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Simplification & Supranationality: Plain Language in EU Legislation Summaries

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Abstract

Legal English, as a form of English for Professional Purposes, is sometimes difficult to understand for laypeople that have no knowledge about the legal field or legal concepts. The Plain Language Movement proposed that legal texts should be redrafted for the benefit of non-experts in order to make them more accessible, understandable, simple and clear. Such plain language efforts are pursued with the project *Summaries of EU Legislation* by the Publications Office of the European Union, which is in charge of publishing EU documents. The project aims at explaining key points of the most important pieces of EU legislation to laypeople: The Summaries of Legislation are created on the basis of Drafting Guidelines. Both the guidelines and a sample of Summaries were analysed by using the Bhatian (2002;2014b) multi-perspective genre analysis, which combines analyses of text, genre, professional and social practice alike. The following research aims were pursued: Firstly, it was investigated whether Summaries of Legislation constitute a genre in their own right, putting them into their institutional and creational context. Secondly, it was determined whether the Drafting Guidelines are adhering to commonly established plain language strategies and whether the latter are applied appropriately and effectively in the sampled Summaries. Therefore, genre analytical elements like move structure and specific linguistic elements were analysed by using coding and corpus analysis tools, correlating identified generic features with strategies of plain language, simplification and summarisation. All in all, it was possible to determine that Summaries constitute a genre within the genre system of EU Legislation. Also, plain language strategies were identified in the EU Drafting Guidelines and found appropriately applied in Summaries of Legislation. However, elements were found within the Summaries that hinted at an insufficiency of descriptive detail in the Drafting Guidelines, which might affect the generic integrity of the produced texts: Even though Summaries might sufficiently achieve their informative communicative purpose by employing generic features of summarisation, simplification and plain language mentioned in the guidelines, it was shown that some elements can also diminish the communicative effect for particular audience members. Therefore, for future improvement and implementation of plain language considerations in the EU context, it was suggested that Drafting Guidelines might be reviewed in order to improve the Summaries' effective fulfilment of the communicative purpose for the intended broad(er) laypeople audience.

Keywords: Publication Office of the European Union, Plain Legal English, Drafting Guidelines, Simplification, Summarisation, Multi-perspective Genre Analysis, Summaries of Legislation.

Zusammenfassung

Als eine Form des Englischen für professionelle Zwecke ist Juristisches Englisch für Laien, die keine Kenntnis des Rechtsgebiets oder der Rechtsbegriffe haben, manchmal schwer zu verstehen. Die Plain Language Bewegung regte an, dass Rechtstexte für Nichtfachmänner umformuliert werden sollen, um sie zugänglicher, verständlicher, einfacher und klarer zu machen. Solche Anstrengung zur klaren Sprache werden vom Amt für Veröffentlichungen der Europäischen Union, das für die Veröffentlichung von EU-Dokumenten zuständig ist, mit dem Projekt *Zusammenfassungen der EU-Gesetzgebung* verfolgt. Das Projekt zielt darauf ab, Laien Kernpunkte der wichtigsten EU-Rechtsvorschriften zu erläutern: Die Zusammenfassungen der Rechtsvorschriften werden auf der Basis von Abfassungsleitlinien erstellt. Sowohl die Leitlinien als auch eine Auswahl an Zusammenfassungen wurden mithilfe der Bhatianischen (2002;2014b) Multiperspektiven-Genre-Analyse analysiert, die eine Analyse von Text-, Genre-, Berufs- und Sozialpraktiken kombiniert. Die folgenden Forschungsziele wurden verfolgt: Zunächst wurde untersucht, ob Zusammenfassungen der Gesetzgebung ein eigenes Genre darstellen und dabei in ihren institutionellen und Erstellungskontext gestellt. Zweitens wurde festgestellt, ob die Leitlinien allgemein festgelegten Grundsätzen der klaren Sprache entsprechen und ob diese in den analysierten Zusammenfassungen angemessen und wirksam angewandt werden. Daher wurden genreanalytische Elemente wie Move-Struktur und bestimmte sprachliche Elemente mit Kodierungs- und Korpusanalyse-Programmen analysiert, wobei festgestellte generischen Merkmale mit Strategien klarer Sprache, Vereinfachung und Zusammenfassung in Verbindung gebracht wurden. Alles in allem konnte festgestellt werden, dass Zusammenfassungen ein Genre im Genre System der EU Gesetzgebung darstellen. Ebenso wurden Klartextstrategien den Leitlinien identifiziert und in Zusammenfassungen als angemessen umgesetzt befunden. Es wurden jedoch Elemente in Zusammenfassungen gefunden, die auf einen Mangel an beschreibenden Details in den Leitlinien hinweisen, die die generische Integrität der erstellten Texte beeinträchtigen könnten: Auch wenn die Zusammenfassungen den informativen kommunikativen Zweck ausreichend erreichen können, indem sie Strategien klarer Sprache, Zusammenfassung und Vereinfachung verwenden, die in den Leitlinien erwähnt werden; wurde gezeigt, dass einige Elemente auch den kommunikativen Effekt für bestimmte Leser reduzieren können. Daher wurde zur zukünftigen Verbesserung und Umsetzung von Erwägungen der klaren Sprache im EU-Kontext vorgeschlagen, dass Richtlinienentwürfe überarbeitet werden sollten, um die effektive Erreichung des kommunikativen Zwecks der Zusammenfassungen für das angestrebte breite(re) Publikum zu erreichen.

Stichwörter: Amt für Veröffentlichungen der Europäischen Union, Plain Legal English, Abfassungsleitlinien, Vereinfachung, Zusammenfassung, Multi-perspektivische Genreanalyse, Zusammenfassungen der EU-Gesetzgebung.

Definitions and Abbreviations

EMA	Economic and Monetary Affairs category of Summaries of Legislation
EU	European Union
EU Drafting Guidelines	ANNEX I AO 10653 Editorial assistance in production, translation and maintenance of the collection of Summaries of EU legislation: Drafting Guidelines by the Publications Office of the European Union
EU law	All sources of EU law, which has primary, secondary and supplementary sources
EU Legislation	EU legislation and EU publications
EU legislation	Secondary EU law sources, consisting of regulations, directives, decisions, recommendations and opinions
EU publications	Non-binding forms of EU publications, such as recommendations and opinions
EU Publications Office	Publications Office of the European Union
HR	Human Rights category of Summaries of Legislation
IM	Internal Market category of Summaries of Legislation
MS	Member States
PLM	Plain Language Movement
Summaries of Legislation	Summaries created in the context of the Summaries of EU Legislation communication project in order to inform about the main aspects of European legislation, policies and activities in a clear, easy-to-read and concise way
Summaries of EU Legislation	Inter-institutional communication project by the European Union in order to explain key points of the most important pieces of EU and their applicability in different fields
URL	Hyperlinks

1. Introduction

Legal English, as a form of English for Professional Purposes, is sometimes difficult to understand for laypeople that have no knowledge about the legal field or legal concepts. Legal English has been described as possessing distinct features which are non-existent in other discourse domains (Cornelius 2010: 172). Such features make legal language very different to ordinary language, as it might be perceived as unintelligible by non-professionals due to its technical character (Assy 2011: 398).

However, it has been proposed that legal texts can be redrafted for the benefit of non-experts in order to make them more accessible, understandable, simple and clear (Siebörger & Adendorff 2011: 483). Plain language has to be clear and simple, but not simplistic, as it concerns several levels and elements of text composition, ranging from content, language and structure to design (Petelin 2010: 206f). In connection to that, the Plain Language Movement (PLM) began in the USA in the 1970s and has since spread to many anglophone countries (Siebörger & Adendorff 2011: 483). Especially, it has influenced countries where English is one of the official languages and language of the legal system, but has also gained foothold within the European Union (Williams 2015: 184).

In the European Union, basic principles are multilingualism, non-discrimination and equality of citizens, which imply equal rights to legal documents in their national languages (Kużelewska 2014: 153). Due to English being the prominent working language and lingua franca in the EU, it has spread in the drafting processes of EU legislation, as over 70% of texts come into existence in English first and are then translated into the other 23 official languages (Williams 2013: 122, Kużelewska 2014: 152). The Publications Office of the European Union, which is in charge of publishing, producing and disseminating EU documents in a variety of paper and electronic formats, took notice of the PLM and incorporated general elements into its work (EUR-Lex 2017).

Considerations about the PLM will be used to discuss the project 'Summaries of EU Legislation' of the Publications Office. It is a communication project by the European Union in order to explain key points of the most important pieces of EU legislation to laypeople (Summaries Team 2017): The aim is to summarise pieces of legislation in a simple and clear fashion for laypeople, including citizens and even NGOs, using EU Drafting Guidelines that shall ensure homogeneity among the drafters in the different legal fields (Summaries Team 2017). The EU Drafting Guidelines (2016) as well as a sample of Summaries will be analysed and discussed. Hence, it will be investigated how the PLM has gained foothold in Summarisations of Legislation as publications for laymen.

In order to conduct such an analysis, a genre analytical approach is chosen: Genre analysis provides a framework of analysis that considers language use in relation to communicative purpose, discursive practices and discourse community (Bhatia 2002: 6f). Genres are best conceptualised as goal-directed, purposive communicative actions that have a socially recognised purpose and specific characteristics of form, style and register (Ashekave & Nielsen 2005: 121). Bhatia (2014a [1993]: 12) mentions that factors of content, form, audience and medium influence the nature and construction of a genre, assuming a connection between a genre's communicative purpose and structure.

In order to consider these elements especially within legal discourse, Bhatia (2014b [2004]: 21) proposed the multi-perspective model of genre analysis, holding that discourse can be analysed as text, genre, professional practice and social practice alike (Bhatia 2014b [2004]: 21). According to the multi-perspectival approach, a given genre will be defined by placing it into a situational context, reviewing the literature, history, development or discourse community involved (Bhatia 2014b [2004]: 190). Through that, the focus shifts to procedures and practices of text production and the relevance and meaning of a genre in a socio-rhetorical context (Bhatia 2002: 5).

The following research goals are focused on: The EU Drafting Guidelines will be examined in the light of plain language considerations, which form the basis of Summaries of Legislation. After considering the Summaries of Legislation in their institutional context, a genre definition of Summaries will be discussed. The main questions to be answered are whether the EU Drafting Guidelines include plain language strategies and whether they are applied appropriately and effectively in the Summaries. Therefore, elements like move structure and specific linguistic elements of the Summaries as a genre will be analysed, attempting to correlate such generic features with plain language strategies and linguistic strategies of simplification and summarisation. Here, it will be investigated how the linguistic elements relate to plain language strategies and whether they contribute to the fulfilment of the communicative purpose of the genre at hand.

2. EU Language, Language Policy and Multilingualism

2.1. EU as Supranational Organisation

The European Union (EU) is a very unique organisation: It is the only one of a supranational character which renders it distinct from the rest of international organisations (Klabbers 2015: 26). Generally, there are three major characteristics that grant the EU supranationality: Firstly, decisions made by the EU can bind its member states (MS), which means that the EU can create its own law with different forces of binding effect (Kuželewska 2014: 155, Klabbers 2015: 26). Secondly, some of these laws are directly passed to the MS, so that they be directly incorporated into the domestic legal systems (Felici 2010: 95). Thirdly, this binding and direct effect is a consequence of MS partially transferring powers of sovereignty to the organisation or its organs, which causes EU law to have supremacy over national law (Felici 2010: 95, Klabbers 2015: 26). Hence, the EU (and its law) stands in an almost literal way above its MS (Klabbers 2015: 27).

The legal framework of the EU law has primary, secondary and supplementary sources (Ramos 2014: 315). Primary sources are EU treaties, secondary sources are unilateral instruments and agreements made in accordance with EU treaties and supplementary sources are case law of the European Court of Justice, general principles of law or argumentation based on international law (Ramos 2014: 315). Important for this thesis are secondary sources in the form of secondary legislation (EU legislation), consisting of regulations, directives, decisions, recommendations and opinions (Felici 2010: 100).

Regulations are binding, directly applicable in all domestic legal systems of MS and do not need any additional measures taken in order to be implemented (Caliendo 2007: 242, Felici 2010: 100). Decisions are of direct but limited application, do not need any additional implementation procedures, but are addressed to a specific audience or person (Caliendo 2007: 242). Directives are binding in the fulfilment of a specific goal: Directives simply instruct MS to achieve objectives within a given deadline, regardless of their implementation strategy, as they can choose by themselves which measures they will take in order to incorporate EU law in to their domestic legal systems (Felici 2010: 100, Caliendo 2007: 242). Therefore, directives are formulated more generally and leave discretionary power to MS (Biel 2014: 346). Framework decisions lay down general objectives in the fields of criminal matters, justice and home affairs, but leave a margin of implementation procedures to MS (Caliendo 2007: 242). All in all, regulations and decisions are directly applicable, but directives and framework decisions always need additional measures taken to be implemented into domestic legal systems (Caliendo 2007: 242). Also, there are other, legally non-binding forms of EU publications, such as recommendations and opinions (Felici 2010: 100).

EU law evolves and develops through a combination of law-making, adaptation and adjudication which place multilingual legal texts at the centre of multilateral and supranational cooperation (Ramos 2014: 313). EU law and its language are at the nexus of different legal systems, languages and cultures and might not clearly be considered as an established, coherent and independent legal system (Biel 2014: 337). Interestingly, EU law and EU language are both perceived as hybrids of underlying cultures and languages, a result of a constant interplay between national and supranational elements – which is also reflected in the drafting and translation processes of EU documents (Biel 2014: 337).

It is very important to consider the EU's abovementioned supranational character and legal system, as it is a factor often overlooked when looking at multilingualism, text production or translation in the EU context (Felici 2010: 100). The EU's multilingualism is directly connected to the EU's historical and political nature, as the organisation evolved from a simply economic union to an association of states equally and legally sovereign (Felici 2010: 95). In order to guarantee equality before the law, it is necessary to have all relevant documents available in all official languages of the EU (see also Felici 2010). Hence, it is important to consider that the EU promotes multilingualism, which is strongly connected to its supranational nature (Kużelewska 2014: 155).

2.2. EU Legislation, Drafting and Multilingualism

EU law is a conglomerate of several legal systems, always in development and dependent on domestic law and their conceptual systems (Kużelewska 2014: 156). Thus, it is difficult to define EU law as a well-established, stable system – as its nature is even questioned within the legal field (Felici 2010: 100f, see above). EU law consists of EU institutional (supranational) legal texts that are created in a multi-socio-cultural and multilingual context among EU member states (Bednárova-Gibová 2016: 161).

A peculiarity of EU law is also that it freely adopts legal concepts from several civil legal systems, and repositories of legal knowledge (Ferreri 2016: 179, see above). EU terminology, even though it is also derived from various national legal systems, has arguably developed its own institutional character in order to represent shared concepts and the common framework that has been established within the EU (Ramos 2014: 319). This may create ambiguity, as the concepts absorbed at the European level do not correspond perfectly to original domestic concepts (see also Ferreri 2016: 179).

The difficulty of adopting legal concepts lies in the fact that all legal systems, their concepts and terms are different and often bound to different legal cultures and history (Felici 2010: 97, see above). The concepts that are inherent in a given legal system are strongly linked to the nation's history and culture, having acquired different meanings over the course of various historical periods

(Pozzo 2012: 186). For example, even established concepts such as rules or norms in a legal system may have specific values and meaning in a particular society at a specific time (Felici 2010: 97f).

Still, the aim of the EU is to harmonise rules in order to fulfil principles of equality before the law (Pozzo 2012: 192). Legal concepts are then borrowed from various legal systems and defined through relevant authoritative interpretation by the EU; which means that the outcome might not necessarily be linked or equal to their origin in domestic legal systems (Ramos 2014: 318). An expression is removed from its original context and adopts new meaning (Ferreri 2016: 179). Still, supranational legal terminology is not autonomous – there is a constant, unavoidable interplay of domestic and EU concepts that may create a discrepancy between what may be termed EU legal language and domestic legal languages (Bednárova-Gibová 2016: 165).

In order to avoid confusion on the EU legal linguistic level, one can avoid expressions that already have specific meaning within a domestic legal system (Ferreri 2016: 179). There is the attempt to find more neutral or generic terms for legal concepts that are especially the product of comparative law or conceptual hybrids as a result of supranational law-making (Ramos 2014: 318). These efforts and processes of law-making result in some new layer of meaning and institutional legalese in the context of a supranational legal culture (Ramos 2014: 318).

As a consequence, it is difficult to determine whether EU law has one distinct language, as it lacks a fully autonomous conceptual system (Biel 2014: 337). Legal concepts of the EU are only autonomous in a legally fictional sense, because they are imported from and interpreted by using domestic legal cultures (Bednárova-Gibová 2016: 165). It has been assumed that EU law does not have one single language, but is expressed in all official languages respectively (Biel 2014:337). Others say that EU law has developed a specific language, which is perceived as a separate, legal variant of official languages, termed Eurojargon, Eurolect or Euro-Legalese (Biel 2014: 337).

By implication, discussions of the language regime of the EU is connected to some of the EU's main objectives and goals, such as the democratic participation of EU citizens in EU affairs and public information about EU business (Gazzola 2016: 549). The principle of equality of all official languages is the most important characteristic of linguistic diversity in the EU and shows the strong relationship and interconnectedness with domestic legal systems (Doczekalska 2009: 341, Ramos 2014: 316). The equal status of all the European official languages is an expression of the principle of democracy, a constitutional basis for multilingualism in a multinational context (Pozzo 2012: 183).

Multilingualism is a part of the democratic rights of EU citizens, which include the right to participate in EU decision-making processes or the possibility to communicate with EU institutions in one's own national language (Doczekalska 2009: 344). The EU's multilingualism policy seeks to ensure that all members of the EU may communicate with the EU and have access to relevant

legislation in their national language (Kużelewska 2014: 153). The provision of documents in all official languages is stated in the Amsterdam Treaty of 1997 (European Communities 1997: 27).

Multilingualism is intended to protect the EU citizens' cultural and linguistic diversity, in some way compensating for the loss of sovereignty of the MS by trying to create one European voice in several languages (Felici 2010: 96). Thus, the EU recognises the close ties between culture, language, identity and ideology, which is supported by upholding fundamental freedoms and promoting diversity of language and multilingualism in its language policy (Kużelewska 2014: 152). The European Union is based on the notion of 'unity in diversity', meaning that the European Union is based on a diversity of cultures, customs, beliefs and languages (Doczekalska 2009: 340). After all, a monolingual or trilingual language regime could disadvantage citizens of some MS more than others, which is a crucial aspect in evaluating language policy and language regime in the EU context (Gazzola 2016: 555).

It becomes clear that the language policy of the European Union is based on institutional, political, legal and social considerations. It is also necessary to mention that language policy in the EU can be characterised as both institutional and non-institutional: It includes the use of languages within the EU and its institutions, but also the use of language outside the EU by its MS (Kużelewska 2014: 152f).

Apart from achieving democracy, the multilingualism policy to adopt EU legislation in all 24 official languages also stipulates the legal principle of equal authority (Biel 2014: 335). For example, the Treaty of Rome roughly states that different original language versions of the treaty are equally authentic, official and applicable (Kużelewska 2014:153). Thus, all language versions of EU legislation are equally authentic and valid (Biel 2014: 335).

To any linguist, such an assumption goes against any general definition of language, semantics and pragmatics. It is paradoxical that translations or different language versions of a single legal instrument could have the same meaning and be regarded as equal originals (Doczekalska 2009: 353): Languages are not and cannot be identical in syntax, morphology and semantics, and are very difficult to translate (Doczekalska 2009: 339).

But the aim of harmonisation of law and uniform application of EU law in all MS give legal reason for this assumption of equality of different language versions (Doczekalska 2009: 344). All language versions of EU legislation are presumed to have the same meaning in order to be equally valid, have the same legal effect and represent a single legal instrument (Doczekalska 2009: 344). Under the presumption that all language versions have the same meaning, uniform legal interpretation can be achieved, which makes multilingualism a tool to ensure legal certainty (Doczekalska 2009: 365). Doczekalska (2009: 339) holds that "[…] the semantic equivalence of all

the authentic language versions of a legal act is the main presumption of legal multilingualism and the prerequisite of the existence of functioning of multilingual law."

To put Doczekalska's conclusion in law-related terms, the EU language policy creates a 'legal fiction' when declaring that multilingual texts are all equally authentic and valid (Bednárova-Gibová 2016: 164). It is a presumption of multiple authenticity or supposed equality between translated texts (Doczekalska 2009: 356; Felici 2010: 97). Thus, the policy creates a linguistic and legal rule based on the legal fiction that different language versions are the same. Or put in other words, it is a legal presumption of linguistic equivalence between all language versions of EU legal instruments (Biel 2014: 336): All the texts become equally binding and are presumed to have same meaning in each authentic version in all official languages of the EU (Ramos 2014: 314, Biel 2014: 336).

Strictly speaking, EU language policy crosses boundaries of linguistic equality and translation: Legal texts of the European Union are created in a multi-socio-cultural and multilingual context among EU member states (Bednárova-Gibová 2016: 161). This means that the EU legislation procedure is multistage and multilingual, comprising a multilingual drafting process and a static process translation of EU legal documents (Biel 2014: 336).

Translation is a vital part in multilingual co-drafting of international law and multilingual legal instruments (Ramos 2014: 313). The EU is held to have the most complex multilingual system that combines legal drafting and legal translation to forge multilingual texts within a shared supranational legal system (Ramos 2014: 314). Through that, translation becomes instrumental, considering both target and source texts with its own legal functions, purposes and respective communicative situations and trying to cater for semantic univocity and intra- and intertextual consistency (Ramos 2014: 314). Therefore, the terms "text" or "translation" are usually avoided within the EU and the term "language version" preferred (Ramos 2014: 324).

Translation, as part of the drafting and creation of international legal discourse, needs to consider the EU legal system's complexity and hybridity: legal languages are bound to legal traditions (Ramos 2014: 317, see above). In the EU, translations serve the purpose of semantic unambiguity, linguistic concordance, harmonisation of terminology or intra- and intertextual consistency (Bednárova-Gibová 2016: 164). It is essential to the European primary and secondary legal sources that there is coherence achieved between different legal instruments, implementation and application (Pozzo 2012: 199). Ultimately, translation in the EU context becomes a more creative effort in which translators and linguists also act partly as drafters (Doczekalska 2009: 360).

As a result, in the EU legislative process, drafting and translating are equal processes (Felici 2010: 97). But there is growing concern and criticism about the sustainability of the EU multilingual

system in connection to standardisation in translation and legal certainty (Ramos 2014: 324, Felici 2010: 102). Also, having 24 official languages within the EU may slow down working processes (Kużelewska 2014: 161). The question may arise why such an abundance of official languages is needed instead of using just a few (or if not one) official languages like other international organisations would do (Kużelewska 2014: 154ff, Doczekalska 2009: 366). Therefore, it is relevant to discuss the EU's use and distinction of official and working languages, as well as the role of English.

2.3. Official Languages, Working Languages and English as Lingua Franca

As mentioned above, language use can be considered within the EU and its institutions and outside of the EU (Kużelewska 2014: 152f, Doczekalska 2009: 348): A sum-total of 24 official languages are used for communication between institutions and the outside world, within which all treaties, legislative documents and other publications are published (Kużelewska 2014: 154). Working languages are used in inter-institutional communication based on a choice heavily reliant on matters of practice (Kużelewska 2014: 154).

Originally, the founding members of the EU established the abovementioned principle of equality between only four languages: French, German, Italian and Dutch (Kużelewska 2014: 159). But according to subsequent EU regulations, there is no difference in status and validity between all official and working languages (Kużelewska 2014: 154). Thus, all official EU languages that are used for communication outside of the EU can also be working languages used within the institutional structure of the EU as a form of lingua franca (Doczekalska 2009: 348).

It has been argued that using only one language would contribute to the effectiveness and cohesion of communication within the EU (Gazzola 2016: 547, chapter 2.2.). The discussions on limited numbers of both official and working languages in the EU have often been viewed and analysed in the context of language policy, resulting in a high diversity of approaches and opinions (Gazzola 2016: 548). For example, choosing a specific language could be interpreted as acts of subordination of other languages that can produce some form of hierarchy and inequality (Kużelewska 2014: 157). However, the EU has not questioned the principle of equal treatment of all official and working languages so far – probably in order not to compromise fundamental principles that it is built on, such as unity in diversity (Kużelewska 2014: 156, chapter 2.2).

As a result of practice, is possible that the originally established official working languages are different to the three actually used working languages: English, French and German are most commonly used for internal communication and working processes, drafting and translation (Kużelewska 2014: 154, 160; Felici 2010: 102). The resulting inequality (of use) between the official languages and working languages of the EU lies at the heart of the so-called multilingualism paradox (Doczekalska 2009: 352). Hence, one can distinguish between working languages 'de iure' (working

languages of the EU by means of regulations) and 'de facto' (working language actually used internally) (Doczekalska 2009: 352).

Out of the three working languages, English has developed into the predominant language in European and EU communication, mostly influenced by English dominating world communication, science and technology, popular culture and globalisation (Kużelewska 2014: 159f). Within Europe, English has become a general subject at school, and even introduced at the tertiary educational level as a common medium of teaching, which can be related to why more than a half of EU residents consider that they have a least a basic proficiency level and fair amount of skills in English (Pozzo 2012: 184, Kużelewska 2014: 152;160, Gazzola 2016: 553). In the European Union, English is the main working language and used for the drafting of legislation, definition of legal concepts and has established itself as the most widely used language in the EU, mainly by non-native speakers (Pozzo 2012: 184, Ramos 2014: 317, Summaries Team 2017). For example, also the EU Publications Office considers English as the "pilot language" in drafting processes (Summaries Team 2017).

However, the EU legal system might be associated with a common law background due to the common use of English, which is contrary to the EU's civil legal nature (Pozzo 2012: 184, chapter 2.2). But the mere use of English does not allow the conclusion that common law concepts are automatically adopted into EU law: Rather, the English used in the broader dynamics of the EU international legal discourse is far different from any other standard varieties of English, which is relatable to the EU's supranational nature (Felici 2010: 105, Ramos 2014:318 see above). EU law only utilises particular elements of a language in order to create a new, rather institutionalised version of a commonly used language – which happens to be English. Thus, EU legal English has been described as a separate, facilitated form of English that reflects different European legal institutions, concepts and categories (Pozzo 2012: 198).

Ultimately, EU English might become the picture-book representative of the abovementioned Eurojargon, Eurolect or Euro-Legalese (chapter 2.2): EU Legal English expresses concepts cross-culturally that are unique to civil law within the supranational conceptual legal framework of the EU system on the basis of the repository of legal English (Pozzo 2012: 200ff). EU English becomes a form of hybrid legal lingua franca that is no longer clearly connected to a given system of values and concepts (Pozzo 2012: 201). In the end, EU Legal English might have to be considered as different from other (national) standard varieties - even going so far, that one could assume that translation from EU English to British English is possible (Pozzo 2012: 201f).

The only question that might remain is whether language diversity can be maintained if only one language is predominantly used: Using only English as a 'pilot' working language and the source language in drafting and legislation would be contrary to the aim of linguistic diversity in the

EU (Kużelewska 2014: 160, Felici 2010: 105). Due to English being the prominent working language and lingua franca in the EU, over 70% of texts come into existence in English first and are then translated into the other 23 official languages (Williams 2013: 122, Kużelewska 2014: 152). Accordingly, English might affect other language versions as a result of linguistic interference and transfer (Biel 2014: 338f).

However, it has been assumed that the major use of English for drafting processes does not necessarily reduce linguistic diversity, as translation and drafting processes are happening simultaneously (Felici 2010: 105). Some even go as far as saying that traditional definitions of source and target languages in translation cannot be applied to the EU setting, as the transition between them are rather fluid and source language texts may function as translations and vice versa (Bednárova-Gibová 2016: 165). Rather, one may speak of mutually intertwined language versions of a particular legal document (Bednárova-Gibová 2016: 165).

Added to that comes the principle of equality of all language versions that by means of legal fiction automatically linguistic differences between different versions, which aids standardised and harmonised interpretation of EU law (see chapter 2.2). Furthermore, initiatives have been taken in order to standardise legal terminology for EU legislation (Pozzo 2012: 185). The complexity of legal language in general as well as the EU legal context resulted in campaigns aiming at delivering a clearer message to the general public, such as the Clear Writing Campaign (Bednárova-Gibová 2016: 165).

The EU employs a high level of institutionalisation and standardisation in legal text production, with standard formats, organisational plans, general guidelines on clear and simple drafting or the demand to avoid internal jargon or institutional vocabulary (Felici 2010: 99, Biel 2014: 349). Institutionalisation is especially high in English language instruments due to explicit guidelines and the status of English as the main working language (Biel 2014: 349). Bednárova-Gibová (2016: 164) argues that translation and document production within the EU are heavily influenced by such institutionalisation and harmonisation via style guidelines, restricting linguistic choices and translation strategies both at terminological and syntactic levels in order to ensure uniform interpretation of the legal intent. Such guidelines are used to ensure minimal variation, produce the mirror-like nature of EU texts and a more or less obvious hybridity of texts in all official languages (Bednárova-Gibová 2016: 164, see above).

Institutionalisation and standardisation are the reason why key requirements are imposed by a number of linguistic guidelines and style guides (Bednárova-Gibová 2016: 164). For example, the Joint Practical Guide of the European Parliament, the Council and the Commission holds that legislative drafting and expression of legal intent should be done in a clear, simple manner (Pozzo 2012: 198). There are also arrangements regarding language use in the context of websites and

online publication that contain non-legally binding texts (Gazzola 2016: 547). An example is the 'Summaries of EU legislation' communication project by the EU Publications Office (Summaries Team 2017).

Hence, the linguistic demands of European legislation might contribute to the creation of a body of private European law and other related texts, with their own EU legal English language (see also Pozzo 2012: 199). However, the technical nature of legal language might still not be avoided (Pozzo 2012: 199). Therefore, legal language and plain legal language will be discussed, building up to the discussion of Summaries of EU Legislation project by the EU Publications Office.

3. Legal Language, Legal English and Plain Language

3.1. Legal Language and Legal English

Law and its concepts are a result of national cultures that have developed their own semiotic system by means of tradition (Pozzo 2012: 186). In order to understand law, one must also understand the language within which legal texts are created (Berukstiene 2016: 91). But along with complex language, one may consider legal beliefs or doctrines, culture and history in order to perform any linguistic interpretation or translation process within a legal context (Cornelius 2011: 126). Through such an approach, it is not surprising that law is one of the specialised areas in which words can take on a completely different or unique meaning as in ordinary language use (Assy 2011: 401).

Legal language or legalese is the means to reflect the meaning of legal systems and their concepts (Pozzo 2012: 186; Cornelius 2010: 172). Legal concepts function as means to represent notions and instruments of a legal system (Pozzo 2012: 187). Generally, such legal instruments are very varied in their authority, function, legal status and legal consequences (Cornelius 2011: 124, see chapter 2.1). Thus, it has been a general belief in the legal profession that legalese is necessary for legal precision and legal certainty (Macdonald 2004: 922).

When referring to the complexity of legal language, it is pivotal to consider and distinguish between aspects of vagueness, ambiguity, indeterminacy and precision that influence legal discourse (Anesa 2014: 193; Kimble 1994-1995: 79). For example, EU directives have the main criterion of wide applicability, making indeterminacy and vagueness seemingly paramount to be used within them (Anesa 2014: 198, chapter 2.1). Anesa (2014: 198) even argues that it might be unrealistic to achieve general applicability of a law without indeterminacy or vagueness.

Paradoxically, there is a high tension between clarity and vagueness in law: Clarity may generate the risk of excluding related situations, which may not fit the legislative intent or desired broad applicability of a law (Anesa 2014: 201). Every law essentially describes a legal subject (those affected by the law), the legal action and the conditions on performance of the legal action (Watson-Brown 2009: 86). Watson-Brown (2009: 92) concludes that every legal text should, unless it is of universal application, eventually add the description of the case to which it applies. In a way, this creates a double-faced status of legal texts: Law must be clear and precise, but also be of wide applicability and all-inclusive in order to achieve abovementioned legal certainty (Anesa 2014: 208).

It becomes clear that one has to be familiar with legal discourse and the legal system in order to work with law in an appropriate way: In order to understand a legal term, it needs contextualisation (Aurelia 2012: 5477): To consider legal terms and their meaning in the legal context usually calls for the need of conceptual thinking. One has to be able to realise that legal terms may entail more than just the plain dictionary meaning and that such meaning can only be

discovered by reference to the entire legal system (Assy 2011: 402). Thus, conceptual thinking involves reference to law traditions, rules, principles and doctrines (Assy 2011: 402). The interpretation of legal terms and texts is less related to individual words rather than to legal concepts and the legal system, which ultimately creates a gap between ordinary and specialised language use (Assy 2011: 402).

