

T.C.
İSTANBUL 29 MAYIS ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
ÇEVİRİBİLİM (İNGİLİZCE) ANABİLİM DALI

TERMINOLOGY STANDARDS AS A TOOL
IN THE TRANSLATION PROCESS
OF A TECHNICAL TEXT

(YÜKSEK LİSANS TEZİ)

Mustafa ŞIK

Danışman:
Prof. Dr. Işın ÖNER

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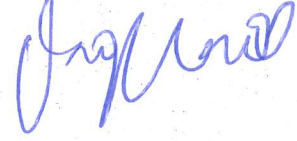
T. C.

İSTANBUL 29 MAYIS ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ MÜDÜRLÜĞÜNE

Siyaset Bilimi ve Uluslararası İlişkiler Anabilim Dalı, Siyaset Bilimi ve Uluslararası İlişkiler Bilim Dalı'nda 030115YL05 numaralı Zeynep AYDIN'ın hazırladığı "*Political Discourse and Instrumentalization: Idealized Female Images of Kemalism and Islamism*" konulu yüksek lisans tezi ile ilgili tez savunma sınavı, 16.04.2019 günü 14:00–16:00 saatleri arasında yapılmış, sorulan sorulara alınan cevaplar sonunda adayın tezinin başarılı olduğuna oy birliği ile karar verilmiştir.

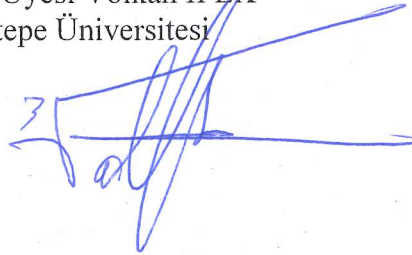


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BEYAN

Bu tezin yazılmasında bilimsel ahlak kurallarına uyulduğunu, başkalarının eserlerinden yararlanılması durumunda bilimsel normlara uygun olarak atıfta bulunulduğunu, kullanılan verilerde herhangi bir tahrifat yapılmadığını, tezin herhangi bir kısmının bu üniversite veya başka bir üniversitedeki başka bir tez çalışması olarak sunulmadığını beyan ederim.


Mustafa ŞİK

22 Mayıs 2019

ÖZ

Teknik metin çeviri projesinde yer alan herhangi bir çevirmen, çeviri sürecinde terimsel problemlerle karşılaşabilir ve bir terminoloji uzmanı gibi hareket etmesi gerekebilir. Terminoloji uzmanı rolünü üstlenen çevirmenlerin bu zorlukların üstesinden gelmek için terminoloji çalışmaları ve terimler hakkında bilgi sahibi olmaları gereklidir. Bu durumda, çevirmenlerin gerekli bilgileri edinebilmeleri için en güvenilir kaynak terminoloji standartlarıdır. Standartlar, çevirmenlerin daha etkin ve profesyonel bir şekilde çalışmalarına yardımcı olur. Bu çalışmanın amacı, terim ve terim oluşumunu, terminoloji standartlarına göre ayrıntılı şekilde incelemek ve teknik çeviri sürecinde çevirmenin karşılaşacağı terimsel sorunlar için terminoloji standartlarında yer alan bilgileri esas alan çözüm önerileri aramaktır.

Anahtar Sözcükler: çevirmen, teknik metin, terim, terminoloji standartları.

ABSTRACT

Any translator who is involved in a translation project of a technical text may face terminological difficulties and need to act as a terminologist during the process. Translators who assume the role of a terminologist should have knowledge about terminology studies and terms to deal with these challenges. In this case, the most reliable resources for translators to acquire the necessary information are terminology standards. Standards help translators to work more efficiently and professionally. The objective of this study is to examine terms and term formation in detail according to terminology standards, and to seek solutions for the problems faced in the process of technical translations.

Keywords: translator, technical text, term, terminology standards.

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INTRODUCTION

In the translation process of a technical text, the translator tries to determine the terms in the source text and finds their equivalents for the target text. This process, although done by some translators, is often underestimated. However, sometimes it may not be an easy task for the translator. While finding key terms and creating a term list for the project, the translator may face some problems. Such problems do not hinder the translation flow perhaps; however, if not overcome they would hinder the quality of translation leading at times to complete misunderstanding. In some cases, glossaries may include more than one equivalent for the term, and the translator should choose the proper one, but for some terms, he or she has to create a new equivalent for the terms in the source text. Therefore, the translator needs methods to overcome these challenges. At this point, the translator should act as a terminologist to determine the terms in the source text and to find their equivalents in the target language. In this approach, the translator creates a termlist for the project. Terminological skills become especially important when we consider the time a translator allocates for this task. In order to decide whether equivalents will be used or a new term will be created, a translator may use terminology standards, which provide definitions, principles and methods with regard to term and term formation as a tool in the course of the translation process of technical text. In addition, translators dealing with technical texts need to record terminological information so that it can be retrieved later, after the completion of translation process. Terminology standards also provide translators with data categories to record terminological information systematically.

The aim of this thesis is to analyze term and term formation process in the terminology standards, and to look for solutions to the above-mentioned terminological difficulties in the translation process of technical texts by using principles and methods provided by terminology standards. In order to achieve this aim, in the first chapter, I will investigate the emergence and evaluation of terminology studies, and the place of terminology in translation studies. Then, information will be given about the organizations that are responsible for establishing terminology standards.

In the second chapter, the purpose of term in concept system will be explained. In addition, principles and methods in terminology standard for term formation will be described with examples.

In the third chapter, CAT tools and term extraction tools that are used in the translation of technical texts will be analyzed.

