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NOMINAL VERSUS VERBAL SYNTACTIC PATTERNS IN ENGLISH AND POLISH ON THE BASIS OF THE SELECTED COMMUNITY LEGISLATION

The present study intends to examine the use of the nominal and verbal syntactic patterns in a corpus of 20 different instruments in the English and Polish version of the Community legislation. The issues discussed cover: the frequency of passive- and other syntactic patterns- occurrence in English and Polish as well as an attempt to establish certain rules that would account for the differences in the results obtained in the course of the analysis. The hypothesis underlying the present investigations is that Polish language is more nominal in nature. Since legal language favors the use of 'subjectless' sentences the subject of the sentence is rarely mentioned. However, in Polish it is sometimes unnatural to employ repetitive passive constructions, especially in literary written discourse which seeks syntactic variety and dynamism. Whether this reluctance towards passive also applies to legal discourse as exemplified in the Community legislation is a question to be resolved. We shall see whether techniques such as nominalizations or the active voice are favored more than the passives.

1. Language of the European Union or 'Eurospeak' and its gradual domestication – some introductory remarks

It cannot be denied that language of the European Union differs in many aspects from language of "home" legislation and domestically applicable instruments.

It is generally assumed that on the level of vocabulary, languages behave in a more dynamic way when it comes to adaptation to changing social and political circumstances than is the case with syntax and grammar. The reception of newly coined terms and expressions sometimes takes places *ad hoc*, not as a result of constructive debate among grammarians and language purists who are rather reluctant towards the 'bottom- up' model of linguistics. In the context

of the enlargement of the European Union this indeed seems to be the case, i.e. a number of neologisms, borrowings and naturalizations have already penetrated languages of the Member States (e.g. *cohesion*, *subsidiarity*). Moreover, morphological processes with which new terms are created in one language begin to be employed in other languages affected by “europeization” (e.g. “additionality” which is translated into Polish as *dodatkowość*) (Śmiałek 2006: Katowice). Although, the process of unifying and standardizing the national laws of EU Member States has met with considerable resistance (1997: 267), it cannot be denied that common terms and expressions already operate on the supranational level.

Syntax and grammar, however, are more constant. Therefore, it would be difficult to analyze language of the European Union (i.e. its grammar and syntax) in the context of the so called Euro-speak or Euro-language. Changes on the level of grammar and syntax are not so easily embraced as e.g. on the level of lexis. Grammar retains its character despite developing international relations and consequent “leakages” between the languages.

The present paper aims to compare the use of the passive voice in a corpus of 20 different legislative instruments in English and Polish and consequently, demonstrate that Polish language remains, to a large extent, less passivized which is to be expected from a language more nominal in character. Indeed, where English relies exclusively on the use of passives, Polish avails itself of other verbal structures due to the existence of the impersonals providing a wide variety of alternative syntactic constructions.

With respect to the current state of research, the intention underlying the present investigation would be to pave the way for further disputes among linguists in the area of European Union legislation.

2. The case of syntax in Polish and English written discourses

Prescriptive texts in Polish scientific discourse seem to display a greater variety with respect to grammar in comparison to which English language seems more uniform in nature.

When it comes to Polish written discourse, it tends to rather avoid but *passivizations* due to the existence of impersonal constructions which provide a variety of alternative syntactic constructions (Fisiak, Lipińska-Grzegorek, Zabrocki 1978: 9).

On the other hand, English language operates with not so many available grammatical patterns which makes it more uniform and repetitive. This uniformity is all the more prominent with respect to English legal texts where the structure of the provisions is fixed and regulated by the legislative procedures imposed from above. Although in writing, the structure of Polish syntax cannot be so unceremoniously violated, it still operates with a richer set of available syntactic structures, especially in the literary discourse.

The grammatical incompatibility of both languages becomes even more conspicuous if we take into consideration different legal systems. Polish legal style is historically embedded in the continental tradition of law codification which makes it distinct from the English legal system where case law and the judicial precedent have shaped the law enforcement as well as the discourse used by the law-making bodies.