Accordingly, there is an extraordinarily big gap between the knowledge of experts and legal laypeople, which is increased by the linguistic complexity of legal discourse (Turnbull 2014: 59). Hence, the technicality of legal language is not a mere linguistic matter, it is a conceptual matter based on theories, doctrines, rules and principles that characterise legal language as specialised language or discourse (Assy 2011: 402f). Knowledge of these matters is essential in order to fully account the meaning of legal concepts and to use them effectively and efficiently (Assy 2011: 403).

Foster (2017: 39) emphasises that a central characteristic of what he deems good legal writing is clarity – but it seems very unclear for whom legal language should be clear: the legal professional or the layperson. After all, the characteristics of legal language should help to convey meaning succinctly, referring to concepts and terms that are part of a field of knowledge that one must be learned in (Foster 2017: 39f). This means that a highly complex legal text may be very clear to the learned professional while a layperson may have problems in comprehension. Laypeople tend to criticise the complexity, detail and impenetrability of legal language; but exactly that perception might help them not to underestimate legal situations and take professional advice when needed (Foster (2017: 40).

As mentioned above, legal language possesses features that makes it very different to ordinary language and often criticised from social and linguistic point of view due to its technical character (Danet 1983: 50, Cornelius 2010: 172). Legal language has features that are its essential characteristics but that are also prevalent enough to have formed a fixed association of it (Mellinkoff 1963: 3, Danet 1983: 50). Legal Language is mostly negatively connotated and associated with incomprehensibility for laypeople (Anesa 2014: 196, Assy 2011: 398).

For example, Cornelius (2010: 176) or Turnbull (2014: 65) summarise and list characteristics of legal language that include Latinate phrases, archaic and foreign words, nominalisations, technical vocabulary, repetitions, lexical deletion, multiple negatives, passive tense and modality, prepositional phrases, long sentences or complex constituency levels with complex and subordinated sentences or syntactic discontinuity. Also, the depersonalisation of texts (lexical deletion of personal pronouns) and the absence of anaphora (terms which refer to persons already mentioned) are common in legal discourse (Danet 1983: 50).

One of the abovementioned lexical features that characterises legal language is the use of special vocabulary, which are common terms with uncommon meanings, archaic expressions or

Latinate phrases (Danet 1983: 50). Latinate or French words are also used to reflect that the law was imposed by the rulers (Watson-Brown 2009: 94). Archaic deictic expressions are used in order to refer to other points in texts such *thereby, aforementioned, give effect to, to the same extent* etc. (Cornelius 2010: 178). Also, very common are nominalisations, which are nouns constructed from verbs that cause complexity, enhanced by dense packing of information into a noun phrase and a semantic mismatch between word class and meaning (Cornelius 2010: 177).

Technical terms possess a specific linguistic value in a communicative situation; a particular meaning most likely unknown to a layperson (Assy 2011: 400). In the professional context, a technical term expresses more information, meaning and precision than in its ordinary use (Assy 2011:399f). Interestingly, Cornelius (2010: 177) describes technical terms as specialist vocabulary and low-frequency words, which makes them more difficult to be understood and known even by a quite literate reader. It is also difficult to determine the meaning of technical vocabulary even with the co- and context (Cornelius 2010: 177).

Other elements of legal jargon are so-called coupled synonyms, essentially a more picturesque repetition of vocabulary or direct succession of words that are semantically closely related (Watson-Brown 2009: 94; Cornelius 2010: 177). These repetitions are also called doublets or triplets, which are words in direct succession that are often considered as nearly synonymous (Danet 1983: 50, Cornelius 2010: 177). A very clear lexical indicator for such constructions is that they are conjoined by *and/or,* such as the expression *cease and desist* (Cornelius 2010: 177).

Legal language also includes multiple negations, which are realised through negative affixes or words such as *not, never, dis-, un-, ex-, -less* etc., but also words that carry implicit negative meaning or connotations such as *deny, undermine, forbid* or *prohibit* (Cornelius 2010: 178). Multiple negations are very difficult to comprehend, caused by the overuse of negative expressions within a single phrase or sentence (Cornelius 2010: 178f). Similarly, superfluous expressions can be difficult in legal language: These expressions may even be tautologous to a layperson, but carry distinct and precise meaning in the legal context, such as the expression *true copy* (Macdonald 2004: 933).

Circumlocutions and long and subordinated constructions have been claimed to be necessary to express precision and unambiguity by the specialist community (Bhatia 2014a [1993]: 101f). However, Bhatia (2014a [1993]: 113) warned that discontinuity in syntax and constituency poses one of the biggest comprehension difficulties. Discontinuity and ambiguity can happen by misplacing phrases and sentence fragments or embedding too many clauses (Cornelius 2010: 179f). For example, the subject of the sentence might be put after long descriptions in adverbial phrases starting with *if, when* or *where*, resulting in usually opaque, front-loaded sentences (Cornelius 2010: 180, Watson-Brown 2009: 87).

Both grammatical voices have become a common convention in legal drafting, also in connection to cross-references and back-references (Borisova 2013: 150). The use of the passive voice might prevail in legal language, as it is used to provide for gender neutral drafting or to not specify the agent for broader applicability (Cornelius 2010: 179, Borisova 2013: 148f, see above). However, the (over-)use of passive expressions may result in comprehension problems for the reader due to causing an impression of uncertainty or deliberate withholding or lack of information (Macdonald 2004: 938, Cornelius 2010: 175). Contrary to the passive, the active explicitly express the agent (Cornelius 2010: 179).

In order to express legal effects, such as obligation and permission, deontic modality is used very often (Biel 2014:340). Modal verbs are used in legal texts not only to perform functions of modality, but also contribute to their performative, pragmatic effect and legal validity (Garzone 2013: 68). However, especially the modal verb *shall* is associated with special difficulty in legal discourse, as its meaning is heavily context dependent, promiscuous and prone to equivocal interpretation (Garzone 2013: 72, Williams 2013: 112f).

Considering such examples of properties of legal English, it seems only reasonable that legal writers and linguists pleaded for more clarity in legal writing since the 19th century (Watson-Brown 2009: 88). One of those proponents was David Mellinkoff, who created a landmark description and analysis of legal English in the early 1960s with his work *The Language of the Law*. Mellinkoff (1963: 11) summarised that chief characteristics of the legal language are that common words may carry uncommon meaning or that it has a high level of formality, jargon or vagueness.

Mellinkoff (1963: 396ff) stated that legal language should agree with ordinary speech, unless there are reasons to deviate from it. The use of technical language is useful, but that cannot legitimise excessive departure from ordinary language use (Assy 2011: 399). There have been divided opinions between traditionalists, claiming that legal language is necessarily more complicated in order to provide for precision, clarity, unambiguity and certainty of legal effect; and reformists of the PLM, believing in the benefit of providing simpler formats of legal texts (Cornelius 2010: 173). The PLM proposed that pieces of legislation, especially concerning society at large, may be drafted in simpler, more accessible plain language versions within which characteristics of legal language would be avoided (Cornelius 2010: 176).

Considering the EU language policy, it becomes clear that elements proposed by the PLM are desired within the EU's linguistic regime: plain language can be used in order to describe generic characteristics of Summaries of EU Legislation. Therefore, the PLM will be discussed below.

3.2. The Plain Language Movement and Plain Legal Language

The Plain Language Movement (PLM) started in a law firm in New York in the 1970s, who were commissioned to redraft a consumer law reform, ultimately resulting not only in a revision of graphics and format, but language (Danet 1983: 49). The basic issue was grounded in the emerging consumer law rule that a contract between a consumer and a business could be deemed invalid if the consumer was unable to understand the wording of the contract (Williams 2017: 167). The inability of consumers to understand documents was considered as a result of corporate bodies taking unethical advantage of the difficulty of legal language (Petelin 2010:206). The PLM aimed at protecting consumer needs by making consumer law documents and governmental forms more intelligible and accessible (Assy 2011: 377). The argument was that law is primarily addressed at its subjects who are those affected by it, not lawyers or judges, and should thus be understandable to them (Assy 2011: 377).

Since the publication of Mellinkoff's 1963 *The Language of the Law*, the PLM has significantly grown in the USA (Hartig & Lu 2014: 88, Williams 2015: 184). Consistently, plain language legislation and statutes were developed that related to the protection of consumers and creation of documents in understandable language (Petelin 2010: 207f). The aim was to make documents easier to understand, clear and simple (Macdonald 2004:923; Jones et.al. 2012: 333).

All of these efforts resulted in the majorly influential Plain Language Act of 2009 (Petelin 2010: 208). The Act requires all federal governmental documents to be written in a clear, concise and well-organised fashion (Jones et al. 2012: 333). Such documents include all kinds of publications, forms or any publicly distributed physical or electronic documents, but not regulations (Petelin 2010: 209, Williams 2015: 191). This means that the legislation itself was not touched by plain language efforts. Rather, the federal agencies prioritised their communication strategies to the public (see also Williams 2015: 191).

Interestingly, the provisions of the Plain Language Act have been codified and expanded by the federal government during implementation processes (Petelin 2010: 209). In doing so, federal agencies proposed the use of plain language guidelines, aiming at writing legal documents with a focus on the readership, personal address, active voice, common and everyday words or short sentences (Jones et al. 2012: 332). Ultimately, the Act and its implementation by using comprehensive guidelines are aimed at fulfilling plain language requirements (Petelin 2010: 209).

Alongside the USA, many other anglophone common law countries adopted plain language policies and developed drafting guidelines for governmental purposes (Assy 2011: 378, Williams 2015: 184). Linguistic rules for writing in a particular genre can be developed that aim at ensuring easy mental processing and correct understanding by future readers, which requires authors to

anticipate the readers' possible comprehension problems (Stepanova 2015: 1119). Plain language guidelines consist of such linguistic and legal drafting rules to structure and improve legal text by improving specific elements of clarity, preciseness, coherence or information distribution (Kimble 1994-1995: 75, Stepanova 2015: 1118).

It is very significant that linguistic rules are required by laws such as the Plain Language Act, highlighting the influence of (legal) language policy on the PLM and vice versa. The PLM has had an impact on official sectors of law, public administration or governmental official communication, rather than legislation in the private legal field (Williams 2015: 185-192, Danet 1983: 50). The private sector has remained immune to the new mindset of abandoning the rather verbose and outmoded style of traditional legal writing (Williams 2015: 191).

Civil law countries have been (initially) less eager to incorporate considerations of plain language into their system, which may lie at the heart of civil and common law traditions: Common law systems use precedents as legal sources and backward referencing writing styles, which prevents a more forward-looking perspective, also in terms of language use (Williams 2017: 165f, Williams 2015: 184). Civil law systems might not see the need to include plain language considerations, as they already use paraphrases in order to convey legal information (Williams 2015: 184;192).

However, it is interesting to see that the PLM not only gained foothold in anglophone countries: In Europe, countries such as Sweden, Norway, Germany, Austria and France started to participate in the debate about comprehensibility, starting in the 1970s, as an outgrowth of consumer protection movements (Danet 1983: 49; Petelin 2010: 205). Similarly, consumer protection in the EU was the major stepping stone for the PLM and resulted in the passing of an EU Council Directive on unfair terms in consumer contracts, which states that contractual statements should be in plain, intelligible language (Dudeva 2013: 72).

In the EU, the final outcome was a Clear Writing Campaign initiated by the European Commission and aimed at designing texts in a clearer and more understandable way (Dudeva 2013: 72). The campaign arose because of the complexities of communication in a multilingual environment, between EU institutions, professionals and laypeople (Dudeva 2013: 72). The goal was to facilitate translation between the EU languages by improving information distribution in originals and translations (Dudeva 2013: 72). The assumption was that the more complicated an original text would be, the more important it would be to implement ideas of clear and plain writing (Dudeva 2013: 72).

Furthermore, even though EU law is based on civil law systems (see chapter 2), legal English along with linguistic developments such as the PLM of common law systems clearly influenced the EU linguistic regime: Proponents of the PLM claimed that the use of plain legal English language

achieves and enhances not only clarity, but also democracy, equity, authenticity and transparency – which are essential aims of the European Union (Petelin 2010: 212, see above). One has to consider that international organisations and MS all have their own legal culture that can be differently affected by the PLM (Williams 2015: 186). Vice versa, it is important to consider what plain language means in the EU discourse, as the EU institutional framework might have its own definition of plain language according to its function for translations and drafting (Bendegard 2012: 53, see 4.4. below).

So far, a common problem for PLM efforts was the lack of description and definition of the latter (Danet 1983: 50). Plain language ideas start at the level of the language of law itself, focusing on supporting laypeople or subjects of the law to be able to read and understand authoritative texts on their own (Bendegard 2012: 41). This means that the ultimate aim of the PLM is to include plain language not only in general legal documents (as was done through the US Plain Language Act), but legislation itself. On the one hand, legally binding documents should be drafted without the density of legalese, whereas on the other hand, official, governmental communication with the public shall be less obscure (Williams 2015: 185).

When considering such an attempt, the important question arises whether plain language is able correctly reflect law and legal statements that are equally enforceable and valid (Watson-Brown 2009:86, Siebörger & Adendorff 2011: 484). For example, semantic differences can occur between traditionally written legal texts and plain versions, which might render the plain text not equally valid from both a linguistic and legal perspective (Siebörger & Adendorff 2011: 484). Along with such issues of legal effect and certainty, one of the biggest points of criticism towards the PLM stems in the fear that using plain linguistic formulations would create unintended legal effects, meanings or loopholes (Williams 2017: 168f; Siebörger & Adendorff 2011: 484).

Fear of errors and the demand for clarity are contradicting forces pulling drafting conventions into very different directions (Williams 2017: 172). The problem is that it becomes difficult to define what degree of intelligibility shall be achieved or which purpose a plain language text is exactly aiming and able to fulfil (Assy 2011: 382). Therefore, many members of the legal field oppose plain language developments, assuming that it is difficult, if not impossible, to parse and change formal legal texts into plain ones (Siebörger & Adendorff 2011: 483; Wyner, Nazarenko & Lévy 2016: 93).

In relation to professionals involved in plain language efforts, it is assumed that the redrafting of specialist discourse requires acute understanding of the original text (Siebörger & Adendorff 2011: 503). The use of appropriate semantic and stylistic formulations requires comparative analysis, attempting to find a balance between legal interpretation and linguistic analysis (Ramos 2014: 325). Such a comparative analysis becomes especially challenging in legal

multilingual environments and requires, which might only be achieved if lawyers cooperate with translators and linguists in order to reflect semantic nuances and deconstruct meaning for plain language purposes (see also Ramos 2014: 325).

In relation to laypeople as beneficiaries of plain language efforts, supporters of the PLM hold that laypeople can fully understand a law and exercise their rights without the assistance of a lawyer, if the legal language is stripped from its technicality and complexity (Assy 2011: 380). But lawyers are learned professionals, which means that laypeople might not achieve the same level of technical knowledge, comprehension or understanding only through simpler formats of communication (Foster 2017: 41). Legal language may not be simplified to an extent that allows laypeople to fully grasp legal concepts – which means that laypeople in any case require assistance of a lawyer (Assy 2011: 403).

Rather, legal documents drafted in plain legal English documents may help the layperson to assess their situations better and the quality of the legal services that they are provided with (Assy 2011: 404). Thus, plain language can serve as an aid to enhance and support the audience's understanding of the content matter (Madconald 2004: 927, Assy 2011: 379). On the one hand, plain language would opt for simpler language consisting of simple, concise sentences in active voice, avoiding archaisms, technical vocabulary, verbosity, multiple embeddings and syntactic discontinuity (Assy 2011: 379, Cornelius 2010: 176, Petelin 2010: 213). On the other hand, plain language would focus on clearer formats and structures by including sections, subtitles or definitions and examples (Assy 2011: 379). Therefore, concern also lies in the visual appearance of a text, in order to make texts still formal but compelling and persuasive, visually inviting with consistent layout, format and style (Petelin 2010: 213, Macdonald 2004: 927).

All in all, it might be a compromise to assume that the PLM can improve the effectiveness of different areas of legal communication: Private legal communication (between lawyers and clients, or businesses and clients etc.), public legal communication (state offices to public) or legislation (legislator to legal subjects). All these communicative situations have in common that non-professionals are the addressees and that they involve more or less specialised discourse of a quasi-legal nature (see also Williams 2015: 185). Therefore, in communicative situations between specialists and non-specialists of any field, plain language might facilitate comprehensiveness and effective communication (Dudeva 2013: 71).

In order to achieve plain language goals, there are several linguistic strategies for such re-contextualisation, which include transfer, reformulation, description, exemplification, metaphors, definitions, contextualisation, expansion, reduction or concretisation (Turnbull 2014: 63). Especially simplification has been promoted as improving comprehension (Young 1999: 350). Therefore, it is

important to discuss simplification and summarisation as essential aids to plain language drafting in the context of Summaries of Legislation.

3.3. Plain Language, Summarisation and Simplification

As mentioned above, the PLM aims at making legal texts more comprehensible to a lay-audience by communicating clearly, effectively and in a simpler language style (Kimble 1994-1995: 52; Assy 2011: 379). Text can be simplified, modified, adapted or edited in order to be made more comprehensible (Young 1999: 350). In general, there seem to be different and not always clear-cut definitions and distinctions between simplification and summarisation, especially when it comes to their relevance for plain language strategies. Aspects of both might overlap and support the achievement of plain language purposes, which can concern analyses of the original text in connection to content and language or the audience's competences (see below).

The process of transferring knowledge from experts to legal laypeople has been called popularisation, translation, transposition or re-contextualisation (Turnbull 2014: 63). All of these strategies involve simplification, which means to rephrase language in order to cater to the competence of the target audience (Turnbull 2014: 63). Basically, one can define text simplification as an intent to simplify both structure and word choice in a form of lexical and syntactic simplification (Finegan-Dollak & Radev 2016: 2439). Contrary to simplification, the main purpose of a summary is to transfer information concisely (Finegan-Dollak & Radev 2016: 2437). From these basic definitions, the clearest difference seems to be that summarisation rather focuses on the transfer of specific information, whereas simplification is related to breaking down linguistic complexity into simpler forms.

Simplification an essential element of plain language drafting, as the PLM advocates that legal texts should be drafted in simpler, more accessible formats, i.e. plain language versions of authentic legal texts (Cornelius 2010: 173-176). Text simplification presupposes the existence of an original text that cannot be fully accessed and understood by a particular audience, bringing into being the need to simplify by substituting lexical and syntactic phenomena with words and grammatical structures more commonly used (Cornelius 2010: 172). Through simplification, the content or linguistic form of an original text is brought into the competence area of the target audience in order to compensate for a lack of familiarity with a text's subject content (Bhatia 2014a [1993]: 145, Young 1999: 360). Comprehension and understanding by the target audience should be facilitated, but their level of literacy not upgraded to meet the one of the original texts (Bhatia 1983: 45).

Consequently, simplification can be described as an alternative textualisation of authentic discourse, especially concerning lexico-grammatical features, according to Widdowson (1978:88) as cited in Bhatia (2014a [1993]: 145). Bhatia further (2014a [1993]: 145) names simplification a

"special form of intra-lingual translation" (Bhatia 1983: 42) that aims at simplifying given text in terms of is content and/or form. Cornelius (2010: 172), relying on Bhatia, described such simplification as intra-lingual translation strategy and textual change aiming to fit the supposed linguistic competence of the target audience. This means that every author has to reach assumptions about such linguistic competence included in a textual analysis (Cornelius 2010: 173).

Thus, the process of simplification starts with a text analysis, followed by implementing simplification strategies such as shortening of clause structures, changing voice and tense or making lexico-syntactic substitutions in order to avoid specialised and low frequency vocabulary (Cornelius 2010: 173, Finegan-Dollak & Radev 2016: 2440, Long & Ross 1993: 29f). Especially simplification of terminology representing legal concepts is very difficult, as they can hardly be replaced with other words without distorting the intended meaning (Bhatia 1983: 43). The difficulty lies in that one may find suitable substitutes that are very close in meaning, but that one should ideally not remove or dilute the meaning of the original at the same time (Bhatia 1983: 43, Long & Ross 1993: 29).

Bhatia (1983: 43) seems to be very critical of successful simplification, arguing that terminological alternatives used in simplified texts might not convey the intended meaning to its fullest. If terminological alternatives need to be put into a wider context of meaning and if the original linguistic content is tampered with to a degree that the character of the original text is changed, the new text becomes a recreation with its own coherence and content (Bhatia 1983: 42f). Following from these considerations, Bhatia (1983; 2014a [1993]: 145) characterised different types of simplification of an original text, which are a simplified version (genuine passages of discourse derived by a process of lexical and syntactic substitution) or a simple account (instances of discourse designed to meet a specific communicative purpose and do not represent alternative textualizations).[1] A simplified version usually is a simplification of either content, form or both at the same time (Bhatia 1983: 42). A simple account of a text is a genuine instance of discourse in its own right (Bhatia 2014a [1993]: 145). Considering that, it seems that what Bhatia calls a simplified version, is a simplification and a simple account is a summarisation (see above).

In general, a summarisation means the comprehension, condensation and transformation of ideas and information that are presented in a source text (Yu 2008: 522, see above). On the one hand, summaries can be created in an extractive fashion, in which unredacted information (i.e. sentences) is taken out of an original document and reorganised (Finegan-Dollak & Radev 2016: 2437f). On the other hand, summarisation can be done by deletion of sentence portions or compression; but both strategies, even though reducing text and/or sentence length, may result in loss of meaning (Finegan-Dollak & Radev 2016: 2437).

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[1] Bhatia's conclusions about different types of simplification might appear to be rather complex and actually do overlap with general notions and differentiations of simplification and summarisation.

All in all, it becomes clear summarisation and simplification can serve as plain language strategies. Following this conclusion, Petelin's (2010) suggestions on the implementation of plain language strategies can be relevant for the realisation of summarisation and simplification efforts : Petelin (2010: 212) advises that starting points to employ plain language strategies involve the identification of the audience, including their assumed age, gender, socio-economic background, educational background, professional interest or familiarity with the subject. After identifying and specifying the target audience, elements of substance, structure and verbal and visual style shall be considered (Petelin 2010: 212).

Due to the particularities of legal language, plain language strategies as mentioned above are related to legal and language systems at the same time (Stepanova 2017: 1206, chapter 3.1). Such a consideration mostly stems from studies about legal translation (Stepanova 2017, Aurelia 2012), that are relevant to the present discussion, even though of course concerning a different linguistic field. As shown in chapter 2.3, the EU legal language may be considered a new variant of legal English different from other standard varieties and simplification has been discussed as a special form of intra-lingual translation (see above). These are aspects that allow to draw parallels to considerations about how different legal and language systems influence translation and thus drafting processes. For example, in the context of legal translation Aurelia (2012: 5478) assumes that a legal text has to be identified and analysed, bearing in mind that the legal system, not mere words have to be translated. Similarly, if translators produce a text for a solely informative purpose, they may use a simplified version that lets the target reader fully understand the message of the original text, hence also the legal system (see also Aurelia 2012: 5478).

It becomes clear that knowledge of the topic itself, literacy, linguistic skills and comprehension skills of the author alike have influence on the summarisation and simplification performance (see also Yu 2008: 524). As a consequence, text and content comprehension become a sine qua non for summarisation (Yu 2008: 522). It has been widely accepted that text comprehension is one of the prerequisites of summarisation, which is a process that itself automatically involves summarisation (Yu 2008: 521f).

In sum, legal considerations and linguistic disciplines might overlap in many areas due to the same subject under investigation when discussing plain language strategies – legal language. Consequently, such overlaps give reason to favour an interdisciplinary approach of investigating plain language strategies and plain language, whose importance and significance should be recognised especially in an international context (Stepanova 2017: 1206f). Therefore, the methodological considerations provided by genre analysis, with a focus on multi-perspective genre analysis serve as an appropriate framework of this thesis, explained in more detail below.

4. Genre Analysis and Legal Genres

4.1. Genres and Genre Analysis

Discourse can be classified into genres that are generally considered as texts of conventional form and content, which themselves can be classified into different text types (Berukstiene 2016: 91-94). Trosborg (1997: 3f) mentions that even though genre analysis has become very popular in the field of applied linguistics, it is terminologically difficult to differentiate clearly between discourse, genre, register, text type, text, communicative purpose or communicative function. The aforementioned terms are often used in similar ways, resulting in a blur of text linguistics and discourse analyses (Berukstiene 2016: 93).

Traditional views of genre definition are mostly based on Bhatia and Swales' considerations. Swales (1990:24-27) contributed to a broader understanding of genre, describing it as any distinctive category of discourse of any type, constituting a class of communicative events that derives from a shared communicative purpose belonging to a particular discourse community. In a similar fashion, Bhatia (2014a [1993]: 13) described that a genre is a communicative event that is primarily characterised by a communicative purpose that is identified and mutually understood by the members of a discourse community. Bhatia (2014a [1993]) paved the way for genre analysis of non-literary genres especially in the field of English for Special Purposes, discussing how genres are used to achieve communicative purposes in professional communities. Trosborg (1997: 6) synthesised both Bhatia's and Swales' views and held that genres reflect how social purposes are accomplished through the use of language, text and register in different communicative situations or contexts.

Genres are best conceptualised as goal-directed, purposive and communicative events that are enacted by members of a discourse community (Ashekave & Nielsen 2005:121). Discourse communities are (social) communities of practice that construct, interpret and use genres driven by a communicative purpose (Bhatia 2002:6; Trosborg 1997:9). The members of such a discourse community have greater knowledge of the genre and its conventional purposes, construction or use (Bhatia 1993:15). It follows that as a member of a discourse community one has to be familiar with the genre in order to be able exploit relevant linguistic resources for special communicative effects (Bhatia [2014a]1993: 15).

Apart from a socially recognised communicative purpose, genres have specific characteristics of form, style and register, which are conventional, typical combinations of contextual, communicative-functional and structural features (Ashekave & Nielsen 2005: 121, Berukstiene 2016:93). Thus, genres are typically defined based on multiple criteria, which are discourse communicative and social, non-linguistic criteria (Trosborg 1997: 16). Such external, non-

linguistic criteria include the intended audience and communicative purpose, which is the main criterion for delineating the boundaries of a genre as a conventional, culturally recognised group of texts based on features other than lexical or grammatical (Trosborg 1997: 16f, Lee 2001: 38). The latter, internal and co-occurring linguistic characteristics are used especially in order to characterise texts of a genre (Trosborg 1997: 16, Lee 2001: 38). Different texts belong to a same genre if they share a similar structure, style, content and intended audience (Berukstiene 2016: 93).

The relationship between notions of texts, text types and genres is not always clear cut and text types might even cut across genre categorisations. For example, Lee (2001:38) assumes that two texts may belong to the same text type, but come from different genres, meaning that there can be variation within and across genres. Similarly, Trosborg (1997: 12) notes that linguistically distinct texts within a genre may represent different text types, while linguistically similar texts from different genres may represent a single text type. In order to be able to describe such relations connections between texts, text types and genres, one can consider Lee's (2001:48) use of prototype theory to establish genre systems through the use of level categories, superordinate and subordinate terms. A genre system can include a super-genre (e.g. literature), a basic level genre (e.g. novel or poem) and a subordinate sub-genre (e.g. romance or adventure) (Lee 2001: 48). Such a genre system can include more abstract, superordinate classes of genres and less distinct, subordinate text types (Lee 2001: 48f).

Next to genre and text type, the notion of register is rather tied to the organisation of language in a particular situation or immediate context (Lee 2001: 42). Accordingly, Lee (2001: 46) assumes that register is the language-aspect that is looked at when analysing a text of a particular genre; a particular way of using language in particular contexts tied to specific societal situations. Thus, registers have constraints at the linguistic level, whereas genre constraints are at the level of discourse structure (Trosborg 1997: 11).

Broadly speaking, genre analysis is a form of discourse analysis that tries to answer the question why and how specific genres are written and used by discourse communities (Bhatia 2014a [1993]: 11). In genre analysis, the aforementioned text-external and text-internal aspects are usually analysed, which are then used to classify a group of texts into a particular genre, that, in sum, is identified according to the communicative purpose, communicative functions, audience, and linguistic characteristics (Berukstiene 2016: 93). The key concept is the communicative purpose that makes a text of a specific genre a purposeful language event (Badger 2003: 257).

Also, genre analysis usually moves from a surface-level description to a more functional description of language use, with the aim to explain why specific linguistic elements are appropriate for particular socio-cultural settings (Bhatia 2014a [1993]: 5). Applied genre analysis aims at two things: On the one hand, the characterisation of conventional features in order to identify form-

function correlations (Bhatia 2014a [1993]:16). Therefore, genre analysis also includes elements of a functional linguistic approach that focus first and foremost on communicative purpose, schematic structure and linguistic composition (Petroni 2014: 291). On the other hand, the explanation of the context of the socio-cultural and cognitive constraints operating in relation to respective discourse communities and their language use (Bhatia 2014a [1993]: 16). Consequently, genre analysis moves towards a thicker description of discourse, being rich in socio-cultural, institutional and organizational explanation (Bhatia 2014a [1993]: 11).

In order to approach genres regarding their composition and schematic structure, genre analysis aims at identifying the move structure: Moves are compositional elements or functional units of a text that represent a specific meaning (Yelland 2011: 220). A move is a communicative act expressed by different rhetorical strategies, verbalising a communicative function and can even consist of just a single word or larger grammatical construction (Yelland 2011: 220, Rasmussen & Engberg 2017: 114). Therefore, each move serves a communicative function that contributes to the fulfilment of an overarching communicative purpose of a genre (Rasmussen & Engberg 2017: 114, Yelland 2011: 220, Bhatia 2014a [1993]: 30).[2]

Genre analysis also describes how moves combine into larger sequences, the move structure, in order to fulfil the communicative purpose (Henry & Roseberry 1998: 147). Therefore, moves also have significance for a genre's structure (Yelland 2011: 220). Vice versa, the communicative purpose gives a genre its structure and shape (Bhatia 2014a [1993]: 13). Some moves are obligatory or linear within a sequence, but the move structure can also be flexible or interactive to a certain extent, in the sense that moves may be optional (Henry & Roseberry 1998: 147; Rasmussen & Engberg 2017: 114).

Even though move-structural flexibility is possible, a change in the conventionalised move sequence of a genre changes the overarching communicative purpose (Rasmussen & Engberg 2017: 114). Bhatia (2014a [1993]: 13) holds that a change in communicative purpose results in a change of genre; whereas small changes can help to distinguish and establish sub-genres (Bhatia 2014a [1993]: 13). But Bhatia (2014a [1993]:21f) describes sub-genres as difficult to be distinguished from genres. Texts belong to different genres when having different communicative purposes that

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[2]Comparable to the case of genre, text or register, it appears that the notions of communicative purpose, communicative function and communicative intent are also used in similar ways and could be distinguished in a clearer fashion. For example, the terms communicative function or communicative purpose are often used to describe the overarching communicative goal or aim of a genre (e.g. Trosborg 1997:4, Bhatia 2014a [1993]: 30, Henry & Roseberry 2001:154f). At the same time, moves, rhetorical strategies, text types or communicative acts within a genre are described having as a communicative function or communicative intent, contributing to the overarching communicative purpose (e.g. Bhatia 2014a [1993]: 30, Lam 2013:16, Rasmussen & Engberg 2017: 114). Therefore, for the purposes of this thesis and clearer conceptualisation, the notion communicative purpose will be used to describe the communicative purpose of a genre, and the notion communicative function to describe individual functions of moves as communicative acts of a genre.

require different structures and belong to sub-genres when they have a lot in common (presumably their communicative purpose) but yet use very different communicative strategies and structures (Bhatia 2014a [1993]:21). But considering that texts and text-types can be part of the same or cut across different genres (see above), Bhatia's notion of changes in communicative purpose due to changes in move structure can be reconsidered and specified: One can assume that a change or deletion of obligatory moves of a conventionalised move structure leads to a change in the communicative purpose and can create a new (sub)genre; whereas a change or addition/deletion of optional moves can establish different text-types within a genre.