In the fourth chapter, I will translate a directive of the European Union into the Turkish language as a sample text to show the steps of finding terms in the source text and their equivalents for the target text, and the problems that translators may encounter in these steps. Solutions will be sought in line with the terminology standards and demonstrated in examples. In addition, a method for recording terminological information for future uses will be described in this chapter.

Finally, the findings acquired from the translation of sample text will be discussed in the conclusion.

CHAPTER 1

TERMINOLOGY AND TRANSLATION

1.1. Terminology

Terminology is defined as ‘any activity concerned with the systematic collection, description, processing and presentation of concepts and their designations’ (ISO 1087-1 Terminology Work-Vocabulary- Part 1). Acting as a terminologist in the process of technical text that includes different terms, the translator should have knowledge about terminology studies, the relation between translation and terminology and terminology standards.

1.2. History of Terminology Studies

Some scientists started to create terms systematically within their specialized field in the 18th century. One of them was Carl von Linné (1707-1778). His work “Fundamenta Botanica”, with technical terms about botany, can be regarded as the first study of terminology (1736). These studies provided the basis for other developments within the terminology field in the coming years. However, the first comprehensive study was carried out by Eugen Wüster, an Austrian linguist and engineer in the 20th century. In his doctoral dissertation, he discussed some methods and gave a number of principles which made terminology a systematic and global field by 1930. The second half of the 20th century witnessed rapid technologic development and affected the terminology field. The first databanks were used at that time. Furthermore, the demand for technology transfer and trade between countries made it essential to establish standards for terminology¹.

Even today, the field of terminology is still very young. In the last few decades, the increase of human knowledge in all fields has led to the quantity of technical terms and texts having grown. Hence, discussions and studies about terminology have been carried out and will continue in the future.

¹ Cf. Protopopescu: Theories of Terminology – Past And Present, p.2.

1.3. Terminology in Translation Studies

From a translation point of view, terminology is seen as an instrument for a translator during the process of translation. Translators take advantage of terminology resources (glossary, database etc.) when they are looking for an equivalent or choose the most appropriate term among the similar ones in the target language. Also, they learn the meaning of a term in the source language. In addition to these functions, terminology provides the translator with special knowledge about the text. The translator may not always be an expert like the writer of a source text or the readers in target language. Hence, the translator needs to acquire knowledge to understand and find proper equivalents to terms in the source text. While doing it, he or she is supposed to read some documents relevant to the source text. This process enhances the translator's knowledge about the source text, so the translator may do his or her job in a professional way.

1.4. Terminology Standards and Organizations

International standardization is the process of producing consensus among suppliers, users, and government regulators. Standards provide a reference framework or special language that facilitates trade and transfer of technology in the world. They ensure transparency, coherence, and consensus, and they remove obstacles to international trades. Terminology standard is a fundamental standard for effective communication. Its purpose is to provide the tools to create terminologically consistent standards. There are three major organizations that are responsible for terminology standards on the international level:

- ISO (International Organization for Standardization)
- IEC (International Electrotechnical Commission)
- ITU (International Telecommunication Union)

Subject field experts in groups or committees of organizations study and discuss, and after having sufficient consensus, they create a draft standard. Member countries of the organization vote to accept or reject this draft document as the terminology standard. ISO Technical Committee 37 (ISO/TC 37 Language and Terminology) is responsible for terminology. The purpose of ISO/TC 37 is to standardize the methods

for creating, compiling and coordinating terminologies. ISO/TC 37 has published many standards about terminology such as²:

- ISO 704 Terminology work- Principles and methods,
- ISO 1087-1 Terminology work-Vocabulary- Part 1,
- ISO 12616 Translation-oriented terminography,
- ISO 12620 Computer applications in terminology- Data categories.

These terminology standards are crucial for translators to understand the process of forming a term, and they will be used in this study to explain the process of term formation and recording terms systematically for future technical translations.

² Cf. M. Teresa Cabre: Terminology: Theory, Methods, and Applications, p.201.

CHAPTER 2

TERM FORMATION

When translating a technical text, one of the steps is to identify terms in the source text and find equivalents of them in target language. Furthermore, if a proper equivalent is not found, the translator may need to form a new term in target language. Acting as a terminologist at this phase of translating process, translator should know what a term represents. Terminology standards provide principles and methods with regard to term and term formation for coherent and clear communication. For describing a term, we should analyze the whole process of forming it from the beginning.

2.1. Concept

Concept is seen as a starting point for a term and terminology studies. Concepts are representation of objects in a subject field. Here, objects stand for anything which is perceivable or conceivable in the world. They can be material (wood, golden etc.), immaterial (economic plan, strategy etc.) or completely imagined (pegasus, etc). Concepts are created by categorizing objects through mental process in subject field. When a concept represents only a single object, it is called an **individual concept** such as Atatürk Airport or Marmara Sea; when a concept represents two or more objects, it is called a **general concept** such as airport or sea. Concepts are not isolated from other concepts in a subject field because they are related to each other, and they form a concept system. **Definition** which includes a descriptive statement is used to separate a concept from related concepts in the system. **Designation** is used to represent concepts. There are three types of designation in terminology work; **term** (represents general concept), appellation (represents individual concept), and symbol (represents both individual and general concepts).³

³ Cf. ISO 704: 2009, p.3.

2.2. From Concept to Term

Terminology is mainly concerned with the relationship between an object in the real world and the concept that represents them and with moving from concept to term. Terminology is aimed at identifying and naming concepts belonging to a subject field in order to remove ambiguity. In a subject field, the objective of terminology is to ensure that one concept corresponds to one term, and one term corresponds to one concept, which is called monosemy⁴. Therefore, a term designated one specific concept makes communication coherent, clear and understandable for experts and users in a subject field throughout the world.