Thus, both English and Polish have their own idiosyncratic properties which to some extent also affect their legal registers.

3. Legal language- its status, characteristics and the current state of research

As far as legal register is concerned, it is governed by certain internal rules which determine not only the meaning, i.e. the semantics of particular terminological units but also the order of constituents in a sentence which sometimes differs from general rules of the grammar of a given language. Various studies, which have already been dedicated to this problem (e.g. by M. Zieliński, T. Gizbert-Studnicki, J. Pieńkos) seem to confirm that this is indeed the case. T. Gizbert-Studnicki states that apart from dissimilarities on the lexical and semantic level, there is also a difference in the way the whole sequences of speech are arranged (Malinowski 2006: 23).

As regards nomenclature and definitions, the aim of the legislator is first and foremost to account for the multiplicity of meanings which may lead to confusion. Such situations occur quite often, especially when it comes to polysemic words or words with unspecified scope (some general notions which escape unequivocal interpretation, e.g. "rażąca obraza czci", "nagle niebezpieczeństwo dla zdrowia" etc.) (Malinowski 2006: 145).

In order to account for such cases, specialists have established a set of rules which aim to make legal norms and provisions more transparent. For a linguist, the most important ones would include the structure of the smallest editorial unit- the legal provision as well as criteria for establishing legal definitions.

As far as the structure of the legal provision is concerned, it is defined as "a statement containing the directive of a public authority ordering its addressees to behave under specific circumstances in a way that is specified in it" (Jabłońska-Bonca 2004: 60-61). The necessary components of each legal provision are therefore: the addressee, the definition of the circumstances, the occurrence of which results in the duty of specific conduct that the addressee must apply or from which he must refrain. Moreover, all these provisions must be arranged in a way that will reflect legal reasoning "developed, consolidated and recognised as binding by the legal doctrine and practice, i.e. in accordance with the rules of interpretation of the law and legal inference (Jabłońska- Bonca, *ibid.*: 61).

As for legal definitions, there are certain directives the adherence to which guarantees transparency and communicativeness of legal language. In order

to properly understand the form and the function of definition in general, one should gain insight into how the definition is built. The first part, the so called “definiendum”, is the word which we intend to define. The second part, or the definiens, is the part in which the term is explained (Widła, Zienkiewicz 2005: 45-46).

The most common mistakes which occur in the course of the law-making processes are as follows: “idem per idem” mistake which involves the use of the same referent in the definiens as was used in the first part of the definition as in: a necessary defence is a defence which is necessary (Widła, Zienkiewicz, *ibid.*: 42). The second type of possible error includes defining an unknown term through the unknown also referred to as “ignotum per ignotum”. As in the first example, it may lead to obscuring the meaning instead of clarifying the notion. The term “unknown” is however, relative itself since it all depends on the type of “audience” the definition is intended to reach. There is, however, a certain level of naturalness which should be maintained in each definition. Therefore, defining a plant or a tree species by giving its Latin equivalent would not, for a standard audience constitute a good definition. The scope of the “definiens” should also correspond as closely as possible to the word being defined. Therefore, it should not be too broad nor too narrow. If we were to define “lawyer” as “the person who exercises the profession of a judge, an advocate, a public prosecutor or a notary public” we would not “exhaust” the whole scope of the term being defined. Such a fallible reasoning is referred to as an error of inadequacy (Widła, Zienkiewicz, *ibid.*: 43).

The main feature which seems to prevail in most works dedicated to the analysis of legal language is its syntactic complexity. This usually involves the use of lengthy sentences which would not otherwise be encountered in any language registers considered formal. Another frequently quoted quality also contributing to syntactic “lengthiness” of the texts of law is a great density and accumulation of specialist terms such as Latinisms i.e. the archaic vocabulary as well as phraseology and collocations. The overall tendency is towards using complex sentence structures, multiple subordination as well as to postpone the main verb until very late in the sentence. Another frequently quoted feature with respect to legal register is abundant use of the passive voice and nominal constructions.