The communicative purpose can be analysed not only by examining the move structure, but also the linguistic material of the text (Rasmussen & Engberg 2017: 120). The relevant lexico-grammatical features contribute to the fulfilment of the communicative purpose of the move structure previously mentioned (Mazzi 2007: 21f). Such linguistic material, for instance, refers to the format of the text, complexity of sentences and phrases, parallel structures, passive voice or adverbial insertions (Rasmussen & Engberg 2017: 120). Related to that, Henry and Roseberry (2001: 154) consider a move register to mean language features and patterns that are typically associated with a particular move, which can be realised by a particular linguistic or rhetorical strategy. Hence, both move structure and linguistic realisation of such moves, intra-textual and extra-textual elements contribute to the fulfilment of the communicative purpose

Apart from the abovementioned thick and close descriptions of the textual level, text-internal and text-external characteristics, genre analysis also considers broader notions of text construction, interpretation and the complex, dynamic realities of the world of discourse (Bhatia 2002: 5). Genre analysis has developed into a discipline that is a multi-disciplinary, multi-faceted activity and is mostly seen as a study of situated linguistic behaviour (Bhatia 2002: 4): The focus can be procedures, practices of text production and the relevance and meaning of a genre in a socio-rhetorical context (Bhatia 2002: 5). For such purposes, especially multi-perspective genre analysis provides an appropriate framework, which is the basis for the current analysis.

4.2. Multi-perspective Genre Analysis

Genre analysis can range from a close linguistic study to an analysis of communicative practices in professional settings to a broad socio-cultural analysis of textual genres in real-life settings (Bhatia 2002: 14). Mostly, it is about understanding the nature of discursive practices of different disciplinary cultures (Bhatia 2002: 14). In order to achieve such an account of a genre, a framework of analysis that considers language use in relation to community goals and communicative purpose, discursive practices, processes and membership in a discourse community, needs to be created

(Bhatia 2002: 6f). When doing so, different perspectives on discourse can be integrated as to achieve a view of what Bhatia calls the "universe of discourse" (Bhatia 2002: 7).

Bhatia (2002: 16) proposed a model of genre analysis that includes a textual perspective (discourse as text), socio-cognitive perspective (discourse as genre, considering intentions and exploitation of discourse by community members) and a socio-critical perspective (discourse as a social practice). Such genre analysis includes the context that gives reason to its way of construction, use, interpretation and purpose, making the nature of such genre analysis is thus not only linguistic, but also socio-cognitive or ethnographic (Bhatia 2002: 17). A real-world perspective of genre analysis would look at several factors such as register variation, mixed and embedded genres, disciplinary variation or genre systems within professional communities (Bhatia 2002:8f). Ultimately, Bhatia (2014b [2004]: 21f) proposed a 'multi-perspective model' of discourse analysis, that considers surface level properties and linguistic properties of discourse, including a broad perspective on social structures, relationships and identities of participants.

The multi-perspective framework aims at analysing the textual perspective, the ethnographic perspective, the socio-cognitive perspective and the socio-critical perspective (Bhatia 2014b [2004]: 189). However, despite the broad perspective suggested, Bhatia (2014b [2004]: 24) admits that even in applied linguistics, an analysis always begins at the textual space and works towards the social and pragmatic space, using social context to explain the analysis of textualisation, lexico-grammatical and discoursal resources. Thus, a multi-perspective and multi-dimensional approach to analysing genres can combine a number of different methods and frameworks such as corpus studies, textual analysis or ethnographic analysis (Bhatia 2002: 13).

Especially when conducting a multi-perspective genre analysis of genres of a disciplinary nature, one has to draw on information that goes beyond the textual level (Hafner 2010: 437). In doing so, genres and genre analysis may even cut across disciplinary boundaries (Bhatia 2014b [2004]: 37). Disciplines are characterised by their content, which include specific knowledge, methodologies and shared practices of the discourse community and the ways of constructing and consuming knowledge (Bhatia 2014b [2004]: 36).

For a multi-perspective view of a genre, firstly, the given genre shall be defined by placing it into a situational context, in relation to the history, development and discourse community of the genre (Bhatia 2014b [2004]: 190). Secondly, a description of the discourse community, its participants and especially the writer/sender and audience and their relationship as well as the subject and extra-textual reality are considered (Bhatia 2014b [2004]: 190). Additionally, cooperation and collaboration with members of professional discourse communities or disciplinary cultures may serve as a corrective to purely text-based approaches (Bhatia 2002: 14). Furthermore, an examination of the institutional context is relevant, which focuses on the system and

methodology of the genre and the disciplinary conventions that govern language use (Bhatia 2014b [2004]: 193). This includes the organisational context, which may influence genre construction, as specific organisations may impose their own organisational constraints and prerequisites on it (Bhatia 2014b [2004]: 193).

The EU institutional framework might have its own definition of plain language and Summaries of Legislation according to its function for translations and drafting (see chapter 3.2). Therefore, information gathered via personal communication with the EU Publications Office will be used when discussing the Summaries of Legislation, institutional context and the communicative purpose of the genre.[3] The elements of EU language policy, different types of legislation and legal language discussed above will prove pivotal in defining the genre Summaries of EU Legislation. Keeping the multi-perspective approach to genre in mind, the focus of the following discussion will be the institution of the European Union as legislator and sender, types of legislation, communicative purpose and considerations about the target audience.

A multi-perspective genre analytical view on legal texts can provide a satisfactory description of a legal social practice (Hafner (2010: 412). As mentioned above, multi-perspective genre analysis considers the complexity of legal systems, legal community and social factors such as context of text construction, interpretation and the social roles of author and audience in the discourse community (Hafner 2010: 416). Of course, such can be part of any other genre analysis, but there are particularities and characteristics that legal genres might have that make them different from other (professional or disciplinary) genres. Therefore, legal genres will be discussed in more detail.

4.3. Legal Genres

In specialist discourse such as medicine and law, genre analysis has gained importance since the 1980s (Trosborg 1997: 8). Genre analysis has the potential to create a common ground between legal and linguistic points of view on legal texts, not only taking linguistic factors into account, but also the legal context (Rasmussen & Engberg 2017: 132, chapter 4.2). Thus, genre analysis is suitable for several analytical purposes, especially when seeking explanations for how rhetorical strategies might serve specific legal purposes and strategies (Rasmussen & Engberg 2017: 131).

Despite abundant genre analyses being conducted on legal genres, Berukstiene (2016: 91;105) describes that there is a difficulty of legal genre definition due to a great variety of legal texts. As with any other genre, it is relevant how different legal texts represent legal genres and which unique properties they might have (Berukstiene 2016: 95). Much in the sense of a multi-

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[3] The letter written to the author is added as Appendix I to this thesis.

perspective approach, in order to be able to understand and define legal genres, one has to be aware of the specific nature and features of legal texts (Berukstiene 2016: 111).

Thus, for the definition of a genre, it is relevant to examine the legal system within which texts are created. Legal genres can be distinguished according to the major legal systems of common law and civil law, providing variation in the way that legal discourse is written and used (Bhatia 2014a [1993]: 136, Badger 2003: 250). Furthermore, one can define genres on the basis of areas of law, such as civil law, public law or criminal law and also academic writings (Berukstiene 2016: 106). But using only branches of law for classification of genres might be insufficient and misleading (Berukstiene 2016: 106). For example, Bhatia (2014: 62f) holds that every legal discipline has its own typical set of genres, such as legislation or judgements, which are related through intertextual and interdiscursive patterning, mutually dependent generic constructs and register.

Genres are instantiations of one or even more registers, which are lexico-grammatical and discoursal-semantic patterns associated with situations which add to the specific generic socio-cultural constructs of genres (Lee 2001:46, chapter 4.1). Thus, linguistically different texts can represent different text types within a genre, but linguistically similar texts can also be a single text type that belongs to different genres (Lee 2001: 39, chapter 4.1). Still, the use of the legal register, conventionalised lexical and syntactic features heavily influence the successful achievement of the communicative purpose (Bhatia 2014a [1993]: 9). Bhatia (2014b [2004]: 36) correlated these aspects for professional discourse types (see Figure 1):

Figure 1 Registers, Genre and Disciplines in Academic Discourse (Bhatia 2014b [2004]: 36)

In line with the abovementioned and Bhatia's description, it becomes clear that legal genres are not only limited to rather 'typical' notions of legal texts such as laws, judgements, acts of parliament or contracts (Figure 1). Rather, legal genres can also be research articles, text books or academic essays, reference works or study materials (Berukstiene 2016: 95, Mazzi 2007: 21). Thus, not only

legal authorities can create legal text – anyone can produce texts of legal significance belonging to a legal genre (Berukstiene 2016: 95).

One could assume that texts simply dealing with legal matters do not automatically constitute a legal genre (Berukstiene 2016: 95). But a legal text can be created in legislative, judicial, contractual (private) or administrative contexts (Berukstiene 2016: 95). According to the considerations made above, it becomes clear that if texts are created in legal settings or in relation to law, produced in legal language and are used by specialists and non-specialists alike for legal purposes or matters related to them, they are texts of a legal genre (Berukstiene 2016: 95).

The communicative purpose of legal genres is also one of its defining features: Legal genres are groups of texts serving special purposes with specific legal effects or functions related to law, including prescriptive, informative, performative or declarative functions (Berukstiene 2016: 97f). For example, laws, regulations, treaties and contracts can have prescriptive, performative or declarative functions, whereas legal opinions, textbooks or academic articles would be purely informative and would still be regarded as legal genres, due to dealing with legal topics (Berukstiene 2016:107, Bhatia 2014b [2004]: 36). Thus, what may be called legal effect, function or purpose, determines the communicative purpose of legal genres (Felici 2010: 99, chapter 2).

Similarly, Bhatia (2002: 11f) holds that from a socio-cognitive perspective, genres appear to increasingly interact and appropriate different generic resources across discourse communities and genres. This may lead to more mixed and hybrid forms of genre, serving several communicative purposes through one and the same generic form, such as mission statements or memoranda of understanding serving informational and promotional purposes (Bhatia 2002: 11). Similarly, Berukstiene (2016: 107f) considers that legal texts that have several communicative purposes such as prescriptive and descriptive and thus constitute hybrid forms of texts and genres.

However, the peculiarity of legal genres is that it can be informative for one reader, but prescriptive or legally binding for another (Badger 2003: 261, Berukstiene 2016: 97). For example, laws and regulations may be considered prescriptive for legal subjects but also informative for lawyers; judicial decisions and contracts might be considered as both informative and prescriptive for parties but only informative for lawyers, or legal texts and opinions as only informative (see also Berukstiene 2016: 97). This means that indeed one and the same legal genre fulfils several communicative purposes at the same time, but only for particular audiences.

Hence, the audience as a text-external entity is especially important when describing legal genres (chapter 4.1). In connection to that, it is sometimes difficult to exactly identify senders, receivers or the target audience of legal genres (Bhatia 2014b [2004]: 160). On the sender/author side are draftsmen, who are responsible for the construction of legislative provisions, legislators, who deliberate the substance, or governmental departments, who are responsible for

implementing and publishing legislative provisions (Bhatia 2014b [2004]: 160). On the side of the receiver, the targeted audience and actual audience, might be individual citizens who are legal subjects of legal acts, lawyers who work with and interpret legislation, judges who interpret and apply legislation, or governmental departments as executive arms of the system or other any person (Bhatia 2014b [2004]: 161).

The main problem in distinguishing these different actors and participants is their presumed distinct level of professional knowledge and authority (Bhatia 2014b [2004]: 161). Along with the communicative purpose, it is difficult to characterise such participants of a discourse community, which both can be very distinct features of legal genres (see also Bhatia 2014b [2004]: 162). This conclusion can be exemplified by discussing Summaries of Legislation as genre, relating them to their institutional context and nature trough a multi-perspective genre analytical approach.

4.4. Summaries of Legislation as (Legal) Genre

Multi-perspective genre analysis of legal genres considers the complexity of legal systems, legal community or other factors such as text construction, sender or audience (Hafner 2010: 416). In order to determine whether Summaries of Legislation are a legal genre, it is essential to discuss their nature, the institution of the European Union as legislator and sender, types of legislation, (legal) communicative purpose and the target audience.

Firstly, inter-institutional definitions and descriptions of Summaries are considered. The Summaries Team (2017) states that Summaries of Legislation "explain the points of the most important pieces of legislation […] and their applicability in different fields. They aim at being as concise as possible, easy to read and potentially accessible to everyone". Similarly, a description on the 'Summaries of EU Legislation' webpage of the EU Publication Office reads (see Figure 2):

Figure 2 Summaries of Legislation Main Page (2017)

The descriptive statement indicates that Summaries inform about the main aspects of legislation, as well as policies and activities in a clear, easy-to-read and concise way (Figure 2). Summaries are described in a similar way on the EUR-lex about-page of the EU Publications Office (see Figure 3):

Figure 3 EUR-Lex About Page (2017)

Clearly, both descriptions mention a policy context (Figures 2 & 3), which hints at the institutionalised language practices, plain language and purpose of the texts: The Summaries contribute to main pieces of legislation together with communications accompanied by their legal basis to be understood by all citizens directly or indirectly affected by different rules (Summaries Team 2017). Therefore, Summaries of Legislation are used for explanation of key points of most important pieces of EU Legislation (Summaries Team 2017).

The Summaries are created on the basis of EU Drafting Guidelines[4] which state that the "objective of the summaries is to give the general public and interested parties an overview of EU legislation and policies" (EU Drafting Guidelines 2016: 4). Summaries present different topics linked to legislative acts and other documents issued by EU institutions and bodies, which are summarised under the term EU Legislation (EU Drafting Guidelines 2016: 4). Thus, not only legislative documents are original sources for Summaries, but also other documents and publications (see Figure 3).

As a result, the Summaries not only have a connection to EU Legislation, but also to documents generally produced in the institutional system of the EU, which allows for the correlation of both EU Legislation and Summaries of Legislation within a genre system. Considering Lee's description of genre systems (chapter 4.1), EU Legislation can be regarded as a super-genre with the sub-genres EU legislation and EU publications, that include different genres and have different senders, receivers and communicative purposes (see chapter 2). A genre system was generated inspired by Lee's considerations (see Table 1):

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[4] *ANNEX I AO 10653 Editorial assistance in production, translation and maintenance of the collection of Summaries of EU legislation: Drafting Guidelines by the Publications Office of the European Union* (see Appendix II). These guidelines are referred to as "EU Drafting Guidelines" in the running text of this thesis.

Table 1 Genre system inspired by Lee (2001)

	SENDER	ITEM		RECEIVER
Super-Genre	European Union	"EU Legislation" EU law secondary sources		Member States
Basic Level Genres	EU Bodies and Institutions	EU legislation	EU publications	Member States
Sub-Genre	Individual EU Organs	Directives Regulations Decisions Framework Decisions	Communications Recommendations Opinions	Member States, Professionals, Individuals
Genre => Sub-genre or individual genre?	EU Publications Office	Summaries of Legislation		General Audience

As discussed in chapter 2, the reality of text production in the EU is very complex, as there are several different issuers (EU organs and institutions), several audiences and addressees (MS or citizens) and a broad range of contexts, topics, text types or communicative purposes involved (Felici 2010: 101; Table 1). Nevertheless, the integration of Summaries of Legislation within the genre system of EU Legislation is possible: After all, Summaries present topics and content matter of the super-genre EU Legislation. However, the question is whether Summaries form a sub-genre to EU legislation and publications, or an independent, individual genre (Table 1).

The genres within the described system are different in their communicative purpose and intended audience (chapter 2). Still, exactly these characteristics can be used in a narrowed-down fashion in order to characterise Summaries of Legislation: For example, the Summaries are presumably intended to cater to a broader, general audience than EU legislation or publications (Table 1). Rasmussen and Engberg (2017: 115) distinguish the audience or receivers of legislation as direct receivers (national authorities, MS etc.) and indirect receivers (citizens, courts etc.) in the EU context. Both direct and indirect receivers of legislation can be receivers of Summaries of Legislation, broadening the audience to a more general one.

Such a general audience can therefore include legal professionals and average members of society at the same time, who actually belong to and are different social groups with different shared levels of knowledge (Cornelius 2010: 173, Borisova 2013: 150; Turnbull 2014: 64). The difficulty is that the drafters have to strike a balance between different categories of readers or audience (Borisova 2013: 151). Due to that, it appears very daring to attempt to generalise an audience for Summaries of Legislation, as it is very difficult to assume homogeneity of a general (lay)audience (Turnbull 2014: 64, Assy 2011: 380).

According to Assy (2011:381), laypeople are by no means a homogeneous group in terms of shared levels of knowledge, as members could range from semi-laypeople, interested people to average readers with a total lack of professional knowledge or interest (Assy 2011:381, Turnbull 2014: 63). Bhatia (2014b [2004]: 161f) holds that audiences to a legal text may have differences and overlaps in their disciplinary and discursive knowledge. Individual reader's backgrounds are crucial, which include reading motivation, topical interest, purpose, social and cultural background or linguistic and parsing skills (Assy 2011: 380, Cornelius 2010: 172). Consequently, general audiences can be considered as approximating "the same diversity of backgrounds and skills as is found in society at large." (Assy 2011: 381)

In sum, one might rather speak of a multi-layered layperson audience of Summaries of Legislation. After all, according to the Summaries Team (2017) as well as the EU Drafting Guidelines (2016: 4), Summaries are considered to be texts for non-specialists, which range from ordinary citizens to NGOs, who might have subject expertise. Even despite focusing on such a lay-audience, Summaries of Legislation might also fulfil their informative communicative purpose for specialist audiences and accordingly for several audiences, which has been identified as a crucial characteristic of legal genres (chapter 4.3).

Following the discussion of audience, one can examine the informative communicative purpose as to whether such is sufficient for Summaries of Legislation to be regarded as legal genre. However, as discussed in chapter 4.3, a prescriptive communicative purpose or explicit legal effect are not necessarily a prerequisite of a genre in order to be considered a legal genre. Legal texts can also be of an informative nature, such as academic texts (see above). As pointed out, as long as texts are created in relation to legal matters and situated in legal setting and use legal language, any legal texts can belong to a legal genre (chapter 4.3, Berukstiene 2016: 95).

However, contrary to other legal genres, Summaries purposefully avoid the legal language and a legal register (chapter 4.3). Nevertheless, Summaries are used in a legal setting and used in relation to legal matters, and are at the same time attempting to make legal texts of EU legislation and EU publications more comprehensible by communicating clearly and effectively in a simpler language style (Kimble 1994-1995: 52; Assy 2011: 379). This means that even though original texts of EU legislation lose their legally prescriptive purposes and legal texts are re-created as a Summary of Legislation in simpler language with the main and only purpose of informing the audience, they still are legal texts as they belong to the real of texts revolving around legal matters.

What becomes clear from the discussion above, hover, is that plain language versions of legal texts can serve different communicative purposes and are aimed at different audiences, who have different background knowledge and different motivations for reading a specific text (Bhatia 2014a [1993]: 226). Consequently, an original or plain version of a legal text belong to different

genres (Bhatia 2014a [1993]: 226). It is clear that a Summary of Legislation also combines characteristics of both simplification and summarisation and should be considered as a simple account (summarisation) of EU Legislation in Plain English, providing a simplified version or a brief and accessible gist (simplification) of an original source text and, as such, is a genuine instance of legal discourse its own right (Bhatia 2014a [1993]: 145;221)

It can be concluded that the Summaries of Legislation constitute an individual genre, but not necessarily a sub-genre, that is part of the legal genre system EU Legislation: The sender is the EU Publications Office, creating a Summary for the communicative purpose of informing the lay-audience about EU Legislation (see above). The linguistic features employed aim at being as concise and simple as possible to fulfil the communicative purpose (EU Drafting Guidelines 2016: 4).

An essential question is how the Summaries of Legislation, created on the basis of the EU Drafting Guidelines, use strategies of plain language, simplification or summarisation in order to cater to the informative communicative purpose. Thus, the EU Drafting Guidelines will be discussed as influential factor to the creation of Summaries of Legislation, investigating whether they include plain language strategies and whether those are applied appropriately and effectively in the Summaries. Subsequently, the move structure and specific linguistic elements of the Summaries will be analysed, attempting to correlate such generic features with strategies of plain language, simplification and summarisation. In doing so, it will also be discussed how these linguistic strategies contribute to the fulfilment of the communicative purpose of the genre at hand.

5. Framework and Methodology

5.1. *Multi-perspective Genre Analysis*

The framework of analysis for this thesis is the 'Bhatian' multi-perspective model (chapter 4.2). A multi-dimensional and multi-perspective approach to genre analysis draws on several types of data, ranging from textual data to participants of discourse communities, institutional data and historically and structurally grounded accounts of the genre creation, interpretation and use (Bhatia 2014b [2004]: 194). Bhatia (2014b [2004]: 191) suggests that circumstances that influence the nature and construction of a genre are relevant in its examination. In the context of this thesis, the elements of EU language policy, different types of legislation and legal language discussed above have proven pivotal in defining and identifying the genre of Summaries of Legislation (chapter 4.4.).

Additionally, the examination of genres includes the linguistic methods and tools used to construct the texts of a genre, which include guidebooks or manuals written for members of the discourse community (Bhatia 2014b [2004]: 193). The information gathered from the communication with the EU Publications Office includes such guidelines, the EU Drafting Guidelines. An analysis of these guidelines is relevant in order to more deeply understand relevant characteristics of the genre at hand. In combination with an analysis of the guidelines, the communicative purpose, move structure and lexical elements of the genre will be discussed. The generic structure and elements will be determined by a move analysis based on the EU Drafting Guidelines and a closer look into a selection of lexico-grammatical elements of the text (see also Hafner 2010: 422).

5.2. *EU Drafting Guidelines vs. Wydick's Plain Language for Lawyers*

The "Summarisation of EU legislation communication project" (Summaries Team 2017), managed by the EU Publications Office, is an inter-institutional project attempting to explain key points of the most important pieces of EU legislation and their applicability in different fields (Summaries Team 2017). The Summaries are created on the basis of the EU Drafting Guidelines, which were compiled as a joint effort of the Publications Office of the European Union and the Directorate-General for Translation of the European Commission (Summaries Team 2017). The aim is to give the general public and interested parties an overview of EU legislation and policies in all official languages, presenting specific topics linked to legislative acts and other documents issued by EU institutions and bodies (EU Drafting Guidelines 2016: 4).

As mentioned in chapter 3.3, Plain English campaigns spawned guidelines for plain text production in order to help achieve a desired communicative result (Watson-Brown 2009: 85). Plain language guidelines mostly focus on achieving better readability and comprehensibility of legal

texts for laymen (Jones et.al. 2012: 332). Therefore, adherence to such guidelines can contribute to realisations of plain language aims, but also the communicative purpose of a genre (chapter 4).

One of the most influential works in developing principles of Plain English has to be Richard Wydick's (2005) *Plain English for Lawyers*, which was based on Mellinkoff's work (Hartig & Lu 2014: 88).[5] Similar to Mellinkoff's approach (chapter 3.1), Wydick (2005: 4f) holds that 'good' legal writing should not be different from ordinary, well-written English, which is Plain English in short. Watson-Brown (2009: 91) states that Plain English should be clear and simple, with simple sentence structures, appropriate to the audience, direct and personal, rather informal. Furthermore, it should include common expressions, explain technical words, grab the readers' attention and be respectful of the reader (Watson-Brown 2009: 91). Watson-Brown (2009: 85) holds that according to Wydick's approach, plain language might be more advantageous than traditional styles in the formulation of laws and legal texts.

Wydick's "elements of plain English" (Wydick 2005: 6) are summarised in a list below[6], in order to be used as a framework for analysis of plain language features mentioned in the EU Drafting Guidelines. These elements are grouped into eight broader categories of linguistic style and lexis, broken down to more specific features (see Table 2).

Table 2 Summary of PLE Features by Wydick (2005)

Elements of Plain English (Wydick 2005)
1. Omission of surplus words
• avoid function high proportion of function words
• avoid compound constructions
• avoid verbose idioms and redundant legal phrases
• focus on actor, action, object
2. Use simple verbs, not nominalisations
3. Prefer the Active Voice
4. Use Short Sentences
5. Careful arrangement of words
• avoiding gaps in SVO structure
• conditions and exceptions should be strategically placed
• use lists
• avoid wide gaps between modifier and modified and nested modifiers and ambiguity
6. Careful choice of words
• concrete nouns rather than abstract
• familiar words instead of lawyerisms
• prefer simple present, carefully use modal verbs
7. Avoid language quirks

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[5] Wydick's seminal work was first published as an article in 1978, and gradually developed into a concise collection of principles of Plain English in a small booklet format. The subsequent editions reflect ideas and developments in the field of legal writing (Wydick 2005: xi).

[6] A closer description of the list of elements is given in Appendix III.

• elegant variation
• long noun phrases
• multiple negatives
• declaratory statements expressed by strong verbs and nouns
• sexist language
8. Careful punctuation

The elements that Wydick covers are various different elements of lexical choice, grammatical forms or structure (Table 2). As it would go beyond the scope of this thesis to compare all elements to the EU Drafting Guidelines, a handful of elements have been selected, in one way or another by including almost all different areas that Wydick mentions. In addition, the EU Drafting Guidelines and their relevance for text production will be discussed, followed by an analysis of lexical and textual elements of the sample of Summaries selected.

5.3. Textual Analysis

5.3.1. Textual Selection

The Publications Office of the European Union (EU Publications Office), is an interinstitutional office whose task is to manage and create publications of the EU institutions in the context of EU language policies and communication activities (EUR-Lex 2017). Its core activities are to produce and disseminate legal and general EU publications in paper and electronic formats, managing a range of websites (such as the EUR-Lex website) providing EU citizens, governments and businesses with digital access to official information and data from the EU (EUR-Lex 2017). The EUR-Lex website provides a database for Summaries of Legislation and other texts such as legislation, treaties, international agreements, case law or complementary legislation (EUR-Lex 2017, Figure 3 above). In order to select texts from this website, selection criteria were based on the personal information provided by the EU Publications Office (Summaries Team 2017).

The Publications Office has managed the "Summaries of EU Legislation" project since September 2015 (Summaries Team 2017). The EU Drafting Guidelines were last revised in 2016 (EU Drafting Guidelines 2016:1, Summaries Team 2017). Previously published summaries followed different guidelines and had slightly different scopes (Summaries Team 2017), which is why texts from the time-frame 01.01.2016 to 31.12.2017 were searched on the EUR-Lex website.

The Summaries cover 32 topics corresponding to the (legislative) activities of the European Union (Summaries Team 2017, EU Drafting Guidelines 2016). According to a survey, the topics Justice, Freedom and Security; Institutional Affairs; Human Rights; Internal Market and Economic and Monetary Affairs were favoured by website-users in 2016 (Summaries Team 2017). From these

categories, Summaries were selected.[7] However, the initial data collection process provided the author with a number of documents that would have gone beyond the scope of analysis for the project at hand. Subsequently, a narrowing down process was conducted, considering the abovementioned types of EU Legislation (chapters 2 & 4), which resulted in a grouping of the texts into the categories of 'regulation, 'directive' and 'other' (see Table 3):

Table 3 Collected texts - categorised

Economic and monetary affairs		
Directives 0	Other 10	Regulations 16
Human Rights		
Directives 2	Other 14	Regulations 1
Institutional Affairs		
Directives 0	Other 19	Regulations 5
Internal Market		
Directives 13	Other 3	Regulations 8
Justice, freedom and security		
Directives 11	Other 9	Regulations 5

Accordingly, three groups with a total of 30 Summaries were selected: Considering the different communicative purposes (legal effects) of EU Legislation, 20 Summaries based on prescriptive original texts ('directives' and 'regulations') and 10 Summaries based non-binding texts ('other' - communications, recommendations, reports etc.) were chosen (Table 3). Summaries based on non-binding originals were included, as "(e)ach summary presents a specific topic linked to legislative acts and other documents issued by EU institutions and bodies (hereinafter "legislation")" (EU Drafting Guidelines 2016:4). Such publications have been identified as part of the genre system EU Legislation (chapter 4.4). Ultimately, Summaries from the categories of Economic and Monetary Affairs (EMA), Internal Market (IM) and Human Rights (HR) were selected (see Table 4):

Table 4 Final Selection of Summaries

Original	Category	Legal effect
Regulations	*Economic and Monetary Affairs (EMA*	Binding
Directives	*Internal Market (IM)*	Binding
Other	*Human Rights (HR)*	Non-binding

The selected Regulations and Directives (Table 4) had only one original source texts. The selected texts of the Other-Human Rights category, which included guidelines and communications, sometimes referred to more than one original source. However, apart from one original document, other sources referred to would only be individual articles or paragraphs of legal documents, which

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[7] Simpler text selection was the only reason behind selecting texts from the abovementioned categories. Apart from the type of original text, their content was not considered, which renders topics irrelevant and not influential to the analysis at hand. Still, within that lies a limitation of the analysis conducted.

is why the selected Summaries were considered as texts summarising only one original. Summaries based on only one or on more than one text would be different and generate different genre analytical results: After all, the structures of Summaries are distinguished according to whether they are based on a single legislative act or several acts or documents (EU Drafting Guidelines 2016). As a result, a limitation in scope of the conducted analysis lies in the selection of texts.

5.3.2. Analysis of move structure & textual properties

The EU Drafting Guidelines served as the starting point for the identification of the move structure of Summaries of Legislation. As the move structure also determines a text's design and structure (Henry & Roseberry 2001: 154, Mazzi 2007: 21f), structure, format and move structure are very closely related (chapter 4). Therefore, after considering the proposed template and structure contained within the EU Drafting Guidelines as well as the descriptions of 'fields' or sections of a Summary (EU Drafting Guidelines 2016: 8f), a move structure and move set were generated, resulting in a codebook and labels for moves to be examined (see Table 5):

Table 5 Codebook of Moves Generated from EU Drafting Guidelines[8]

Nr.	Code	Move Label	Type	Type
1.	**II**	**Internal Information**	**Main**	**Obligatory**
2.	**TI**	**Title**	**Main**	**Obligatory**
3.	**DTI**	**Document Title**	**Main**	**Obligatory**
4.	**SUM**	**Summary**	**Main**	**Obligatory**
4.1.	AIM	Aim of Legislation	Sub to SUM	Obligatory
4.2.	KP	Key points	Sub to SUM	Obligatory
4.3.	DATE	Date of Application	Sub to SUM	Optional
4.3.	BA	Background	Sub to SUM	Obligatory
5	**KEY**	**Key Terms**	**Main**	**Obligatory**
6.	**REF**	**References**	**Main**	**Obligatory**
6.1.	MD	Main Document	Sub to REF	Obligatory
6.2.	RA	Related Acts	Sub to REF	Optional

In generating the above-illustrated move structure, the 'fields' (EU Drafting Guidelines 2016:8f) were equated to what genre analysis describes as moves that achieve a particular communicative function within a text (see Henry & Roseberry 2001: 154; Appendix II; Appendix IV). The move structure proposed includes six main moves with sub-moves (Table 5). Almost all of the identified moves seem to be obligatory: Only the SUM-DATE move may be an exception, as the guidelines indicate that that "[i]f multiple acts, more explanation/ this part is skipped completely for certain documents" (EU Drafting Guidelines 2016:8) as well as the REF-RA move, as the selection of the documents to be included is left to the writer's choice (EU Drafting Guidelines 2016: 15).

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[8] For full description, see Appendix IV.

The EU Drafting Guidelines do not extensively describe the content or information contained in respective moves. Rather, they describe how many words, paragraphs or bullet points might be used in order to realise parts of the text (EU Drafting Guidelines 2016: 12-15). Still, all moves appear to have an informative communicative function, which would contribute to the informative communicative purpose of the Summaries.

The move structure will be analysed in the selected group of texts with the help of the online analysis tool Dedoose (2019), which is a tool for qualitative and mixed methods research that can be used for data management, excerpting, coding, qualitative and quantitative analysis. Using code applications, the main aim is to determine whether the suggested move structure is applied in the Summaries of Legislation. It will be determined whether these moves realise aims of the Drafting Guidelines as well as aims of plain language, simplification and summarisation and the communicative purpose of the genre.

After that, a lexical and textual analysis will be conducted based on linguistic principles promoted or criticised by the PLM (chapter 3.2). The linguistic properties to be examined are modal auxiliaries, sentence length and hyperlinks, examples of which will be analysed and commented on (see Riera 2015: 152). The Dedoose toolkit was also used for the analysis of modal verbs and hyperlinks. In order to examine frequencies of modal verbs, the suggested corpus approach (Mazzi 2007: 22) was employed by using AntConc, a freeware corpus analysis toolkit for concordance and text analysis (chapter 7.2).

In accordance with the abovementioned research aims, the EU Drafting Guidelines will be related to Wydick's plain language considerations and discussed as influential factor to the creation of Summaries of Legislation. Then, generic features of Summaries of Legislation will be identified and discussed in relation to plain language, simplification and summarisation. From that, it will be determined how the move structure and lexical elements contribute to the fulfilment of the communicative purpose of the genre at hand.