2.3. Term

Term is verbal designation of a general concept in a specific subject field. (ISO 1087-1 Terminology Work-Vocabulary- Part 1). According to terminology standards, one term should represent only one concept to maintain consistency in a language. Therefore, technical text in a subject field such as medicine, law etc. have many terms for different concepts. The most reliable source for a translator to find and acquire necessary information about terms is terminology standards. When translating technical text, a translator who acts as a terminologist needs to know the **principles** and **methods** of term formation that are shown in detail in **ISO 704 Terminology work- Principles and methods** to identify terms, and deal with the problems about terminology in the process. In this part of the study, principles and methods in ISO 704 will be explained with examples respectively.

2.4. Principles of Term Formation

When translating a technical text in a subject field, a translator should be sure about whether there is any equivalent to the term in the target language. If there is a term in the target language which has been used for a long time even if it doesn't meet the following principles, the translator should use it as a term. The term in source language may have more than one equivalent in the target language. In addition, there may be no equivalent to the term in the target language. When the translator needs to choose a term

⁴ Cf. ISO 704: 2009, p.24.

among equivalents or form a new term in target language, he or she should have knowledge of following principles:

2.4.1. Transparency

A term is accepted as transparent if a reader may infer the meaning of a concept, at least partially, from the term without extra definition. The concept may be visible and understandable with the transparent term.

Example:

company law⁵ : şirketler hukuku

“Şirketler hukuku” is a transparent equivalent for “company law” because without a definition (the law relating to the formation and operation of companies)⁶ a reader may understand the meaning of term in target language.

2.4.2. Consistency

The new term should be compatible with other terms in the concept system of the subject field. Providing consistent results, the translator should check other terms before selecting or forming a new term.

Example:

Audit: environmental audit, external audit, internal audit, financial audit... etc.

Any new term for a type of audit should be coherent with the existing terms’ pattern (end in “al”).

2.4.3. Appropriateness

The proposed term within the target language should pertain to existing meaning. The translator should look for the most suitable term in the target language to avoid confusion.

Example:

criminal record: sabıka kaydı⁷

⁵ Cf. Glossary for the European Union (English-Turkish) p.188

⁶ <https://iate.europa.eu/search/standard/result/1544270094046/1> (accessed 08.12.2018)

⁷ Cf. Glossary for the European Union (English-Turkish) p.85

When translating “criminal” into Turkish language according to the Glossary for the European Union (English-Turkish), a translator may use “cezai, suçlu, mücrim” as a term, but the most appropriate and common equivalent “sabıka” was selected as a term in target language for “criminal record”.

2.4.4. Linguistic Economy

The principle of linguistic economy requires that the term should be short if it is possible.

Example:

Union Minister for Foreign Affairs: Birlik (AB) Dışışleri Bakanı⁸

law enforcement agency: kolluk kuvveti⁹

However, sometimes a translator may need to use a long equivalent to a term in the source language to translate more accurately.

Example:

nonproliferation treaty: (nükleer silahların) yayılımını önleme antlaşması¹⁰

mortgage bond: ipotek teminatlı borç senedi¹¹

2.4.5. Derivability

The term should be productive. New terms may be produced from an existing term later in a subject field.

Example:

Consume: tüketmek

Consumer: tüketici

Consumption: tüketim¹²

⁸ Cf. Glossary for the European Union (English-Turkish) p.12

⁹ Cf. Glossary for the European Union (English-Turkish) p.115

¹⁰ Cf. Glossary for the European Union (English-Turkish) p.215

¹¹ Cf. Glossary for the European Union (English-Turkish) p.40

¹² Cf. Glossary for the European Union (English-Turkish) p.72

2.4.6. Preference for Native Language

Available terms are often taken from one language to another language (direct loan)¹³ while forming a new term. However, the translator should prefer a native language expression as an equivalent of a term in the target language.

Example:

de facto government: de facto / fiili hükümet¹⁴

When translating “de facto government” into Turkish, the translator should prefer “fiili hükümet” rather than “de facto hükümet.”

2.5. Methods of Term Formation

Creating a new term is mainly the concern of terminologists, but translators need to have knowledge about the methods of term formation particularly when they translate technical text in a subject field as well. Each language has its own patterns and rules for term formation. However, ISO 704 suggests following term formation methods that may apply other languages besides English:

- creating new forms
- using existing forms
- translingual borrowing

2.5.1. Creating New Forms

Forming a new term is to create a lexical entity that never found in a target language before. While forming a new term, three different ways may be used. They are derivation, compounding or abbreviation.

¹³ Cf. ISO 704: 2009, p.35.

¹⁴ Cf. Glossary for the European Union (English-Turkish) p.92

2.5.1.1. Derivation

The derivation includes creating a new form by putting one or more prefixes or suffixes to the root of a word. In many cases, prefixes or suffixes added to a word may change both the syntactic category (e.g. from noun to adjective) and the meaning of it.

Example:

produce: üretmek

produce + er = producer: üretici

co-producer: ortak üretici¹⁵

2.5.1.2. Compounding

The compounding process includes joining different words or word components to form a new term. A new term may contain one or more words, but it is just used for a single concept. New forms may be blends, complex terms or phrases.

The components of a complex term or phrase may be combined by different ways, or they may not be combined at all.¹⁶

Example:

(joined by hyphen) input-output analysis: girdi-çıktı analizi

(joined by fusing) overseas: denizaşırı

(not joined) public order: kamu düzeni¹⁷

2.5.1.3. Abbreviation

Another process of forming a new term is shortening words designated to a concept to create a new abbreviated term. We should use both the complete form and the abbreviated of a term at the beginning of text, and it points out the first time an unfamiliar abbreviation of a term is used.

Abbreviated forms involve short forms, clipped terms, abbreviations, initialisms, and acronyms.

