What it takes to do it right: an integrative EMT-based model for legal translation competence

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ABSTRACT

Over the past few decades, research has yielded valuable models for the conceptualisation of translation competence, both in the academic and professional worlds (Göpferich 2009; Kelly 2002; PACTE 2003). However, despite the growing consensus on translation competence as a multi-faceted competence comprising several core skills, the different perspectives have resulted in terminological (when not downright conceptual) ambiguity. This paper aims to investigate in a didactic perspective the specific competences and sub-competences required for translating legal documents, with particular reference to the focus of the QUALETRA[2] project, i.e. the specific skills required for translating criminal proceedings, in line with Directive 2010/64/EU. Informed by both recent research (cf. Prieto Ramos 2011; Piecychna 2013) and the outcomes of recent EU projects, as well as by the principle that a legal translator is first a translator (Cao 2007: 39), the proposed model is based on the general EMT reference framework for translation competences (EMT Expert Group 2009a: 3), which has been integrated with additional core components that are more strictly related to legal translation. The model is then contrasted with the results of three recent surveys on translation competence (Chodkiewicz 2012; OPTIMALE 2013; Orlando and Scarpa 2014). It will be finally argued that such an integrative approach has direct implications for training translators of criminal proceedings and can be adopted as a basis to assess and certify the competences and skills of prospective translators in this specific legal subdomain.

KEYWORDS

Legal translation, translation of criminal proceedings, translation competence, translation skills, EMT reference framework, translator training.

1. Introduction

In the last few decades, in both Translation Studies and professional translation the need for a definition of 'translation competence' has become increasingly apparent. At the same time, such a definition has proved to be highly controversial, with an abundance of different perspectives resulting in contrasting conceptualisations and inconsistent terminology. This has been compounded by the fact that the versatility of the translation profession, requiring additional specialisations strictly related to the thematic domain of the text to be translated (e.g. legal, medical, technical), has resulted in ever more specific translation competence models. Even without a clear and agreed upon definition, scholars have investigated the nature and scope of translation competence — mostly in a didactic perspective — either by conceptualising, modelling and operationalising what makes a good translator, e.g. by comparing expert and novice translators, or extending the concept into "a myriad of sub-competences" (Rothe-Neves 2007: 133). Whilst Pym (2003: 483–487) advocates for a definition of translation competence which is appealingly minimalist (though still componential) but difficult to be operationalised, as observed by Prieto

Ramos (2011: 8, 10) there is a growing consensus in Translation Studies on translation competence as being a complex, multi-componential "macrocompetence" (e.g. Kelly 2002: 14) or "supercompetence" (e.g. Wilss 1976: 120), comprising several sub-competences which are particularly useful for curriculum-design purposes. In contrast to models simply enlisting a series of sub-components adding up to an overarching translation competence (e.g. Nord 1991; Kiraly 1995; Lörscher 2012; Neubert 2000), a more dynamic interrelation of these sub-competences has been proposed by some scholars (most prominently, PACTE 2000 and Göpferich 2009), whose models strive for an empirical confirmation of their theoretical framework. Even more recently, dynamism has been seen by Göpferich (2013) to characterise also the development of translation competence, with sub-competences seen as interconnected variables not developing at the same pace, with the more complex strategic sub-competences developing only after less complex sub-competences have reached a certain threshold value.

Building on these models, but also on others more specific to legal translation, this paper will present a model for the conceptualisation of legal translation competence as developed within the QUALETRA project (JUST/2011/JPEN/AG/2975)[3], whose main aims are the training and accreditation of highly-qualified legal translators specialising in criminal proceedings in line with *Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings* (henceforth, Directive 2010/64/EU). In the Directive, the issue of quality in translation is in fact a particularly crucial one as the suspected or accused person is explicitly given "the possibility to complain that the quality of the translation is not sufficient to safeguard the fairness of the proceedings" (Article 3(5)). More specifically, effective translator training can certainly be envisaged to feature among the "concrete measures" (Article 5(1)) that Member States are required to take to ensure translation quality. With a top-down approach, the conceptual grid of sub-competences for legal translators which is going to be presented here integrates the general EMT reference framework for translation competences (EMT Expert Group 2009b) with the specific knowledge and sub-competences that are relevant to legal translation. The QUALETRA model will then be contrasted with the results of three recent surveys on translation competence (Chodkiewicz 2012; OPTIMALE 2013; Orlando and Scarpa 2014), the latter conducted within the QUALETRA project and aimed at investigating current practices in legal translator training. Finally, the model will be adopted as a basis for the training and testing objectives of the QUALETRA project: the resulting ECQA "Skills card" will focus on the competences and skills of prospective translators in the specific legal sub-domain of criminal proceedings, i.e. the translation of the "essential documents" and the European Arrest Warrant that are specifically mentioned in the Directive.