As a result, legal register is very often accused of obscuring the meaning through resorting to terms and structures which are not comprehensible to an average Community citizen. The latter has been taken to constitute the main charge of the supporters of the so called Plain Language Campaign aspiring to render legal language more accessible to laypersons. Language of European Union documents has itself been identified as a specific jargon which makes use of various terms and concepts not to be encountered at a national level. In such cases the use of “incomprehensible” and inaccessible terminology may be excused.

4. Nominal and synthetic character of the Polish legal language versus verbal and analytic character of the English legal language

Polish legal language has already been very thoroughly investigated and a number of studies have been dedicated to cover the problem of the differences between the conventional use of ethnical language and its legal variety. The notion “Polish legal language” itself is generally attributed to Polish theoretician Bronisław Wróblewski who is also credited with distinguishing between language of legal acts and language which pertains to legal acts, describes and interprets it (Malinowski 2006: 17).

Polish legal language has so far received some attention from both linguists and logicians who have investigated its specificity against the background of the “common” language. The differences between the two lie in the nomenclature as well as in the structure of the sentences which also display some characteristic features.

According to “The Dictionary of Linguistics and Phonetics”, nominalization is “the process of forming a noun from some other word-class or (in classical transformational grammar especially) the derivation of a noun phrase from an underlying clause” (Crystal 1992: 260). The example below shows how nominalization works:

1a. In the event of default in the payment of this obligation...

1b. If you don't pay what you owe...

(source: Klink 1992: 267).

Further examples are provided by Stanisław Roszkowski:

2a. make such provision for the payment

2b. provide for the payment

(source: Tomaszczyk 1999: 9)

As Bhatia observes, “legislative sentences are more nominal in character than the ones generally encountered in ordinary everyday usage” (Bhatia 1993: 107).

It cannot be argued that Polish language is more “nominal” in character which might generally be attributed to its synthetic character.

Although, Polish legal discourse wins out in terms of nominalizations, it is also to be remarked that English subjects and nominal phrases in general are also complex. As Crystal and Davy point out “the long complicated nominals that result are noticeable by contrast with the verbal groups, which are relatively few, and selected from a restricted set of possibilities” (Crystal & Davy 1969: 205). The fact that noun phrases often turn into lengthy interminable strings or series of enumerations is a consequence of subject postmodifications which are more frequent than premodifications. To the postmodifications most often encountered we shall include a preposition with a nominal group (e.g.: *the nature*

of the measure) and a non-finite clause, e.g. *food additives authorised for use in foodstuffs intended for human consumption*).

Nevertheless, as we shall later see in the study, Polish language avails itself of nominalizations where English employs a repetitive string of passive constructions.

The above difference can be attributed to the fact that the two languages in question belong to two different categories, English being more strict as far as syntactic rules are concerned. This phenomenon is a result of lack of an inflection paradigm. Consequently, English must, in most cases, rely on the word order to convey the meaning of a sentence. Whereas English language belongs to analytic languages, Polish uses inflection in order to change the word form as part of the paradigm shift, be it declension or conjugation, which determines its synthetic character.

Whereas it is common for English to employ more lexemes in general to communicate a certain message as part of legal discourse, it is also true that it tends to be more compact and succinct when it comes to syntax. It operates with but a few patterns being in general more economical whereas Polish generally shows greater flexibility which results in various patterns and grammatical constructions being employed throughout the discourse. Consequently, it is English, in the long run, which seems to be more uniform as far as sentence patterns are concerned.

Therefore, we may assume that an accidental string of English sentences would be far more repetitive than a string of Polish sentences and that in English certain sentence patterns seem to occur more regularly. A closer look at the passive voice as employed in both languages allows to discern this feature more clearly. Whereas in Polish, repetitions generally defy stylistic correctness, in English the issue seems to be considered far more leniently:

*(3a.) Where a feed which **has been identified** as not satisfying the feed safety requirement is part of a batch, lot or consignment of feed of the same class or description, it **shall be presumed** that all of the feed in that batch, lot or consignment **is so affected**, unless following a detailed assessment there is no evidence that the rest of the batch, lot or consignment fails to satisfy the feed safety requirement (GPRFL).*