¹⁵ Cf. Glossary for the European Union (English-Turkish) p.248

¹⁶ Cf. ISO 704: 2009, p.32

¹⁷ Cf. Glossary for the European Union (English-Turkish) p.225

Short Form

For the purpose of using fewer words indicates the same concept, a very long and complicated term may be shorten.

Example:

Full form: transposition into national law

Short form: transposition

Clipped Term

A new term is created by cutting the front, middle or back part of a simple term. It is called clipped term.¹⁸

Example:

Influenza: flu¹⁹

Abbreviation

An abbreviation is formed by removing words or portions of a word composing a term. Abbreviations may be created by different ways. The first letter of a term or the first letters of short phrases may be used.

Example:

page: p. sayfa: s.

et cetera: etc.²⁰ ve benzeri: vb.²¹

Initialisms

Initialisms are formed by using the first letter of each parts of a complex term. They are pronounced letter by letter.²²

Example:

United Nations: UN

Birleşmiş Milletler: BM²³

Acronyms

Acronyms are formed by joining first letters or syllables from each or some of the parts of the full terms. The pronunciation of acronyms is different from initialisms.

¹⁸ Cf. ISO 704: 2009, p.32

¹⁹ Cf. ISO 704: 2009, p.33

²⁰ Cf. ISO 704: 2009, p.33

²¹ Cf. The guide for the translation of European Union acts p.47

²² Cf. ISO 704: 2009, p.33

²³ Cf. Glossary for the European Union (English-Turkish) p.324

They are pronounced like a word.

Example:

Wholesale Price Index: WPI

Toptan Eşya Fiyat Endeksi: TEFE²⁴

2.5.2. Existing Forms

A new term may be formed by using existing words. Conversion, terminologization, semantic transfer and transdisciplinary borrowing are the ways to create a new term by using existing words.

2.5.2.1. Conversion

Conversion is the process by which a new term may be created by converting the syntactic parts of the words.

Example:

in economy: interest (noun)

interest (adjective)

interest: faiz, pay, hisse

interest group: çıkar grupları²⁵

2.5.2.2. Terminologization

A new term may be formed by transferring a general language word into a particular language. The process is called terminologization.

Example:

general language: market (pazar) : place to buy things usually outside

economy field: market (piyasa) : the economic system in which prices, jobs, wages etc. depend on what people want to buy²⁶

²⁴ Cf. Glossary for the European Union (English-Turkish) p.334

²⁵ Cf. Glossary for the European Union (English-Turkish) p.174

²⁶ <https://www.ldoceonline.com/dictionary> (accessed 23.12.2018)

2.5.2.3. Semantic Transfer within a Particular Language

A particular language term may designate another concept in the same language. For instance, terms for concrete objects may be used for abstract objects. The process is called semantic transfer.

Example:

concrete: enterprise (firma): a company

abstract: enterprise (girişim): the ability to think of new activities and ideas and to take risks in business.²⁷

2.5.2.4. Transdisciplinary Borrowing

This is the process by which a term is borrowed from one subject field and used in another subject field as a term in the same language.

Example:

(medicine) remedy (ilaç): a medicine to cure an illness or pain that is not very serious

(economy) remedy (metod): a way of dealing with a problem²⁸

2.5.3. Translingual Borrowing

A term from one language may be borrowed and used as a term by another language.

This process happens in two different ways:

- direct loan,
- loan translation.

²⁷ <https://www.ldoceonline.com/dictionary> (accessed 23.12.2018)

²⁸ <https://www.ldoceonline.com/dictionary> (accessed 23.12.2018)

2.5.3.1. Direct Loan

A term may be borrowed from one language to other language when there is no term for the concept in the second language. The pronunciation and spelling of the term may be changed in the second language.

Example:

ad valorem duty: ad valorem vergi²⁹

fuel oil: fuel oil³⁰ patent: patent³¹

2.5.3.2. Loan Translation

A new term is formed by translating morphological parts of the terms into another language.

Example:

Harmonised Survey and Certification System: Armonize Sörvey ve Sertifikalandırma Sistemi³²

²⁹ Cf. Glossary for the European Union (English-Turkish) p.10

³⁰ Cf. Glossary for the European Union (English-Turkish) p.149

³¹ Cf. Glossary for the European Union (English-Turkish) p.230

³² Cf. Glossary for the European Union (English-Turkish) p.157

CHAPTER 3

TOOLS USED IN TRANSLATION OF TECHNICAL TEXTS

3.1. CAT Tools

Computer-assisted translation (CAT) tools including computer software help translators in the translation process for especially technical texts. CAT tools are very practical and simplify some aspects of translators' work. A term list for a source text created by means of a term extraction tool by a translator may be put into CAT tools in order that the translator may use the same equivalents to the same terms for a consistent translation. CAT tools separate a source text into segments and make it easier and faster to translate. The translator does not need to re-type when the same segments and terms appear later in the project. In addition, CAT tools contain a translation-memory which keeps the whole translation project and serves as a database for further translations. Therefore, CAT tools save time and help the translator to make a coherent translation.

3.2. Term Extraction Tools

Subject fields such as law, medicine, etc. have many different terminologies of their own. When translating a text of a subject field, it can be a time-consuming and challenging task for translators to identify terms manually. At this stage, Term Extraction Tools (TET) help translators to identify candidate terms in source texts. TET allows translators to identify terms quickly and focus on these terms for consistent translation of all parts in source texts. In addition to saving time, tools can narrow the search criteria of terms for translators. In spite of TET facilitating translators extraction of terms, candidate terms need to be verified by translators according to the principles mentioned above. Therefore, the process of extracting terms by TET is semi-automatic. TET offers three main approaches: linguistic, statistic and hybrid.