2. Modelling legal translation competence

Many scholars tried to outline what it takes to be a competent legal translator. Whilst Sofer (2006: 106–107) stresses the importance of writing skills, specialisations in a legal field and knowledge of good legal reference resources, Obenaus (1995) focuses on the need for good information brokering skills. On the other hand, Trosborg (1997: 156) clearly emphasises the importance of legal terminology, whilst Šarčević (1997: 271) recommends a guiding theory specific to legal translation. Most underline the need for legal translators to think as or collaborate with lawyers, hence the need for a sound legal background (e.g. Cao 2007: 5; Gouadec 2007: 31; Prieto Ramos 2011: 13; Šarčević 1994: 304; Wilss 1996: 73), with the scope and extent of expertise in law required of legal translators remaining, however, an open question.

One of the first academic models for legal "translation competence and proficiency" was devised by Cao (1996), which the scholar later described as "multi-dimensional, interactive and developmental" (Cao 2007: 40-41). According to the model, translation proficiency is "the ability to mobilise translation competence to perform legal translation tasks in the legal setting for intercultural and interlingual communication purposes" (Cao 2007: 39). Nevertheless, the model does not really address the specificities of legal translation, because it builds on the premises that "there is an underlying competence found in all competent translators, including the legal translator" (Cao 1996: 52). Following Snell-Hornby (1988), the model consequently applies to all types of translation (general, specialist and literary) and comprises the following three sub-components:

> (1) translational language competence, including organisational (grammatical and textual) and pragmatic (illocutionary and sociolinguistic) competence;
> (2) translational knowledge structures, i.e. "the knowledge that is essential to achieve interlingual and intercultural communication in translation" (Cao 2007: 44); and
> (3) translational strategic competence, i.e. the psycho-physiological mechanisms unique to translational activities.

The first full-scale study on the specific sub-components of legal translation competence was conducted as part of the EU Grotius project *Aequitas*: *Access to Justice across Language and Culture in the EU* (98/GR/13)*, which aimed to establish "internationally consistent best practice standards and equivalencies in legal interpreting and translation" (Hertog 2001). As most EU projects directly resulting from the judicial instruments set out at European level, such as its follow-up Grotius project *Aequalitas*: *Equal Access to Justice across Language and Culture in the EU* (2001/GRP/015), *Aequitas* was focused on both legal translators and interpreters (LITs), and was strongly oriented to LIT training. In the competence-based training

designs (at BA level, subsequently updated and extended to MA level) outlined in the project's Final Report, however, only the component "knowledge of the criminal and civil legal systems" is really specific to LITs, whilst all the other components of legal translation competence overlap with those of existing models of general translation competence: written and spoken competence in both languages; transfer skills; code of conduct and guides to good professional practice; continuous professional and personal development; professional practice and practical requirements (Hertog 2001, 2003).

More recently, a further list of the specific competences to be developed by LITs through proper training was provided by the *Building Mutual Trust* project (JLS /2007/219): specialised language competency; transfer skills; knowledge of legal systems; knowledge and understanding of the professional code of conduct and guidelines to good practice; knowledge of resources and information retrieval (Townsley ed. 2011). As can be seen from the list, however, these competences basically correspond to those already identified in *Aequitas* and those listed in the Final Report of the *Reflection Forum on Multilingualism and Interpreter Training* (Hertog ed. 2009). Hence, also in this case there is a significant overlap with general-translation competence models, notwithstanding the fact that the *Building Mutual Trust* project also provided a list of personal attributes and pre-requisite competences for LIT trainees — i.e. general language competency; interpersonal skills and attitudes; and knowledge of the relevant countries and cultures — each operationalised in specific core components to serve as training objectives.

By contrast, the attempt to "avoid certain unnecessary duplications" with "holistic multicomponent paradigms of translation macrocompetence" was made by Prieto Ramos (2011: 7) in his integrative process-oriented approach to developing legal translation competence. Informed by professional practice and previous paradigms (EMT Expert Group 2009b; Kelly 2002; PACTE 2000, 2003, 2005), this model is process-oriented because it aims to bridge the gap between declarative (training) and procedural knowledge (professional practice) (cf. Alves 2005). All five sub-competences of the model — i.e. strategic or methodological, communicative and textual, thematic and cultural, instrumental, and interpersonal and professional management competence — are "oriented to legal translation under the coordination of the key strategic or methodological competence" (Prieto Ramos 2011: 12–13). Drawing on the PACTE model, therefore, the strategic or methodological competence has a central role and controls the application of the other skills. Thematic competence is of course a distinctive feature in this model, though, given the interdisciplinarity of translation, also in legal translation competence is made up of other more specific elements:

- Scope of specialisation: classification of legal genres (textual competence);
- Comparative legal linguistics: features of legal discourse in the source and the target languages and jurisdictions (communicative and textual competence);
- Documentation: specialised legal sources (instrumental competence);
- Professional practice: market conditions, associations and deontology issues in legal translation (interpersonal and professional management competence).