*(3b.) Jeżeli pasza, **co do której stwierdzono**, iż nie spełnia wymogów bezpieczeństwa w zakresie pasz, stanowi część partii, transzy lub dostawy paszy należącej do tej samej klasy lub kategorii, **należy założyć**, że cała pasza w tej partii, transzy lub dostawie **jest** również **niebezpieczna**, chyba że po dokonaniu szczegółowej oceny brak jest dowodów, iż reszta partii, transzy lub dostawy nie spełnia wymogów w zakresie bezpieczeństwa pasz (OZWPŻ).*

As can be seen, where an English sentence tolerates three similar grammatical constructions placed in the vicinity of each other, Polish, where possible, avoids

passive voice though its use in the above sentence would be perfectly compliant with the rules of grammar: cf. *która została zidentyfikowana* instead of *co do której stwierdzono*.

Due to its different grammar, Polish finds it easier to avoid multiple recurrences of similar syntactic patterns.

Nonetheless, as has already been pointed, legal discourse imposes certain formal restrictions insofar as syntax is concerned. The above phenomenon can be attributed to the character of legal documents which often require repetitions of certain phrases and formulas.

The study concentrates on the cases of the passive voice in the finite clauses, i.e. where the passive voice constitutes the predicate of a sentence or a clause. Cases where past participles are used, have not been included since, in the majority of cases, no shifts in grammar are involved.

5. Analysis based on the selected Community legislation

Listed below are cases of occurrence of the passive voice and their parallel renditions in Polish. The second column gives the total number of passive voice occurrences in the finite English sentences and the following ones present the number of particular patterns which have been used in the Polish version of the analyzed documents.

TABLEAU (1a.) Selected European Union and European Communities legislation: QUANTITY LAYOUT

Doc. No	Overall number of grammatical structures	English	Polish	Polish- other structures		
		Passive voice	Passive voice	Impersonal constructions	Active voice	Nominalization
1.	143	143	80	31	28	4
2.	198	198	134	25	21	18
3.	243	243	97	115	19	12
4.	72	72	52	10	4	6
5.	198	198	90	59	22	27
6.	104	104	49	37	6	12
7.	82	82	29	24	8	21
8.	82	82	42	23	10	7
9.	73	73	51	9	10	3
10.	126	126	55	28	16	27

TABLEAU (1a.)

Doc. No	Overall number of grammatical structures	English	Polish	Polish- other structures		
		Passive voice	Passive voice	Impersonal constructions	Active voice	Nominalization
11.	116	116	69	36	9	2
12.	150	150	105	17	16	12
13.	104	104	77	7	9	10
14.	112	112	61	33	10	8
15.	77	77	36	25	12	4
16.	106	106	50	26	22	8
17.	81	81	35	19	16	11
18.	65	65	11	36	11	7
19.	78	78	34	22	8	14
20.	165	165	99	18	24	24

The second table shows a percentage layout of particular types of transposition. This time, a display of proportion allows a better insight into types of structures which are favored in the Polish version, thereby facilitating our task to concentrate on the selected documents.

TABLEAU (1b.) Selected European Union and European Communities legislation: PERCENTAGE LAYOUT

Doc. No	Overall number of grammatical structures	English	Polish	Polish- other structures		
		Passive voice (%)	Passive voice (%)	Impersonal constructions (%)	Active voice (%)	Nominalizations (%)
1.	143	100	55,9	21,7	20,3	2,1
2.	198	100	67,7	12,6	10,6	9,1
3.	243	100	40	47,3	7,8	4,9
4.	72	100	72,2	13,9	5,6	8,3
5.	198	100	45,5	29,8	11,1	13,6
6.	104	100	47,1	35,6	5,8	11,5
7.	82	100	35,4	29,3	9,7	25,6
8.	82	100	51,2	28,1	12,2	8,5

TABLEAU (1b.)