3.2.1. Linguistic

Extraction tools using the linguistic approach basically attempt to identify word combinations like "adjective+noun", "noun+noun etc. Candidate terms are classified

according to different pattern-matching techniques. The linguistic approach is language-dependent because these patterns differ from language to language. Term extraction tools which use the linguistic approach are suitable for a single language or related languages.

3.2.2. Statistical

The statistical approach used by extraction tools looks for repeated sequences of lexical items. Words or sequences of words repeated in a source text are identified as candidate terms. The statistical approach is language-independent and differs from the linguistic approach due to this feature.

3.2.3. Hybrid

The most common approach of term extraction tools is hybrid. A hybrid approach uses both linguistic and statistical information. Following the linguistic approach, a user may only extract non-terms, usual expressions. Using just the statistical approach, a user may miss candidate terms that appear with a low frequency. Therefore, a hybrid approach that uses both linguistic and statistical information may extract more accurate candidate terms for user.

CHAPTER 4

SAMPLE TEXT

In this chapter of the thesis, the steps of finding terms in the source text and their equivalents for the target text will be shown respectively on a technical text. Furthermore, examples will be given about term problems translators may face on these steps, and solutions will be sought according to the principles and methods in the terminology standard. A directive of the European Parliament and Council “on injunctions for the protection of consumers’ interests” will be used as a sample text. This text is a European Union legislative text; therefore, the style guide prepared by the Directorate for EU Affairs for consistency should not be ignored on the project, and information and examples are given about it.

The translator follows these steps:

- finding candidate terms in the source text by TET and verifying them,
- finding equivalents of terms in glossaries and forming new terms in the target language,
- importing the termlist into CAT tool,
- specifying terms TET couldn’t extract at the beginning and update the termlist,
- using the style guide for translation of EU text,
- saving term equivalents for future translations (translation-oriented terminography) after the project ends.

4.1. Finding and Verification of Candidate Terms by TET

TerMine will be used as term extraction tool (TET) to find the terms of the source text. It is an open-source and domain-independent tool. TerMine is able to recognize multiword terms by way of c-value method. It uses a hybrid approach which joins linguistic and statistical information. The statistical part is more important than the linguistic one. The linguistic analysis makes a list of candidate terms in source text by extracting word sequences. The statistical analysis uses the following four different criteria to source texts to identify candidate terms:

- the frequency of the candidate term,

- the frequency of the term as element of other longer terms,
- the count of the longer candidate terms,
- the length of the candidate term.

The text may be submitted to TerMine for analysis by entering it into a text window or specifying the text file (.txt or .pdf) from one's computer's hard drive. After entering the text into TerMine, the demonstration system of it shows candidate terms as in Figure 1. and Figure 2.

TerMine (C-value) analysis

[Service question](#)

Found 92 terms in 11.22 seconds - all terms (in table) (in text) - threshold: 0 Apply

DIRECTIVES... DIRECTIVE 2009/22/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL... of 23 April 2009... on injunctions for the protection of consumers interests... (Codified version)... (Text with EEA relevance)... THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION... Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof... Having regard to the proposal from the Commission... Having regard to the opinion of the European Economic and Social Committee... Acting in accordance with the procedure laid down in Article 251 of the Treaty... Whereas... (1) Directive 98/ of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests (3) has been substantially amended several times... (2) Certain Directives, listed in Annex I to this Directive, lay down rules with regard to the protection of consumers' interests... (3) Current mechanisms available for ensuring compliance with those Directives, both at national and at Community level, do not allow infringements harmful to the collective interests of consumers to be terminated in good time... Collective interests means interests which do not include the cumulation of interests of individuals who have been harmed by an infringement... This is without prejudice to individual actions brought by individuals who have been harmed by an infringement... (4) As far as the purpose of bringing about the cessation of practices that are unlawful under the national provisions applicable is concerned, the effectiveness of national measures transposing the Directives in question, including protective measures that go beyond the level required by those Directives, provided they are compatible with the Treaty and allowed by those Directives, may be thwarted where those practices produce effects in a Member State other than that in which they originate... (5) Those difficulties can be overcome by the smooth functioning of the internal market, their consequence being that it is sufficient to move the source of an unlawful practice to another country in order to place it out of all forms of enforcement... This constitutes a distortion of competition... (6) Those difficulties are likely to diminish consumer confidence in the internal market and may limit the scope for action by organisations representing the collective interests of consumers or independent public bodies responsible for protecting the collective interests of consumers adversely affected by practices that infringe Community law... (7) Those practices often extend beyond the frontiers between the Member States... There is an urgent need for a degree of approximation of national provisions designed to enjoin the cessation of the unlawful practices, irrespective of the Member State in which the unlawful practice has produced its effects... With regard to jurisdiction, this is without prejudice to the rules of private international law and the Conventions in force between Member States, with respect to the general obligations of the Member States deriving from the Treaty, in particular those related to the smooth functioning of the internal market... (8) The object of the action envisaged can only be attained by the Community... It is therefore incumbent on the Community to act... EN L 110/30 Official Journal of the European Union 1.5.2009 OJ C 161, 13.7.2007, p. 39... (2) Opinion of the European Parliament of 19 June 2007 (OJ C 146 E, 12.6.2008, p. 73) and Council Decision of 23 March 2009... (3

Figure 1: Candidate Terms in Text

Rank	Term	Score
1	member state	29.5
2	oj l	20
3	european parliament	19
4	european union	9.666667
5	official journal	8
6	collective interest	7.5
7	internal market	5.25
8	prior consultation	4.8
9	european union l	4.754888
10	independent public body	3.169925
11	smooth functioning	3
11	annex ii	3
11	annex i	3
14	directive 98/27/ec	2.923077
15	administrative authority	2.75
16	legal system	2
16	oj c	2
16	member states	2
16	intra-community infringement	2
20	part b	1.85
21	part a	1.823529

Figure 2: Candidate Terms in Table

TerMine found 92 candidate terms in the applied text after analyzing it. The translator should verify candidate terms before creating a termlist and importing it into a CAT tool. When examining the list of candidate terms, I realized that some letters

appeared in the list as terms. After checking what these letters were used for in the text, I figured out that they were initials of people names not terms.