Finally, the hermeneutical model proposed by Piecychna (2013) has been inspired by Bukowski's description of a translator's hermeneutical competences (2012: 131–136). In this model, each sub-competence is represented as a concentric circle with equal status and interrelating with the others. Apart from the usual sub-competences — i.e. psychological, thematic, textual, and linguistic — Piecychna stresses the need for a legal translator to "understand a given text and be able to position it within the particular situational context with reference to the source and target legal systems" or, in other words, to "interpret texts" (Piecychna 2013: 154). Piecychna's assumption that a legal translator can be either "a linguist with a specialization in legal translation or a foreign-language-proficient lawyer" not only goes some way against Prieto Ramos (2011: 19) advocating for legal translators "comprehensive tailor-made training […] rather than presuming expert performance only from a double parallel qualification in translation and law" (Prieto Ramos 2011: 19), but is a downright contradiction of Šarčević's (1997: 91) assumption that, "while it is essential for legal translators to be familiar with the methods of interpretation used by judges participating in the communication process, they themselves should refrain from interpreting the text in the legal sense."

To the best of our knowledge, the above are the sole attempts at modelling legal translation competence to date. Also, this rather brief overview makes it apparent that, much as in general translation competence, there is still no consensus on the conceptualisations of and approaches to legal translation competence. However, as predicted by Pym (2003: 491) in reference to general translation competence models, what emerges also in the case of legal translation competence is a distinct move towards dynamism, where the dichotomy between minimalism and multi-componential approaches seem to favour the latter, which encompasses both declarative and procedural knowledge to ensure flexibility and keep up with the rapid pace of market changes.

3.   The QUALETRA model of legal translation competence

3.1   Background information

In a didactic perspective, the QUALETRA research group has developed a model of legal translation competence as an extension to one of the most recent, cited and exhaustive translation competence models, that is the European Master's in Translation (EMT) framework. To promote quality standards in translator training, a label (a registered EU trademark since June 2012) awarded only to the members of the EMT network of MA-level university translation programmes meeting rather strict admission criteria (currently, 64) and led by the Directorate General for Translation of the European Commission was established. These criteria are based on the list of "competences for professional translators, experts in multilingual and multimedia communication" drawn by the EMT Expert Group (2009b: 1), which is informed by both academic research and professional experience. In the EMT list of competences, a "competence" was defined as "the combination of aptitudes, knowledge, behaviour and know-how necessary to carry out a given task under given conditions" (EMT Expert Group 2009b: 3). The list of six competences, including as many as four dozen skills, sets out what is to be achieved, acquired and mastered at the end of training or for the requirements of a given activity" (2009b: 3). The decision to adopt the EMT framework as a basis for the QUALETRA grid of competences for legal translators was based on two major considerations, both relevant for QUALETRA in light of the requirements of Directive 2010/64/EU:

> (1)   the EMT clearly stresses the significance of professional aspects, and the recognition and legitimisation of the acquisition of such competences by a responsible authority;
> (2)   the EMT framework is easily adaptable to specific types of translation, as it comprises "the minimum requirement to which other specific competences may be added" (EMT Expert Group 2009b: 3).

The six competences, which can be broken down into "dimensions," overlap at least partially with other models proposed in translation research and are operationalised by means of lists of "components":

> **translation service provision competence** (e.g. how to market services, negotiate with a client, manage time and budget, handle invoicing), **language competence** (e.g. how to summarise texts), **intercultural competence** (e.g. how to understand presuppositions or allusions), **data-mining competence** (e.g. how to search terminology databases and familiarity with a series of databases), **technological competence** (e.g. how to use a particular translation tool) and **thematic competence** (knowledge about a specialist field of knowledge) (EMT Expert Group 2009b: 2).

The six competences are not ranked hierarchically, but are rather mutually interdependent and partly overlapping; their correlation leads to a mastery of the **super-competence** that is translation competence. A graphic representation of the model is shown below.
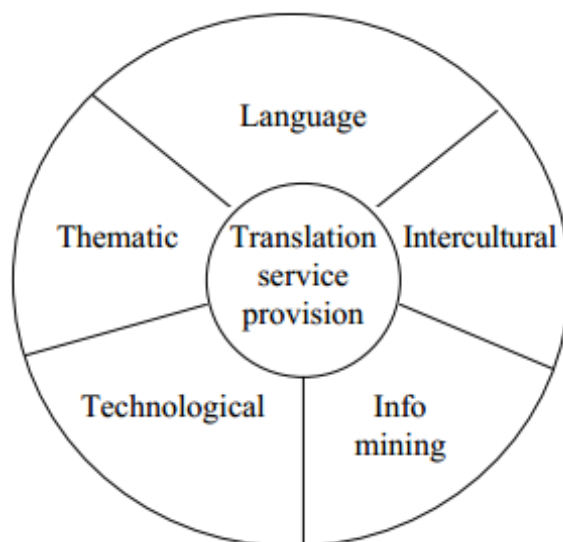

Figure 1. EMT competences for professional translators (EMT Expert Group 2009b: 4)

In the general procedure adopted in the QUALETRA project, the EMT 'wheel of competences' served as a starting framework for defining the general translation competences assumed to be already acquired by translators wishing to specialise in legal translation. To do this, the sub-competences specific to legal translators were extracted from the relevant literature and integrated into the EMT reference framework with additional core components more strictly related to legal translation. This procedure entails the broader view that professional translators specialised in specific areas are translators first, which is also implicit in Cao's (2007: 10) definition of legal translation as "the rendering of legal texts from the SL into the TL," whereby legal translation can be distinguished from other forms of translation by merely adding the qualifier "legal." The specialisation of translators in specific areas is however meant not necessarily as a sequential trajectory but rather in a hierarchical sense, where the knowledge of a specific subject matter should be considered as a sub-component of translation competence and be complemented by further sub-competences, both innate and acquired.

