies four main techniques employed in translation of legal texts: functional equivalence when a translator finds an object in the target language culture (the language into which the text is

translated) that has a similar function to the object in the source language culture (the language from which the text is translated), formal equivalence (or word-for-word translation), transcription (or a borrowing; if necessary, transcription may be accompanied by a translator's note), and descriptive translation (explanatory translation) (ibid: 2–6). Whatever the approach, as perfectly defined by E. A. Nida, "translating consists in reproducing in the receptive language the closest natural equivalent of the source-language message, first in terms of meaning and secondly in terms of style" (Shiyang 2009: 44). Translators agree that legal translation is a particular area of translation activity. It demands basic understanding of legal system, nature of law and legal language. For that reason, legal translation refers to the type of technical translations and, as is generally acknowledged, requires special language use, i.e., language for special purposes in the context of law (Cao 2013; Biel 2007).

The translation of legal texts is a demanding task. I. Simonnæs points out that "legal translation is inherently linked to the particular legal culture of its source text which more often than not is different from the legal culture in the target text" (Simonnæs 2013). V. Januleviciene and S. Rackeviciene also claim that "legal terms are created for a particular legal system and are closely related to the culture, values and law traditions of the nation. Their meaning is shaped by the legal documents of the national legal system, so it is natural that we are not always able to find exact equivalents of legal terms in two different languages that represent two legal systems" (Januleviciene, Rackeviciene 2011: 1089). R. De Groot express-

es the same approach. The researcher writes that "legal systems differ from state to state. Every state, therefore, has its own – in principle fully autonomous – legal terminology, even though this state uses as its legal language a language that is also used as a legal language in another state. There are even states, where several legal systems are operative and, in principle, these all have an autonomous terminology" (Groot, De R. 2000: 131). As an illustration, R. De Groot provides the example of the legal system in Netherlands where the languages of three countries (the European part of the Kingdom, the Netherlands Antilles and the Island of Aruba) differ from each other on several major points.

According to S. Šarčević, the fundamental principal of legal translation is its conformity to the source language text. Although the emphasis might be put on either strictly literal translation or free comprehensible translation to transfer the sense of the original, the scholar emphasises that the aim of legal translation is to reconstruct the substance of the source language text as closely as possible. (Šarčević S. 2000: 1–13). Šarčević notes that the term legal translation embodies translations of various legal texts that can be classified according to different criteria. The researcher suggests a classification according to the status of the source language text: translation of enforceable law, e.g., statutes, and translation of unenforceable law, e.g., legal scholarly works. (Šarčević S. 1997).

C. Robertson gives the classification of legal texts with reference to the origin of the development of EU documents. He makes a distinction between texts made by and between the member states,

e.g., treaties; texts passed by the EU institutions, e.g., legislative acts; and texts made between the EU and the third countries, e.g., international agreements (Robertson 2014: 155–157).

Different types of legal texts, as any other text, are translated regarding different purposes. The purpose of a legal translation can be to inform, to warn, to instruct, etc. Translation purposes are varied, so no doubt the translation strategies may also be varied. With reference to this, D. Cao introduces a grouping according to the communicative purposes of the target language text. The researcher identifies three categories of legal translation.

Legal translation for *normative purpose*. It refers to translations of law. The source language and target language texts have equal legal force, and neither is superior to the other irrespective of their original status. This is typical of the EU document translation.

Legal translation for *informative purpose*, with connotative or descriptive functions. This includes the translation of statutes, court decisions, scholarly works and other types of legal documents if the translation is intended to provide information to the target readers. Such translations are not legally binding.

Legal translation for *general legal or judicial purpose*. Such translations are mostly descriptive, they may include legal documents used in court proceedings as part of documentary evidence (Cao 2007: 10–12).

The EU documents undoubtedly possess features common to all legal texts. D. Cao identifies them as linguistic features manifested in lexicon, syntax, pragmatics and style.

