

# “CONDIȚIONALITATEA”- ILUSTRATĂ PRIN ABORDAREA TERMINOLOGICĂ A POLITICII AGRICOLE COMUNE ÎN LIMBA ENGLEZĂ ȘI LIMBA ROMÂNĂ

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## **Abstract**

### **“CROSS-COMPLIANCE” - REVEALED THROUGH A TERMINOLOGICAL APPROACH OF THE COMMON AGRICULTURAL POLICY IN ENGLISH VS. ROMANIAN**

Traducerea, interpretarea și aplicarea acquis-ului comunitar în domeniul Politicii Agricole Comune (PAC) sunt pași decisivi în procesul de integrare al României în structurile Uniunii Europene. Astfel, acuratețea traducerii și interpretării este un deziderat care nu poate fi atins decât prin explorarea terminologică calitativă a documentelor legislative și elaborarea unor standarde de traducere și interpretare. Acestea pot spulbera orice confuzii generate de multiple variante posibile de traducere. Abordarea conceptului de "cross-compliance" oferă un asemenea model de interpretare literală și contextuală, dar și de elaboare a standardului de traducere, stabilit a fi "condiționalitate". Elaboarea mai multor astfel de standarde de traducere și interpretare nu poate decât facilita interpretarea unitară a PAC, înțelegerea ei, familiarizarea cu PAC în procesul de informare, dar și în aplicarea PAC, accesul la beneficiile și responsabilitățile acestei politici europene.

**Key words:** cross-compliance, condiționalitate, accuracy

## **INTRODUCTION**

When considering the legislation and complex mechanisms of the Common Agricultural Policy (CAP), the European debate operates with PAC terminology (with economic, agricultural and environmental terms). Towards complete European integration, the apprehension of these terms by decision and law-makers, specialists involved in interpreting, translating or popularizing this policy, agricultural producers, rural population and, to a certain extent consumers, is certainly necessary. Knowledge of CAP terminology is essential within the legislative process, for the regulation of this domain, in CAP application and finally, for an access to CAP and its mechanisms.

## MATERIAL AND METHODS

This paper is part of a larger integrated analysis of CAP terminology and approaches the analysis of a single concept- “cross-compliance” (~criteria, ~requirements, ~conditions, ~standards) throughout the CAP material scrutinized, on a comparative basis, in English and in Romanian. In this respect, the EC Regulation 1782/2003 was initially analyzed, as it offers an integrated image of the entire community acquis regarding “cross-compliance”. In addition - within this qualitative approach – legislative texts (48 Directives and Regulations on “cross-compliance”), impact studies and bibliographical material were also analyzed, according to generality, importance and relevance criteria, as well as European, national and regional specificity.

The analysis can proceed from two complementary methods of general approach, interpretation and analysis of (CAP) legislative texts and terms. Therefore, we can make use of the literal method, according to which, the meaning of concepts and thus, the meaning of legislative texts is given by words and not the context. This method has a limited use, because on the one hand, law provisions are equally authentic in all EU official languages and linguistic differences make it difficult for a unitary interpretation, while on the other hand, community law consists of general terms and thus, an overall meaning assessment becomes difficult. The second interpretation method for community law terminology is applied to the context and it is closely related to the intention of the authority issuing the document under discussion.

Within this methodology for an extensive approach and interpretation of community texts, the analysis undertaken aims at clarifying a term, an operating concept and eventually the language of CAP texts. Furthermore, the compatibility degree in the two languages will be evaluated. In this respect, we will not limit ourselves to the strict translation of the term, but essential reference will be made to the definition, the significance of this term for each of the two languages, within the text it belongs to, within the specific domain that it belongs to, according to the situation of this specific domain when the act was issued and eventually according to the intention of the emitting authority. The analysis will show if meanings in the two languages coincide, the similarities, the differences, accompanied by their adequate motivations and explanations. This critical approach will eventually signal possible ambiguities arising in the employment of this term (if it proves to have distinct meanings in the two languages), within the context of a certain legislative text. Finally, this analysis will lead to spotting or foreseeing certain difficulties in the interpretation and application of this legislative text, as a consequence of its inaccurate employment in Romanian.

## RESULTS AND DISCUSSIONS

Literally, “compliance” as a general individual term, is defined as: “conforming to a specification, standard or law that has been clearly defined; an act of willingly carrying out the wishes of others” [The American Heritage Dictionary of the English Language, 2000] or “a form of direct motivation, which relies on the use of extrinsic rewards and punishments” [Oxford Dictionary of English, 2005] or finally a “regulation, in management, namely the act of adhering to and demonstrating adherence to laws, regulations or policies” [www.en.wikipedia.org.]. In Romanian, “compliance” is translated as “consimțământ, asentiment, învoială; îngaduință, flexibilitate, maleabilitate; concesiune, cedare, supunere; complezență, ascultare; respectare, conformare, conformitate” [English-Romanian Dictionary, 2004]. In order to suit the context at hand, the last translation bulk of “respectare, conformare, conformitate” should be insisted upon and can thus be defined unitarily as “punere de acord, adaptare, supunere unui ordin, legi, urmarea unor prevederi, potrivire, concordanță” [DEX, 1998] (=an accord, adaptation, submission to an order, law; the adherence to certain provisions, concordance, congruity, adjustment to certain provisions).