3.2　The QUALETRA sub-competences

Table 1 below shows how the specific sub-competences for legal translators identified by the QUALETRA consortium (right column) have been integrated into the competences for professional translators listed in the EMT grid (left column).

Table 1. Integration of the QUALETRA sub-competences for legal translators into the EMT competences for professional translators (EMT Expert Group 2009b: 4)**.**

EMT – TRANSLATION COMPETENCES	*QUALETRA – LEGAL TRANSLATION COMPETENCES*
1. TRANSLATION SERVICE PROVISION COMPETENCE	
1a. INTERPERSONAL dimension	
- Being aware of the social role of the translator - Knowing how to follow market requirements and job profiles (knowing how to remain aware of developments in demand) - Knowing how to organise approaches to clients/potential clients (marketing) - Knowing how to negotiate with the client (to define deadlines, tariffs/invoicing, working conditions, access to information, contract, rights, responsibilities, translation specifications, tender specifications, etc.) - Knowing how to clarify the requirements, objectives and purposes of the client, recipients of the translation and other stakeholders - Knowing how to plan and manage one's time, stress, work, budget and ongoing training (upgrading various competences) - Knowing how to specify and calculate the services offered and their added value - Knowing how to comply with instructions, deadlines, commitments, interpersonal competences, team organisation - Knowing the standards applicable to the provision of a translation service - Knowing how to comply with professional ethics - Knowing how to work under pressure and with other experts, with a project head (capabilities for making contacts, for cooperation and collaboration), including in a multilingual situation - Knowing how to work in a team, including a virtual team - Knowing how to self-evaluate (questioning one's habits; being open to innovations; being concerned with quality;	- Being aware of the professional role of the legal translator - Being aware of the relevant national and international professional associations for legal translators - Being aware of the need to be briefed and obtain access to relevant documentation - Being aware of personal safety and documentary security issues resulting from provision of translation services - Being aware of the legal obligations and responsibilities resulting from provision of translation services, with special reference to issues of confidentiality - Being aware of the need to comply with professional ethics

being ready to adapt to new situations/conditions) and take responsibility	
1b. PRODUCTION dimension	
- Knowing how to create and offer a translation appropriate to the client's request, i.e. to the aim/skopos and to the translation situation - Knowing how to define stages and strategies for the translation of a document - Knowing how to define and evaluate translation problems and find appropriate solutions - Knowing how to justify one's translation choices and decisions - Mastering the appropriate metalanguage (to talk about one's work, strategies and decisions) - Knowing how to proofread and revise a translation (mastering techniques and strategies for proofreading and revision) - Knowing how to establish and monitor quality standards	- Mastering translation of legal documents - Delivering a translation appropriate to the specific context and by reference to source and target legal systems - Identifying translation problems due to differences between the relevant legal systems and finding appropriate solutions - Identifying and dealing appropriately with errors of factual content in the source text - Mastering sight translation
2. LANGUAGE COMPETENCE	
- Knowing how to understand grammatical, lexical and idiomatic structures as well as the graphic and typographic conventions of language A and one's other working languages (B, C) - Knowing how to use these same structures and conventions in A and B - Developing sensitivity to changes in language and developments in languages (useful for exercising creativity)	- Mastering legal language, including specific writing conventions at the levels of e.g. grammar, syntax, phraseology, terminology, punctuation, abbreviations - Recognising stylistic inconsistencies between legal documents and within the same document
3. INTERCULTURAL COMPETENCE	
3a. SOCIOLINGUISTIC dimension	
- Knowing how to recognise function and meaning in language variations (social, geographical, historical, stylistic) - Knowing how to identify the rules for interaction relating to a specific community, including non-verbal elements (useful knowledge for negotiation) - Knowing how to produce a register appropriate to a given situation, for a particular document (written) or speech (oral)	- Knowing how to recognise function and meaning in varieties of legal language usage (e.g. levels of jurisdiction; international, EU and national law and proceedings) - Mastering the rules for interaction between the specific parties involved, such as legal professionals and clients
3b. TEXTUAL dimension	
- Knowing how to understand and analyse the macrostructure of a document and its overall coherence (including where it consists of visual and sound elements)	- Mastering the genre conventions and rhetorical standards of different types of legal document (e.g. doctrine, normative texts, forms, certificates, contracts, wills, insurance policies, patents, trust