Doc. No	Overall number of grammatical structures	English	Polish	Polish- other structures		
		Passive voice (%)	Passive voice (%)	Impersonal constructions (%)	Active voice (%)	Nominalizations (%)
9.	73	100	69,9	12,3	13,7	4,1
10.	126	100	43,7	22,2	12,7	21,4
11.	116	100	59,5	31	7,8	1,7
12.	150	100	70	11,3	10,7	8
13.	104	100	74,8	6,8	8,7	9,7
14.	112	100	54,5	29,5	8,9	7,1
15.	77	100	46,7	32,5	15,6	5,2
16.	106	100	47,2	24,5	20,8	7,5
17.	81	100	43,2	23,4	19,8	13,6
18.	65	100	16,9	55,4	16,9	10,8
19.	78	100	43,6	28,2	10,3	17,9
20.	165	100	60	11	14,5	14,5

6. The reason underlying the use of nominal structures

The question which is being asked throughout the analysis is whether the use of particular patterns is predictable and whether it can be determined by certain factors or whether it is simply a matter of convention that a given grammatical structure has been employed. The differences between the two languages in the use of particular structures lead us to think that there should be some factors underlying the use of one particular structure. In most cases, the choice is influenced by stylistic considerations.

As has already been noticed, it may be that the subject matter and the content exert an influence upon the syntactic structure to be employed. In certain documents, the subject remains unchanged throughout longer parts of text and, at the same time, corresponds to the performer of an action. This is probably the reason why the pattern S-V-O prevails. What is more, the English version, as was inferred on the basis of the previous chapter, favors the use of the passive, even in cases where it involved frequent repetitions.

As regards the nominal, their use is of invaluable help in Polish, especially if we take into consideration the rule of conciseness.

Whereas in the case of English the possibility of using nominalizations is determined by syntactic considerations, Polish language abounds in nominals

to be employed not only in the function of a sentence subject but also as a complement and as an adverbial. They also occur in such contexts where it would be possible to use simple subordinate clauses whether in active or in the passive voice. Although such transformations are grammatically conceivable they would involve the violation of the rule of conciseness. However, nominal phrases in English are not always possible after certain expressions.

Below is an example of an English clause being transposed to a nominal phrase where the use of the verb “to ensure” is involved:

(4a.) *Rather than developing new major legislative initiatives, the Commission believes that it is necessary to ensure **that existing law is correctly applied** (GPRFL).*

(4b.) *Komisja jest zdania, że od tworzenia nowych znaczących inicjatyw legislacyjnych ważniejsze jest zapewnienie **właściwego stosowania obowiązującego już prawa** (OZWPŻ).*

Nominalizations are also more common in multiple clause sentences where a subordinate clause is replaced by an adverbial of time such as in the example below:

(5a.) *Once certain conditions **have been met**, such as cooperation on illegal migration and effective mechanisms for readmission, the objective could be to agree Mobility Packages with a number of interested third countries which would enable their citizens to have better access to the EU (SSRE).*

(5b.) *Po **spełnieniu** określonych warunków, takich jak współpraca w zakresie nielegalnej migracji oraz skuteczne mechanizmy readmisji, celem działań mogłoby być uzgodnienie programów mobilności z szeregiem zainteresowanych krajów trzecich, co pozwoliłoby ich obywatelom na uzyskanie lepszego dostępu do UE (SUOR).*

7. Concluding remarks

In the documents so far analysed, the majority of passive verbs have been rendered either passive, in which case no shift of grammar or transposition takes place, or impersonal, which seems to confirm the general assumption that Polish tends to rather avoid passivizations where the use of other constructions is possible.

Therefore, we would not go too far if we laid down that Polish legal discourse seems to operate with greater number of constructions which makes it more variable and less uniform than is the case in English. The examples so far analysed seem to confirm this statement and fulfill criteria hitherto mentioned with regard to legal discourse.

As regards problems yet to be resolved, they mostly relate to the question whether Polish legal language has already undergone changes on the level of syntax which would make it more like the European languages used as model languages, in particular the English language.