*Lexicon*. The author recognizes terminology as the main distinctive feature of a legal text. Legal vocabulary, technical terms of law, words and expressions borrowed from Latin and other languages are the main constituents of legal language. As noted by C. Robertson, the terminology of the EU is sometimes called “Eurospeak” because it represents a mix of terms and patterns from different languages. A major part of them currently derives from English as a main drafting language and then is translated into other official languages of the EU (Robertson 2014: 155–157).

*Syntax*. According to D. Cao, another noticeable feature of a legal text is the formal and impersonal written style coupled with long and complex sentences. At the same time substantial use of passive voice, if-clauses, conditional expressions, qualifications and exceptions proper to all legal instruments, including the EU legislation.

*Pragmatics*. Another peculiarity of a legal document, according to D. Cao, is its performative nature. Legal texts are written in order to perform acts, create rights, express commands, etc. Legislation entails not only saying and asserting an act but also doing and performing it. For that reason, legal language is characterised by frequent use of performative markers. For example, it is typical of English legal language to use verbs, such as *shall*, *may* and *may not*, to express obligation, permission and prohibition.

*Style*. The legal style of a document refers to its written form. It is characterised by the peculiar impersonal style that has a special juridical format and structure manifested in the form of declara-

tive sentences to express rights and obligations (Cao 2007: 12–13).

Apart from the features that characterize all legal texts, there is another aspect which relates to cultural side or culture-bound legal translation. It is widely assumed that culture and language are inseparable. Language is seen as part of culture since it is a tool to express and describe different cultural aspects in the life of a nation. Legal language has also got close connections with culture related legal systems. Most of legal terms are attributed to the category of culture-bound legal terms since they are characterized by a direct association to the values, experiences and traditions of a given nation. With reference to S. Šarcevic „legal systems, which have their own history, patterns of reasoning and social and moral background, develop their own systems of concepts adjusted to their own needs. This results in the system-bound nature of legal terminology“ (Šarcevic 1997: 232). L. Biel and J. Engberg echo this opinion saying that „one of the decisive factors of legal translation is the fact that it is an operation not only between two or more languages but, above all, between distinct legal systems and legal cultures“. (Biel and Engberg 2013: 3). It also has to be noted that non-equivalence of culture-bound legal terms is more often manifested than the equivalence between them. As pointed out by I. Korolyov, “even completely translated lexemes have different cultural and, consequently, communicative value”, i.e., “the non-equivalent status of a lexeme when translated into one language will not necessarily be preserved when translated into any other language (Korolyov 2021: 32).

S. Pommer speaks about effective global legal communication. He indicates that “law as a socio-cultural phenomenon is always linked to the culture of a particular society and jurisdiction. Consequently, national legal systems are deeply rooted in a specific legal tradition and legal culture” (Pommer 2008: 18). The author points out that legal translators become mediators between legal cultures. They face challenges because of differences on terminological and conceptual levels, asymmetry of legal systems, inconsistent categorizations and classifications between the different branches and fields of law. S. Pommer suggests three decisive parameters for effective global legal communication which include: Functionality vs. Teleology (cover the cases when direct equivalents of source language terms do not exist in target language); Relevancy vs. Contextualization (cover the cases when translators introduce alterations in target language); Transfer vs. Transformation (cover the cases when translators introduce transformations because of the absence of concepts in the target language culture). (ibid.: 19–20).

Depending on the legal document, legal translators employ different translation methods, and loan-words are the most used. Already in 1958, Vinay and Darbelnet talked about seven main processes or procedures that can be employed during any given translation. They described a loan-word as “the idea of taking the word from the source language and maintaining it in the target language” (Vinay, Darbelnet 1995: 32). They described it as the simplest of the procedures that is employed in two situations: either when discussing a new

technical process for which no term exists within the target language, or when maintaining a word from the source language for stylistic effect, in which the translator uses the foreign term to add flavour to the target language text.

Other researchers specify that borrowing is the most common translation techniques and translators employ it extensively since it helps to solve the problem of an untranslatable word. On the one hand, foreign lexicon is coming into all spheres of target language, it often replaces native lexicon and decreases the need to look for equivalent native terms. On the other hand, borrowings or loan-words can fill the gap that occurs in the language when there is no native word to fill this gap. Rapidly developing world brings new ideas and concepts that are frequently expressed by globally shared lexicon.