- Knowing how to grasp the presuppositions, the implicit allusions, stereotypes and intertextual nature of a document - Knowing how to describe and evaluate one's problems with comprehension and define strategies for resolving those problems - Knowing how to extract and summarise the essential information in a document (ability to summarise) - Knowing how to recognise and identify elements, values and references proper to the cultures represented - Knowing how to bring together and compare cultural elements and methods of composition - Knowing how to compose a document in accordance with the conventions of the genre and rhetorical standards - Knowing how to draft, rephrase, restructure, condense, and post-edit rapidly and well (in languages A and B)	documents, affidavits, directives, power of attorney) - Relating a given legal text to its specific legal context (e.g. stage of proceedings in source and target legal systems, level of jurisdiction) - Analysing the overall structure of legal documents (e.g. EAW template, judgments) and recognising potential inconsistencies - Identifying the essential information in and purpose of legal documents - Identifying and transferring intentional and unintentional ambiguities in legal documents - Preserving the intertextual nature of a legal document (e.g. references to acts, laws, directives)
4. INFORMATION MINING COMPETENCE	
- Knowing how to identify one's information and documentation requirements - Developing strategies for documentary and terminological research (including approaching experts) - Knowing how to extract and process relevant information for a given task (documentary, terminological, phraseological information) - Developing criteria for evaluation vis-à-vis documents accessible on the internet or any other medium, i.e. knowing how to evaluate the reliability of documentary sources (critical mind) - Knowing how to use tools and search engines effectively (e.g. terminology software, electronic corpora, electronic dictionaries) - Mastering the archiving of one's own documents	- Identifying specific legal sources (e.g. dictionaries, term bases, glossaries, corpora, experts) and evaluating their reliability - Being able to differentiate between legal sources with reference to national, international and EU systems and jurisdictions - Extracting relevant information (documentary, terminological, phraseological) from parallel and comparable documents - Extracting terminology from relevant documents - Consulting legal experts so as to better understand and foresee how legal documents may be interpreted by the parties involved or the competent court or both
5. THEMATIC COMPETENCE	
- Knowing how to search for appropriate information to gain a better grasp of the thematic aspects of a document (cf. Information mining competence) - Learning to develop one's knowledge in specialist fields and applications (mastering systems of concepts, methods of reasoning, presentation, controlled	- Being familiar with the main domains and sub-domains of law - Knowing different procedures in the legal systems involved (e.g. levels of jurisdiction, legal structures, institutions, settings) - Having a general awareness of current legal issues and their development in the relevant countries

language, terminology, etc.) (learning to learn) - Developing a spirit of curiosity, analysis and summary	- Knowing the EU directives relating to legal translation - Mastering legal concepts and terms in the translation at hand - Being aware of asymmetries between legal concepts in different legal systems and being able to address them
6. TECHNOLOGICAL COMPETENCE	
- Knowing how to use effectively and rapidly and to integrate a range of software to assist in correction, translation, terminology, layout, documentary research (for example text processing, spell and grammar check, the internet, translation memory, terminology database, voice recognition software) - Knowing how to create and manage a database and files - Knowing how to adapt to and familiarise oneself with new tools, particularly for the translation of multimedia and audiovisual material - Knowing how to prepare and produce a translation in different formats and for different technical media - Knowing the possibilities and limits of MT	- Knowing how to effectively and rapidly integrate all available tools in a legal translation (e.g. European Arrest Warrant, judgments)

The specific sub-competences making up the professional profile of the legal translator have been mainly drawn from the models of legal translation competence mentioned in Section 2 but are also based on the guidelines and advice from the experts and the legal practitioners in the QUALETRA consortium. The QUALETRA sub-competences for legal translators are dynamically interrelated and, as in Prieto Ramos's model (2011: 11), the production dimension of the translation service provision competence is strategic and controls the application of the others. The sub-competences will be discussed in more detail in the rest of the article also by drawing on the results of the following three surveys, all rating competences on a 4-point scale ranging from "Not required" to "Essential," of which only the first is specific to legal translation:

1. An EU-wide survey conducted between April 2013 and April 2014 within QUALETRA's Workstream 3 on "Training," coordinated by the University of Trieste (Orlando and Scarpa 2014), aimed at investigating current practices in legal translator training, with special reference to training objectives, thematic knowledge and professional ethics. The responses of 59 respondents (full questionnaires) in 19 nations were collected, a result reflecting the relative scarcity of programmes specifically hinged on legal translation. Of the respondents, 51.8% were institutions (almost exclusively, higher

education institutions for translators at BA or MA level) offering programmes to "linguists," a blanket term applying not only to translators but also interpreters, terminologists, etc.; 35.7% were training programmes (mostly at MA but also CPD level) targeting any type of trainee, e.g. both linguists and language practitioners; and 12.5% were language/translation programmes for legal practitioners, half of which provided by professional associations, police offices or public administrations.

2. An EU-wide survey conducted in 2011 within the OPTIMALE project[4], aiming to identify the competences that LSP (Language Service Provider) employers seek when looking to employ new staff in order to provide input for, on the one hand, graduates seeking first employment in the language industry and, on the other, directors of programmes for translators seeking to improve the employability of their graduates. Being aimed at LSP employers, the survey was based on the premise that the respondents would be "interested not only in translation competence per se, but in the whole range of competences required within a language service providing company. Hence the sections devoted to project management, translation technology or client relation competences" (OPTIMALE 2013: 2). The survey collected the responses of 684 respondents from both EU and non-EU countries. Of the respondents, 78% were commercial-sector LSPs, 14% were private or public companies (other than LSPs), 4% were translation services of international organisations and 4% central or local government language-service departments.