It is generally assumed that the language of law reflects the legal system in which it is historically embedded, thus each ethnic language has its own terms to refer to institutions and procedures not elsewhere encountered. The problems faced are not only of terminological nature. It is also style, and thus, syntax which become affected. However as to the stylistics and syntax the issue appears to be more problematic. As van Klink observes: "Style is an important element in the meaning of legal discourse"(van Klink 1992: 209). He further states that style consists in, what he calls, grammatical selection or "choices dictated by what is grammatically appropriate" (van Klink *ibid.* 210). As an example of such a syntactic alternative, he gives two possibilities: "His contention is..." or "He contends..." which purportedly mean exactly the same thing as far as vocabulary is concerned. The alternative, whether to choose one or the other may determine the meaning insofar as one may be regarded more formal than the other. When it comes to translation, some languages (such as English), or the representatives of the Turkic languages, prefer verbal structures whereas the others rely on nominalizations as indicators of formal registers (such as Polish). We can therefore assume that each language has its own set of rules which determine the internal structure of sentences. The aforementioned applies to the language of the legislative documents as well.

Despite this background and tradition, domestic legislation is nowadays faced with the possibility of being "contaminated" with Euro-speak which applies in equal extent to all languages of the countries in which the Community law is applicable.

Although there have been some attempts to investigate the issue, they concentrate on the problem of the vocabulary rather than on the level of syntactic occurrences and beyond. A. Malinowski has undertaken to analyse Polish legal discourse against the background of "common" Polish. However, whether Polish "legalese" has been already affected by the external influence of the "European" solutions is an issue yet to be resolved on the ground of legal linguistics.

Reference list of Community legislation referred to in the study (source: <http://eur-lex.europa.eu/>)

- Green Paper on agricultural product quality: product standards, farming requirements and quality schemes*, Commission of the European Communities, Brussels, 15.10.2008. (GPAPQ) (ZKJPR)
- Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 *laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety*. (GPRFL)
- Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 *on genetically modified food and feed* (Text with EEA relevance) (GMFF). 4. Council Directive of 23 April 1990 *on the contained use of genetically modified micro-organisms* (90/219/EEC).
- Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 *on the deliberate release into the environment of genetically modified organisms* and repealing Council Directive 90/220/EEC - Commission Declaration (DRGMO).
- Commission Regulation (EC) No 1881/2006 of 19 December 2006 *setting maximum levels for certain contaminants in foodstuffs* (Text with EEA relevance) (MLCF).
- Communication from the Commission the Council and the European Parliament: *Better training for safer food* (Text with EEA relevance) (BTFSF).
- Council Regulation (EC) No 509/2006 of 20 March 2006 *on agricultural products and foodstuffs as traditional specialties guaranteed* (APTSG).
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: *on the Sustainable Consumption and Production and Sustainable Industrial Policy Action Plan* (SCP).
- Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 *on a revised Community eco-label award scheme* (CELAS).
- Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Brussels, 21.12.2005: *Taking sustainable use of resources forward: A Thematic Strategy on the prevention and recycling of waste* (TSPRW).
- Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 *on the management of waste from extractive industries and amending Directive 2004/35/EC* (MWEI).
- Council Directive 2004/83/EC of 29 April 2004 *on minimum standards for the qualification and status of third-country nationals and stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted* (MSQ).
- Council Regulation (EC) No 1236/2005 of 27 June 2005 *concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment* (TGCP).
- White Paper on a *European Communication Policy* (presented by the European Commission), Brussels, 1.2.2006, (WPECP).
- Green Paper: *European Transparency Initiative*, Brussels, 26.05.2006 (GPETI).

- Communication of the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 25 October 2005 "Implementing the Community Lisbon Programme: A strategy for the simplification of the regulatory environment" (SSRE).
- Communication from the Commission to the Council and the European Parliament: *Better Regulation for Growth and Jobs in the European Union*, Brussels, 16.3.2005 (BRGJ).
- Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee of the Regions: *Action program to reduce administrative burdens in the European Union Impact Assessment Summary*, Brussels 24.1.2007 (APRAB).
- Council Decision of March 2004 adopting the Council's Rules of Procedure (2004/338/EC, Euratom) (CRP).

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