6. EU Drafting Guidelines and Wydick's Plain English for Lawyers

Plain language rules may contribute to easier comprehension of legal documents, but should be used in a way that a document's integrity, quality or legal conventions are not jeopardised (Stepanova 2015: 1118). Plain language should be appropriate to the purpose of communication, understandable and accessible, sensitive to the context, coherent and use appropriate headings and signposts without too many cross-references (Petelin 2010: 212f). Accordingly, plain language elements relate to complexities on several constituency levels, such as syntactic, phrasal and lexical and beyond the sentence level (Berukstiene 2016: 96, Cornelius 2010: 176).

Some of these elements are included in both Wydick's *Plain Language for Lawyers* (2005) and the EU Drafting Guidelines (2016). Respective descriptions of legal and plain legal English were summarised and compared.[9] Also, it became apparent that some elements overlap or are present in one description, but absent in the other. Thus, similarities and differences are discussed, which allows for an identification of possible shortcomings of plain language guidelines in general and the EU Drafting Guidelines in particular.

6.1. Similarities

Elements of legalese can already be found at the word level in legal texts (Stepanova 2015: 1118). For example, legal language may employ a lot of technical vocabulary with low day-to-day frequency whose meaning is difficult to determine even with the co-text and context (Cornelius 2010: 177). Both the EU Drafting Guidelines and Wydick mention such technical terms, jargon or foreign words:

Table 6 EU and Wydick's Guidelines Similarities 1

Linguistic/ Textual Feature	EU Guidelines	Wydick's Guidelines
Technical Terms	**Technical Terms:** Replace with everyday alternative; if the term describes a key concept, add an entry in the key terms section, especially when it is not included in the glossary. As soon as the technical term is replaced, only use every-day alternative. (EU Drafting Guidelines 2016: 4) **Jargon:** Replace technical term with alternative, identify key subject words (EU Drafting Guidelines 2016:21)	**'Lawyerims':** Use familiar words instead and commonly used words shall be favoured; Wydick also refers here to words that have little legal substance or legal meaning such as "aforementioned, whereas, hereinafter" Wydick (2005: 58f)

Terminology	**Consistent Terminology:** Terminology should be consistent through the whole text. (EU Drafting Guidelines 2016:5)	**Elegant variation:** Synonymous words for the same expression should be avoided (Wydick 2005:70)
Foreign words	**French influenced aspects:** False friends. **Latin expressions:** Need to be explained if they are essential (EU Grafting Guidelines 2016:5)	**Latin, French, Old/ Middle English:** Mentions mostly coupled synonyms and doublets that should be avoided (Wydick 2005: 18).

As can be seen in Table 6, both sources refer to the lexical density and technicality of legal texts that should be avoided in plain language versions. Especially when rewriting legal texts, legal terminology causes difficulties in comprehension not only deriving from the language, but also of legal systems (Stepanova 2015: 1122). In general, legal vocabulary may be purely technical or semi-technical, exclusive to the legal context, or ordinary words carrying additional or special meaning in the legal context (Berukstiene 2016: 102).

Additionally, archaisms can create lexical density and semantic difficulty, which include Latinate words, archaic and fossilised terminology (Berukstiene 2016: 102). Such archaic words or Latinate phrases should be avoided, except for the ones that may already have transferred into day-to-day conversation such as *de facto* or *per annum* (Macdonald 2004: 934): Some expressions may simply be translated and used as English versions instead, e.g. *ab initio* 'from the beginning', *ex gratia* – 'as a favour', *prima facie* – 'at first glance'.

It is interesting that both the EU Drafting Guidelines and Wydick's guidelines mention that (technical or archaic) legal terminology might be used, but if so, be applied in a consistent fashion (Table 6). Apparently, in order to cater to the informative purpose, both technical language and simpler language are needed in plain language texts (Turnbull 2014: 70): Technical terms are required to establish a connection to the legal context, but they should be accompanied by simple definitions or explanations in order to specify their meaning (Turnbull 2014: 70).

Glossaries can be used in order to provide such definitions or explanations (Aurelia 2012: 5476f). Glossaries are field-oriented, specialised selections of terms that explain terms and give within which such terms usually appear (Aurelia 2012:5476f). Similarly, Borisova (2013: 142) advises to add comprehensive lists of interpretations, definitions and explanations to legal texts.

The EU Drafting Guidelines (2016:14) allow for the use of technical terms, provided that they are either defined in the section 'Key Terms' or are part of the institutional glossary, which contains key terms relevant to several summaries or a policy area. The glossary is provided on the EUR-Lex webpage of the Summaries of Legislation. Ultimately, the glossary can be regarded as representation of EU institutional jargon, covering elements of a range of topics including politics, environment, agriculture, employment, taxation, education or culture (see also Felici 2010: 102).

As discussed in chapter 2, in order to avoid confusion on the EU legal linguistic level, some expressions are attempted to be avoided that already have specific meaning within another domestic legal system (Ferreri 2016: 179). Additionally, the EU Drafting Guidelines aim at replacing technical terms with an everyday alternative that should then be used with consistency (EU Drafting Guidelines 2016: 4, Table 6). But it is challenging to find a terminological substitute for a certain legal term, as it depends on its respective semantic and stylistic adequacy (Stepanova 2015: 1122). In the end, the linguistic aim is to use fewer formal words such as verbal expressions like *elucidate, construe, determine, demise, attest, procure, devise, rescind or effect*; which could be replaced by *clarify, explain, construe or interpret* (Macdonald 2004: 931).

Above the word level, there may be stylistic errors in legal texts resulting from a mixture of styles, bulky metaphors or lexical ambiguity (Stepanova 2015: 1123). As mentioned in chapter 3.1, this might be related to the high tension between clarity, vagueness and ambiguity in law. It may be possible to substitute vague expressions with easier explanations or expressions to help lay-comprehension, but they might end up being lengthier or vaguer than the original (Foster 2017: 40, see above). These elements are also related to aspects mentioned in both the EU Drafting Guidelines and Wydick's description (see Table 7):

Table 7 EU and Wydick's Guidelines Similarities 2

Linguistic/ Textual Feature	EU Guidelines	Wydick's Guidelines
Phrasing & Idioms	**Non-English phrasing:** Idiomatic English should be used (EU Drafting Guidelines 2016:21). **Legalese**: Replace with plain terms. (EU Drafting Guidelines 2016:22)	**Avoid verbose idioms and redundant legal phrases:** Convey same meaning with easier idiomatic expressions; redundant phrases and coupled synonyms should be avoided (Wydick 2005:17f).
Abstraction	**Abstraction:** Avoid vague or implied concepts, always spell them out or put things into concrete terms (EU Drafting Guidelines 2016:22)	**Concrete nouns rather than abstract:** Vagueness might sometimes be intended, but rather use concrete nouns when possible (Wydick 2005:57).

It becomes clear that vagueness should be avoided in plain texts, requiring the plain version to be clearer and possibly even contextualise terms and expressions, even if more elaborate phrasing might be used (EU Drafting Guidelines 2016: 22, Aurelia 2012: 547; Anesa 2014: 194).

As discussed in chapter 3, one has to be very diligent in defining the meaning of clarity: It might be linguistic clarity or legal clarity, which are both necessarily related (Assy 2011: 392). The existence of plain legal English considerations proves that legal and linguistic clarity cannot be in a mutually exclusive relationship (Assy 2011: 393). However, critics of plain language assume that

clarity and precision are competing values, meaning that clarity of law compromises clarity of language and vice versa (Assy 2011: 393). Hence, clarity can be entirely different concepts to lawyers and laypeople – for the lawyer, linguistic clarity may be subordinate to and may only be valuable to the extent that it can contribute to legal clarity (Assy 2011: 392).

Additionally, English is used by drafters with many different backgrounds and mostly as a lingua franca in the EU context (Summaries Team 2017). This means that the reduction of linguistic idiomaticity can serve to avoid ambiguity and unclarity (Ramos 2014: 318). Thus, larger syntactic structures and elements of tense should correspond to plain language requirements; for example, by avoiding modal constructions (see Borisova 2013: 141, Table 8).

Table 8 EU and Wydick's Guidelines Similarities 3

Linguistic/ Textual Feature	EU Guidelines	Wydick's Guidelines
Nominalisations	**Nominalisations**: Avoid nominalisations, verbs make clearer what is being done and who has done what. (EU Drafting Guidelines 2016:5). Where possible, make sure text makes clear who is doing that – replace nouns with verbs and add actor (EU Drafting Guidelines 2016:22).	**Nominalisations**: Should be avoided, usually tend to be modified and are accompanied with long verb phrases). Rather use simple verbs. (Wydick 2005:32). Focus on actor, action, object: Essentially refers to the use of a simple SVO structure (Wydick 2005:15f). **Avoid gaps in SVO structure:** SVO order should be kept and gaps closed (Wydick 2005:41).
Tense	**Present tense:** Grammatical and linguistic correctness required, should be drafted in present tense to make updating process easier. (EU Drafting Guidelines 2016:4)	**Simple present + Modal verbs:** Simple present may be used in order to avoid modal verbs. (Wydick 2005:62-64). Gives detailed list of expressions to be used instead of modal verbs (Wydick 2005:64).
Active/Passive	**Avoid passive tense:** Should be avoided whenever possible (EU Drafting Guidelines 2016:5).	**Prefer the active voice:** Preferred then actor of action is clear, otherwise might be used in order to hide the agent (Wydick 2005:30f).

The linguistic strategies compared above relate to syntactic and verbal constructions, tense and the predicate. Clearly, certain patterns of plain English are aimed to be used in order to avoid incomprehensibility (Assy 2011: 390). This means that a text should be rephrased and restructured in order to precisely express legal functions or allocate rights and obligations (Assy 2011: 390). For example, Watson-Brown (2009: 94) suggests that verb phrases rather than nominalisations should

be used, which are verbs rendered in a nominal form. Simpler verb phrases can be used not only to avoid nominalisations, but also modal verbs which are mostly associated with special difficulty in legal discourse (Cornelius 2010: 176, Table 8).

Similarly, passive voice should be avoided. The active voice might be more explicit in terms of who the agent of an action is, especially in a context where the agent itself is not specified in the legal context and should be made clear to the reader (see also Cornelius 2010: 179). Macdonald (2004: 938) indicated that passive and active voice can be both appropriate, but the passive voice may give the impression of uncertainty or deliberate withholding of information (Macdonald 2004: 938). In some cases, however, the passive voice might be more appropriate, such as when the agent is still intended to be unidentified (Cornelius 2010: 179, Table 8).

Also, legal texts tend to have unusually complex and long sentence structures (Berukstiene 2016: 104). In terms of style, plain language involves the shortening of sentence length in order to meet its objectives and purposes (Macdonald 2004: 938, see Table 9).

Table 9 EU and Wydick's Guidelines Similarities 4

Linguistic/ Textual Feature	EU Guidelines	Wydick's Guidelines
Sentence length	**Running text:** Should not be overused, concise bullet lists should be used in order to express key-information **Long sentences:** Should be avoided, especially with subordinate clauses **Paragraphs:** Should be short, only conveying one idea per paragraph (EU Drafting Guidelines 2016:5).	**Use short sentences:** Long sentences should be avoided, sentences should ideally convey one thought. (Wydick 2005:35). **Use Lists:** If clusters of information should be conveyed, use lists being parallel in grammar and consistent punctuation (Wydick 2005:45).
Punctuation	**Ampersand:** Use only in subtitles, aid scan-reading (EU Drafting Guidelines 2016:5). Punctuation for bulleted lists (EU Drafting Guidelines 2016:19).	**Careful punctuation:** Different punctuation devices need to be used well (Wydick 2005:81-107). Aid clarity and add as little complexity as possible (Wydick 2005:84). Specific devices of punctuation (Wydick 2005)

One of the main aims of Summaries of Legislation is to create shorter documents than the original (Summaries Team 2017). The reduction of sentence length can be a strategy to both simplify and summarise legal texts (chapter 3.3). Such a reduction is mostly a result of a compromise between legal accuracy and linguistic clarity, clarifying who is doing what in simpler sentence structures (Summaries Team 2017).

Also, there may be a technique employed called structural repair, which is aimed at giving texts more format and a clear structure with headings, bullet points or sub-paragraphs (Macdonald 2004: 941). Structure - also in the genre analytical sense - is the format, layout and organisation of a text (Berukstiene 2016: 98f). A particular structural graphic representation using specific fonts, headings, numberings or consistent paragraphing may help a reader to understand a legal text, but may also create a blur of sentence boundaries (Berukstiene 2016: 100).

Punctuation rules, structural and formatting constitute a major part of the guidelines, connecting key elements such as sentence length, paragraphing and use of bullet-point lists (Summaries Team 2017, EU Drafting Guidelines 2016: 5; 19). Punctuation is described in the EU Drafting Guidelines (2016: Annex II) in a rather detailed and lengthy fashion in comparison to other parts. These rules highlight the guidelines' strong focus on format and splitting information into shorter, more intelligible portions (EU Drafting Guidelines 2016: 19). Similarly, Wydick has put more emphasis on punctuation over the years: When comparing Wydick (1978) and Wydick (2005), punctuation was not a main aspect in Wydick's first publication of 1978. However, punctuation is a very long and relevant section in newer versions (Wydick 2005). All in all, punctuation, sentence length and structure clearly have gained in relevance in plain language guidelines and will be examined more closely below (chapter 7.2).

6.2. Differences

In comparing the EU Drafting Guidelines and Wydick's account of plain language features, it was found that there are elements that one mentioned, but the other did not. One of the most interesting aspects was that modal verbs were not mentioned in the EU Drafting Guidelines at all (Table 8); despite modal verbs being features of legal language heavily criticised by plain language supporters (e.g. Cornelius 2010: 171, Wydick 2005:64, Borisova 2013: 144). Modal verbs are used in legal texts not only to perform functions of modality, but to realise performative, pragmatic and legal effects (Garzone 2013: 68). However, it is exactly the fact that modal verbs have many purposes and several meanings in the legal field that make them apparently lack in precision and are difficult to grasp for laypeople (Riera 2015: 153).

Wydick's (2005) descriptions of linguistic elements seem to be more detailed and far-reaching than the ones of the EU Drafting Guidelines. In sum, he provides many examples and descriptions of grammatical structures (length of noun phrases or compound constructions), sub- and coordinators, modifiers or conditions and exceptions placements, as well as multiple negation,

declaratory statements including strong verbs or gender-neutral language (Wydick 2005). For example, mong such linguistic examples are substitutes to modal verbs (Wydick 2005:54). [10]

The EU Drafting Guidelines scarcely contain such or comparable linguistic examples, especially not in the "key aspects of the drafting style" section, where they might seem to be most appropriate to be added (EU Drafting Guidelines 2016: 4). Admittedly, some very simplistic examples are mentioned in Annex III to the EU Drafting Guidelines or references are made to the Interinstitutional Style Guide (IISG), which provides suggestions on elements of a stylistic nature such as the spelling of numbers, dates, countries, languages, currencies, abbreviations or acronyms (EU Drafting Guidelines 2016: 6;17ff). Nevertheless, more transparent and detailed examples should be included in the EU Drafting Guidelines in order to provide a more comprehensive description of plain language constructions.

As mentioned above, a considerable number of features of the desired drafting style in the EU Drafting Guidelines focus on format, font or structure, which are not mentioned as such in Wydick (Table 9): The EU Drafting Guidelines (2016: 5) suggest to use bold keywords that are effectively placed in the first paragraph of the Summary, subject-relevant subheads or hyperlinks. Hyperlinks are also mentioned in the "Examples of most common issues" (EU Drafting Guidelines 2016: 21) table, which suggests to add hyperlinks to any significant information source such as another act or body, even outside the EU institutions, adhering to the internal link policy (EU Drafting Guidelines 2016: 15;21).

It appears that the EU Drafting Guidelines places crucial importance on the use of hypertextual elements in order to link to the online environment that these texts are published in: The EU Drafting Guidelines (2016: 4) describe that the style of language should be concise, simple and use everyday language, relating the latter to words that people would also use when searching with search engines like Google. As mentioned above, it seems that the fact that Summaries of Legislation are available on an EU institutional website majorly influenced the way that drafting is approached (Williams 2015:193, EU Drafting Guidelines 2016:5).

6.3. Discussion of Guidelines

As discussed in chapter 6.2, the EU Drafting Guidelines are short of linguistic examples. Interestingly, Cornelius (2010: 175) mentions that plain language guidelines very often lack adequate examples of linguistic modelling strategies, particularly regarding semantics and grammar. The reason behind

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[10] In connection to that, it was interesting to compare Wydick's original 1978 and 2005 versions. In the 1978 version, examples and exercises were mostly added in an appendix to the main text; but in the book version of 2005, examples are included in the running text. Apparently, the inclusion of clear examples of plain language strategies directly into the running text became more and more essential in plain language guidelines.

such shortage may lie in the fact that guidelines are very often written for and used by people who are not linguists (Cornelius 2010: 175; Gibbons 2001: 449). However, such shortage of examples can be considered an insufficiency of plain language guidelines, even if guidelines are generally considered helpful to writers who want to produce a text in simpler language (Cornelius 2010: 175).

If no linguistic modelling examples are given, it might not always be clear to the writer why certain grammatical structures or lexical features are desired or undesired (Cornelius 2010: 175). Misunderstandings about plain language strategies can result from that. For example, there might be the impression that long sentences are difficult to understand just because short sentences are suggested in order to enhance readability (Cornelius 2010: 175). But it is very often not the sentence length but rather grammatical, semantic and contextual complexity that determines a text's difficulty level, whereas short sentences might even lead to vagueness or some sort of 'false economy' (Cornelius 2010: 175).

The question arises whether plain language guidelines can adequately describe plain language requirements for drafters not proficient in law or linguistics. The drafting of legal texts, especially in an international legal context, is a very complex and technical matter that goes far beyond simple formatting principles (Macdonald 2004: 939). Clearly, work on legal texts is an interdisciplinary issue and a translator or drafter is faced with both linguistic and legal decisions in text production, which presupposes a competence and skills in both law and translation (Cornelius 2011: 130, Stepanova 2015: 1123). Knowledge of the respective topic itself, literacy, linguistic skills and comprehension skills of the author alike influence the summarisation performance and production of texts (Yu 2008: 524, Bowles 1995: 208).

There is some disagreement in the field as to the amount, nature and extent of subject knowledge needed: Some emphasise a solid training in both linguistics and law, others rather focus on purely linguistic understanding (Cornelius 2011: 130f). For example, Ramos (2014: 325) holds that text production in international contexts is only possible if there is a deep understanding of internal processes of international organisations, the procedural reason behind legislation and the multiple components of the raw material, i.e. including the setting and relevant genre conventions. The difficulty is that solid linguistic and legal drafting skills are needed in order to produce a text that not only fulfils its purpose, but delivers its message in a way that is clear, consistent, legally effective and technically sound (Stepanova 2015: 1117).

Madconald (2004: 926) holds that the level of understanding of legal texts depends on the depth of legal knowledge. This implies that the better drafters understand the legal field, the better they are able to express complex ideas clearly, which again implies that a well-written plain language document is an expression of how well the author understood the subject matter and interpreted the original text (Madconald 2004: 927, Bhatia 1983: 45). In sum, linguists and lawyers

need to work together closely in order to develop productive, effective legal discourse (Ferreri 2016: 181). Better still, drafters would have expertise in both fields.

Considering the role of guidelines, one has to realise that there are limits of use in drafting processes: After all, Kimble (1994-1995: 66) described that "(t)he language guidelines, the ones for words and sentences, are just that – guidelines, not inflexible rules". Watson-Brown (2009: 90) mentions that guidelines for drafting may only apply as long as people indeed use the structures that these seek to create; the guidelines their rules depend essentially on people's language use and linguistic knowledge and when put to use, are adapted accordingly. Thus, guidelines should provide ample linguistic examples in order to make clearer to drafters what the simplification and summarisation aims are. Then, drafters can proceed to express complex matters in clear and simple styles. As discussed above, the EU Drafting Guidelines could include more examples in order to make their communicative aims clearer.

Therefore, if not being equipped with legal or linguistic knowledge, and even less if not being provided with appropriate examples, drafters might not be able to create effective summaries solely on the basis of the EU Drafting Guidelines. For example, the EU Drafting Guidelines (2016: 22) include the advice to the author to use their own judgement in avoiding nominalisations and specifying actors and what they do. If such liberty is given to drafters, knowledge of linguistic and legal matters is essential in order to fully account for the meaning of legal concepts (see also chapter 3). This means that drafters have to be equipped with professional knowledge of the European legal system in order to effectively and adequately create Summaries of Legislation.

A similar example concerning the EU Drafting Guidelines is that they propose the same structure of Summaries for all different types of legislation. There is no distinction made between different types of EU legislation or publications, even despite them being different genres with presumably different communicative purposes, audiences, moves, syntactic and lexical structures (EU Drafting Guidelines 2016, chapter 4.4). On the one hand, there might be the implicit assumption that drafters know such differences and how to produce Summaries accordingly. On the other hand, it appears to be a very bold attempt to suggest only two summarisation structures for different sources of EU Legislation, hinging the differentiating aspect merely on the number of documents that are summarised (EU Drafting Guidelines 2016: 8-11). Again, it is clear that drafters have to have the linguistic competence to appropriately solve linguistic and legal problems in order to adapt suggested plain language strategies to the communicative aim sought.

For the reasons mentioned above, it remains highly debatable whether the informative communicative purpose is always achieved when creating Summaries based on solely the EU Drafting Guidelines. Even if adequate examples would be provided, drafters would need to be

equipped with adequate linguistic and legal skills in legal text production in order to produce communicatively successful and appropriate texts.

On the one hand, the reality of text production in the EU is very complex, as there are several different issuers and drafters, several audiences and addressees, a broad range of contexts, (legal) topics, text types, different purposes and text functions involved (Felici 2010: 101). On the other hand, there is strong reason to believe that one cannot generalise all areas of EU law and make them equally accessible and utilisable to such a broad lay-audience with the same suggested format (see also Assy 2011: 382). Ultimately, the EU Drafting Guidelines bracket many elements of drafting and EU Legislation together, attempting to cater for a very broad audience through Summaries broadly described, rather focusing on features of format and structure than content. The following move analysis and discussion might shed more light on whether Summaries successfully fulfil the intended informative communicative purpose.

7. Move Analysis and Lexical Analysis of Summaries of Legislation

7.1. Move Analysis

7.1.1. Move Structure

As discussed in chapter 4.1, a genre consists of a series of moves, which are parts of a text that are a singular word or more complex grammatical construction that verbalise and consist of a communicative function (Rasmussen & Engberg 2017: 114, Henry & Roseberry 2001: 154). Interpreting a move structure is closely linked to a structural interpretation of the genre, attempting to discover how genres are organising their messages in a fairly consistent way in order to achieve their communicative purpose (Bhatia 2014a [1993]: 29f). This means that the move structure relates to the structural organisation of a genre (chapter 4.1). Within that structure, each move serves a typical communicative function that contributes to the overall communicative purpose of the genre, using different rhetorical strategies (Bhatia 2014a [1993]:30).

The first aim of the analysis at hand was to compare the proposed move structure to selected Summaries. Apart from that, it was investigated which moves are obligatory, which optional. As mentioned above, moves can either be obligatory or optional within a genre's conventionalised move structure in order to fulfil the communicative purpose (Henry & Roseberry 2001: 154f).

The proposed move structure was used to analyse the move structure of 30 Summaries of Legislation (chapter 5). After identifying the moves within the texts, it became clear that most of the proposed moves are included in the Summaries. Also, the Summaries adhere to the proposed move sequence, with only one exception that will be discussed below (see Table 10).

Table 10 Code Application of Moves[11]

Media / Codes	TI - Title	DTI - Document Title	SUM - Summary	AIM - Aim of legislation	BA - Background	DATE - Date of application	KP - Keypoints	KEY - Key Terms	REF - References	MD - Main Document	RA - Related Acts	II - Internal Information
Totals	30	30		30	27	20	30	18		30	16	30

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[11] The moves are given in the sequence newly identified in the 30 Summaries. The full table is given in Appendix VI.

As can be seen in Table 10, the moves that were initially considered obligatory (see chapter 5) were used in almost all 30 texts examined. The moves were identified to be in a sequence slightly different than previously considered, which is as follows: TI, DTI, SUM, KEY, REF and II. Also, only six of the main and sub-moves were used in all 30 texts, while the main move KEY and the sub-moves SUM-DATE and REF-RA did not appear in all 30 Summaries (Table 10).

Initially, the KEY move was identified as obligatory (chapter 5.3.2). But after conducting the analysis and code application, one might question if the KEY move is obligatory or optional: Some Summaries did not include KEY moves, but featured hyperlinks to the institutional glossary or other sources (Table 10). It appears that hyperlinks are used as a substitute to the KEY move, which means that key terms only relevant to the legislation summarised are given in a KEY move; any that are relevant to several Summaries or a policy area are included in the institutional glossary (EU Drafting Guidelines 2016: 14;20). The KEY move is obligatory only in cases that keywords are relevant solely to the Summary at hand. This means that the KEY move is not obligatory for the general achievement of the communicative purpose of Summaries of Legislations in the way that the other obligatory moves are, which gives reason to characterise the KEY move as optional.

A reason for the optionality of some moves can be traced to the types of original legal text that the Summaries were based on: For example, none of the HR – Human Rights Summaries contained a SUM-DATE move. This can be related to the communicative purpose of the original EU publication, which is not of a legislative nature. These non-legislative texts do not have a date of legal implementation or coming into force like prescriptive documents would and therefore do not need a SUM-DATE move in their respective Summaries. In contrast, Summaries of the categories of Economic and Monetary Affairs (EMA) and Internal Market (IM) are based on legally binding regulations and directives with dates of coming into force. Giving information about these dates is essential, which is information relates to the generic differences between EU legislation and EU publications (chapter 4.4). The either prescriptive or informative nature of legal texts ultimately influences the overall (obligatory) move structure of respective Summaries of Legislation. In sum, this means that the SUM-DATE move – even though initially considered optional - is an obligatory move for Summaries that are based on legally binding texts, but non-obligatory and for non-binding original texts.

Consequently, it is important to consider the effects of changes in the move structure: A change or deletion of obligatory moves might lead to a change in the communicative purpose and the genre; whereas a change or addition/deletion of optional moves establishes different text types or sub-genres (chapter 4.1). Therefore, the addition or deletion of optional moves in Summaries of Legislation can be the basis for establishing different types of Summaries (Bhatia 2014a [1993]: 13f). Such types of Summaries might be categorised on the basis of different types of originals that are

summarised: Even though the informative communicative purpose is the same, the difference in move structures (e.g. the SUM-DATE move) of Summaries of Legislation and Summaries of EU Publications allows them to be identified as different text types. After all, linguistically distinct texts may represent different text types within the same genre (Trosborg 1997: 12).

Another interesting observation can be made on the SUM-BA and REF-RA moves. At first glance, both moves appear to be very similar: They both contribute to the informative communicative purpose by providing additional references and information. However, there are differences in their length, wording and style (see Table 11):

Table 11 Varying Lengths, Style & Wording of REF - RA and SUM - BA Moves

SUM – BA - Background
BACKGROUND Money market funds are mainly used as an alternative to bank deposits to invest excess cash for short periods of time. They enable investors to diversify their financial holdings, while allowing them to recover these at short notice. In the EU, the funds manage assets of some €1 trillion which are used to finance the real economy. However, market turbulence, as seen in the 2007/2008 financial crisis, can lead to a run on funds. If large groups of investors start to withdraw their cash, potentially others across the EU follow, damaging the financial system. The EU legislation follows similar moves by the G20 group of industrialised countries and the Financial Stability Board to strengthen oversight and regulation of the shadow banking system. For more information, see: • Legislative history of Regulation (EU) 2017/1131 (*European Commission*) • Money market funds (*Consilium*). (EMA – Money Market Funds 2017:2)
BACKGROUND Human rights defenders play a key role in: • documenting violence; • providing victims of human rights violations with legal, psychological, medical or other support; • combating the impunity of those responsible for human rights violations; and • raising awareness of human rights and their defenders at national, regional and international levels. However, human rights defenders are often targets of attacks and threats, which is why it is important to ensure their safety and protection. For more information, see: • 'Human Rights and Democracy' (*European Union External Action Service*) • 'What does it take to be a Human Rights Defender?' (*European Union External Action Service*) (HR – Human Rights Defenders 2017:2)

REF – RA – Related Acts
RELATED ACTS Charter of Fundamental Rights of the European Union — Table of Contents (OJ C 326, 26.10.2012, p. 392) Commission Staff Working Paper: Operational Guidance on taking account of Fundamental Rights in Commission Impact Assessments (SEC(2011) 567 final of 6.5.2011)   (HR – Putting the Charter into Practice 2016:2)
RELATED DOCUMENTS Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, pp. 77–123) Corrigendum to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004) (OJ L 229, 29.6.2004, pp. 35–48) Successive amendments to Directive 2004/38/EC have been incorporated into the original text. This consolidated version is of documentary value only. Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, pp. 60–95) Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, pp. 21–57) Communication from the Commission to the European Parliament and the Council on the implementation of Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment ('EU Blue Card') (COM(2014) 287 final, 22.5.2014) Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment (COM(2016) 378 final, 7.6.2016) Commission staff working document — Impact Assessment — Accompanying the document Proposal for a Directive of the European Parliament and the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment and repealing Directive 2009/50/EC (SWD(2016) 193 final, 7.6.2016) Commission staff working document — Executive summary of the Impact Assessment — Accompanying the document Proposal for a Directive of the European Parliament and the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment (SWD(2016) 194 final, 7.6.2016)   (IM – EU Blue Card 2017:3-4)

The examples show that the moves vary considerably in length and linguistic execution, especially in relation to punctuation (Table 11). Most notably, the REF-RA move can include short informative sentences and bullet points, whereas the SUM-BA move primarily consists of citations (Table 11).

According to the EU Drafting Guidelines (2016:14), the SUM-BA move has the communicative function of briefly giving more information on the subject, using short sentences about the topic, but mostly consisting of a list of hyperlinks to relevant sources. In comparison, the

REF-RA move contains references closely linked to the main document, including their titles and citations but not content descriptions; it is up to the writer's judgement what should be added there (EU Drafting Guidelines 2016: 15). After all, an author may be able to make choices within the allowable margin of non-discriminative contributions in order to realise the communicative purpose (Bhatia 2014a [1993]: 31).

Room for the author's individual judgement in text production can be found in descriptions about both the SUM-BA and REF-RA in the EU Drafting Guidelines (see above). Additionally, in order to be able to add relevant information, the drafter has to have knowledge about the subject matter (chapter 4.4): Especially this background-knowledge requirement can give reason as to why the two moves were varying in length, execution or why the REF-RA was one of the moves less frequently present in the Summaries investigated (Tables 10 & 11).

Another interesting fact is that some of the moves contain headings that are formulated as questions. The EU Drafting Guidelines (2016: 8) mention two examples, which are "What is the aim of the Regulation" and "From when does the Regulation apply?". However, variations in headings occurred according to the type of original EU legislation or publications summarised (see Table 12):

Table 12 SUM - AIM Moves of Summaries

EU legislation
WHAT IS THE AIM OF THE REGULATION? • It introduces the preventive arm of the stability and growth pact. These are preventive measures designed to ensure the budgetary discipline necessary for the smooth operation of the European Union (EU). • It concerns not only those EU countries that have adopted the single currency but also those not yet participating. (EMA Surveillance 2017:1)
WHAT IS THE AIM OF THE DIRECTIVE? To help consumers choose vehicles with low fuel consumption, the directive requires dealers in new passenger cars to provide potential buyers with useful information on these vehicles' fuel consumption and their CO_2 emissions. This information must be displayed on the car's label, on posters and other promotional material, and in specific guides. (IM – Information on Fuel Consumption 2017:1)
EU publications
WHAT IS THE AIM OF THE COMMUNICATION? • It presents the European Commission's strategy for effectively applying the Charter of Fundamental Rights of the EU. • It reflects on the role of fundamental rights in the legislative process, including in the Commission's methodology for preparing new legislation, and in the implementation of EU law. (HR – Putting the Charter into Practice 2016:1)

> **WHAT DO THESE GUIDELINES DO?**
>
> They create an operational tool to be used by the EU in contacts with non-EU countries in order to combat torture and other cruel, inhuman or degrading punishment (e.g. beating while in custody).
>
> (HR – EU guidelines on torture 2016:1)

As can be seen in Table 12, the SUM–AIM move is also an opening move: On the one hand it, frames the topic and context and refers to material facts and key issues (Hafner 2010: 424). On the other hand, such question-headings make a text more engaging and aid the reader to process information that is provided in the following paragraphs (Jones et al. 2012: 336).