3. A UK-wide survey conducted in 2011 by Chodkiewicz (2012) aiming to determine the level of importance professional translators and translation students attach to each of the EMT competences. The survey collected the responses of 55 respondents: 33 professional translators and 22 students enrolled in various MA translation programmes mostly at University of Surrey.

Translation Service Provision competence

The "Interpersonal Dimension" of this strategic and wide-ranging competence combines knowledge of professional practices specific to legal translation (need to be briefed and obtain access to relevant documentation; awareness of legal obligations and responsibilities; potential safety and security issues) with the knowledge of both the code of professional ethics and (inter)national professional associations for legal translators, whilst the "Production Dimension" deals primarily with the provision of quality in translated products (appropriateness to the specific legal context; identification and solution of translation problems due to differences between the relevant legal systems; how to deal with errors of factual content in the source text). In the latter dimension, the main reason

why also the provision of sight translation has been included is that it is specifically mentioned in Directive 2010/64/EU (Article 3(7))[5] as an alternative to a written translation, though only in exceptional circumstances.

In the OPTIMALE survey, translation competence per se was not explicitly mentioned, "as it was assumed that any employer seeking to employ a translator or his/her services, would require the translator to possess the primary skills of his/her profession" (2011: 2), and was replaced by a rather elusive "Ability to produce 100% quality," an option that was predictably rated as "Essential" or "Important" by virtually all respondents (98%), whilst the "Ability to translate quickly though quality not 100%" was considered more important than 100% quality only by 32% of respondents. Equally predictably, ability to identify client requirements, experience in the field of professional translation and awareness of professional ethics and standards were all rated very highly in the survey (respectively 94%, 88% and 86% valued them as "Important" or "Essential") (OPTIMALE 2013: 6, 12), whilst a good knowledge of the language industry and professions was deemed to be "Important" (55%) rather than essential. In Chodkiewicz's survey, however, the EMT Translation Service Provision competence was overall rated relatively low by both professional translators and students, with the exception of some of its components, which were deemed to be highly important (delivering a translation appropriate to the client's request; planning and managing your time, stress, work, budget and ongoing training, and meeting deadlines; evaluating the quality of your work and accepting responsibility) (2012: 46–47). With specific reference to legal translation, the results of the QUALETRA survey (Orlando and Scarpa 2014; Orlando 2016; Orlando *forthcoming*) show that professional practices and ethics feature at all levels of the programmes for linguists, though professional sub-competences were given — rather predictably — a quite low rating by language trainers of legal practitioners. Concerning translation-oriented sub-competences proper, these were deemed important by linguists but not by legal practitioners, a result which can be explained by the focus placed by most training opportunities offered to legal practitioners on effective communication in foreign languages rather than translation per se. The survey also contained the item "Ability to translate *into* foreign legal language," which was on the whole rated between "Not important" and "Important," as opposed to the rating between "Important" and "Essential" for the more traditional "Ability to translate *from* foreign legal language." This result shows that, whilst the practice of translating from one's language A (native language) into language B, C (foreign working languages) is quite acceptable in legal translation[6], on the whole respondents seem to agree with iinternational quality standards that usually reject the opposite directionality, i.e. the practice of translating into a foreign language.

Language competence

This competence refers to the knowledge of the specific writing conventions (grammar, terminology, punctuation, abbreviations, etc.) of legal language, in the languages A, B and C of the translator, including the ability to spot and act on any stylistic inconsistencies within the same document and between legal documents of the same genre. Of the six EMT competences, language competence was the highest rated in Chodkiewicz's survey (2012: 47–48), with special reference to the component "knowing grammatical and lexical structures, and graphic conventions in your working languages and being able to reproduce them in another language." It was also rated as "Essential" in legal translation by all respondents of the QUALETRA survey, irrespective of the type of training provided, though trainers of legal practitioners deemed foreign-language competences — which they typically see mainly as knowledge of legal terminology — as more important than mother-tongue competences. Interestingly, the OPTIMALE survey did not contain any specific question on language competence per se, as one of the premises was that "high-level language competence requirements [...] were to be taken as a given which did not need to be reasserted within the scope of this survey (whether such skills are always available is another matter)" (2011: 2). This stance is in line with Chodkiewicz's observation that in Translation Studies there has been a shift in the approach towards language competence, which is not seen as central any more because viewed as not unique to translators, whereas the participants to her survey "regarded language competence as the nexus of translation competence" (Chodkiewicz 2012: 47–48). Likewise, in the Additional Employer Comments section at the end of the Synthesis Report of the OPTIMALE survey, in the "Language and communication skills" section all eight comments by as many employers focus on the importance of mastering such skills (2013: 18).

Intercultural competence

The dual perspective — sociolinguistic and textual — of this competence is rooted in the comparison of and contrast between the discursive practices in languages A, B and C. The sociolinguistic dimension of intercultural competence combines the ability to recognise function and meaning in varieties of legal language usage (e.g. levels of jurisdiction; international, EU and national law/legal proceedings) with knowledge of the rules governing the interaction between the specific parties involved in legal proceedings (such as legal professionals and clients). The textual dimension of this competence deals primarily with the knowledge of the genre conventions, rhetorical standards, information structure and specific legal contexts of different types of legal documents (e.g. doctrine, normative texts, forms, certificates, contracts, wills), which enables the legal translator to recognise and act on potential inconsistencies and

(un)intentional ambiguities in the source document as well as preserve its intertextual nature (e.g. references to acts, laws, directives).