Examples:

candidate term: **H.-G P**

candidate term: **P.NE**

in text: **H.-G PÖTTERING**

in text: **P.NECAS**

Some complex terms joined by hyphen were half shown in candidate term list.

Examples:

candidate term: **business-**

candidate term: **to-consumer commercial**

in text: **business-to-consumer**

in text: **business-to-consumer**

Some candidate terms were combined incorrectly in the list.

Examples:

candidate term: **end Member State**

candidate term: **in Article**

in text: **Member State**

in text: **Article**

After finding candidate terms by TET, I verified candidate terms and removed some of them from the list. There were 63 terms left in the list.

4.2. Finding Equivalents of Terms

In this step, I will try to find equivalents of candidate terms to prepare a termlist. Furthermore, examples will be given about the terms that do not have equivalents or have more than one equivalent in target text. I will use a special template including different data categories (see 4.6.) about example terms in source text and equivalents in target languages. In addition, the methods to form a new term or choose proper equivalents according to terminology standards will be shown within these examples. Since the directive of the European Parliament and Council is used as sample text, the glossary for the European Union (EU) (English-Turkish) and the guide for the translation of EU acts³³ prepared by the Directorate for EU Affairs will be used to find

³³ https://www.ab.gov.tr/44438_en.html (accessed 11.03.2019)

equivalents of candidate terms. After verifying, there are 63 candidate terms in the list. When terms' equivalents were searched for in both glossary and guide, 35 of them couldn't be found.

Example 1:

Term: **collective interest**

Domain: law

Language code: EN

Context: “The scope of this Directive in relation to the protection of the **collective interests** of persons exercising a commercial, industrial, craft or professional activity;”

There is no equivalent of “collective interest” in the glossary and guide in the target language.

Method in ISO 704: When forming a new term, **compounding process** may be used as a method. It includes joining different words or word components to form a new term in domain.

existing words:

collective: toptan, toplu, kolektif³⁴

interest: faiz, pay, hisse hakkı, kar, çıkar³⁵

new term:

collective interest: toplu çıkar

Terim: **toplu çıkar**

Alan: hukuk

Dil: TR

³⁴ Cf. Glossary for the European Union (English-Turkish) p.56

³⁵ Cf. Glossary for the European Union (English-Turkish) p.173

Bağlam: “Ticari, endüstriyel, zanaat ve profesyonel bir faaliyette bulunan kişilerin **toplu çıkarlarının** korunması ile ilgili bu direktifin kapsamı;”

Example 2:

Term: **public purse**

Domain: law

Language code: EN

Context: “an order against the losing defendant for payments into the **public purse** or to any beneficiary designated in or under national legislation.”

There is no equivalent of “public purse” in glossary and guide in target language.

Method in ISO 704: General language word may be transferred into a term used for a concept in a particular language. This process is called **terminologization**.

general language:

purse (el çantası): a small bag used to hold coins, used especially by women

new term:

public purse (money controlled by the government³⁶): devlet hazinesi

Terim: **devlet hazinesi**

Alan: hukuk

Dil: TR

Bağlam: “**devlet hazinesine** veya ulusal mevzuat tarafından belirlenen herhangi bir lehtara yapılacak ödemeler için kaybeden davalı aleyhine bir mahkeme emri.”

Example 3:

Term: **consumer financial service**

³⁶ <https://www.ldoceonline.com/dictionary/purse> (accessed 15.03.2019)

Domain: law

Language code: EN

Context: “Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of **consumer financial services** (OJ L 271, 9.10.2002, p. 16).”

There is no equivalent of “consumer financial service” in the glossary and guide in the target language.

Method in ISO 704: Morphological parts of a term are translated into another language to create a new term. The method is **loan translation** and may be used for this term partially.

financial: finansal

new term :

consumer financial service: tüketici finansal hizmeti

Terim: **tüketici finansal hizmeti**

Alan: hukuk

Dil: TR

Bağlam: “**Tüketici finansal hizmetlerinin** mesafeli pazarlanması hakkında 23 Eylül 2002 tarihli ve 2002/65/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi (ATRG L 271, 9.10.2002, s. 16).”

Example 4:

Term: **long-term holiday product**

Domain: law

Language code: EN

Context: “Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, **long-term holiday product**, resale and exchange contracts (OJ L 33, 3.2.2009, p. 10).”

There is no equivalent of “long-term holiday product” in the glossary and guide in the target language.

Principle in ISO 704: New term should be compatible with other terms in concept system of subject field. Providing consistent result, translator should check other terms before selecting or forming a new term. This principle of term formation is **consistency**.

medicinal **product**: tıbbi **ürün**

new term :

long-term holiday **product**: uzun vadeli tatil **ürünü**

Terim: **uzun vadeli tatil ürünü**

Alan: hukuk

Dil: TR

Bağlam: “Tüketicilerin devremülk, **uzun vadeli tatil ürünleri**, yeniden satış ve değişim sözleşmelerinin belirli yönleri hakkında 14 Ocak 2009 tarihli ve 2008/122/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi (ABRG L 33,3.2.2009, s. 10).”

Example 5:

Term: **prior consultation**

Domain: law

Language code: EN

Context: “Member States should be able to require that this **prior consultation** take place jointly with an independent public body designated by those Member States.”