Additionally, headings in plain language documents can be signalling devices that help the reader to search for and retrieve specific information and understand the subject matter (Jones et al. 2012:336). Also, a heading that is contained in a move or is a move itself can establish an intertextual reference to other texts (Hafner 2010: 423). Hence, questions as headings in the SUM-AIM move can be used to successfully deliver the message of the document, as required by the EU Drafting Guidelines (2016: 13).

All in all, the moves and move structure proposed in the guidelines were well-applied and adhered to (see Table 10): However, the II move placement was different in the examined Summaries than described in the EU Drafting Guidelines. According to the latter, this move contains extensive information on the document itself for internal purposes, such as the modification date, document ID or archived status (EU Drafting Guidelines 2016: 8). In the analysed Summaries, the move consisted of only one line, informing about the last update and has a very marginal position at the bottom of the Summaries, instead of being at first position in the proposed move sequence (see chapter 5): The II move is highlighted in green in Figure 4:

> **MAIN DOCUMENT**
>
> Council Regulation (EEC) No 696/93 of 15 March 1993 on the statistical units for the observation and analysis of the production system in the Community (OJ L 76, 30.3.1993, pp. 1–11)
>
> Successive amendments to Regulation (EEC) No 696/93 have been incorporated into the original text. This consolidated version is of documentary value only.
>
> last update 23.10.2017

Figure 4 II Move in Summary (EMA - Production System 2017:2)

In sum, the move sequence suggested in chapter 5 can be adapted: The new move structure(s) considers the move shift of the II move, moves being characterised as obligatory, non-obligatory or optional and a move-structural difference between Summaries of EU legislation and Summaries of EU publications (Table 13).

Table 13 Move Structure of Summaries after Analysis

Nr.	Code	Move Label	Type	Type for EU legislation	Type for EU publication
1.	**TI**	**Title**	**Main**	**Obligatory**	**Obligatory**
2.	**DTI**	**Document Title**	**Main**	**Obligatory**	**Obligatory**
3.	**SUM**	**Summary**	**Main**	**Obligatory**	**Obligatory**
3.1.	AIM	Aim of Legislation	Sub to SUM	Obligatory	Obligatory
3.2.	KP	Key points	Sub to SUM	Obligatory	Obligatory
3.3.	DATE	Date of Application	Sub to SUM	Obligatory	Non-obligatory
3.4.	BA	Background	Sub to SUM	Optional	Obligatory
4.	**KEY**	**Key Terms**	**Main**	**Optional**	**Optional**
5.	**REF**	**References**	**Main**	**Obligatory**	**Obligatory**
5.1.	MD	Main Document	Sub to REF	Obligatory	Obligatory
5.2.	RA	Related Acts	Sub to REF	Optional	Optional
6.	**II**	**Internal Information**	**Main**	**Obligatory**	**Obligatory**

The most crucial result is that the move structure based on the EU Drafting Guidelines should be adapted according to the original text summarised. As was discussed above, Summaries of EU publication and Summaries of EU legislation can be considered as different text types with individual, albeit similar move structures. Therefore, the move structure of Summaries is context-dependent and multi-layered, consisting of different main moves on the macro-level and sub-moves on the micro-level (see also Rasmussen & Engberg 2017: 116).

7.1.2. *Discussion of Moves, Move Structure and Communicative Purpose*

Altogether, the conducted analysis shows that the guidelines are well adhered to in regards to moves. By realising main moves of the move structure, Summaries of Legislation are able to fulfil their informative communicative purpose. All main and obligatory moves were found in the Summaries examined (Table 10), even though some characteristics have been changed in the subsequently described move structure (chapter 7.1.1).

It was concluded that the differences in move structures identified allow for a differentiation between types of Summaries of Legislation, which are Summaries of EU legislation and Summaries of EU publication (Table 13). Overall, the identified types of Summaries of Legislation have the same main obligatory moves, but may realise them in different sub-moves, in order to achieve the same communicative purpose (Table 13). Not necessarily do differences or changes in the move structure cause a change in communicative purpose or genre (chapter 7.1.1.)

The communicative purpose of all Summaries of Legislation is informative: Summaries aim at helping EU citizens to understand the key elements and main pieces of EU Legislation (Summaries Team 2017). As described by the Summaries Team (2017) "[f]our of the five Ws (together with how) are definitely important as regards the summaries, namely: a) who, b) what, c), when, d) where".

In answering the 5Ws, information would be covered by a Summary (and its move structure) in order to fulfil the intended informative communicative purpose.

This is similar to Watson-Brown's (2009: 92) approach to legal writing, which attempts to answer "Who (the legal subject) is to do What (the legal action) When (the cases and conditions)?" (Watson-Brown 2009: 92). By answering these essential questions, law may be expressed in the clearest manner, possibly also including the inquisitives of where, how and why (Watson-Brown 2009: 92). Watson-Brown (2009:93) concludes that by answering 'who, what, when, where, how and why', a drafter may be able to write in a plain but clear fashion.

The informative communicative purpose of Summaries makes the information itself a relevant part of the move structure itself. Considering that, it seems to be insufficient by the EU Drafting Guidelines to propose only one structure for Summaries that are based on one source (see chapter 6.3, EU Drafting Guidelines 2016: 8). Rather, the EU Drafting Guidelines should make clear that the suggested structure is by no means definite or exhaustive and that Summaries need to be drafted and structured while considering original source texts. Therefore, a closer description of original source texts and the 5Ws information distribution strategy described by the Summaries Team would be advantageous to be included in the EU Drafting Guidelines.

Admittedly, there are elements in the EU Drafting Guidelines that hint at the complexity of the drafting process of Summaries of Legislation. For example, the description of the section "From when does the Regulation apply?" indicates that "this part is skipped completely for certain documents" (EU Drafting Guidelines 2016: 8). However, it is not explicitly referenced which 'certain' documents are affected. Clearly, the drafters of Summaries need to refer to (legal) background knowledge in order to be able to apply the requirement described in the EU Drafting Guidelines (chapters 2 & 6.3).

Another example clarifies that drafters need to refer to both linguistic and legal expertise when drafting Summaries of Legislation: Except for the abovementioned quote mentioning 'certain documents', the EU Drafting Guidelines' (2016: 8) description of the structure for Summaries based on a single legislative act or document does not mention or explain possible differences in Summaries of EU legislation or EU publications (see above). Rather, one has to read from the formulation "single legislative act or document" (EU Drafting Guidelines 2016: 8) that binding and non-binding original texts are concerned and from that realise that individual Summaries have to be created differently (chapter 7.2.1). Admittedly, it might not be possible to describe an all-encompassing and complete move structure for Summaries of Legislation. But that means that drafters always have to rely on additional knowledge apart from referring to drafting guidelines in order to produce Summaries appropriate to communicative needs.

The mere application of the move structure proposed in the EU Drafting Guidelines may not be enough in achieving the communicative purpose of Summaries of Legislation. Apart from the aspects considered above, the communicative purpose is also realised through the linguistic material of a text (Badger 2003: 257). Therefore, some lexico-grammatical features that contribute to the fulfilment of the communicative function of moves and communicative purpose of Summaries will be analysed and discussed in the light of plain language, summarisation, simplification and the EU Drafting Guidelines.

7.2. Modality in Summaries of Legislation

7.2.1. Modal Verbs in Summaries of Legislation

As discussed above, the integration of corpus analysis within applied genre analysis can give interesting insights to both structure of texts as well as communicative purposes by allowing a more detailed and systematic analysis of linguistic constituents (Mazzi 2007). Mazzi (2007: 24) argued that investigating specific verbs can give insight into linguistic elements that act as discursive signals or tools within a given genre. The most common modal auxiliaries in Summaries have been searched by conducting a corpus analysis with the analysis tool AntConc (see Table 14).

Table 14 Modal Verbs - AntConc Results

Total Number of Words:			20,464	

Modal verbs			per 10,000 words	
Types	Tokens	%		rounded up
must	70	0.34	34.21	34
may	34	0.17	16.61	17
will	22	0.11	10.75	11
can	20	0.10	9.77	10
should	15	0.07	7.33	7
would	3	0.01	1.47	1
could	2	0.01	0.98	1
shall	0	0	0	0

In addition to the token results, normalised results are also given in Table 14. Most interesting is that the word *shall* did not appear in the 30 Summaries investigated. However, some studies found that modal verbs are very often used in EU legal texts, even though their use has in contrast declined in anglophone legal systems (Garzone 2013, Biel 2014, Williams 2013). Thus, the current findings seem particularly surprising, as the normalised number of modals used seemed to be relatively low in general (see Table 14).

Together with *shall*, it is also very interesting to look at the modal verb *must*. Plain language strategies usually name *must* as an appropriate substitute for *shall* (Garzone 2013: 73). Also, *shall* is mostly neutralised by the use of *must* or the auxiliary forms *is/are* (Biel 2014: 342). *Must* is particularly used instead of *shall* in order to indicate an obligation (Cornelius 2010: 176).

Interestingly, tokens of *must* were found the most within the Summaries (Table 14). For example, in the Summary IM - Information on Fuel Consumption (2017), a total of 16 tokens of *must* were found, especially used in the move SUM–KP. Similarly, the Summary IM – Exposure to Asbestos (2016) contains a total of 11 tokens of must, especially in the SUM–KP move. This shows that modal verbs are very often used in parts of the text that are used to summarise key information of the original texts (i.e. SUM-KP move). Extracts of both Summaries are given in Figures 5 and 6:

Fuel economy label

A fuel economy label must be attached to the windscreen of all new passenger cars at the point of sale. This label must be clearly visible and must meet certain requirements set out in Annex I. In particular, it must contain an estimate of fuel consumption, expressed in litres per 100 kilometres or in kilometres per litre (or in miles per gallon), and of CO_2 emissions.

Fuel economy guide

A fuel economy guide must be produced at **national level** at least once a year. It must set out all the information specified in Annex II, including a list of the 10 most fuel-efficient new car versions in terms of their CO_2 emissions by fuel type. This guide must be **compact, portable and free of charge**. Consumers must be able to obtain it both at the point of sale of the dealer and from a designated body within each EU country.

Figure 5 Extract – Must Example 1 (IM – Information on Fuel Consumption 2017:1)

Concentration limit

No worker must be exposed to an airborne concentration of asbestos in excess of 0.1 fibres per cm^3. If this is exceeded, work must be halted until further measures are taken to protect the workers concerned, including:

- availability of respiratory and other personal protective equipment;
- warning signs if the limit is exceeded;
- preventing the spread of dust outside the site;
- consultation with workers before activities begin.

Training

Employers must provide appropriate training for all workers who are, or are likely to be, exposed to dust from asbestos or materials containing asbestos, at regular intervals and at no cost to the workers. The training must include information on:

- the properties of asbestos and its effects on health;
- safe practices; and
- emergency and medical surveillance procedures.

Figure 6 Extract – Must Example 2 (IM – Exposure to Asbestos 2016:2)

As can be seen in Figures 5 and 6, *must* is used to express an obligation: This reflects that *must* is considered as a clear and consistent option of expressing an obligation, summarising information of an original text; a decision that corresponds to plain language provisions (Garzone 2013:75). *Must* imposes an obligation on the agent, usually an action to be performed in the future (Garzone 2013: 75, Macdonald 2004: 936). However, in the abovementioned examples, *must* is not only used to refer to agents, as in "Employers must provide appropriate training for all workers […]" (Figure 6). The agent also tends to be avoided, as is similarly done in passive constructions (e.g. in Figure 5 "A fuel economy guide must be produced at a national level at least once a year"). *Must* can express similar meanings as *shall*, which usually expresses an obligation, but at the same time carries with it the presumption that the future performance of an action is guaranteed (Garzone 2013: 75). As mentioned above, m*ust* can be used as a supplement for *shall* in order to express an obligation in futurity (Macdonald 2004: 936). Therefore, the use of *must* seems particularly fitting in the examples when considering the legal background of the original text summarised: The originals of the IM category are directives, legislative acts directed at a particular aim to be fulfilled by a certain time in the future (chapter 2).

Ultimately, there is a range of substitutes for *shall*, which can be chosen according to the context and required communicative function (Garzone 2013: 75, Williams 2013: 106). Wydick (2005: 64) gives a list of expressions which could be used as substitutes for modal verbs, even proposing substitutes for words that are also used as substitutes themselves, such as *must* (see Table 15):

Table 15 Wydick's Substitutes for Modal Verbs (Wydick 2005:64)

Modal verb	Alternative
Must	is required to
Must not	is required not to, is disallowed
May	has discretion to, is permitted to
May not	is not permitted to, is disallowed from
Should	ought to
Will	one of the following: a. to express future contingency; b. in an adhesion contract, to express the strong party's obligation, c. in a delicate contract between equals, to express both parties' obligations

As can be seen in Table 15, *should* expresses an obligation: Similar to *shall*, *should* can have both performative and prescriptive communicative functions, especially as ways of demanding an action or expressing an obligation (Caliendo 2007: 249). For example, *should* in present indicative tense can be used to neutralise temporality and help focus on the action that is to be carried out (Caliendo 2007: 254). *Will* can also be used as a marker of future tense (Garzone 2013: 73). Imperative forms can be used in order to substitute modals such as *shall*, which would express a command and be

typically deontic, but in order to express amendments and changes, they can have a performative function (Garzone 2013: 78).

Some of Wydick's suggestions of simple, present tense forms or phrases that can be substitutes for modal verbs were searched with the AntConc corpus analysis toolkit (Table 16).

Table 16 Modal Alternatives - AntConc Results

Different Expression	Tokens
is to be	0
are to be	2
permitted to	0
required to	3
ought to	0
this means	3

The modal verb *must* and simple verb forms or phrases can also be substitutes to *shall* which would still fulfil semantic needs of the legal texts (Williams 2013: 110, Macdonald 2004: 936). However, the number of the examined substitutes generally used was very low in the examined Summaries (Table 16). Even though their number might be considered low, it appears that modal verbs are used in Summaries of Legislation rather than other possible substitutes and expressions (Table 15 & 16). However, the PLM criticises the overuse of modal verbs in legal discourse, especially the modal verb *shall* (Borisova 2013: 145f; Riera 2015: 153). As a consequence, modality in legal texts is one of the most contentious issues to be discussed and will be further elaborated on (Stepanova 2015: 1122).

7.2.2. *Discussion of Modal Verbs, the PLM and Summaries of Legislation*

As discussed in chapter 3, one of the most specific characteristics of legal language are modal auxiliaries (Riera 2015: 153). The problem with modal verbs is that they have come to serve, mostly simultaneously, many communicative purposes, such as imposing a duty, granting or negating a right, giving a direction or permission, expressing future reference, creating a condition or stating a circumstance (Riera 2015: 153, chapter 7.1.1). The debate on the use of modals mostly involves the word *shall* as the most semantically ambiguous auxiliary (Macdonald 2004: 935). *Shall* can express different meanings, from prohibitions, requirements, commands, to obligations, or can have deontic or performative uses, referring to the future or a legal effect according to respective contexts (Biel 2014: 341; Williams 2013: 107f, see above).

Evidently, the meaning of *shall* is varied and prone to equivocal interpretation, as it is heavily dependent on syntactic and lexical co-text and context (Garzone 2013: 72, Caliendo 2007: 247). Considering these properties of *shall,* it seems reasonable that modal verbs like *must*, *may*, *can* and *will* are favourable in (plain) legal discourse (Cornelius 2010: 176, see above). Especially

doe to the PLM, *shall* has lost its status as the main, most important modal verb to be used in legislative drafting (Garzone 2013: 71).

One of the most surprising findings of the analysis of modal verbs was that *shall* was absent in Summaries of Legislation (Table 14). In the context of the PLM, the use of *shall* without an agent is considered to be inappropriate, superfluous and confusing (Garzone 2013: 73). *Must*, an alternative to *shall*, is used in such agent-less constructions in the Summaries (see Figures 10 & 11), with means that possible ambiguities have not necessarily been removed. But the 5Ws (see chapter 7.2.1.) require Summaries of Legislation to clearly indicate who is obliged to do what, which needs the identification of an agent. However, modal verbs and possible substitutes are not mentioned whatsoever in the EU Drafting Guidelines (2016), even though they are considered as one of the most relevant lexical elements to be avoided in the context of plain language (e.g. Wydick 2005). As a result, it would be advantageous include linguistic examples of substitutes to modal verbs in the EU Drafting Guidelines, in order to realise the pragmatic values needed (Garzone 2013: 79).

The findings of the conducted analysis can be put into relation to conducted research on the use of modal verbs in the EU context. As mentioned above, it has been found that modal verbs are still and very often used in EU legal texts (Biel 2014, Caliendo 2007, Garzone 2013, Williams 2013). Caliendo (2007: 224;244) observed that in all forms of secondary sources of law of the EU, *shall* is the most commonly used modal verb. Modal verbs are used to express the binding nature of regulations and decisions and the legal obligation imposed on a legal subject (Caliendo 2007: 257, Biel 2014: 347). Regulations and decisions use performative modality, whereas directives and framework decisions use prescriptive modality – which are realised especially by *shall*, *should* and *must* (Caliendo 2007: 246). Thus, modality plays an important role in the institutional language of the EU, as it is used to express the different pragmatic and communicative purposes from the legal authority to the addressee (Caliendo 2007:241).

In sum, the observed use of modals in EU Legislation seems to be at odds with the successful ousting of the modal verb *shall* and low frequency of modals in Summaries of Legislation. After all, there might be a relation to the decrease of modal verbs in anglophone legal systems (Williams 2013: 114). Especially *shall* fell victim to the PLM and disappeared in most domestic anglophone jurisdictions (Biel 2014: 341, Garzone 2013: 69). For example, in British legislative legal language, the use of *shall* had declined since the 1990s and it completely disappeared around 2010s (Riera 2015: 153, Garzone 2013: 71).

The low number of modal verbs in Summaries might be related to drafters indeed making use of additional linguistic skills and expertise in text production (chapters 6.3 & 7.1). Hence, success of drafting might rather be owed to background knowledge of PLM developments, linguistic and legal expertise by drafters than the EU Drafting Guidelines. Furthermore, it is very likely that

the linguistic developments growing out of the PLM in anglophone jurisdictions influenced the EU linguistic regime (Williams 2013:112, chapter 3.2). After all, plain language requirements were met in Summaries of Legislation despite modals not being mentioned in the EU Drafting Guidelines (see above). Therefore, possibly in the course of PLM developments such as the EU clear writing campaign (chapter 3.2), general considerations and aspects of the PLM have found their way into EU drafting processes, even without being explicitly mentioned in specific drafting guidelines.

Generally, such developments cannot be considered as easy processes. It has been held that the implementation of simplification strategies and making more profound improvements syntactic and organisational levels of legal texts are very difficult enterprises (see also Garzone 2013: 79). Therefore, elements like sentence length and sentence structure will also be discussed in the following.

7.3. Sentence Length, Syntax and Punctuation

7.3.1. <u>Sentence Length in Legal English and Summaries of Legislation</u>

When adopting a plain language view on legal English, it is assumed that it is not only the technical vocabulary, but rather the complex sentence structure and sentence length that make legal writing so difficult to comprehend (Hartley 2000: 15f). Bowles (1995: 214) came to the conclusion that even though difficult lexical choices, such as technical vocabulary, are avoided, re-written or summarised legal texts may still have a complex structure hard to understand by targeted readers. Complex syntax with complex constituency levels, subordinated sentences, syntactic discontinuity and long sentences are among the most criticised elements of legal English (Cornelius 2010: 176, Turnbull 2014: 65).

Plain language techniques and simplification have a lot in common: They both focus on information distribution, clear structure and format, appropriate sentence length and changing phraseology and semantics in order to make texts accessible to a layperson (Siebörger & Adendorff 2011: 496f, Jones et al. 2012: 363, Macdonald 2004: 938). Thus, effective drafting principles that fulfil plain language strategies in order to facilitate comprehension aim at modifying syntax, by substituting lexical and syntactic phenomena with words and grammatical structures more commonly used (Bhatia 1983: 43, Cornelius 2010: 172).

The main purpose of a summary is to transfer information concisely (Finegan-Dollak & Radev 2016: 2437). Summarisation can involve the use of simplification strategies, aiming at presenting information of a source text by shortening sentences or avoiding complicated syntax (Cornelius 2010: 174, Turnbull 2014: 69, see chapter 3). Therefore, sentence structures of will be examined in Summaries of Legislation. In order to stay within the scope of this thesis, only

Summaries of one category, namely EMA, were examined. The aim was to identify main and subordinate clauses, as well as bullet-point structures (see also Siebörger & Adendorff 2011: 496). The main code set was chosen as follows[12]:

Table 17 Codes for Sentence Length Analysis

MC – Main Clause	Main clause can stand alone in simple sentence and is not embedded within larger clause and is not a bullet point (see Collins & Hollo 2010:124)
SC – Subordinate Clause	Subordinate clause embedded within larger clause, part of complex sentence; lower status clause is embedded (Collins & Hollo 2010:124).
BP – Bullet point	Bullet Points consist of only one phrase, clause or main sentence that has no embedded clauses; bullet points might not be able to stand alone. If bullet points contain additional subordinate clauses, they are marked as such. If followed by text, only first sentence was marked as BP.
COD – Coordination Device	Coordinator between two main clauses of equal rank.

These codes were applied as sub-codes to the already identified moves in Dedoose (Table 18). Such an application enables to identify which sentences are used the most in which moves. Also, only running text was considered – no headings or subheadings were considered for this analysis – as they do not fit into the codes decided upon. Bullet points were referred to as elements that are used in order to break down complex sentence structures by means of simplification and summarisation (chapter 3.3). Some parts of the text contained both main clauses and bullet points and were difficult to be coded. These parts were considered as BP when clearly being formatted with a respective punctuation device, i.e. having a bullet point in front of the textual fragment.

A sum total of 478 elements were found in the 10 Summaries, with the following distribution (see Table 18):

Table 18 Result of Sentence Length Analysis

TYPE	TOTAL NUMBER	PERCENTAGE
MC – Main Clause	179	37.4
BP – Bullet point	178	37.2
SC – Subordinate Clause	103	21.5
COD – Coordination Device	18	3.8
SUM-TOTAL	**478**	**100%**

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[12] The full code set is given in Appendix VII.

As seen in Table 18, the number of main clauses is higher than subordinate clauses, which shows that the aim of using more main clauses than subordinate clauses is achieved. Also, the number of bullet points is almost as high as the number of main clauses, which shows that the use of punctuation devices and bullet points is not only a central element within the EU Drafting Guidelines, but is also regularly used in Summaries. After all, as discussed in chapter 6, the EU Drafting Guidelines closely describe elements of punctuation, format and structure, which gives a basis to the frequent use of bullet points.

The distribution of sentences within moves was determined more closely, in order to see how syntactic elements construct respective moves. In the following, moves that did not contain types of sentences or bullet points were removed for clearer representation (see Table 19). [13]

Table 19 Distribution of Sentences in Moves

Media	AM - COD - Coordination Device	AM - MC - Main Clause	AM - SC - Subordinate Clause	BA - BP - Bullet Point	BA - MC - Main Clause	BA - SC - Subordinate Clause	DATE - MC - Main Clause	DATE - SC - Subordinate Clause	KEY - BP - Bullet Point	KEY - MC - Main Clause	KP - BP - Bullet Point	KP - COD - Coordination Device	KP - MC - Main Clause	KP - SC - Subordinate Clause	MD - BP - Bullet Point	MD - MC - Main Clause	RA - BP - Bullet Point	Totals
EMA - Survey on industrial	1	3		2	1		1		1		8	1	12	8	1	3	1	43
EMA - Surveillance		3	2	9	5	4	1				17	2	30	24	1	2	8	108
EMA - Money market funds	1	2	2	2	7	7	1	1	1		14		9	7	1			55
EMA - Harmonised measurement		1	1		3		2		2		20		7	2	1			39
EMA - Fiscal Surveillance		3		2			1					3	13	8	1		3	34
EMA - Financial Assistance to		3	1	4	1	4	1				19	1	6	4	1		3	48
EMA - EU production statistical		3	3	1	1		1		1	1	12	4	14	7	1	2		51
EMA - EU countries non-financial		1	1	1	1		1		1		20	2	8	6	1	2		45
EMA - EU Aid	1	1	2				1		1		5	1	7	2	1	2	1	25
EMA - conversion rates		2	1	2	1		1				7	1	6	6	1	2		30
Totals	3	22	13	23	20	15	11	1	7	1	122	15	112	74	10	13	16	

Most of the main clauses and subordinate clauses can be found in the sub-move SUM-KP of the SUM main move (Table 19). After all, this is the move that is supposed to distribute information about the main content of the Summary, i.e. the original text (EU Drafting Guidelines 2016).

In the EU Drafting Guidelines (2016: 13), the SUM move it is the only 'field' that is explicitly described in matters of structure and formatting: With a target maximum of around 500 words,

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[13] See Appendix VIII for full results.

700 if the original text was longer, the SUM move should be split into several sections, covering information about the original text, topic and subject matter. Also, the SUM-KP move is very content heavy, as it contains many main and subordinate clauses (Table 19). Hence, the SUM move will be the main focus of further discussion in the next chapter.

7.3.2. *Discussion of sentence length, SVO structure and individual moves*

In general, the high number of code applications shows that the SUM-move and its sub-moves constitute the central parts of the Summaries: Firstly, the SUM-move distributes relevant information about the original text, topic and subject matter (EU Drafting Guidelines 2016: 13) Secondly, the SUM-KP move contains the most sentences, coordination devices and bullet points in comparison to other moves, which is more closely illustrated below (see Table 20).

Table 20 Distribution of Sentences in SUM-KP Move

SUMMARY TEXT	KP - BP	KP - COD	KP - MC	KP - SC	TOTAL	Out of 100%
EMA - Survey on Industrial Production	8	1	12	8	29	6.1
EMA - Surveillance	17	2	30	24	73	15.3
EMA - Money Market Funds	14	0	9	7	30	6.3
EMA - Harmonised Measurement	20	0	7	2	29	6.1
EMA - Fiscal Surveillance	0	3	13	8	24	5
EMA - Financial Assistance to Greece	19	1	6	4	30	6.3
EMA - EU Production Systems	12	4	14	7	37	7.7
EMA - EU Countries' Non-Fin. Accounts	20	2	8	6	36	7.5
EMA - EU Aid	5	1	7	2	15	3.1
EMA - Conversion Rates	7	1	6	6	20	4.2
SUM TOTAL	**122**	**15**	**112**	**74**	**323**	**67.6**

The number of main and subordinate clauses, bullet points and coordination devices contained in KP moves amount to 67.6 % of the sum total of tokens found overall (Table 20). Also, the KP was identified as the structurally longest move, even spanning over several pages. Due to the KP move being content heavy, one might even consider the SUM-move as the main body of Summaries, giving essential information about the original text's content matters (see above).

The EU Drafting Guidelines (2016) are very focused on elements of format, punctuation and visual structure, rather than simplification strategies for content or information distribution (chapter 6). Thus, it was very interesting to find that the KP move is realised through supposedly very different formatting and syntactic structuring. Even though bulleted lists rather than running text are suggested in order to break up sentence structures (EU Drafting Guidelines 2016: 5), long running text, different styles of punctuation and sub-headings were observed in KP moves.

Firstly, an example for an appropriately used bullet list was selected (see Figure 7):
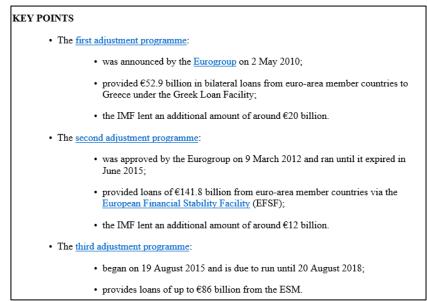
KEY POINTS

- The first adjustment programme:

  - was announced by the Eurogroup on 2 May 2010;

  - provided €52.9 billion in bilateral loans from euro-area member countries to Greece under the Greek Loan Facility;

  - the IMF lent an additional amount of around €20 billion.

- The second adjustment programme:

  - was approved by the Eurogroup on 9 March 2012 and ran until it expired in June 2015;

  - provided loans of €141.8 billion from euro-area member countries via the European Financial Stability Facility (EFSF);

  - the IMF lent an additional amount of around €12 billion.

- The third adjustment programme:

  - began on 19 August 2015 and is due to run until 20 August 2018;

  - provides loans of up to €86 billion from the ESM.

Figure 7 Example - one-level bulleted list (EMA - Financial Assistance to Greece 2017:1)

In Figure 7, the bullet points used correspond to a punctuation rule referred to as "one-level bulleted list with verbs" (EU Drafting Guidelines 2016: 19). In such a construction, the introductory sentence or phrase is followed by a colon and then by bullet points that essentially consist of a verb phrase or the predicate of a split-up sentence (EU Drafting Guidelines 2016: 19). In the example, the SVO sentence structure is split up by using the subject as a starting phrase, and the predicate as subordinated bullet points.

Wydick (2005: 41) suggested that gaps in the SVO structure should be closed by using clear punctuation. In order to do that, Wydick (2005: 45f) suggests to use parallel grammatical structures in consistently punctuated lists in order to convey clusters of information. Figure 7 represents such a parallel grammatical structure, a bulleted list with the same subject but different verb phrases.

Similarly, the following examples (see Figures 8 & 9) use bulleted lists in order to introduce a list of items, but without verb phrases (EU Drafting Guidelines 2016: 19).

KEY POINTS

- EU countries must submit quarterly non-financial accounts to the European Commission, broken down by the following **institutional sectors**:

  - total economy,

  - unspecified total economy (generally pertaining to taxes and subsidies),

  - non-financial corporations (private and public corporate enterprises that produce goods or provide non-financial services),

  - financial corporations (private and public entities engaged in financial services such as banks, insurance and pension funds),

  - general government,

  - households and non-profit institutions serving households (NPISHs, e.g. charities and trade unions),

  - rest of the world (transactions with non-EU residents).

Figure 8 Example - One-level Bulleted List (EMA – EU Countries' Non-finan. Accounts 2016:1)

KEY POINTS

The regulation lays out the requirements for **medium-term loans of up to €50 billion** to non-euro area countries experiencing difficulties in their balance of payments.

The **procedure for granting the loan** includes:

— initiation of the loan provision by the European Commission or relevant non-euro EU country;

— discussion by the EU country with the Commission of its financial needs and submission of a draft adjustment programme;

— on the basis of the adjustment programme, decision by Council of Ministers on whether to grant loan, the amount and duration;

— the drafting of a Memorandum of Understanding by the Commission and EU country setting out the terms decided by the Council.

Figure 9 Example - One-level Bulleted List (EMA - EU Aid 2016:1)

The one-level bulleted lists feature elements that are separate from the introductory sentence and consist of individual nouns or noun phrases (Figures 8 & 9). Siebörger and Adendorff (2011: 496f) found that simplification and plain language techniques suggest that such bullet points only add a small difference in phraseology and semantics, but preserve the communicative purpose of a document. Therefore, breaking down complex constructions and dense paragraphs into bullet-pointed lists is an effective simplification technique (Siebörger & Adendorff 2011: 485). Summarisation and simplification both involve such information restructuring on the clause level, grouping clauses according to common constituents and transforming clause bundles into bullet-pointed lists (Sieörger & Adendorff 2011: 494, chapter 3.3).

However, not all Summaries contain simple structures, even despite using bullet points. This can mostly be traced back to the fact that a simple SVO structure is not used (see Figure 10):

- All EU countries must submit data corresponding to the **rest of the world** and **general government** sectors, while only those whose gross domestic product is normally more than 1 % of the EU total need to provide data for all institutional sectors.

- The accounts must be delivered **at the latest 90 days** after the end of the quarter to which the data relate, and must conform with Regulation (EC) No 2223/96 which introduced the 1995 version of the European system of accounts.

- In providing the data, EU countries should give priority to **direct information,** such as administrative sources or surveys of businesses and households, and must supply the Commission with a description of the sources, methods and statistical treatments used.

- The Commission will submit a report to the European Parliament and to the Council on the implementation of the regulation within 5 years.

Figure 10 SVO Structure vs Bullet Points (EMA – EU Countries' Non-finan. Accounts 2016:2)

In Figure 10, bullet points are used to refer to completely autonomous elements consisting of full sentences. The sentences mostly contain subordinate clauses, especially adverbial clauses. Due to that, sentences are of considerable length, complex and not in a simple SVO structure. Accordingly,

the one-level bulleted list might neither enhance the understanding of the reader in a sufficient amount nor realise its communicative function effectively and efficiently.

Similarly, other KP-moves contained several subordinate clauses within one sentence (see Figures 11 & 12):

Avoiding an excessive deficit: the early warning mechanism

- As part of multilateral surveillance, the Council monitors the implementation of stability and convergence programmes on the basis of information provided by the EU countries and assessments carried out by the Commission and the Economic and Financial Committee.