Of the six EMT competences, intercultural competence was the second highest rated in Chodkiewicz's survey (2012: 47–48) though, as with language competence, the author observes that intercultural competence "does not occupy the central position in new models" of translation competence. It is however fair to say that the distinction between language competence and intercultural competence is a difficult one to make in the context of Translation Studies, which may be the reason why the latter does not feature at all in the OPTIMALE survey. In the QUALETRA survey, however, the item "Ability to identify the level of formality of the text and translate different registers" — relevant to the textual dimension of intercultural competence — was deemed an essential skill by the trainers of linguists (Orlando and Scarpa 2014).

Information Mining competence

This competence refers specifically to the ability to identify reliable legal sources (including legal experts) in relation to different systems and jurisdictions, and to extract relevant information and terminology from those sources. These abilities are not only instrumental in understanding the source text but also in anticipating how the target text will be interpreted by its intended users, i.e. the parties involved in the case and/or the competent court. Of the six EMT competences, information mining competence was the third highest rated in Chodkiewicz's survey (2012: 48) but was also the competence registering the highest level of disagreement among professional translators. This result is suggested by the author to be due to the fact that some of the translators "are well-established in some niches of the market or translate for regular clients and have less of a need to search for information as they tend to rely on their experience." In the OPTIMALE survey, the information mining competence is briefly discussed in the "Specialisation" section of the Synthesis Report on the survey (OPTIMALE 2013: 8), where the "Ability to extract and manage terminology," which is considered as a "logical extension" of the specialisation requirement, was rated by employers as "one of the basic skills required of applicants for positions in translation" (69% rated it "Essential" or "Important"). Likewise, in the QUALETRA survey (Orlando and Scarpa 2014), trainers of linguists rated the "Ability to use information retrieval and text data mining resources" as "Essential," whilst the ability to use terminology memory systems (and translation memories) was ranked only at the lower end of the "Important" benchmark.

Thematic competence

This competence refers specifically to legal knowledge, with particular reference to the asymmetries between legal concepts and procedures in

legal systems as well as the ability to master legal concepts and terms in translation. A further requirement of the legal translator under this competence is to have a general awareness of current legal issues in the relevant countries and know the EU directives relating to legal translation. Of the six EMT competences, thematic competence was rated only fourth in the respondents' ratings of Chodkiewicz's survey (2012: 49) and was also the second competence respondents (especially the professional group) disagreed most strongly about. This result is suggested by the author to indicate that some professional translators "learn about their fields 'as they go'," i.e. do not specialise in specific domains outside their translation tasks. On the other hand, in the Synthesis Report on the OPTIMALE survey, domain specialisation was deemed to be "almost unanimously required by employers, with almost 90% giving it priority status" (2013: 8). As for the specific domains most in demand, interestingly "technical translation in the widest sense" and, in some markets, "legal translation" are mentioned in the report as being "still the dominant market segments." Also in the QUALETRA survey all respondents confirmed that legal knowledge in relevant language(s) is an important component of legal translator training, with trainers of legal practitioners ranking it very high (rather unexpectedly, given a justified assumption that they should already have it!). As for the specific domains and sub-domains of law being dealt with by the trainers of all programmes, the main focus appeared to be on the national legal system of the country of the programme, followed in second place by the legal system of the country of the foreign language being studied. Somewhat surprisingly, EU law was not deemed as important by trainers of both linguists and lawyers, and virtually none of the programmes dealt with the specific legal text types of criminal proceedings mentioned in Directive 2010/64/EU (Orlando and Scarpa 2014).

Technological competence

This competence refers specifically to the skills necessary to integrate rapidly and effectively all available tools in a legal translation. In the OPTIMALE questionnaire (2013: 8–10), as many as eight different items were related to the "Technological competence" section, testifying to the importance attached by the project partners to this competence in today's language industry. However, the overall results show that, whilst three quarters of respondents considered as "Essential" or "Important" technological tools and IT-related skills which have now become standard (e.g. translation memory systems, ability to process files and convert them in different formats), more advanced technological requirements such as the use of speech recognition applications or the ability to pre- or post-edit machine translation are still not mainstream (respectively 10%, 18% and 28% of respondents rated them "Essential" or "Important"). Looking in more detail at the OPTIMALE results, 42% and 39% positive responses respectively were given to the "Ability to localize multimedia websites" and "Ability to understand mobile technologies" and as many as 28% (i.e. one

in four respondents) to the "Ability to parameter machine translation systems."