According to Molina and Albir borrowings can be further classified into pure borrowings and naturalized borrowings (Molina and Albir 2002: 520). We have pure borrowings when a word from a source language is used in the target language without introducing any changes. Such word keeps hold of all its primary characteristics and is not inflected. For example, such words as *acquis*, *inter alia*, *Eurojust*, etc. are frequently met in the EU documents. In Lithuanian translations these words occur unchanged: they retain both their initial form and the meaning. Naturalized borrowings are words taken from other lan-

guages and adapted to the rules and structural standards of the target language. For example, the words *inflation*, *import*, *innovation*, etc. are borrowings that have been adjusted to the phonological and morphological rules of the Lithuanian language (*infliacija*, *importas*, *inovacija*). Most borrowings in the Lithuanian language are naturalized borrowings. There is a tendency that pure borrowings turn to be exchanged by naturalized borrowings. Naturalized borrowings firmly establish themselves in the translations of EU documents

Borrowings can also be classified with respect to the degree of assimilation. This classification was proposed by A. Marmiene who distinguished three groups of borrowings with respect to their assimilation. They are completely assimilated borrowings, partly assimilated borrowings and non-assimilated borrowings (Marmiene 2015: 121–122). According to A. Marmiene, completely assimilated borrowings are true loan-words. They are naturalized borrowings assimilated both on the semantic and structural levels. Partly assimilated borrowings usually include international words that have undergone both phonological and morphological adoption. And finally, non-assimilated borrowings retain their native phonetical characteristics and a graphical form, they also may cover non-standard words that are considered to be unacceptable in the use of a normative language.

## VARIABILITY OF LEXIS IN TRANSLATED EU DOCUMENTS

The analysis of Lithuanian translations of EU documents has shown that different types of borrowings are used

very extensively there. They are employed with the purpose of either to fill in the gap in the Lithuanian lexicon or

to add a synonym that expresses a new shade in the meaning. Besides, lexical variability when several lexical variants in the target language texts occur is frequently observed.

Completely assimilated borrowings constitute the major part of borrowings used in the EU documents. For example, the Lithuanian words *arbitražas* (Eng.: *arbitration*), *eksproprijavimas* (Eng.: *expropriation*), *komitetas* (Eng.: *committee*), *kompetencija* (Eng.: *competence*), *patentas* (Eng.: *patent*), *plenaryinis* (Eng.: *plenary*), *subsidiarumas* (Eng.: *subsidiarity*), *sankcija* (Eng.: *sanction*), *likvidus* (Eng.: *liquid*), etc. have been adopted and fully naturalized since Lithuanian equivalents that could express the same meaning were missing. The analysis of the EU legal language has also shown that some completely assimilated borrowings have Lithuanian equivalents. For example, the Lithuanian words *nepriklausomybė*, *savarankiškumas* can be considered to be equivalents or synonyms to the borrowing *autonomija*. However, they convey different shades of meaning, besides, the borrowing *autonomija* is more frequently used in the international legal discourse. Other completely assimilated borrowings that are used in EU documents even though they have Lithuanian equivalents include: *realizavimas* (Eng.: *realisation*) (Lith. equivalents: *įgyvendinimas*, *įvykdymas*); *jurisdikcija* (Eng.: *jurisdiction*) (Lith. equivalents *teisė*, *teisėtvarka*, *teisingumas*).

The Lithuanian language of EU documents also contains a big number of partially assimilated Lithuanian borrowings. These are words that have been adopted from other languages and assimilated either on the grammatic or phonetic or se-

mantic level. The alienation of such words is very clear. For example, such Lithuanian borrowings as *inicijuoti* (Eng.: *initiate*), *lokautas* (Eng.: *lock-out*), *ombudsmenas* (Eng.: *ombudsman*), *konvergencija* (Eng.: *convergence*), *preferencija* (Eng.: *preference*), *reintegracija* (Eng.: *reintegration*), etc. fall under the group of partially assimilated borrowings since their assimilation occurred on morphological and phonological levels. They also have Lithuanian equivalents, but in Lithuanian translations of EU documents these partially assimilated borrowings prevail over their Lithuanian counterparts.