- So, if the Commission identifies a **significant divergence**from the medium-term budgetary objective or from the planned adjustments that should lead to achieving that objective, it will give **recommendation**sto the country concerned to prevent an excessive deficit (early warning mechanism, Article 121(4) of the Treaty on the Functioning of the EU).

- Furthermore, recommendations adopted in the Council may be made public.

Figure 11 Example - Long Bullet Points (EMA –Surveillance 2017:3)

KEY POINTS

Scope

The regulation applies to all euro area countries, with special rules for those subject to an excessive deficit procedure (EDP).

The EDP comprises a set of rules designed to bring the deficit below the 3 % gross domestic product target defined in Article 126 of the Treaty on the Functioning of the European Union and in the context of the stability and growth pact (SGP). A country is in **deficit** for a given year when its spending for that year is greater than its revenue.

Common timeline

The new common budgetary rules include a **common budgetary timeline** according to which all euro area countries submit their draft budgetary plans by 15 October, i.e. before the final adoption by national parliaments. The Commission issues an opinion in light of compliance with the SGP requirements. If the plan is found to be in breach of the common budgetary rules, the Commission may ask the country concerned to send in a **revised draft plan** within 3 weeks of its opinion. The Commission's request will be **reasoned and made public**. The Commission's opinion is not binding and national parliaments retain full sovereignty.

Figure 12 Example - Running Text (EMA - Fiscal Surveillance 2016:1)

Figures 11 and 12 show that running text is used in KP moves, even though the EU Drafting Guidelines (2016) suggest to avoid long running text and to rather use bullet points. Both the running text and bullet points in Figures 11 and 12 contain several subordinate clauses, among them adverbial clauses. For example, a conditional adverbial clause can be identified in Figure 12: *If the plan is found to be in breach of the common budgetary rules* […].

The misplacement of sentence fragments such as conditionals and adverbial clauses or multiple embeddings are commonly identified causes for comprehension difficulties (Cornelius 2010: 179f): Legal statements are often front-loaded sentences, within which the subject of the sentence is put after long case descriptions in the form of conditionals or adverbial phrases starting with *if, when* or *where*, often negatively enhanced by using deictic expressions in a rather opaque

way (Watson-Brown 2009: 87f, Cornelius 2010: 180). Similarly, Bhatia (2014a [1993]: 113) warns that discontinuity in syntax and constituency cause some of the biggest comprehension difficulties in legal discourse. An example of complicated sentence structure is given in Figure 13:

KEY POINTS

• To become a member of the euro area, the third stage in the EU's economic and monetary union, an EU country must meet certain economic and legal conditions, known as convergence criteria. These criteria are designed to ensure that countries can demonstrate stability — within certain defined limits – in prices, in their government's financial position, in exchange rate stability and in long-term interest rates.

Figure 13 Example - Clause Misplacement (EMA - Conversion Rates 2016:1).

The clause arrangement in Figure 13 is very complex. A non-finite clause is placed at the beginning of the sentence, which also contains relative clauses that omit the relative pronoun: Such an omission is an instance of what is termed lexical complement deletion or whiz-deletion (Cornelius 2010: 178, chapter 3.1). Such a lexical deletion of relative pronouns increases a text's difficulty, as readers must reconstruct a sentence by themselves in order to provide for missing grammatical information (Cornelius 2010: 178).

Hence, the difficulty of a legal text depends on the extent to which discourse features guide readers towards correct reference and interpretation (Bowles 1995: 218). The main elements causing difficulties in understanding are the representation of agents and temporal structures (Bowles 1995: 215). In order to understand legal texts, one needs to identify the legal subject (who) and the legal action (what), which roughly correspond to the linguistic categories of subject and predicate and should ideally be expressed in simple SVO structures (Cornelius 2011: 137f, Wydick 2005: 41). Simple SVO structures could be found in SUM–AIM and SUM–KP moves:

KEY POINTS

The legislation applies to all MMFs managed and/or marketed in the EU. There are 3 kinds:

• **variable net asset value** (VNAV), mainly depending on market fluctuations;

• public debt **constant net asset value** (CNAV), which try to maintain a fixed price for each share;

• **low volatility net asset value** (LVNAV) – a new category introduced as a viable alternative to CNAVs.

It requires MMFs to have sufficient liquid assets to meet any sudden withdrawal of investment:

• LVNAVs and CNAVs must hold at least 10% of assets that mature (i.e. to be repaid by the issuer) within 1 day and 30% that mature within 1 week;

• VNAVs need to hold at least 7.5% of assets that mature within 1 day and 15% within 1 week.

It introduces rules on portfolio diversification and valuation of assets. An MMF may invest no more than:

• 5% of its assets in money market instruments issued by the same body;

• 10% of its assets in deposits made with the same credit institutions;

• 17.5% in other MMFs, to prevent circular investments.

Figure 14 SVO Structures - with Bullet Points in SUM-KP (EU Money Market Funds – 2017:1)

WHAT DOES THIS REGULATION DO?

— It is designed to improve the surveillance of budgetary policies in euro area countries through, for instance, a coordinated assessment of their draft budgets by the European Commission every autumn.

— It introduces a European assessment of draft budgetary plans on a coordinated time frame in autumn for euro area countries.

— It improves national budgetary frameworks by requiring the creation of independent bodies.

Figure 15 Example - SVO - SUM-AIM (EU - Fiscal Surveillance 2016:1)

Both examples in Figures 14 and 15 make use of bullet point punctuation strategies: In Figure 15, similar sentence structures were used in combination with bullet points, in order to put focus on information about the regulation (see also Rasmussen & Engberg 2017: 120). As mentioned above, Wydick (2005: 45) advised to use consistently punctuated bullet-point lists in parallel structures. Similarly, Figure 14 shows straightforward uses of punctuation and bulleting techniques. It appears that such syntactic strategies correspond well to lexical and syntactic simplification strategies intending to simplify both structure and word choice (Finegan-Dollak & Radev 2016: 2439). Especially in international contexts, simplified versions of text may utilise such pre-specified structures, verb tenses and word lists (Long & Ross 1993: 29).

However, simple SVO structures are not always followed in Summaries. A reason the use of longer and more complex sentences can be found within the EU Drafting Guidelines (2016:4), which point out that the content of the Summaries should not be over-simplified, nor overly technical. After all, simplification not only means a simplification of clause structures, but can also mean cognitive restructuring or elaboration (Young 1999: 351). Despite short sentences being easier to understand than long ones, the overuse of short sentences might still not be effective in terms of coherence, cohesion or clear information distribution in the technical, content sense of the text (Macdonald 2004: 938). A simplification may not fulfil a communicative purpose for a lay audience if it strips away the richness of the information that is needed in order to understand a text's implications (Long & Ross 1993: 47). Thus, even if linguistically simplified texts may be easier to understand, new and unfamiliar concepts may be elaborated on with longer sentences and clearer references (Long & Ross 1993: 30).

Such an elaboration typically entails increased length of texts or syntactic and lexical complexity (Long & Ross 1993: 32). This is due to the fact that an elaborated version of a text may retain original lexical constructions and add to them in order to support and improve comprehension (Long & Ross 1993: 32). One could argue that in Summaries of Legislation, some passages need to be richer, longer and more complex in order to cater to the informative communicative purpose (see examples above); mere syntactic simplification might not be able to

cater to informative communicative purposes, especially when information should be understood beyond the text in connection to the context of the subject matter (Long & Ross 1993: 41).

In consequence, sentence length, complexity and understanding largely depend on the targeted audience and the context of the legal text concerned (Macdonald 2004: 938). The drafters of Summaries have to consider the audience based on text, context and general assumptions of discursive knowledge: They must be very careful when selecting the style and grammar and have to consider that the audience has diverse levels of knowledge (Aurelia 2012: 5478, Ferreri 2016: 179, chapter 4.4). As discussed above, this process requires both an understanding of the legal system and different legal fields and of syntax and style of legal texts, legal expressions and legal concepts involved (Aurelia 2012: 5478).

Summing up, the EU Drafting Guidelines are generally adhered to when it comes to syntactic structures. The aim of using more main clauses and breaking up sentences with bullet points is largely fulfilled, even though some texts contain parts that are still overly lengthy and complex in structure. It was found that the SUM-move carries a lot of information and thus seems to be very relevant for information distribution. Especially the SUM-KP tends is very lexically dense, including many different but sometimes difficult lexical structures and formats (see above). Nevertheless, aims of plain language, simplification and summarisation are realised through the application and successful use of the proposed move structure and plain language strategies, ultimately contributing to the realisation of the informative communicative purpose.

Notwithstanding, the EU Drafting Guidelines could provide closer descriptions of plain language, simplification and summarisation strategies, especially when it comes to finding a compromise between them. It is already acknowledged that "(t)he language of the summaries often comes out as a comparison between the legal accuracy and the linguistic clarity" (Summaries Team 2017). Thus, an expansion of the description of the KP-move may be useful, as it is used to provides provide readers with additional, contextual information that can be used for deeper understanding (see also Long & Ross 1993: 47).

Additional information may also be provided by glossing a text with definitions or translations (Cornelius 2010: 174). Such a glossary is used by the EU Publications Office, but reference can only be made to such entries through a hyperlink in the given text. Consequently, hyperlinks can be very relevant not only to the lexical construction of the Summaries, but also to the realisation of their communicative purpose and needs further investigation.

7.4. Hyperlinks in Summaries of Legislation

7.4.1. Online Communication and Summaries of Legislation

The advent of the internet has changed the way that laypeople access information and the way that governments communicate with their citizens and vice versa (Turnbull 2014: 59, Williams 2015: 193). The uniform access to an abundance of information on the internet about legal matters led to laypeople searching for information on their own before seeking assistance of an expert (Turnbull 2014: 59; Wyner, Nazarenko & Lévy 2016: 92). Thus, the average citizen might use the internet first in order to look for information that they need and only subsequently resort to directly contacting governmental offices or professionals (Williams 2015: 193).

At the same time, legally binding texts are difficult to approach and appropriately contextualise for laypeople, even when accessed online (Williams 2015: 193). The online mode of communication may be in the way of the quest for simplicity, clarity and conciseness, and may not always be feasible despite one's best intentions (Williams 2015:193). After all, the online mode of communication heavily influences how information is presented and consumed and can include multi-modal elements of communication such as hypertext, self-contained pages and small, organised information units (Turnbull 2014: 64). Along with such multi-modal elements, plain language may only go so far in ensuring that legal texts can be understood by a layperson, even though both might be used to popularize official discourse online (Williams 2015: 193f).

As mentioned above, the Summaries of Legislation are available online on the EUR-Lex website and can be accessed through a searchable database (chapter 5.3.1). Hence, elements of multi-modal communication play a major role in how the Summaries of Legislation achieve their communicative purpose. Hyperlinks are such multi-modal elements of communication and they are particularly prominent in the Summaries of Legislation.

The use of hyperlinks has been an impressive undertaking so far, which resulted in around 31,000 EU-internal webpages and 120,000 external webpages being linked to Summaries of Legislation (Summaries Team 2017). Of these hyperlinks, 25.2% are from schools or universities and 15.4% from legal practice (Summaries Team 2017). According to the EU Drafting Guidelines (2016: 22), hyperlinks that refer to EU Legislation or a governmental or organisational body (even outside EU institutions) have to be included in Summaries, when they link to significant information. Therefore, it was determined how often hyperlinks ('URLs') are used in Summaries of Legislation by a code application in Dedoose. The analytical aim was to calculate an average number of hyperlinks used in a Summary of Legislation (see Table 21):

Table 21 Average Number of Hyperlinks in Summaries

Sum total of texts	Total of pages	Average of pages per summary	Total of URLs	Average of URLs per summary
30	82	3	380	13

As indicated in Table 21, a considerable number of hyperlinks are used on average in a Summary. In addition, the distribution of URLs was identified in the respective categories of Summaries:

Table 22 Distribution of Hyperlinks in Summaries

Category	URLs	Percentage
HR	145	38.2
EMA	136	35.8
IM	99	26.1
TOTAL	**380**	**100.0**

Interestingly, the investigated Summaries of the category Human Rights contained the highest number of hyperlinks, which are based on non-binding guidelines and communications (see Table 22; chapter 5). These texts belong to preparatory documents used for legislative proposals, green papers, white papers, communications or reports (EUR-Lex 2019). Preparatory texts are used during various stages of EU-internal legislative and budgetary processes by various different organs and institutions of the EU (EUR-Lex 2019). Matters appear to be mostly inner-institutional, involving many actors, processes and topics of a legal or budgetary nature. Consequently, there might be a considerable number of documents or relevant background information that can be referred to, which may explain the high number of hyperlinks used.

Hyperlinks can only be used when Summaries are accessed online or through an electronical device that allows the digital tracing of such links. But paper-forms of digitally published texts lose these elements of multi-modal communication. There might be a significant difference between reading texts in a paper or online form, as it might affect readers' information intake, perceptions and understanding (see also Jones et.al. 2012: 365). Therefore, it will be discussed whether and in how far hyperlinks aid the achievement of the informative communicative purpose of Summaries of Legislation.

7.4.2. Discussion – Hyperlinks in Summaries of Legislation

Generally, it is very common that documents published online are supported by the definition of metadata vocabulary and the semantic annotation of sources (Wyner, Nazarenko & Lévy 2016: 92). Hyperlinks are used to provide content information about key terms and key concepts related to a Summary (see above). Additionally, the use of hyperlinks is a simplification strategy of a lexical nature related to reducing complexity of syntax, sentence and text length (Cornelius 2010: 174).

Even though such hyperlinks might be used as a simplification strategy, they might not necessarily increase clarity of texts for readers. In order to answer the question whether hyperlinks are relevant parts of communication contributing to the fulfilment of the communicative purpose of the Summaries, they are put into relation with the move structure. The distribution of URLs in individual moves was investigated (see Table 23):

Table 23 Distribution of Hyperlinks in Moves[14]

Media \ Codes	DTI - URL	KEY - URL	MD - URL	RA - URL	AM - URL	BA - URL	DATE - URL	KP - URL	Totals
IM – strengthening global	1		3	6		1		3	14
IM – reorganisation and winding	1		2			1			4
IM – opening switching bank	1		1			1		1	4
IM – information on the fuel	1		2	4		2		3	12
IM – exposure to asbestos.pdf	1		1					3	5
IM – eu rules on authorisation of	1		2			1		1	5
IM – EU blue card.pdf	1		1	9		1		9	21
IM – copyright and related rights.pdf	1		2	11	7				21
IM – comparable and clear company	1		2	2	1	2			8
IM – buying residential property.pdf	1		2			1		1	5
HR – Violence against women and	1		1	2		8		3	15
HR – The European Union and	1		1		2	2		1	7
HR – Putting the Charter of	1		1	2	1	1		8	14
HR – Protecting childrens rights.pdf	1		2	1	3			9	16
HR – Non-discrimination and equal	1		1	6	4	2		12	26
HR – Human Rights Defenders.pdf	2		2	1	4	2		8	19
HR – EU guidelines on torture and	1		1			1		7	10
HR – EU guidelines on the rights of	1		1		3	3		5	13
HR – EU guidelines on death	1		1		1	5		2	10
HR – Children as a focus of EU	1			2		2		10	15
EMA- Survey on industrial	1		2	2	1	2		6	14
EMA- Surveillance.pdf	1		2	8	1	9		12	33
EMA- Money market funds.pdf	1		1			5		1	8
EMA- Harmonised measurement	1		1			1		4	7
EMA- Fiscal Surveillance.pdf	1		1	3	1	2		5	13
EMA- Financial Assistance to	1		1	3	2	3		6	16
EMA- EU Production units.pdf	1		2		1	1		3	8
EMA- EU countries non financial	1		1			1		4	8
EMA- EU Aid.pdf	1		2	2				4	9
EMA- conversion rates.pdf	1		2			2		15	20
Totals	31		45	64	32	62		146	

[14] The full version of code applications of hyperlinks within moves is given in Appendix IX.

As can be seen in Table 23, most of the hyperlinks can be found in the SUM-KP move. As observed and discussed in chapter 7.2, the SUM-KP move carries most information and is lexically dense. The lexical density might be correlated with the high number of hyperlinks used.

After following some of the hyperlinks, different destinations were identified which led to the differentiation of text-internal and text-external hyperlinks. For example, the EU Drafting Guidelines (2016: 14) instruct to include hyperlinks in the SUM-KP move when the summarised legislation changes long-standing legislation: The amended original legislation or its respective Summary should be referenced by hyperlinks in the Summary of the new legislation (EU Drafting Guidelines 2016: 14). Similarly, the SUM-BA move should include additional information on the subject, but ideally "restricting the text here to a list of links to sources" (EU Drafting Guidelines 2016: 14). Additionally, key terms in SUM moves should be hyperlinked (see Figure 16).

WHAT IS THE AIM OF THE COMMUNICATION?

- It presents the approach of the European Union (EU) to
  - **fighting** discrimination on the grounds of race or ethnicity, religion or belief, disability, age, gender or sexual orientation and
  - **promoting** equal opportunities.
- It seeks to ensure that everyone is given a **fair chance** to realise their potential.

Figure 16 Glossary Hyperlink-References (HR - Non-discrimination 2017:1)

In Figure 16, key terms hyperlinked[15] in the SUM-AIM move connect to definitions and explanations in the institutional glossary on the EUR-Lex website. Thus, key term hyperlinks are bookmarks in the running text that either take the reader directly to the text-internal KEY-move or the institutional glossary (EU Drafting Guidelines 2016: 14, Figure 16). Simplification through hyperlinking can thus make use of a glossary in order to ease cognitive processing, by providing definitions or translations in order to simplify a text (Cornelius 2010: 174). In the case of Summaries of Legislation, hyperlinks are used that connect to a EUR-Lex website internal glossary (EU Drafting Guidelines 2016). Thus, key term hyperlinks can be text-internal hyperlinks or text-external, but EU-internal hyperlinks.

The hyperlinks that are used in Summaries can also be text-external links to EU-external webpages (Summaries Team 2017, EU Drafting Guidelines 2016: 14). Text-internal and text-external hyperlinks can be seen in the next extract in Figure 17:

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[15] Hyperlinks are commonly marked by their blue colour and underlining in text, serving as an indicator of the presence of a hyperlink.
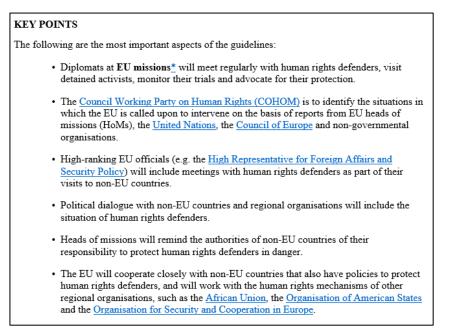
Figure 17 References to External & Internal Sources (HR - Human Rights Defenders 2017:1)

The hyperlinks included in the running text of the SUM-KP move above refer to EU-internal webpages, EU documents and EU external webpages of institutions alike (Figure 17). However, the hyperlinks' visual appearance and formatting (see FN 10) do not allow to identify different types of hyperlinks easily. One has to follow them digitally to see that they link to glossary entries (e.g. 'High Representative for Foreign Affairs and Security Policy'), websites (e.g. 'African Union') or other Summaries (e.g. 'European Instrument for Democracy and Human Rights (EIDHR)') (Figure 17).

The same format of different types of hyperlinks linking to text-internal or text-external destinations might contribute to comprehension problems of readers. Especially, when the same destinations are hyperlinked to different words or passages within Summaries (see Figure 18):

Figure 18 Double-use of Hyperlink – Cropped Extract (HR - Non-discrimination 2017:1-3)

The hyperlink in '*proposal for a directive on equal treatment persons*' in the SUM-KP move refers to the same source as the hyperlink in *'COM (2008) 426 final'* in the REF-RA move (Figure 24). However, the EU Drafting Guidelines (2016: 14) indicate that if key terms in the KP-move are related to documents listed in the REF-move, key terms and references should both be hyperlinked. This results in the hyperlinking of the same source to different (lexical) elements within a single Summary. Multiple hyperlinking as such might not cause comprehension problems, but ambiguity may be caused by the aforementioned formatting styles or by non-conformance to the EU Drafting Guidelines (see Figure 19).

KEY POINTS

The EU combats torture and ill treatment through the support of international instruments (e.g. Universal Declaration of Human Rights, Geneva Conventions, Statute of the International Criminal Court, etc.), and through measures within its common foreign and security policy (CFSP), such as the regulation of trade in instruments of torture.

EU actions for combating torture and ill-treatment in relations with non-EU countries consist of the following:

— establishing **political dialogues** with non-EU countries and regional organisations. The guidelines on human rights dialogues establish clear conditions and principles in this area;

— taking **political initiatives** (démarches) and issuing public statements urging relevant non-EU countries to undertake effective measures against torture and other ill-treatment;

— promoting collaboration with civil society in **bilateral and multilateral cooperation**, in particular under the EU's action plan on human rights and democracy (2015-2019) which supports NGOs in combating torture;

— **observation** roles for EU embassy representatives in trials where it is feared that the defendant has been subjected to torture or ill-treatment.

BACKGROUND

Respect for human rights is one of the key priorities in the EU's external relations. Combating torture and ill-treatment is a necessary part of this work, despite the existence of numerous international instruments that prohibit this type of serious violation of human dignity.

The actions of the EU, strongly supported by all of its countries, aim to prevent and eliminate torture and ill-treatment and to combat the impunity of those responsible. This work complements the EU action to combat the death penalty.

ACT

Guidelines to EU Policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment — An up-date of the Guidelines 6129/1/12 REV1, 20 March 2012

Figure 19 Non-double Application – Cropped (HR - EU guidelines on torture 2016)

In Figure 19, references hyperlinked in the running text of the KP-move are not included as references in BA- or REF-moves. However, as discussed above, it is next to impossible to identify which sources lie behind a hyperlinked element without digitally tracing it. Without doing so, a reader is unable to realise that not only references cited in the BA- or REF-moves, but also elements hidden behind e.g. *'regulations of trade in instruments of torture'* (i.e. another Summary) or behind *'common foreign and security policy'* (a glossary entry) are relevant to the Summary and content matter (Figure 19).

In general, there are no specific differences in format or lexis in the running text that might hint at the type, destination or source of hyperlinks (see above). In a printed paper form, the reader will only realise the existence of a hyperlink, but not be able to infer or understand what this link refers to. Without access to the online version, the reader will not be able to receive all the information offered or even needed: Rather, a high number of hyperlinks included in a text might confuse the reader of a paper version, leaving a sense of incompletion of the information acquired and read. Arguably, such confusion might even be caused when accessing and reading the text online, as the reader might be enticed to leave the current page they are reading (i.e. the Summary) and follow the hyperlinks, which ultimately disturbs and interrupts the reading process. The aspects mentioned might affect the information intake, understanding and successfulness of the clear and simple informative communicative function and ultimately the communicative purpose attempted to be achieved.

The question still remains whether hyperlinks can contribute to the communicative purpose of the Summary. The online communicative mode might heavily influence how information is presented by adding elements of hypertext or self-contained pages (Turnbull 2014: 64). After all, the hyperlinks in Summaries of Legislation add a thick layer of hyper- and metatextuality and multimodality (see above).

Williams (2015: 195) assumes that the success and continued use of plain language will mostly depend on the power of the internet to distribute information to both laypeople and lawyers alike. Considering that the hyperlinks mostly link to sources of an original (legal) nature, Summaries might be useful for both a broad lay-audience and professionals. As Summaries of Legislation cover various different legal topics within the EU legal field (chapter 2 & 6) and include numerous references and hyperlinks to related documents, they can be used by professionals as resources of knowledge. Summaries of Legislation can use hyperlinks to contribute to the informative communicative purpose especially in order to cater to an audience of professionals, broadening the target audience to a multi-layered audience (see chapter 4.4).

Even though a professional audience might be reached by using hyperlinks, there clearly are elements that may not be broken down and simplified enough to make them accessible to a lay-audience. After all, if referenced original sources and concepts are hyperlinked and accessed by laypeople, their meaning may again only be grasped with specialised knowledge (Assy 2011: 400). The understanding of Summaries along with all hyperlinked original legal sources would be far beyond laypeople's (assumed) competences and thus compromise the desired communicative purpose of easy-to-read Summaries.

There might always be a great amount of information that needs to be comprehended and conveyed despite the simplicity sought by the PLM (Assy 2011: 396). As discussed in chapter 3.1,

professional knowledge is needed in order to fully account for the meaning of legal concepts and to use them effectively and efficiently (Assy 2011: 403). After all, Summaries of Legislation are created for the explanation of key points of most important pieces of EU legislation so that they be understood by laypeople (Summaries Team 2017). Such summaries are meant to simplify information and readers cannot be expected to realise that there is information missing even despite some form of interpretation or description being delivered (Ferreri 2016: 174). Additionally, readers of summaries cannot be expected to double check information on several websites, even if that missing information is indicated within the summaries (Ferreri 2016: 174).

It becomes clear that content and information management online for purposes of making legal texts more accessible is very difficult, especially because of the complexity of the legal semantic web (Wyner, Nazarenko & Lévy 2016: 92). The high number of hyperlinks found gives rise to doubt that Summaries communicate effectively offline. The heavy use of hypertextual and multimodal features contradicts the assumption that it is linguistically possible to represent legal knowledge through a simple, self-contained linguistic code (see also Assy 2011: 397). Turnbull (2014: 74) even assumes that simplification is rather a dumbing-down procedure on a textual-word level that can only be improved by multi-modality in an online communicative context. Ultimately, the question whether a Summary should be a text that can 'stand on its own', without having to have support from hypertextual, multi-modal ways of communication might remain unanswered. In order to achieve a fuller picture, multi-modal analyses or measurements of readability factors should be conducted in a later project, as it would have gone far beyond the scope of this thesis.

The main communicative function of online texts that provide legal information is to give practical information and pragmatic advice (Turnbull 2014: 63). There surely are elements of multi-modal communication that lend themselves to the context of successful online communication (Turnbull 2014: 74). However, considering the discussions above, it might be necessary to weigh possible communication strategies against general elements of communication, also from a genre analytical view: Textual elements should contribute to successful communication to a lay-audience, who lack knowledge in a specialised field, rather than confusing them about their information intake.

Altogether, Summaries of Legislation should ideally be self-contained texts: Even though the simplification strategy of hyperlinking can be used in order to reduce lexical density and the length of a text, Summaries should be able to transfer enough information through (other) plain language features and their move structure in order to achieve their informative communicative purpose. Ultimately, Summaries should neither have to resort to an overuse of hyperlinks nor confuse or overwhelm potential lay-audiences with information they might not be able to process without respective specialised knowledge.

All in all, from a genre analytical view, it is highly questionable but surely debatable that hyperlinks efficiently contribute to the informative communicative purpose of Summaries of Legislation. Admittedly, in providing additional sources of information, hyperlinks contribute to the informative communicative purpose of Summaries of Legislation. Also, an average reader may only be made aware through hyperlinks that there is additional information or material to a legal topic or a Summary (Williams 2015: 194). But hyperlinks may only come to their full communicative potential if the actual audience is able to understand, process and use such additional information: The usefulness of hyperlinks in Summaries of Legislation heavily depends on individual readers and their generic competences. Accordingly, hyperlinks can only contribute with limitations to the informative communicative purpose of Summaries of Legislation.

8. Conclusion

The study focused on how the PLM influenced the project 'Summaries of EU Legislation' of the EU Publications Office. A multi-perspective genre-analytical approach was taken and combined with considerations of plain language, summarisation and simplification to analyse and discuss the EU Drafting Guidelines and a sample of 30 Summaries of Legislation. Firstly, it was determined that the EU Drafting Guidelines, on which Summaries of Legislation are based, feature plain language strategies, which are applied appropriately and effectively in Summaries of Legislation. Secondly, Summaries were put into their institutional context, considering a multi-perspective genre-analytical view. The move structure and linguistic elements of the genre Summaries of Legislation were discussed and correlations to the EU Drafting Guidelines and plain language, summarisation and simplification strategies identified. Through that discussion, it was determined that Summaries of Legislation are genuine instances of discourse and an individual legal genre, that has an informative communicative function and is part of the genre system EU Legislation (chapter 4.4).

Examining the EU Drafting Guidelines, it was found that they mention several plain language strategies that are similar to strategies of Wydick's *Plain Language for Lawyers* (chapter 6). However, some essential plain language elements have not been found within the guidelines, such as modal verbs. Additionally, an general lack of linguistic examples or linguistic modelling examples was determined as an insufficiency of the EU Drafting Guidelines (chapter 6.3).

The EU Drafting Guidelines do not distinguish between different source-texts of EU legislation or publication, even though they are inherently different and need different move structures and strategies to be employed for appropriate summarisation (chapter 6.3). Thus, it seems bold to suggest only two summarisation structures for such different sources of EU Legislation, linking the differentiating aspect merely to the number of documents that are summarised, but not on the communicative purpose, audience or legal effect (chapter 6.3). In sum, it was found that plain language documents might not be able to demystify legal texts to laypeople, as more than basic knowledge of legal concepts might be needed in order to understand and produce a successfully communicating legal text (Siebörger & Adendorff 2011:486, chapter 6). For that reason, it remains highly debatable whether the communicative purpose is achieved when creating Summaries solely based on the EU Drafting Guidelines (chapter 6).

Regarding the move-structure and specific lexical elements of the genre Summaries of Legislation, it was found that provisions of the EU Drafting Guidelines were generally applied (chapter 7). The move analysis showed that adherence to the suggested move structure of the EU Drafting Guidelines might be sufficient to achieve the communicative purpose. But drafters have to rely on additional knowledge to produce Summaries appropriate to individual communicative needs and aims (chapter 7.1).

Apart from the move structure, the communicative purpose of Summaries is also effectively realised through the linguistic material of a text (Badger 2003: 257). The EU Drafting Guidelines focus more on harmonisation related to structure, punctuation or spelling (chapter 6). As a result, it was very interesting to find that modal verbs were hardly used in the Summaries, even despite not being mentioned in the EU Drafting Guidelines (chapters 6 & 7.2). Similarly, the plain language aim of using main clauses and breaking up complex sentences with bullet points is generally fulfilled in the Summaries (chapter 7.3). All in all, the communicative purpose is catered to by making use of plain language strategies. But the analysis also showed that some linguistic elements such as hyperlinks potentially diminish the informative communicative effect and success for particular audience-members (chapter 7.4).

PLM efforts need to consider possible achievements and limitations in order to lead to successful communication (Assy 2011: 382, chapter 7). Only when doing so, can audiences be catered to and democracy and equality achieved, which are the main aims of EU plain language efforts after all (Cornelius 2010: 180, chapters 2 & 7). Thus, it might be beneficial to modify the EU Drafting Guidelines and add richer descriptions and examples of plain language, summarisation and simplification strategies. Then, Summaries might be created even more in consideration of plain language, a lay-audience and types of original texts, in order to make Summaries not only informative, but more audience-friendly.

Therefore, efforts arising out of the PLM are not useless or unsuccessful projects; rather, they need to define their aims clearly and operate within realms of realistic achievement (Assy 2011: 383). Plain language can improve the engagement of laypeople with legal affairs and make the law more precise and intelligible (Assy 2011: 383). Hence, Summaries of Legislation might be used very effectively by a broad audience of laypeople and professionals alike (chapter 7.4). But it has to be acknowledged that Summaries might not be able to fulfil their communicative aim equally for all possible audience members.

Of course, the study focused on a handful of carefully selected texts and only a few exemplary aspects of plain language, summarisation and simplification (chapter 5), within which lay the major limitations to this study. But insightful conclusions about Summaries of Legislation were drawn, which could be furthered in future analyses, for example focusing on the balancing out of legal accuracy and linguistic clarity based on plain language considerations (see Summaries Team 2017). Also, closer analyses of readability, multimodality (e.g. hyperlinks) and Summaries as online-genres would be valuable, which could not have been included within the scope of this thesis. Thus, future multi-perspective analyses combined with multimodal analyses can shed more light on successful expert to lay communication, appropriate plain language efforts and contribute to paving new ways of improvement for the Summaries of Legislation project.

9. References

9.1. Primary Sources

ECONOMIC AND MONETARY AFFAIRS – EMA

EMA – Conversion Rates. 2016. "Conversion rates between national currencies and the euro". EUR-Lex, 25.07.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l25043&rid=7 (22.05.2018).

EMA – EU Aid. 2016. „EU aid to non-euro area countries with trade deficit problems". EUR-Lex, 27.01.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l25005&rid=1 (22.05.2018).

EMA – EU Countries' Non-financial Accounts. 2016. "EU countries' quarterly non-financial accounts by institutional sector". EUR-Lex, 19.10.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:140302_5&rid=11 (22.05.2018).