There is no equivalent of “prior consultation” in the glossary and guide in the target language.

Principle in ISO 704: Proposed term within target language should pertain to existing meaning. Translator should look for the most suitable term in target language to avoid confusion. This principle of term formation is **appropriateness**.

The equivalents of “consultation” in glossary are “danışma” and “istişare”,³⁷ but the most appropriate “istişare” was selected as a term in target language.

new term:

prior consultation: ön istişare

Terim: ön istişare

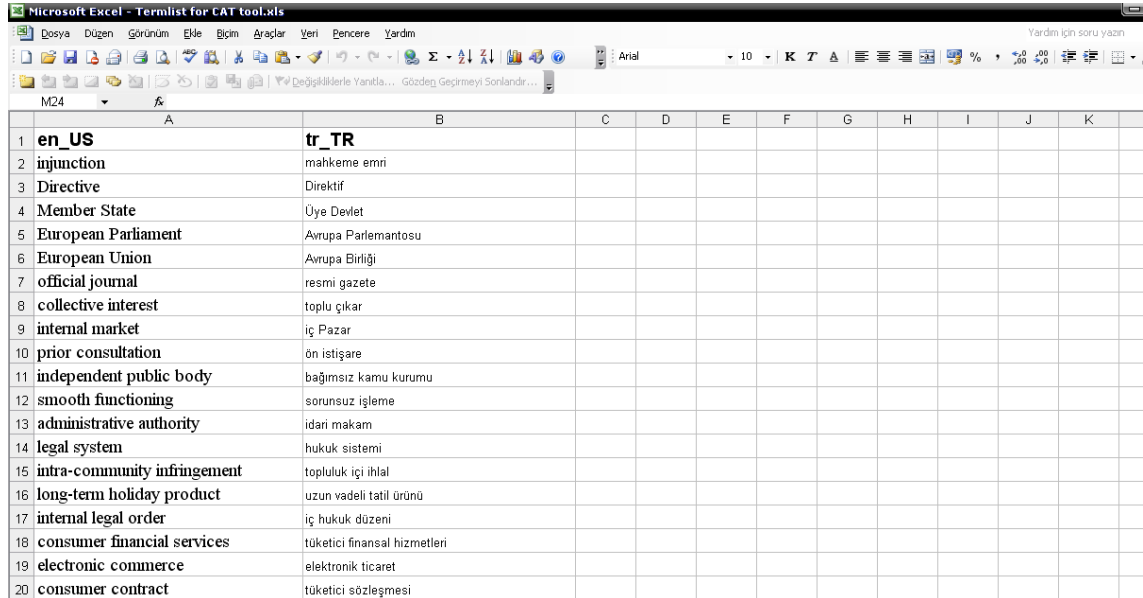
Alan: hukuk

Dil: TR

Bağlam: “Üye Devletler, bu **ön istişarenin** kendileri tarafından belirlenen bağımsız bir kamu kurumu ile müşterek gerçekleştirilmesini talep edebilmelidir.”

4.3. Importing the Termlist into CAT Tool

After finding equivalents of candidate terms in a glossary and forming new terms in the target language, the termlist of the sample text should be imported into a CAT tool. Nubuto will be used as the CAT tool for the project. It is a cloud-based CAT tool. Nubuto gives free accounts to all university students, and I’ll use this account for the translation of sample text. Before importing the terms into CAT, according to the instructions of the tool, a termlist including terms and equivalents in the target language should be prepared in Microsoft Excel as in Figure 3.