Non-assimilated borrowings in Lithuanian translations of EU documents include words that do not meet the norms of standard Lithuanian language. They have not undergone any phonetic or morphological modification, they have not been adapted to the Lithuanian language requirements, they have preserved the characteristics of the language they come from. Among non-assimilated borrowings *acquis* and *ad hoc* occupy a special place. The meaning of the borrowing *acquis* is *the body of law accumulated by the European Union*. *Acquis* is a legal word that has been neither phonetically nor morphologically adapted. It corresponds to the Lithuanian equivalent phrase *Europos Sąjungos teisės aktu visuma*. These two are interchangeably used in Lithuanian translations of EU documents. A non-assimilated borrowing *ad hoc* has reached the Lithuanian language in its original Latin form. In general, Latinisms are frequently used in legal texts even though they have Lithuanian equivalents. Lithuanian equivalent of *ad hoc* is *šiuo atveju*.

The analysis of EU legal documents translated from English into Lithuanian exhibits syntactical and lexical variability which is frequently noted, while stylistics and pragmatics of legal texts do not have marked differences. Regarding syntactical variability the key difference between English and Lithuanian legal texts is that EU legal texts in English regularly employ nominal phrases while EU legal texts in Lithuanian utilize verbal phrases. Lexical variability in the target language of legal texts is manifested by alteration of parts of a word (affixation), by alteration of full words and by variation of borrowings. The use of affixation is rather frequent in translated Lithuanian EU documents (e.g., *harmonisation* (Eng) – *derinimas/suderinimas* (Lith), *examined* (Eng) – *nagrinėjo/išnagrinėjo* (Lith)). Lexical variants can also be formed by adding derivational suffixes (e.g., *development* (Eng) – *plėtojimas/plėtotė* (Lith)). Lexical variability of the second type (alteration of full words) is widely presented in translated EU documents (e.g., *attacked* (Eng) – *atakavo/užpuolė/vykde išpuolius* (Lith), *facilitate* (Eng) – *palengvinti/sudaryti palankias sąlygas* (Lith)). Phrasal expressions have also been noted to have sev-

eral variables in the target language (e.g., *may establish measures* (Eng) – *gali nustatyti priemones/gali patvirtinti priemones* (Lith)). The third type of lexical variability – variation of borrowings – is widely used in Legal translations from English into Lithuanian. This type covers the cases when source language words keep the same form in the target language texts. These mostly include Latin legal terms *inter alia*, *ad valorem*, etc. Other borrowings include adapted words (e.g., *embargo* (of Spanish origin) – *embargas* (Lith), *contingent* (of Latin origin) – *kontingentas* (Lith), *confrontation* (of French origin) – *konfrontacija* (Lith), *repatriation* (of Latin origin) – *repatriacija* (Lith), *readmission* (of Latin origin) – *readmisija* (Lith), *lockouts* (of English origin) – *lokautai* (Lith)). Other variables of the examples above include: *embargo* – *uždraudimas/draudimas* (Lith), *confrontation* – *prieštaravimas/priešprieša/ginčas/konfliktas* (Lith).

Concluding, lexical variability of the target language in EU documents translated from English into Lithuanian is extensive and becomes possible due to the sameness or nearness of the target language words.

## CONCLUSION

The fundamental principal of the translation of EU documents is the conformity of the source and target language texts. The translation of EU documents leads to the employment of divergent translation techniques and variability of the lexis. They depend on the type of a legal text and the purpose it is supposed to convey – provision of informa-

tion, instructions, warning, etc. The EU documents possess features that are common to all legal texts. They include lexicon, syntax, pragmatics and style. The translations of EU documents into Lithuanian show syntactical and lexical variability while stylistics and pragmatics of legal texts do not have marked differences. Culture-bound legal terms



are directly linked to legal tradition and legal culture and their translation becomes a serious challenge for translators.

In the absence of legal equivalents, borrowings help to solve the problem of untranslatability.

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