EMA – EU Production System. 2017. "EU production system — statistical units". EUR-Lex, 23.10.2017. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:4301900&rid=42 (22.05.2018).

EMA – Financial Assistance to Greece. 2017. "Financial Assistance to Greece". EUR-Lex, 02.02.2017. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:14030102_6&rid=19 (22.05.2018).

EMA – Fiscal Surveillance. 2016. "Fiscal surveillance and excessive deficit correction in the euro area". EUR-Lex, 22.02.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:1403_2&rid=2 (22.05.2018).

EMA – Harmonised Measurement. 2016. "Harmonised measurement of inflation across the EU". EUR-Lex, 17.11.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:14030102_3&rid=13 (22.05.2018).

EMA – Money Market Funds. 2017. "Money market funds". EUR-Lex, 18.12.2017. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:4304090&rid=44 (22.05.2018).

EMA – Surveillance. 2017. "Surveillance of budgetary policies". EUR-Lex, 18.04.2017. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l25019&rid=37 (22.05.2018).

EMA – Survey on Industrial Production. 2017. "Survey on industrial production". EUR-Lex, 13.11.2017. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:4301902&rid=41 (22.05.2018).

HUMAN RIGHTS - HR

HR – Children as focus. 2016. "Children as a focus of EU external action". EUR-Lex, 06.12.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l33603&rid=23 (17.05.2018).

HR – EU and Children's Rights. 2016. "The European Union and Children's Rights". EUR-Lex, 25.01.2016 https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:dh0006&rid=1 (17.05.2018).

HR – EU guidelines death penalty. 2016. "EU guidelines on death penalty". EUR-Lex, 07.03.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:130202_1&rid=6 (17.05.2018).

HR – EU guidelines on torture. 2016. "EU guidelines on torture and other cruel treatment". EUR-Lex, 08.03.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:r10109&rid=8 (17.05.2018).

HR – EU guidelines rights of child. 2016. "EU guidelines on the rights of the child". EUR-Lex, 16.08.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l33604&rid=15 (17.05.2018).

HR – Human Rights Defenders. 2017. „Human Rights Defenders – EU support". EUR-Lex, 28.07.2017. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l33601&rid=15 (17.05.2018).

HR – Non-discrimination. 2017. "Non-discrimination and equal opportunities in the European Union". EUR-Lex, 12.01.2017. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:dh0001&rid=25 (17.05.2018).

HR – Protection children's rights. 2017. "Protecting children's rights – 2017 guidelines". EUR-Lex, 28.11.2017. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:4300388&rid=16 (17.05.2018).

HR – Putting the Charter into Practice. 2016. "Putting the Charter of Fundamental Rights into practice". EUR-Lex, 28.06.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:dh0004&rid=12 (17.05.2018).

HR – Violence against women. 2016. "Violence against women and girls: EU guidelines". EUR-Lex, 26.09.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:dh0003&rid=17 (17.05.2018).

INTERNAL MARKETS - IM

IM – Buying residential property. 2017. "Buying residential property – rules on loans". EUR-Lex, 14.09.2017. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:0904_5&rid=8 (24.05.2018).

IM – Comparable and clear financial statements. 2017. "Comparable and clear company financial statements across the EU". EUR-Lex, 17.01.2017. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:24060105_1&rid=25 (24.05.2018).

IM – Copyright and Related Rights. 2016. "Copyright and related rights in the information society". EUR-Lex, 04.04.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l26053&rid=30 (24.05.2018).

IM – EU Blue Card. 2017. "EU Blue Card — entry and residence of highly qualified workers". EUR-Lex, 14.09.2017. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l14573&rid=84 (15.05.2018).

IM – EU Rules on Authorisation. 2016. "EU rules on the authorisation, import and production of veterinary medicines". EUR-Lex, 07.07.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l21231&rid=46 (24.05.2018).

IM – Exposure to Asbestos. 2016. "Exposure to asbestos: worker protection". EUR-Lex. 06.06.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:em0032&rid=39 (24.05.2018).

IM – Information on Fuel Consumption. 2017. "Information on the fuel consumption and CO_2 emissions of new cars". EUR-Lex, 13.12.2017. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l32034&rid=2 (24.05.2018).

IM – Opening Switching Bank Accounts. 2017. "Opening/switching bank accounts and information on fees". EUR-Lex, 20.10.2017. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:090406_1&rid=9 (24.05.2018).

IM – Reorganisation and winding-up. 2016. "Reorganisation and winding-up of credit institutions". EUR-Lex, 05.01.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l24008&rid=5 (24.05.2018).

IM – Strengthening global competitiveness. 2016. "Strengthening global competitiveness of EU investment funds". EUR-Lex, 02.08.2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:mi0037&rid=48 (24.05.2018).

9.2. Secondary Sources

Anesa, Patrizia. 2014. "Defining Legal Vagueness: A Contradiction in Terms?". *Pólemos* 8(1), 193-209.

Anthony, L. 2014-. AntConc Windows (3.4.4.). Tokyo, Japan: Waseda University. http://www.laurenceanthony.net/software.html.

Ashekave, Inger; Nielsen, Anne Ellerup. 2005. "Digital Genres: a Challenge to Traditional Genre Theory". *Information Technology & People* 18(2), 120-141.

Assy, Rabeea. 2011. "Can the Law Speak Directly to its Subjects? The Limitation of Plain Language". *Journal of Law and Society* 38(3), 376-404.

Aurelia, Medrea Nicoleta. 2012. "Cross-cultural Communication a Challenge to English for Legal Purposes". *Procedia - Social and Behavioral Sciences* 46, 5475 – 5479.

Bagder, Richard. 2003. "Legal and General: towards a Genre Analysis of Newspaper Law Reports". *English for Specific Purposes* 22, 249-263.

Bednárova-Gibová, Klaudia. 2016. "Acquis Communautaire as Supranational Legal Texts and their Interlingual Reproduction across Multilingual Europe". *Procedia – Social and Behavioral Sciences* 236, 161-167.

Bendegard, Saga. 2012. "Plain Language in Swedish Translations of EU Legal Texts". *Tijdschrift voor Skandinavistiek* 33, 41-55.

Berukstiene, Donata. 2016. "Legal Discourse Reconsidered: Genre of Legal Texts". *Comparative Legilinguistics* 28, 89-117.

Bhatia, Vijay K. 1983. "Simplification v. Easification – The Case of Legal Texts". *Applied Linguistics* 4(1), 42-54.

Bhatia, Vijay K. 2002. "Applied Genre Analysis a Multi-perspective Model". *Iberica* 4, 3-19.

Bhatia, Vijay K. 2014a [1993]. *Analysing Genre: Language Use in Professional Settings*. London, UK: Longman.

Bhatia, Vijay K. 2014b [2004]. *Worlds of Written Discourse: A Genre-based View*. London, UK: Bloomsbury Academic.

Biel, Łucja. 2014. "The Textual Fit of Translated EU Law: a Corpus-based Study of Deontic Modality". *The Translator* 20(3), 332-355.

Borisova, Lidia. 2013. „How Plain is Legal English in Statutes?". https://revije.ff.uni-lj.si/linguistica/article/download/601/2255 (15.06.2017).

Bowles, Hugo. 1995. "Why are Newspaper Law Reports so Hard to Understand?". *English for Specific Purposes* 14(3), 201-222.

Caliendo, Guidita. 2007. "Modality and Communicative Interaction in EU Law". In Candlin, C.; Gotti, M. (eds). *Intercultural Aspects of Specialised Communication*. Frankfurt: Peter Lang, 241-259.

Collins, Peter; Hollo, Carmella. 2010. *English Grammar: An introduction* (2nd edition). New York, US: Palgrave Macmillan.

Cornelius, Eleanor. 2010. "Plain Language as Alternative Textualisation". *Southern African Linguistics and Applied Language Studies* 28(2), 171-183.

Cornelius, Eleanor. 2011. "The Curious Case of Legal Translation". *Literator* 32(1), 121-143.

Danet, Brenda. 1983. "Law, Bureaucracy, and Language". *Sociolinguistics Today* 20(4), 49-55.

Dedoose. 2018. Dedoose Version 8.0.35. Los Angeles, CA: SocioCultural Research Consultants, LLC. https://app.dedoose.com/App/?Version=8.0.35

Doczekalska, Agnieszka. 2009. "Drafting and Interpretation of EU Law – Paradoxes of Legal Multilingualism". In Grewendorf, Günther; Rathert, Monkika (eds.). *Formal Linguistics and Law*. Berlin: De Gruyter, 339-370.

Dudeva, Bistra. 2013. "For a European Campaign for Plain Language and Clear Communication in Medicine, Healthcare and Public Health ". *Asklepios International Annual for History and Philosophy of Medicine* VIII, 70-77.

EU Drafting Guidelines. 2016. "Annex I: AO 10653: Editorial Assistance in Production, Translation and Maintenance of the Collection of Summaries of EU Legislation: Drafting Guidelines". Publications Office of the European Union, last revision 30.06.2016, received by EUR-Lex Helpdesk via Email to Olivia Wankmüller, 27.09.2017.

EUR-Lex About Page. 2017. EUR-Lex. http://eur-lex.europa.eu/content/welcome/about.html (15.06.2017).

EUR-Lex. 2017. "Frequently Asked Questions". http://eur-lex.europa.eu/content/help/faq/intro.html (12.06.2017).

EUR-Lex. 2019. "Types of documents in EUR-Lex". https://eur-lex.europa.eu/content/tools/TableOfSectors/types_of_documents_in_eurlex.html (12.03.2019).

European Communities. 1997. *Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts*. Luxembourg: Office for Official Publications of the European Communities.

Felici, Annarita. 2010. "Translating EU Law: Legal Issues and Multiple Dynamics". *Perspectives* 18(2), 95-108.

Ferreri, Silvia. 2016. "Loyal to Different Exclusive Masters: Language Consistency at the National and Supranational Level". *Statute Law Review*, 2016 37(2), 172–181.

Finegan-Dollak, Catherine; Radev, Dragomir R. 2016. "Sentence Simplification, Compression, and Disaggregation for Summarization of Sophisticated Documents". *Journal of the Association for Information Science and Technology* 67(10), 2473 – 2453.

Foster, Charles. 2017. "In Defense of Legal Obscurity". *AJOB Neuroscience* 8(1), 39-41.

Garzone, Guilana. 2013. "Variation in the Use of Modality in Legislative Texts: Focus on Shall". *Journal of Pragmatics* 57, 68-81.

Gazzola, Michele. 2016. "Multilingual Communication for whom? Language Policy and Fairness in the European Union". *European Union Politics* 17(4) 546–569.

Gibbons, John. 2001. "Revising the language of New South Wales police procedures". *Applied Linguistics* 22(4), 439–469.

Hafner, Christoph A. 2010. "A Multi-perspective Genre Analysis of the Barrister's Opinion: Writing Context, Generic Structure, and Textualization". *Written Communication* 27(4), 410–441.

Hartig, Alissa J.; Lu, Xiaofei. 2014. "Plain English and Legal Writing: Comparing Expert and Novice Writers". *English for Specific Purposes* 33, 87–96.

Hartley, James. 2000. "Legal Ease and 'Legalese'". *Psychology, Crime & Law* 6(1), 1-20.

Henry, Alex; Roseberry, Robert L. 1998. "An Evaluation of Genre Based Approach to the Teaching of EAP/ESP Writing". *TESOL Quarterly* 32(1), 147-156.

Henry, Alex; Roseberry, Robert L. 2001. "A Narrow-angled Corpus Analysis of Moves and Strategies of the Genre: Letter of Application". *English for Specific Purposes* 20, 153-167.

Jones, Natasha; McDavid, Justin; Derthick, Katie; Dowell, Randy; Spyridakis, Jan. 2012. "Plain Language in Environmental Policy Documents: An Assessment of Reader Comprehension and Perceptions". *J. Technical Writing and Communication* 42(4), 331-371.

Kimble, Joseph. 1994-1995. "Answering the Critics of Plain Language". *The Scribes Journal of Legal Writing* 5, 51-85.

Klabbers, Jan. 2015. *An Introduction to International Organizations Law*. (3rd edition). Cambridge, UK: CUP.

Kużelewska, Elżbieta. 2014. "Unity in Diversity: The Language Policy of the European Union". *Studies in Logic, Grammar and Rhetoric* 38 (51), 151-165.

Lam, Phoenix W.Y. 2013. "Interdiscursivity, Hypertextuality, Multimodality: A Corpus-based Multimodal Move Analysis of Internet Group Buying Deals". *Journal of Pragmatics* 51, 13-39.

Lee, David. 2001. "Genres, Registers, Text Types, Domains, and Styles: Clarifying the Concepts and Navigating a Path through the BNC Jungle". *Language Learning and Technology* 5(3), 37-72.

Long Michael H.; Ross, Steven. 1993. "Modifications that Preserve Language and Content". In Tickoo M.L. (ed.). *Simplification: Theory and Application. Anthology Series* 31, 29-52.

Macdonald, Ros. 2004. "Plain English in the Law – a New Model for the 21st Century". *Commonwealth Law Bulletin* 30(1), 922-947.

Mazzi, Davide. 2007. "The Construction of Argumentation in Judicial Texts: Combining a Genre and a Corpus Perspective". *Argumentation* 21, 21-38.

Mellinkoff, David. 1963. *The Language of the Law*. Boston, MA: Little, Brown & Co.

Petelin, Roslyn. 2010. "Considering Plain Language: Issues and Initiatives". *Corporate Communications: An International Journal* 15(2), 205-216.

Petroni, Sandra. 2014. "Collaborative Writing and Linking: When Technology Interacts with Genres in Meaning Construction". In Evangelisti Allori, Paola; Bateman, John A.; Bhatia, Vijay K. *Evolution in Genre: Emergence, Variation, Multimodality*. New York: Peter Lang, 289-306.

Pozzo, Barbara. 2012. "English as Legal Lingua Franca in the EU Multilingual Context". In Baaji, C.J.W. (ed.). *The Role of Legal Translation in Legal Harmonization*. Netherlands: Kluwer Law International, 183-202.

Ramos, Fernando Prieto. 2014. "International and Supranational Law in Translation: from Multilingual Lawmaking to Adjudication". *The Translator* 20(3), 313-331.

Rasmussen, Kristin W; Engberg, Jan. 2017. "Genre Analysis of Legal Discourse". *Hermes Journal of Language and Communication in Business* 12(22; 1999), 113-132.

Riera, Catalina. 2015. "Plain English in Legal Language: A Comparative Study of Two UK Acts of Parliament". *Alicante Journal of English Studies* 28, 147-163.

Siebörger, Ian; Adendorff, Ralph D. 2011. "Can Contracts be both Plain and Precise?". *Southern African Linguistics and Applied Language Studies* 29(4), 483-504.

Stepanova, Valentina. 2015. "Legal Drafting and Editing in Academic Studies". *Procedia - Social and Behavioral Sciences* 214, 1116 – 1124.

Stepanova, Valentina. 2017. "Translation Strategies of Legal Texts: Experimental Approach". *Procedia - Social and Behavioral Sciences* 237, 1201 – 1207.

Summaries of Legislation Main Page. 2017. EUR-Lex. http://eur-lex.europa.eu/search.html?qid=1497545621459&text=plain%20language&scope=EU_SUMMARY&type=quick&lang=en (15.06.2017.).

Summaries Team. 2017. Letter to Olivia Wankmüller, 14 September 2017. Publications Office of the European Union.

Swales, John. 1990. *Genre Analysis: English in an Academic and Research Setting*. Cambridge, UK: CUP.

Trosborg, Anna. 1997. "Text Typology: Register, Genre and Text Type". In Trosborg, Anna (ed.). *Text, Typology and Translation*. Amsterdam: Benjamin, 3-23.

Turnbull, Judith. 2014. "Expert to Lay Communication: Legal Information and Advice on the Internet". In Bhatia, Vijay K.; Garzone, Giuliana; Salvi, Rita; Tessuto, Girulamo; Williams, Christopher (eds.). 2014. *Language and Law in Professional Discourse: Issues and Perspectives.* Newcastle, UK: Cambridge Scholars Publishing, 61-76.

Watson-Brown, Anthony. 2009. "Defining 'Plain English' as and Aid to Legal Drafting". *Statute Law Review* 30(2), 85-96.

Widdowson, H.G. 1978. *Teaching Language as Communication*. London, UK: OUP.

Williams, Christopher. 2013. "Is legal English "Going European"? The Case of the Simple Present". The *Canadian Journal of Linguistics* 58(1), 105-126.

Williams, Christopher. 2015. "Changing with the Times: The Evolution of Plain Language in the Legal Sphere". *Alicante Journal of English Studies* 28, 183-203.

Williams, Christopher. 2017. "Exposing Errors and Removing Errors: Pushing the Boundaries in Legal English". *Other Modernities Essays* 4, 165-175.

Wydick, Richard. 1978. "Plain English for Lawyers". *California Law Review* 66(4), 727-765.

Wydick, Richard. 2005. *Plain English for lawyers.* (5th edition). Durham, NC: Carolina Academic Press.

Wyner, Adam; Nazarenko, Adeline; Lévi, Francois. 2016. "Towards a High-Level Controlled Language for Legal Sources on the Semantic Web". In Davis, Brian; Pace, Gordon J.; Wyner, Adam (eds.). *Controlled Natural Language, 5th International Workshop, CNL 2016 Aberdeen, UK, July 25–27, 2016 Proceedings*. Switzerland: Springer, 92-101.

Yelland, Cris. 2011. "A Genre and Move Analysis of Written Feedback in Higher Education". *Language and Literature* 20(3), 218-235.

Young, Dolly J. 1999. "Linguistic Simplification of SL Reading Material: Effective Instructional Practice?". *The Modern Language Journal* 83(3), 350-366.

Yu, Guoxing. 2008. "Reading to Summarize in English and Chinese: A Tale of two Languages?" *Language Testing* 25(4), 521–551.

APPENDIX

Dear Olivia!

Thanks a lot for your interest in our project in the context of linguistic analysis and simplification strategies of the English language.

The project 'Summaries of EU legislation' is a communication project to explain the key points of the most important pieces of legislation (which are often quite lengthy and not easily understandable for people without legal background) and their applicability in different fields. They aim at being as concise as possible, easy to read and potentially accessible to everyone.

EU law has a wide impact on the lives of all EU citizens as regards the different topics. It is therefore important that the main pieces of legislation together with some communications accompanied by their legal basis (primary legislation, that is to say the relevant Treaties articles) are understood by all the citizens directly or indirectly affected by the different rules. Four of the **Five Ws** (together with how) are definitely important as regards the summaries, namely:

      a) who

      b) what

      c) when

      d) where

The summaries are for **non-specialists**. This ranges from ordinary citizens to NGOs (who may have subject expertise but not necessarily be familiar with the EU's unique blend of legal *franglais*).

The latest survey regarding the summaries shows that in 2016:

- there were over 10 million page views for the Summaries;
- the most used language was English followed by Spanish, Italian, French, German;
- around 31 000 EU web pages and 120 000 external pages link to the Summaries.
- 25,2% are from schools or universities and 15,4% are from the legal practice.
- The majority of replies are from the EU, yet 7,8% are not EU citizens.
- The most popular reasons for visiting the Summaries are **professional and academic** and more than 75% are looking for a summarised version of specific legislative acts.
- The **main topics** of interest are:

- o Justice, freedom and security;

- o Institutional affairs;

- o Human rights;

- o Internal market and

- o Economic and monetary affairs.

Regarding your other questions:

1) **How do EUR-Lex and the publications office define plain language? Which kind of language do you consider as 'plain'?**

Every summary is first written in English and only once it is finalised from both linguistic and legal side (by all concerned EU services), it is translated into other languages. That is why today we call English "pilot language". Today, it is the most widely used language all over the EU, mainly by non-native speakers.

Consequently, with the time we have developed quite clear guidelines for drafting of the summaries in English. These guidelines have been drafted by the Publications Office together with Directorate-General for Translation (DGT) of the European Commission.

Taking into account the length of a summary, in comparison to the length of summarised legal acts, the language of the summaries often comes out as a compromise between the legal accuracy and the linguistic clarity. We aim:

a) to be as much as possible **jargon-free**,
b) to avoid **legalese**,
  1) replacing the technical term with a **clear alternative** (this may involve paraphrasing or adding a little explanation)
  2) **linking** to a page that explains it (both EU institutions' or international institutions' websites)
  3) If the technical term is a *core*, repeated term in the act, include it *afterwards, in brackets*
c) **To spell things out** explicitly – don't leave concepts **vague** or implied (unless the implication is very obvious) and pitch things in **concrete** terms
d) **w**here possible, to ensure the text makes clear **WHO** is doing **WHAT**, by:
  • replacing nouns with **verbs**
  • adding in the **actors** (the people or bodies doing the action, e.g. companies, farmers, power generators, consumers)

2) **Do you have a regulation on how such summaries should be created?**

Summaries do not have legal value. There is no legal obligation to publish summaries — it is a non-obligatory initiative of the EU

institutions.

3) **Do you have guidelines for how to create a plain legal English text?**

Yes as we mentioned above, we have internal drafting guidelines to ensure homogeneity among the drafters in the different legal fields.

4) Are these summaries for each different language-version of the original regulations separately or is the English summary created and then translated into the other official languages?

The pilot language is English. The summaries which have then passed all legal controls and editorial checks are then translated in all other EU official languages. Our aim is that all linguistic versions of the summaries are drafted in a clear way and avoiding the legal jargon.

Remark: you mention "original regulations" but you probably mean the acts on which the summaries are based (a "regulation" is only one type of EU legal acts and we also summarise other documents, like for instance communications)

5) Can you provide me with any other information on these summaries and use of plain language in the EU in general?

The above mentioned Directorate-General for Translation (DGT) of the European Commission can provide you with further information on clear writing in the EU institutional environment. You can contact them at their functional mailbox DGT-EDIT@ec.europa.eu. They are already aware of your project and research interest.

If you could provide me with more information on these topics and questions, I would be very happy, as it would contribute greatly to my MA Thesis, theoretical approach and background information. Also, if you have any advice on whom else could contact about these matters, please inform me accordingly.

For the purpose of your analysis we suggest you to focus rather on the summaries with the date of last update from September 2015 onwards, which are the summaries written or updated since the Publications Office is managing this project. You will see that the older summaries followed different guidelines and had a slightly different scope, which could cause inconsistencies in your overall results. The category "Recently published" can also be of help in your search.

Good luck with your thesis and please keep us updated how it goes and mainly about your findings!

Best regards,

Summaries team

ANNEX I

AO 10653

Editorial assistance in production, translation and maintenance of the collection of Summaries of EU legislation

DRAFTING GUIDELINES

Last revision 30/06/2016

1 Objective

The objective of the summaries is to give the general public and interested parties an overview of EU legislation and policies in all official languages. Each summary presents a specific topic linked to legislative acts and other documents issued by EU institutions and bodies (hereinafter "legislation").

Summaries are available on [EUR-Lex](#) right next to the full version of the summarized documents (on a separate tab).

'Summaries of EU legislation' is an interinstitutional project so all EU institutions must be treated equally.

2 Target audience

The summaries are for **non-specialists**. This ranges from ordinary citizens to NGOs (who may have subject expertise but not necessarily be familiar with the EU's unique blend of legal *franglais*).

The content should not therefore be over-simplified, but nor should it be overly technical. In a bid to satisfy this broad target audience **the main body of the text should be a summary of the most-relevant articles of the document in question**.

3 Tone

Neutral and objective: no passing judgment, no advancing opinions.

4 Style

Concise, simple, everyday language. Not just for understanding, but also to match the words people search with (Google, etc.). This applies also for technical topics.

4.1 Approach to take for technical/legal terms

1. At the **first mention** in the text, replace the term with an everyday alternative – but *put the technical/legal term in brackets straight after*.
   – If a **glossary entry** for this term exists, link to that entry.
   – If the term describes a **key concept** for the act – but there is no glossary entry for it – create an entry for it in the "Key terms" section. If a new Glossary entry is required, notify the contractor's Managing Editor who will then get the approval of the PO before drafting.
2. In the **rest of the summary** – use the everyday alternative.

4.2 Key aspects of the drafting style

- Texts need to be grammatically and linguistically correct. In general, they should be drafted in the **present tense** where possible to make the updating process easier.

- Regardless of whether it is a "new summary, "re-draft" or "update", the text must always reflect the **state of the most recent legislation** at the moment the drafting receives the approval of the institution validating it (date of last review on EUR-Lex).
- Terminology used needs to be consistent in the whole text and should be updated throughout the text when drafting an update if necessary.
- Running text should not be overused – where possible, use **concise bullet lists** (this ensures that only key, information-carrying words are used)
- Avoid **long sentences** with subordinate clauses
- Short **paragraphs**, 1 idea per paragraph
- Avoid the **passive** tense where possible
- **Bold** key words, but don't overdo it (i.e. generally **not a long string of words** or whole sentence – really try to bold only the key information-carrying words).
- Use concise and subject-relevant **subheads** to break up the text
- Make sure the most important **key words** are placed in the first paragraph of the summary (i.e. words likely to be entered into search engines by our audience – simple everyday language, not technical language).
- Use **hyperlinks** to link to more detailed sources of information (see point 6 on link policy).
- **Ampersand (&)** – use only in (sub)titles (*places where space is at a premium*), to shorten them and aid scan-reading.
- Be aware of the **French-influenced** aspects of source texts, and change them to the natural English equivalent. For example:
  - **false friends** – foreseen, common, actors, Union, etc.
  - **nominalisations** ("*safeguards for the formation and maintenance of PLCs*", "*the update of the list of*"). Verbs make it clearer what's being done and who's doing it.
- Avoid **Latin** expressions, or if they are essential, put them in italics and explain the meaning in brackets.

4.3 Interinstitutional Style Guide

Summaries must be drafted in compliance with the [Interinstitutional Style Guide (IISG)](), bar the following **exceptions**:

- Use term euro area, not Eurozone.
- Use only level 1 of quotation marks according to the Formex rules. See http://formex.publications.europa.eu/formex-4/physspec/formex-4-character-encoding-c02.htm
- Use a **comma** to separate thousands and millions, etc. (so "10,000", not "10 000") only in EN. For the other linguistic versions stick to the rules of the language.
- Use '€' or the word euros (according to the respective language), <u>not 'EUR'</u> (if by any chance the abbreviation 'EUR' have been used in the different stages of the production, the contractor can disregard this change and follow the rule)
- Use digits for all numbers, starting with 1 (e.g. write "5 countries", not "five countries"). (If by any chance a word has been used instead of digit during the production, the contractor can disregard it and follow the rule)
- Use the term EU countries, not EU Member States.
- The use of ampersand (&) is allowed. (See instructions under 4.2)

The list of recurrent errors is presented in Annex I and in Annex III most common issues are listed.

5 Structure of a summary

There are two templates for summaries in this collection:

- **Single subject summary**
  These texts summarise one legislative act only
- **Multiple document summaries**
  These texts summarize two or more related legislative acts. To be included in the same summary the acts must be very closely related, for example two directives adopted to create a particular programme or scheme. Implementing acts should not be part of a multiple document summary as they are listed in the 'Referred docs' section. Their content does not warrant them being featured at the head of the summary.

5.1 Template for summaries based on a single legislative act or document

Type of page	SUMMARY

Doc ID	
CELEX number	32013R0524

Language (use ISO code)	EN
Archived? (YES/NO)	NO
Last modification (dd.mm.yyyy)	
Title	**Online shopping – out-of-court settlements**
Document title	**Summary of:** Regulation (EU) No 524/2013 – online resolution of consumer disputes
Summary	**What is the aim of the Regulation?** *1 or 2 introductory paragraphs** **Key points** *Paragraph(s)/bullet points* **From when does the Regulation apply?** *DD/MM/YYYY / If multiple acts, more explanation / this part is skipped completely* for certain documents* **Background** *Short sentences, list of links in bullet points*
Key terms	**Key terms** A table containing definitions of terms marked in the text with *. Always only 1 *, even if there are multiple terms marked. By clicking on the asterix, the reader should be able to get to this Key terms table.

#key1	* Term1	Definition of term1

	#key2	* Term2	Definition of term2	
	…	* …	…	

References	**Main document**
	Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC - Regulation on consumer ODR (OJ L 165, 18.6.2013, pp. 1–12) See consolidated version (if available, if not take out the sentence)
Referred docs	**Related acts**
	Full title Regulation (EU) No ABC/2013 – implementing Regulation 524/2013 (OJ reference). See consolidated version
	Full title Regulation (EU) No XZY/2013 – applying Regulation 524/2013 to Norway, Liechtenstein & Iceland (OJ reference). See consolidated version

5.2 Template for summary based on several acts or documents

Type of page	SUMMARY

Doc ID	LSEU-L28012-2013-06-23-0508
CELEX number	32003L0087 more CELEX numbers according to the number of documents listed under Document title section.

Language (use ISO code)	EN
Archived? (YES/NO)	NO
Last modification (dd.mm.yyyy)	13.10.2015
Title	**Greenhouse emissions trading scheme**
Document title	**Summary of:** • Directive 2003/87/EC – establishing a scheme for greenhouse gas emission allowance trading within the EU • Decision (EU) 2015/1814 creating a market stability reserve
Summary	**Introduction** **1 or 2 introductory paragraphs describing the topic, e.g..**

	The EU Emissions Trading System (EU ETS)[*](#) is a cornerstone of European Union (EU) policy to combat climate change and reducing industrial greenhouse emissions cost-effectively. *It enables emissions to be traded within the EU by over 11,000 power stations and industrial plants, as well as emissions from aviation. Each allowance[*](#) held by an installation permits it to emit 1 tonne of carbon dioxide or equivalent over a specified period.* ## Key points *Paragraph(s)/bullet points* ## From when does the Directive apply? *DD/MM/YYYY / If multiple acts, more explanation / this part is skipped completely for certain documents* ## Background *Short sentences, list of links in bullet points*
Key terms	## Key terms A table containing definitions of terms marked in the text with *. Always only 1 *, even if there are multiple terms marked. By clicking on the asterix, the reader should be able to get to this Key terms table.

#key1	* Term1	Definition of term1
#key2	* Term2	Definition of term2
	* …	…

References	## Main documents Directive [2003/87/EC](#) of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ reference). See [consolidated version](#). Decision No 1359/2013/EU of the European Parliament and of the Council of 17 December 2013 amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas allowances (OJ reference). See [consolidated version](#). Regulation (EU) No 421/2014 of the European Parliament and of the Council of 16 April 2014 amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in view of the implementation by 2020 of an international agreement applying a single global market-based measure to international aviation emissions (OJ reference). See [consolidated version](#). Decision (EU) 2015/1814 of the European Parliament and of the Council of 6 October 2015 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending

	Directive 2003/87/EC (OJ reference). See [consolidated version]().
Referred docs	**Related documents** Commission Decision [2006/780/EC]() of 16 November 2006 on avoiding double counting of greenhouse gas emission reductions under the Community emissions trading scheme for project activities under the Kyoto Protocol pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 316, 16.11.2006, pp. 12–17). Commission Regulation (EU) No [1031/2010]() of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community (OJ L 302, 18.11.2010, pp. 1–41). See [consolidated version](). Commission Regulation (EU) No [601/2012]() of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 181, 12.7.2012, pp. 30–104). See [consolidated version](). Commission Decision [2013/448/EU]() of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 240, 7.9.2013, pp. 27–35). Commission Regulation (EU) No [176/2014]() of 25 February 2014 amending Regulation (EU) No 1031/2010 in particular to determine the volumes of greenhouse gas emission allowances to be auctioned in 2013-20 (OJ L 56, 26.2.2014, pp. 11–13). Commission Decision [2014/746/EU]() of 27 October 2014 determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, a list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage, for the period 2015 to 2019 (OJ L 308, 29.10.2014, pp. 114–124)

5.3 Field 'Title': Summary title

Length: Max of **60 characters including spaces** or **5-7 words** (e.g. Online shopping – out-of-court dispute settlement)

Use *everyday terms* that may not be in the legislation title but that will make it more relevant to users.

Example:

Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR)

becomes

Online shopping – out-of-court dispute settlement

5.4 Field 'Document title': Title of the summarized document(s) – shortened version

Retain only this information from the original title:

- Type of act
- EU
- No
- Number and year
- Key words/concepts about the *subject* covered by the act

Example

Regulation (EU) No 524/2013 *of the European Parliament and of the Council of 21 May 2013* **on online dispute resolution for consumer disputes** *and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR)*

becomes

Regulation (EU) No 524/2013 - online resolution of consumer disputes

5.5 Field 'Summary' – main content of the summary

For most summaries, the ***target* maximum** for the length of this section should be around 500 words in English

A summary can be longer, if the underlying document itself is long (up to 700 words long in EN).