If we move further and approach the specific term of “cross-compliance”, it is of rather recent nature. It emerged as a defining element of the 2003 CAP reform, namely EC Regulation 1782/2003. It was not a new concept, but it was applied on a voluntary basis before 2003, and it made reference exclusively to environmental standards. “Cross-compliance” is now compulsory and refers to the statutory management requirements (according to 19 EU Directives and Regulations), the good agricultural practices and environmental conditions (in accordance to Annex IV of the EC Regulation 1782- e.g. soil protection). There are 18 standards and conditions that have to be met by farmers in order to prove their eligibility for EU funds. All farmers receiving direct payments (even if they are not part of the Single Payment Scheme) are subject to “cross-compliance”, starting with 2005. Failure by farmers to respect these conditions can result in deductions from, or complete cancellation of, direct payments

These standards and requirements cover such areas as: “public, animal and plant health, environment and animal welfare” [Official Journal of the EU, 2003], such as the maintenance of all agricultural land in good agricultural and environmental conditions and the prevention of land abandonment. “Cross-compliance” inaugurates a new direction in terms of CAP and Rural Development, regarding food quality and certain standards for environmental health and animal welfare [Zahiu et al., 2005] that were not previously under close scrutiny. The term “cross-compliance” is often used interchangeably with “environmental or eco-conditionality” to describe the linking of a farmer’s eligibility for agricultural subsidies to environmental conditions. However,

nowadays, the meaning of the concept cannot be limited only to environmental conditions, as it has moved way beyond, covering other areas.

Member States are responsible for the application of “cross-compliance” criteria. This responsibility involves the establishment of a definition of good agricultural and environmental conditions for each of their agricultural circumstances (at national and regional level), for each characteristics of the areas concerned (such as soil and climatic conditions), farming systems, land use, farming practices and farm structures. States must inform farmers of the definition, provide them with the list of statutory management requirements and set up management, control and sanction systems for “cross-compliance” requirements.

This is the reason why, in the definition, information and application processes, an accurate interpretation and translation of “cross-compliance” and all “cross-compliance” standards in a Member State’s native language, in our case Romanian, is a requirement. In the official translation of the EC Regulation 1782/2003, as well as other simultaneous or following regulations such as Regulation 796/2004, the term “condiționalitate” is employed for “cross-compliance”. Another term, “eco-condiționalitate” is employed in official translations of a 2007 Proposal for the Modification of the EC Regulation 1782/2005 and other EU legislative texts. It is the occurrence of these two terms that is most frequent (for “cross-compliance”). Out of 48 official EU documents scrutinized (also including directives 79/409/EEC, 80/68/EEC, 86/278/EEC, 91/676/EEC, 92/43/EEC, to mention only a few) which employ either “condiționalitate” (29%) or “eco-condiționalitate” (36%), there are instances where both are used simultaneously and interchangeably in the same document (35%). Both terms are employed in referential bibliographical work [Dumitru, 2004; Zahiu et al., 2005], alongside their appropriate definitions and explanations.

These two terms considered, there is a literal translation of “cross-compliance”, which is “conformitate încrucișată”. This term is rarely employed in official translations of EU documents. It appears as such only in a translation of a Parliament proceedings act of 2007, but does not occur in any official translation of EU regulations, directives or acts that have to be undertaken by Member States. However, “conformitate încrucișată” appears in the translation of the Good Agricultural and Environmental Conditions Code [www.icpa.ro], alongside the original English term and its definition, which can eventually shed light on any inaccuracies that the translation might give rise to. The official translation norm of EU regulations, directives and acts has not officially established “conformitate încrucișată” as a translation variant for “cross-compliance”. It is a rarely used literal translation, lacks clarity and expansion and should not be popularized as such. Its occurrence in the above-mentioned code is and should be isolated and restricted or, if possible, corrected, to avoid inaccuracy and confusion in the employment of “cross-compliance” in Romanian.

Furthermore, there are cases of the employment of “cross-compliance” in English [Giurcă et al., 2006], even if a translation in Romanian exists. Needless to point out that this employment of an originally English term causes confusion for non-English speakers. Also, it does not establish the proper Romanian concept in the mind of the reader, especially the non-specialist, who is not familiar with the specific English term.

These options being brought to attention, there is a need to decide on a standard of translation for “cross-compliance” that will eliminate any inaccuracies and confusions. We have two viable options to choose from: either “eco-condiționalitate” or “condiționalitate”. The first is more specific and makes clear reference to the set of environmental requirements therein, but at the same time, it is restrictive as it makes exclusive reference to these environmental and ecologic requirements. Therefore, “condiționalitate” is a more accurate standard of translation, as it comprises all conceptual dimensions of “cross-compliance” acquired as of 2003, and does not disregard the other components, such as public and animal health.

## CONCLUSIONS AND RECOMMENDATIONS

We can observe similarities and a desired accuracy and compatibility in this respect, even if linguistic differences lead to slight distortions. As shown, however, there are certain instances when Romanian does not provide us with the appropriate term translation, or provides us with no translation at all and thus, certain ambiguities or difficulties in the understanding, interpretation and even application of a certain legislative text might appear. These difficulties in the application of CAP community texts can only be foreseen for the time being, as Romania is still at a start point in the EU. An analysis of this issue is to be undertaken in the future and it will show if/that a poor translation, definition, interpretation of CAP terms and texts can be a factor influencing the access of Romania and Romanian farmers to CAP, to its mechanisms, responsibilities and benefits.

Furthermore, the terminological analysis of the meaning, definition and translation of “cross-compliance” in English and Romanian makes reference to only one concept - analyzed within selective sources- and it is thus far from being an exhaustive approach. To exhaust all sources and possible interpretations is perhaps too much of an ideal target. However, its aim is to offer interpretation and definition variants and unitarily construct or choose a standard variant (“condiționalitate”) of translation, definition and interpretation that can be used in Romanian. This analysis can be applied to any CAP concept in its specific context and thus, bring a contribution to the understanding and familiarization with CAP concepts, to the CAP information process and therefore, a better integration into CAP.

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