Of the six EMT competences, technological competence was attached the least importance by the respondents of Chodkiewicz's survey, though this was also the competence on whose relevance to the translator's work both professionals and translation students disagreed most strongly (2012: 49–50). Professionals valued much more than students the standard computer tools assisting in translation and terminology searches, with in-house translators considering both standard tools and machine translation to be much more important than freelancers did, a result which the author finds "hardly surprising since translation companies nowadays provide translators with a range of computer tools and their use is compulsory." In the QUALETRA survey (Orlando and Scarpa 2014), the ability to use translation memories (and terminology memory systems) fared slightly better, as it was ranked at the lower end of the 'Important' benchmark, which is still rather disappointing given the importance of specialised legal resources (both electronic and not) in ensuring translation quality (consistency/accuracy of style, phraseology and terminology) in this type of translation.

4.   Conclusion

Building on previous models of both general translation competence and competence in legal translation, this paper presented a model for the conceptualisation of legal translation competence developed by the QUALETRA project for the training and accreditation of highly-qualified legal translators specialising in criminal proceedings, in the light of the requirements of Directive 2010/64/EU. With a top-down approach, a conceptual grid of sub-competences relevant to legal translators as an extension to the EMT framework of reference was developed, which in the paper was contrasted with the results of three recent surveys on translation competence (Chodkiewicz 2012; OPTIMALE 2013; Orlando and Scarpa 2014), the latter of which developed by the QUALETRA team and specifically focused on training objectives, thematic knowledge and professional ethics of programmes in legal translation. Based on the assumption that such an integrative approach to defining competence in legal translation can have direct implications for training translators of criminal proceedings, in the final stage of the project the model has been adopted as a basis to assess and certify the competences and skills of prospective translators in this specific legal sub-domain. The specific skills fine-tuned to fit this new training and testing framework have been extracted from the legal translator's more 'general' competence grid (derived from the six EMT competences) and operationalised in a set of skills to be tested and defining the new profession "Certified Legal Translator in Criminal Proceedings." This set of core components has been organised in a "Skills card," a standard model developed by the European Certification and Qualification Association

(ECQA). According to this model, the Skills card of each certified profession ("Domain") has a modular structure in the form of logical topics ("Units"), i.e. components, divided into "Elements," i.e. dimensions. Each element has a set of learning objectives ("Performance Criteria"), i.e. components to be assessed, representing the minimum level of knowledge and performance required for a participant to pass an ad hoc test.

With particular reference to the ECQA Certified Legal Translator in Criminal Proceedings developed by QUALETRA, the Skills card has a total of 4 units (Professional Aspects; Translation; Legal Knowledge; Instrumental Knowledge), each structured into 2 or 3 elements, where for each element a range of 3 to 8 performance criteria were defined. One of the main issues that had to be addressed in the project was whether to keep in the Skills card Instrumental Knowledge (subdivided into three elements: Information acquisition; Legal terminology management; and Mastery of tools). The two main reasons why instrumental knowledge has proved to be controversial are the following two: (1) the candidates to be assessed are required to be EMT graduates, and therefore should already have prior knowledge of how to extract relevant information (documentary, terminological, phraseological) from parallel and comparable documents and how to use CAT tools, etc.; (2) the specific tools to be chosen for the assessment.

The ECQA Skills card finalised by the QUALETRA project will hopefully prove to be a very useful tool to assess and certify the competences and skills for translating the "essential documents" and the European Arrest Warrant that are specifically mentioned in Directive 2010/64/EU, and will hopefully prove to be instrumental to the training of the highly-qualified legal translators specialising in criminal proceedings envisaged by the Directive.

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Notes

[1] Sections 1, 2 and 3.1 are by Daniele Orlando and Sections 3.2 and 4 are by Federica Scarpa. The contents of this publication are the sole responsibility of the authors and can in no way be taken to reflect the views of the European Commission.

[2] The project QUALETRA (JUST/2011/JPEN/AG/2975) was funded by the DG Justice in response to Directive 2010/64/EU.

[3] The QUALETRA (http://www.eulita.eu/qualetra-0) consortium is made of the following universities and professional associations: KU Leuven, Antwerp (Coordinator); University of Trieste; Institut de management et de communication interculturels (ISIT), Paris; Universidad Pontificia Comillas, Madrid; London Metropolitan University; Universidad Alcalá de Henares, Madrid; Dublin City University; Riga Graduate School of Law; CIUTI (Conférence internationale permanente d'instituts universitaires de traducteurs et interprètes); EULITA (European Legal Interpreters and Translators Association); EUATC (European Union of Associations of Translation Companies); Council of Bars and Law Societies of Europe (CCBE); European Criminal Bar Association (ECBA).

[4] OPTIMALE (Optimising Professional Translator Training in a Multilingual Europe) (2010-2013) is an Erasmus Academic Network involving 70 partners from 32 different European countries aiming to act as a vehicle and stimulus for innovation and high quality in the training of professional translators (http://www.ressources.univ-rennes2.fr/service-relations-internationales/optimale/).

[5] "As an exception to the general rules established in paragraphs 1, 2, 3 and 6, an oral translation or oral summary of essential documents may be provided instead of a written translation on condition that such oral translation or oral summary does not prejudice the fairness of the proceedings."

[6] Cf. Articles 1 and 3 of the QUALETRA *Vademecum of legal translations* (EULITA 2014).