The actual content of the summary is split in several sections, each with a subhead.

5.5.1 What is the aim of the Regulation? (applicable for summaries with a single document as basis – template 1)

Very brief paragraph or 2 on what, concretely, the message of the document(s) will be. Keep any context to a minimum.

- No historical details
- No procedural details

This opening paragraph will also serve as the meta description. Therefore, keep it short (+/- 200 characters including spaces – at least for the first part).

5.5.2 Introduction (for summaries with multiple documents as bases)

Write a ***paragraph or 2*** about this topic, to explain how the listed documents relate to the subject of the summary.

5.5.3 Key points

- Focus on the **key elements of the legislation** that have or will have an impact on our target audience.

- If the key points mention information also from Field 'Referred docs' Title 'Related documents, so not the main summarized document, then mention explicitly from which one(s).
- Use descriptive **subheads** to break this section up, where necessary and useful.
- If the **legislation alters a key longstanding regime** then very brief reference may be made to the past regime, linking to the summary or old legal text.

5.5.4 *From when does this apply?*

Where possible, say when the act is applicable. If the summarised document is a directive, state also the deadline for incorporation into national laws.

5.5.5 *Background*

Use this section to give more information on the subject, but **as briefly as possible**.

Sometimes that will be a short sentence (not a whole paragraph) about the topic (if necessary), but as far as possible, restrict the text here to a list of **links** to sources, such as:

- Press releases
- Q&A/MEMOs published with press releases
- Explanatory pages on the subject, on Commission websites.

Use the expression: *For further information, see on European Commission's, Council's website.*

> Example:
> *For further information, see [Divorce and legal separation](#) on the European Commission's website*

5.6 Field: 'Key terms'

Place explanations of key terms in a table at the bottom of the text. Link to key terms in the table from the asterisk next to that term in the text (bookmarks). The link is a bookmark that takes the user directly to the table. Bookmarks should be referenced in the links as follows: #key1, #key2, etc.

Key terms crucial to understanding the text should be explained higher up in the summary and not just reserved for the table (*i.e. don't rely on this table as the sole source of clear terms and explanations in the summary – see **section 4.1 above***).

The key terms should be those specific to this legislation. Any that are relevant to several summaries or a policy area should be included in the Glossary.

5.7 Field 'References', Title 'Main document'

This is the full and official title of the main summarized document(s) as on EUR-Lex. Add the OJ reference and link to the consolidated version, if available (see 6.2.3).

Example:

1) [Regulation (EU) No 524/2013](#) of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR) (OJ L 165, 18.6.2013, pp. 1–12)
2) [Directive 2003/87/EC](#) of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, pp. 32–46). See c[onsolidated version](#)

The use of a colon is permitted if it brings clarity. For example

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The future approach to EU budget support to third countries – final version

5.8 Field 'Referred docs' Title 'Related documents'

The section 'Related documents' contains references to documents closely linked to the main document. The official title only is included, not a summary of the content. It is up to the writer's judgment to decide what should be put here, but general guidelines as follows:

The following documents should **not** as a rule be included:
- o Proposals to revise legislation
- o General Communications or Green/White Papers providing context to the main document, e.g. an overall strategy the legislation fits in to (these acts, if important enough, should have their own individual summary).
- The following documents may be included:
  - o Commission and Council implementing acts
  - o Commission delegated regulations
  - o Implementation reports

6 Link policy

Links have to respect the following rules:

- Use key info-carrying words only (cut filler & connecting words).
- Not too long or short – 3 to 5 words is ideal.
- Place links in running text where possible.

Link to one or several of the following sources:

6.1 External links

Link to one or several of the following sources:

- Press release/Q&A prepared for the legislation.
- Relevant sites of European institutions (starting with the Commission).
  Websites of public bodies (Europa, other international organisations such as UN, OECD and national government sites). Do NOT link to private sites such as Wikipedia or commercial sites.

- Legal acts/documents not published on EUR-Lex.

6.2 Internal links

6.2.1 Links to other summaries in the Collection

e.g. http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:tr0018

6.2.2 Links to legal acts/documents on EUR-Lex

All links to legislative acts published on EUR-lex should be built in accordance with ELI[1] requirements, e.g. http://eur-lex.europa.eu/eli/dir/2006/25/oj/eng

6.2.3 Links to consolidated version

Example: http://data.europa.eu/eli/dir/2003/87/eng

6.2.4 Links to glossary entries

Example: http://eur-lex.europa.eu/summary/glossary/accession_criteria_copenhague.html

6.2.5 Links to key terms table

Put the * next to each term you want to explain in the key term table, which you will add at the bottom of the summary.

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[1] The European Legislation Identifier, see http://eur-lex.europa.eu/content/help/faq/intro.html#help13 for details

Annex I: List of recurrent errors

1 Dates according to the IISG

See section '[Numbers and dates'.](#)

> Main points:

- Dates in the text should always be given in their full form (6 June 1992).
- Abbreviations of dates (e.g. footnotes): 6.6.1992, not 6.6.92.
- Date ranges: 2014-2020 (exceptions: Eurostat titles and other multilingual publications).
- Meeting dates: in running text write 23 to 25 July not 23-25 July.

2 Punctuation according to the IISG

See section [Punctuation.](#)

Main points:

- Use single quotation marks, level 1 only (for technical reasons).http://formex.publications.europa.eu/formex-4/physspec/formex-4-character-encoding-c02.htm

3 Countries, languages and currencies

See section [Countries, languages, currencies.](#)

Main points:

- EU countries should be written in text according to their [protocol order](#) (this is the alphabetical order of the countries according to the name of each country in its own language).
- If there is a mix of EU countries and non-EU-countries, then it should be written in the specific alphabetical order of each of the languages.
- Use 'the EU', do not use 'Europe' as an alternative to the EU.

4 Abbreviations, contractions, symbols and acronyms

See section [Abbreviations, contractions, symbols and acronyms.](#)

Main points:

- Spell out the abbreviation/acronym at the first mention, add the abbreviation/acronym in parentheses. Take care that the text remains as clear and readable as possible, not saturated with these abbreviations/acronyms.

In the case of European Commission, after spelling it out the first time, it is possible to go on using the "Commission". The same in the case of an Agency or Authority (as for instance European Food Safety Authority EFSA), then keep the abbreviation.

With *European Union*, spell out in full in each text the first time it occurs. e.g. The European Union (EU).

- No full stops or plurals after units of measure (e.g. km m cm).
- No full stops between letters in an acronym (e.g. NATO).
- If an acronym of six letters or more can be pronounced it can be put in upper and lower case (Unesco, Esprit).
- An acronym, contraction or abbreviation, including names of programmes, of up to five letters is printed in capitals (e.g. EEC, COST, AIDS).

5 Superscript and subscript

Subscript and superscript must be used correctly (e.g. cm^3, CO_2, H_2O, etc.).

6 Pages

Use pp. when mentioning more than one page (pp. 26-28) and avoid repeating the number of page when it is the same number (p. 26, instead of pp.-26-26).

Annex II: Punctuation rules for bulleted lists

The bulleted lists constitute a major part of the new template and its way of drafting editorially the summaries.

As regards their punctuation, we have identified 3 main cases. In general the main criterion to follow is consistency.

1) **Two-level bulleted lists:**

   A) Introductory sentence is to be followed by a colon

   B) First level of the list**: no punctuation if it is just one long sentence, split in the second level of the bullet points. In general use semicolon at the first level.**

   C) Second level of the list: **no punctuation**

   Example:

   The mechanism's specific objectives are to:

   — achieve a high level of protection against disasters by

        o   preventing or reducing their potential effects

        o   fostering a culture of prevention and

        o   improving cooperation between the civil protection and other relevant services;

   — enhance preparedness at both EU country and EU levels to respond to disasters;

   — facilitate rapid and efficient response in the event of disasters or imminent disasters (almost certain to occur);

   — increase public awareness and preparedness for disasters.

2) **One-level bulleted lists t**

   Lists with verbs

   Use a colon at the end of the first sentence to introduce the list then finish each point with a semicolon. The last point ends with a full stop. Lower case letters are used at the beginning of each point.

   List of short items without verbs: **use no punctuation**

   Example:

It aims to protect:

— people's lives and health

— animal health and welfare

— environmental and consumer interests.

3) If the **list includes points which are completely autonomous**: keep the **full stop**

Example:

INTRODUCTION

— The Communication underlines the importance of standards* to Europe's economy and society.

— It presents a strategy to accelerate, simplify and modernise European standardisation processes so that they can adapt to the fast changing global landscape and economic environment.

— Regulation (EU) No 1025/2012 governs how the EU standards-setting process operates and how the various organisations involved in this process (both at EU and national level) work together.

3a) If the list, **including completely autonomous points,** is introduced by a sentence, use **the full stop** as well:

Example:

KEY POINTS

The Communication refers to 3 categories of crisis.

— **Natural disasters**, such as famine, floods and earthquakes. Immediate aid is necessary, but disaster preparedness, such as early warning systems for famines and planting to prevent flooding, represent a more difficult challenge.

— **Violent conflicts**. These can be especially challenging because of conflicting interests between the parties, or long-term instabilities. The EU needs to work in a broad context, since aid risks bringing negative consequences such as corruption, or prolongation of the conflict.

— **Structural and other types of crises.** This includes countries suffering from declining political, economic or social conditions, such as Ukraine, Moldova and Belarus, where relief could have a distorting effect by creating dependency or fuelling tensions. Development aid can help by improving institutional structures and removing barriers to production and trade.

Use **capital letters** at the beginning of each point.

For the other languages adapt these general guidelines to specific ortographic exceptions.

NB: In the structure of the bullet points be consistent.

Example: Natural disasters, such as famine… has a different structure from the other bullet points, where the first words are used like a header. No set rules, but keep the structure consistent.

Annex III: Examples of most common issues

	ISSUE	APPROACH TO TAKE
1	Summary title	• Keep it *short* – 5-7 words • Identify *key subject words* and place at *front* ❌ Management of spent fuel and radioactive waste ✓ Radioactive waste & spent fuel – safety rules
2	Jargon	Use this approach: • Replace the technical term with a **clear alternative** (this may involve paraphrasing or adding a little explanation) • Sometimes you can also make the term a **link** to a page that explains it (e.g. for LDCs, link to the UN webpage that details specifically which countries this covers) • If the technical term is a *core*, repeated term in the act, include it *afterwards, in brackets* ❌ Truncated enterprise groups ✓ All companies in a multinational group that are based in that country (a "truncated group") ⚠️ *Don't* use this approach: Use the technical term in the body of the summary and rely on readers referencing an explanation elsewhere (*in the Key terms section or a link to a different page (even a glossary)*. *Why?* Cross-referencing slows readers down.
3	Non-English phrasing	Replace with idiomatic English: ❌ Security is a shared competence between Member States and the EU institutions ✓ National governments and the EU institutions share responsibility for security

4	Legalese	Replace with *plain terms*:
		❌ The Regulation provides for the establishment of assessment centres.
		✓ The Regulation requires each country to set up assessment centres.
5	Abstraction	• **Spell things out** explicitly – don't leave concepts **vague** or implied (unless the implication is very obvious)
		• Pitch things in **concrete** terms – from a perspective that is meaningful for non-expert readers, stressing outcome rather than (administrative) process:
		❌ *generation* must be kept low….
		✓ the *amounts generated* must be kept low
		❌ to protect *public health* from risks of radiation….
		✓ to protect *the public* from…
		❌ licence holders
		✓ *companies* that handle nuclear waste
6	Nominalisations	Where possible, ensure your text makes clear **WHO** is doing **WHAT**, by:
		• replacing nouns with **verbs**
		• adding in the **actors** (the people or bodies doing the action, e.g. companies, farmers, power generators, consumers)
		❌ Licence applications must include a safety demonstration concerning the development, operation and decommissioning of a facility.
		✓ To get a licence, a company must demonstrate that it can safely set up, operate and decommission a nuclear facility.
		⚠️ Use your *judgement* – in some cases, it isn't necessary to identify the actor (if the actor is really obvious, or unimportant).
7	Repetition	Delete any *concepts* that are mentioned elsewhere in the text. They should be mentioned only once.
8	Links	For any significant info source (e.g. another act, a body, even outside the EU institutions), **add a link**.

3. Appendix III – Summary of PLE features by Wydick (2005)

Elements of plain English (Wydick 2005)	Explanations
1. Omission of surplus words + avoid function high proportion of function words	The more function or glue words may be used in a sentence, its construction may be bulky and the syntactic space between different words or phrases may become too long (Wydick 2005:7f).
+ avoid compound constructions	Compound constructions are mostly adverbial or prepositional phrases consisting of several words, which may actually be replaced by simple one-word constructions such as "because" instead of "for the reason that" (Wydick 2005:11).
+ avoid verbose idioms and redundant legal phrases	Some content is expressed in verbose idiomatic phrases, which may be avoided but still convey the same meaning e.g. "her death" instead of "the fact that she had died". Redundant phrases shall be avoided such as doublets or coupled synonyms like "null and void" (Wydick 2005:17f).
+ focus on actor, action, object	Wydick (2005:15f) essentially refers here to the use of a simple SVO structure.
2. Use simple verbs, not nominalisations	Nominalisations should be avoided, as they usually tend to be modified by surplus adjectives are accompanied by long verb phrases (Wydick 2005:23).
3. Prefer the Active Voice	The active voice should be preferred when the actor of an action is clear; the passive puts focus on the subject being acted upon (Wydick 2005:27f). Usually, passive constructions tend to be longer and can create ambiguity (Wydick 2005:27, 30). However, the identity of the agent might be hidden with the use of the truncated passive, as the focus is put on the subject being acted upon (Wydick 2005:30). Therefore, the passive can have some useful uses, also when trying to emphasise the action that is concerned and can be used for end-sentence emphasis (Wydick 2005:31).
4. Use Short Sentences	Long sentences supposedly make legal writing difficult to understand (Wydick 2005:34). Sentences should ideally only convey one thought (Wydick 2005:35).
5. Careful arrangement of words + avoiding gaps in SVO structure	SVO word order should be kept and gaps between them closed, as these are the essential elements that readers seek in order to understand quickly (Wydick 2005:41).
+ conditions and exceptions should be strategically placed	Conditions and exceptions should be placed by the need for clarity and readability, usually making the end of sentence a good place to be used, as end focus might help understanding (Wydick 2005:44).
+ use lists	If clusters of information, conditions or else need to be conveyed, a list may be useful (Wydick 2005:45). However, lists should have parallel structure and be parallel in grammar, consistently punctuated and ideally

	only have to levels of ranks (Wydick 2005:45f).
+ avoid wide gaps between modifier and modified and nested modifiers and ambiguity	The modifier and modified shall be in close proximity, as word order should be simple in order to avoid ambiguity (Wydick 2005:47f). Nested modifiers and phrases should be avoided, as the reader might have to parse these constructions with a lot of effort that might not contribute to clear information distribution (Wydick 2005:50f).
6. Careful choice of words + concrete nouns rather than abstract	Abstract nouns usually are vaguer – which is sometimes required in legal writing in order to achieve generality in meaning and applicability (Wydick 2005:57). However, even though vagueness might be intended and necessary, concrete nouns should be used when possible (Wydick 2005:57).
+ familiar words instead of lawyerisms	Commonly used words shall be favoured and lawyerisms, which are words with little legal substance and meaning, that only give a picture of false precision such as "aforementioned, whereas, hereinafter" (Wydick 2005:58f).
+ prefer simple present, carefully use modal verbs	Simple present can be used in order to avoid modal verbs, such as shall (Wydick 2005:62). Modal verbs or how Wydick calls them "words of authority" should be used consistently and precisely, if not avoided (Wydick 2005:63). Especially shall is a modal verb that can carry several meanings such as duty, permission, discretion, entitlement and so on (Wydick 2005:64).
7. Avoid language quirks + elegant variation	Synonymous words are used in legal language to avoid the use of the same expression – but this may only lead to verbosity and changes in meaning and ambiguity (Wydick 2005:70).
+ long noun phrases + multiple negatives	In addition to ordinary words of negation of prefixes, even negatively connotated words may be avoided
+ declaratory statements expressed by strong verbs and nouns + sexist language	Strong verbs and nouns have a clear meaning and be used instead of vague phrases (Wydick 2005:73). Wydick (2005:74f) essentially proposes to be gender-neutral by omission of pronouns, using plural or passive voice.
8. Careful punctuation	Wydick gives a very lengthy account of different punctuation devices and their particular use in detail (Wydick 2005:81-107). It cannot be denied that Wydick also considers punctuation as a central element of plain language features, going into detail about the use of definitions, commas, semicolons, colons, dashes, parentheses, apostrophes, hyphens, periods, questions marks, exclamation marks and quotations (Wydick 2005).

4. Appendix IV – Codebook of Moves generated from EU Drafting Guidelines

Nr.	Code	Move Label	Description	Type	Type
1.	**II**	**Internal Information**	**Description of information related to the document for internal purposes, such as last modification date, Doc ID, type of document (=summary), archived status, language (ISO Code), CELEX number etc.**	**Main**	**Obligatory**
2.	**TI**	**Title**	**Giving title of the summarised texts, every day terms that may not be the legislation title but that makes the title more relevant to audience; character restriction of 60 or 5-7 words.**	**Main**	**Obligatory**
3.	**DTI**	**Document Title**	**Title of original document that has been summarised, but shortened version given; indicates type of act, EU, Number, Year and keywords.**	**Main**	**Obligatory**
4.	**SUM**	**Summary**	**Summary containing necessary information about the summarised text, message of document; sum total of 500-700 words; sub-moves used.**	**Main**	**Obligatory**
4.1.	AIM	Aim of Legislation	Heading given as question, then answered in subsequent paragraph, no historical or procedural details, opening paragraph as meta description; informs about aim of the legislative act; restricted according to guidelines in length to 1-2 introductory paragraphs.	Sub to SUM	Obligatory
4.2.	KP	Key points	Giving key elements in paragraphs or bullet points that have impact on target audience, optionally referring to related documents or old legislative regimes.	Sub to SUM	Obligatory
4.3.	DATE	Date of Application	Gives detail about the date from which the legislative act has been in force or is to be implemented.	Sub to SUM	Optional
4.3.	BA	Background	Background information, short sentence informing about subject, might include use of hyperlinks to other documents (originals) for further information.	Sub to SUM	Obligatory
5	**KEY**	**Key Terms**	**Definition of key concepts or terms specific to legislation and that have been marked in the previous texts with an asterisk. Asterisk should have incorporated hyperlink function, possibly to glossary.**	**Main**	**Obligatory**
6.	**REF**	**References**	**References to the documents related to and used.**	**Main**	**Obligatory**
6.1.	MD	Main Document	Detailed reference and citation to original document summarised – full title of original document, including hyperlink.	Sub to REF	Obligatory
6.2.	RA	Related Acts	Reference to documents related to this topic or the legislative act, only title but no summary of document, possibly also hyperlink. Selection of documents up to writer's choice.	Sub to REF	Optional

5. Appendix V – Full Comparison EU Drafting Guidelines & Wydick 2005

Linguistic/ Textual Feature	EU Guidelines	Wydick's Guidelines
Technical Terms	**Technical Terms:** Replace with everyday alternative; if the term describes a key concept, add an entry in the key terms section, especially when it is not included in the glossary. As soon as the technical term is replaced, only use every-day alternative. (EU Drafting Guidelines 2016: 4) **Jargon:** Replace technical term with alternative, identify key subject words (EU Drafting Guidelines 2016:21)	**'Lawyerims':** Use familiar words instead and commonly used words shall be favoured; Wydick also refers here to words that have little legal substance or legal meaning such as "aforementioned, whereas, hereinafter" Wydick (2005: 57f)
Terminology	**Consistent Terminology:** Terminology should be consistent through the whole text. (EU Drafting Guidelines 2016:5)	**Elegant variation:** Synonymous words for the same expression should be avoided (Wydick 2005:70)
Foreign words	**French influenced aspects:** False friends. **Latin expressions:** Need to be explained if they are essential (EU Grafting Guidelines 2016:5)	**Latin, French, Old/ Middle English:** Mentions mostly coupled synonyms and doublets that should be avoided (Wydick 2005: 18).
Phrasing & Idioms	**Non-English phrasing:** Idiomatic English should be used (EU Drafting Guidelines 2016:21). **Legalese:** Replace with plain terms. (EU Drafting Guidelines 2016:22)	**Avoid verbose idioms and redundant legal phrases:** Convey same meaning with easier idiomatic expressions; redundant phrases and coupled synonyms should be avoided (Wydick 2005:17f).
Abstraction	**Abstraction:** Avoid vague or implied concepts, always spell them out or put things into concrete terms (EU Drafting Guidelines 2016:22)	**Concrete nouns rather than abstract:** Vagueness might sometimes be intended, but rather use concrete nouns when possible (Wydick 2005:57).
Nominalisations	**Nominalisations:** Avoid nominalisations, verbs make clearer what is being done and who has done what. (EU Drafting Guidelines 2016:5). Where possible, make sure text makes	**Nominalisations:** Should be avoided, usually tend to be modified and are accompanied with long verb phrases). Rather use simple verbs. (Wydick 2005:32).

	clear who is doing that – replace nouns with verbs and add actor (EU Drafting Guidelines 2016:22).	Focus on actor, action, object: Essentially refers to the use of a simple SVO structure (Wydick 2005:15f). **Avoid gaps in SVO structure:** SVO order should be kept and gaps closed (Wydick 2005:41).
Tense	**Present tense:** Grammatical and linguistic correctness required, should be drafted in present tense to make updating process easier. (EU Drafting Guidelines 2016:4)	**Simple present + Modal verbs:** Simple present may be used in order to avoid modal verbs. (Wydick 2005:62-64). Gives detailed list of expressions to be used instead of modal verbs (Wydick 2005:64).
Active/Passive	**Avoid passive tense:** Should be avoided whenever possible (EU Drafting Guidelines 2016:5).	**Prefer the active voice:** Preferred if actor of action is clear, otherwise might be used in order to hide the agent (Wydick 2005:30f).
Sentence length	**Running text:** Should not be overused, concise bullet lists should be used in order to express key-information **Long sentences:** Should be avoided, especially with subordinate clauses **Paragraphs:** Should be short, only conveying one idea per paragraph (EU Drafting Guidelines 2016:5).	**Use short sentences:** Long sentences should be avoided, sentences should ideally convey one thought. (Wydick 2005:35). **Use Lists:** If clusters of information should be conveyed, use lists being parallel in grammar and consistent punctuation (Wydick 2005:45).
Punctuation	**Ampersand:** Use only in subtitles, aid scan-reading (EU Drafting Guidelines 2016:5). Punctuation for bulleted lists (EU Drafting Guidelines 2016:19).	**Careful punctuation:** Different punctuation devices need to be used well (Wydick 2005:81-107). Aid clarity and add as little complexity as possible (Wydick 2005:84). Specific devices of punctuation (Wydick 2005)

6. Appendix VI – Code Application of Moves

Media \ Codes	DTI - Document Title	II - Internal Information	KEY - Key Terms	REF - References	MD - Main Document	RA - Related Acts	SUM - Summary	AM - Aim of legislation	BA - Background	DATE - Date of application	KP - Keypoints	TI - Title	Totals
IM - strengthening global	1	1	1		1	1		1	1	1	1	1	10
IM - reorganisation and winding	1	1			1			1	1	1	1	1	8
IM - opening switching bank	1	1	1		1			1	1	1	1	1	9
IM - information on the fuel	1	1	1		1	1		1	1	1	1	1	10
IM - exposure to asbestos.pdf	1	1	1		1			1		1	1	1	8
IM - eu rules on authorisation of	1	1	1		1			1	1	1	1	1	9
IM - EU blue card.pdf	1	1	1		1	1		1	1	1	1	1	10
IM - copyright and related rights .pdf	1	1	1		1	1		1		1	1	1	9
IM - comparable and clear company	1	1	1		1	1		1	1	1	1	1	10
IM - buying residential propertypdf	1	1			1			1	1	1	1	1	8
HR - Violence against women and	1	1	1		1	1		1	1		1	1	9
HR - The European Union and	1	1			1			1	1		1	1	7
HR - Putting the Charter of	1	1			1	1		1	1		1	1	8
HR - Protecting childrens rights.pdf	1	1	1		1	1		1	1		1	1	9
HR - Non-discrimination and equal	1	1			1	1		1	1		1	1	8
HR - Human Rights Defenders.pdf	1	1	1		1	1		1	1		1	1	9
HR - EU guidelines on torture and	1	1			1			1	1		1	1	7
HR - EU guidelines on the rights of	1	1	1		1			1	1		1	1	8
HR - EU guidelines on death	1	1			1			1	1		1	1	7
HR - Children as a focus of EU	1	1			1	1		1	1		1	1	8
EMA - Survey on industrial	1	1	1		1	1		1	1	1	1	1	10
EMA - Surveillance.pdf	1	1			1	1		1	1	1	1	1	9
EMA - Money market funds.pdf	1	1	1		1			1	1	1	1	1	9
EMA - Harmonised measurement	1	1	1		1			1	1	1	1	1	9
EMA - Fiscal Surveillance.pdf	1	1			1	1		1	1	1	1	1	9
EMA - Financial Assistance to	1	1			1	1		1	1	1	1	1	9
EMA - EU Production units .pdf	1	1	1		1			1	1	1	1	1	9
EMA - EU countries non financial	1	1	1		1			1	1	1	1	1	9
EMA - EU Aid .pdf	1	1	1		1	1		1		1	1	1	9
EMA - conversion rates.pdf	1	1			1			1	1	1	1	1	8
Totals	30	30	18		30	16		30	27	20	30	30	

7. Appendix VII – Full Codebook for Sentence Length Analysis

Old Nr.	NEW Code
3.	**DTI**
	DTI - MC – Main Clause
	DTI - SC – Subordinate Clause
	DTI - BP – Bullet point
	DTI - COD – Coordination Device
4.	**SUM**
4.1.	**AIM**
	AIM - MC – Main Clause
	AIM - SC – Subordinate Clause
	AIM - BP – Bullet point
	AIM - COD – Coordination Device
4.2.	**KP**
	KP - MC – Main Clause
	KP - SC – Subordinate Clause
	KP - BP – Bullet point
	KP - COD – Coordination Device
4.3.	**DATE**
	DATE - MC – Main Clause
	DATE - SC – Subordinate Clause
	DATE - BP – Bullet point
	DATE - COD – Coordination Device
4.4.	**BA**
	BA - MC – Main Clause
	BA - SC – Subordinate Clause
	BA - BP – Bullet point
	BA - COD – Coordination Device
5	**KEY**
	KEY - MC – Main Clause
	KEY - SC – Subordinate Clause
	KEY - BP – Bullet point
	KEY - COD – Coordination Device
6.	**REF**
6.1.	**MD**
	MD - MC – Main Clause
	MD - SC – Subordinate Clause
	MD- BP – Bullet point
	MD - COD – Coordination Device
6.2.	**RA**
	RA - MC – Main Clause
	RA - SC – Subordinate Clause
	RA - BP – Bullet point
	RA - COD – Coordination Device

Codes	EMA - conversion rates	EMA - EU Aid	EMA - EU countries non-financial	EMA - EU production statistical	EMA - Financial Assistance to	EMA - Fiscal Surveillance	EMA - Harmonised measurement	EMA - Moneymarket funds	EMA - Surveillance	EMA - Survey on industrial	Totals
AIM - BP - Bullet Point											
AIM - COD - Coordination Device		1						1		1	3
AIM - MC - Main Clause	2	1	1	3	3	3	1	2	3	3	22
AIM - SC - Subordinate Clause	1	2	1	3	1		1	2	2		13
BA - BP - Bullet Point	2		1	1	4	2		2	9	2	23
BA - COD - Coordination Device											
BA - MC - Main Clause	1		1	1	1		3	7	5	1	20
BA - SC - Subordinate Clause					4			7	4		15
DATE - BP - Bullet Points											
DATE - COD - Coordination Device											
DATE - MC - Main Clause	1	1	1	1	1	1	2	1	1	1	11
DATE - SC - Subordinate Clause								1			1
KEY - SC - Subordinate Clause											
KEY - BP - Bullet Point		1	1	1				2	1	1	7
KEY - COD - Coordination Device											
KEY - MC - Main Clause				1							1
KP - BP - Bullet Point	7	5	20	12	19		20	14	17	8	122
KP - COD - Coordination Device	1	1	2	4	1	3			2	1	15
KP - MC - Main Clause	6	7	8	14	6	13	7	9	30	12	112
KP - SC - Subordinate Clause	6	2	6	7	4	8	2	7	24	8	74
MD - BP - Bullet Point	1	1	1	1	1	1	1	1	1	1	10
MD - COD - Coordination Device											
MD - MC - Main Clause	2	2	2	2					2	3	13
MD - SC - Subordinate Clause											
RA - BP - Bullet Point		1			3	3			8	1	16
RA - COD - Coordination Device											
RA - MC - Main Clause											
RA - SC - Subordinate Clause											
Totals	30	25	45	51	48	34	39	55	108	43	

9. Appendix IX – Code Applications URLS with Moves full version

Media	DTI - Document Title	DTI - URL	II – Internal Information	KEY - Key Terms	KEY - URL	REF - References	MD - Main Document	MD - URL	RA - Related Acts	RA - URL	SUM - Summary	AIM - Aim of legislation	AIM - URL	BA - Background	BA - URL	DATE - Date of application	DATE - URL	KP - Key points	KP - URL	TI - Title	Totals
IM - strengthening global	1	1	1	1			1	3	1	6		1		1	1	1		1	3	1	24
IM - reorganisation and winding	1	1	1				1	2				1		1	1	1		1		1	12
IM - opening switching bank	1	1	1	1			1	1				1		1	1	1		1	1	1	13
IM - information on the fuel	1	1	1	1			1	2		4		1		1	2	1		1	3	1	21
IM - exposure to asbestos.pdf	1	1	1	1			1	1				1				1		1	3	1	13
IM - eu rules on authorisation of	1	1	1	1			1	2				1		1	1	1		1	1	1	14
IM - EU blue card.pdf	1	1	1	1			1	1	1	9		1		1	1	1		1	9	1	31
IM - copyright and related rights.pdf	1	1	1	1			1	2	1	11		1	7			1		1		1	30
IM - comparable and clear company	1	1	1	1			1	2		2		1	1	1	2	1		1		1	18
IM - buying residential property.pdf	1	1	1				1	2				1		1	1	1		1	1	1	13
HR - Violence against women and	1	1	1	1			1	1	1	2		1		1	8			1	3	1	24
HR - The European Union and	1	1	1				1	1				1	2	1	2			1	1	1	14
HR - Putting the Charter of	1	1	1				1	1	1	2		1	1	1	1			1	8	1	22
HR - Protecting childrens rights.pdf	1	1	1	1			1	2	1	1		1	3	1				1	9	1	25
HR - Non-discrimination and equal	1	1	1				1	1	1	6		1	4	1	2			1	12	1	34
HR - Human Rights Defenders.pdf	1	2	1	1			1	2	1	1		1	4	1	2			2	8	1	29
HR - EU guidelines on torture and	1	1	1				1	1				1		1	1			1	7	1	17
HR - EU guidelines on the rights of	1	1	1	1			1	1				1	3	1	3			1	5	1	21
HR - EU guidelines on death	1	1	1				1	1				1	1	1	5			1	2	1	17
HR - Children as a focus of EU	1	1	1				1		1	2		1		1	2			1	10	1	23
EMA - Survey on industrial	1	1	1	1			1	2	1	2		1	1	1	2	1		1	6	1	24
EMA - Surveillance.pdf	1	1	1	1			1	2	1	8		1	1	1	9	1		1	12	1	42
EMA - Money market funds.pdf	1	1	1	1			1	1				1		1	5	1		1	1	1	17
EMA - Harmonised measurement	1	1	1	1			1	1				1		1	1	1		1	4	1	16
EMA - Fiscal Surveillance.pdf	1	1	1				1	1	1	3		1	1	1	2	1		1	5	1	22
EMA - Financial Assistance to	1	1	1				1	1	1	3		1	2	1	3	1		1	6	1	25
EMA - EU Production units.pdf	1	1	1	1			1	2				1	1	1	1	1		1	3	1	17
EMA - EU countries non financial	1	1	1	1			1	2				1		1	1	1		1	4	1	17
EMA - EU Aid.pdf	1	1	1	1			1	2	1	2		1				1		1	4	1	18
EMA - conversion rates.pdf	1	1	1				1	2				1		1	2	1		1	15	1	28
Totals	30	31	30	18			30	45	15	64		30	32	27	62	20		31	146	30	