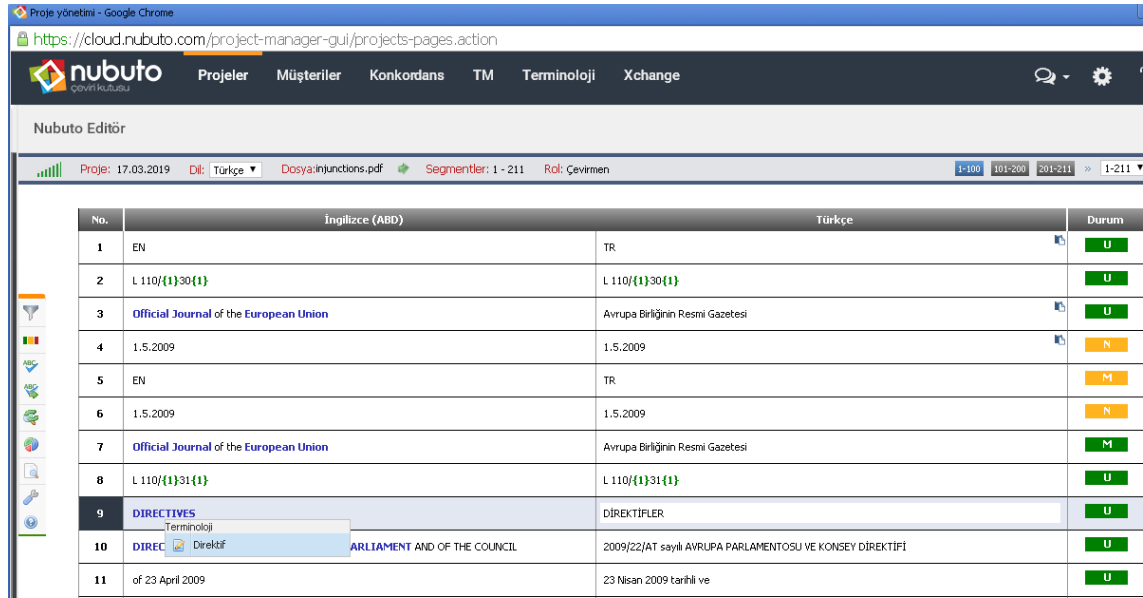


	A	B	C	D	E	F	G	H	I	J	K
1	en_US	tr_TR									
2	injunction	mahkeme emri									
3	Directive	Direktif									
4	Member State	Üye Devlet									
5	European Parliament	Avrupa Parlamentosu									
6	European Union	Avrupa Birliği									
7	official journal	resmi gazete									
8	collective interest	topluluk çıkar									
9	internal market	iç Pazar									
10	prior consultation	ön istişare									
11	independent public body	bağımsız kamu kurumu									
12	smooth functioning	sorunsuz işleme									
13	administrative authority	idari makam									
14	legal system	hukuk sistemi									
15	intra-community infringement	topluluk içi ihlal									
16	long-term holiday product	uzun vadeli tatil ürünü									
17	internal legal order	iç hukuk düzeni									
18	consumer financial services	tüketici finansal hizmetleri									
19	electronic commerce	elektronik ticaret									
20	consumer contract	tüketici sözleşmesi									

Figure 3: Termlist for CAT Tool

³⁷ Cf. Glossary for the European Union (English-Turkish) p.72

The termlist prepared in a specified format is imported into CAT tool. When translating, imported terms will be highlighted blue, and a pop-up menu will show the preferred translation and full details of the term as in Figure 4.



No.	İngilizce (ABD)	Türkçe	Durum
1	EN	TR	U
2	L 110/{1}30{1}	L 110/{1}30{1}	U
3	Official Journal of the European Union	Avrupa Birliđinin Resmi Gazetesi	U
4	1.5.2009	1.5.2009	N
5	EN	TR	M
6	1.5.2009	1.5.2009	N
7	Official Journal of the European Union	Avrupa Birliđinin Resmi Gazetesi	M
8	L 110/{1}31{1}	L 110/{1}31{1}	U
9	DIRECTIVES	DİREKTİFLER	U
10	DIREC ARLIAMENT AND OF THE COUNCIL	2009/22/AT sayılı AVRUPA PARLAMENTOSU VE KONSEY DİREKTİFİ	U
11	of 23 April 2009	23 Nisan 2009 tarihli ve	U

Figure 4: Terms in CAT Tool

4.4. Specifying Terms Not-Extracted by TET

Another problem the translator faces during the translation process of a text in a subject field is to determine terms that TET couldn't extract from the source text. TET helps the translator to identify candidate terms in the source text and prepare a termlist before starting translation. However, TET may not extract all the terms of the source text. The translator, who knows definitions, principles, and methods related to the terms in the terminology standards, will be able to identify the terms and continuously update the termlist during the translation process. When translating the sample text, 22 terms that TET couldn't extract were identified. The CAT tool Nubuto allowed me to add new terms to the termlist. In this step, examples about new terms identified according to terminology standard will be given.

Example 1:

Term: provision

Domain: law

Language code: EN

Context: “The Member States should, at the request of their national entities, communicate to the Commission the name and purpose of their national entities which are qualified to bring an action in their own country according to the **provisions** of this Directive.”

When translating, I realized that “provision” is one of the most frequently used terms in the source text. TET extracted some multiword terms that included “provision”, but not all of them.

Method in ISO 704: A term is borrowed from one subject field and used for a new concept in another subject field inside the same language. This method is **transdisciplinary borrowing**. “Provision” as a term may be used in two different subject fields, law and economy. The glossary in the target text has several equivalents of “provision” in these subject fields. The sample text belongs to law, so I chose the correct equivalent of term according to the method.

provision (economy): tedarik, sağlama

provision (law): hüküm

Terim: **hüküm**

Terim türü: tam terim

Alan: hukuk

Dil: TR

Bağlam: Üye Devletler, kendi ulusal kuruluşlarının talepleri üzerine, bu Direktifin **hükümlerine** göre, kendi ülkelerinde dava açmaya yetkili ulusal kuruluşlarının adını ve amacını Komisyona iletmelidir.

Example 2:

Term: **consumer good**

Domain: law

Language code: EN

Context: “Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ L 171, 7.7.1999, p. 12).”

TET extracted multiword terms that includes consumer such as:

consumer contract: tüketici sözleşmesi

consumer credit: tüketici kredisi

“Tüketici” was chosen as the equivalent of “consumer” for these terms when preparing termlist before importing into CAT tool. However, when translating the text, I chose “tüketim” as an equivalent for the term “consumer good” according to method in ISO 704.

Method in ISO 704: Translator should choose the most suitable term. The method is **appropriateness**.

Terim: **tüketim malları**

Alan: hukuk, ekonomi

Dil: TR

Bağlam: “**Tüketim mallarının** satışı ve buna bağlı teminatların belirli yönleri hakkında 25 Mayıs 1999 tarihli ve 1999/44/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi (ATRG L 171, 7.7.1999, s. 12).”

Example 3:

Abbreviated: **ECC**

Domain: EU law

Language code: EN

Context: “Council Directive 93/13/**EEC** of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).”

The abbreviated form of the terms may be used in the subject field. The sample text includes several abbreviations.

Method in ISO 704: If abbreviation is created by using the first letter of each elements of a complex term, it is called **initialism**. Initialisms are always pronounced letter by letter.

EEC: European Economic Community

AET: Avrupa Ekonomi Topluluğu³⁸

Kısaltma: **AET**

Alan: AB hukuk

Dil: TR

Bağlam: “Tüketici sözleşmelerindeki haksız koşullar hakkında 5 Nisan 1993 tarihli ve 93/13/**AET** sayılı Konsey Direktifi (ATRG L 95,21.4.1993, s. 29).”

³⁸ Cf. Glossary for the European Union (English-Turkish) p.63

Example 4:

Term: **correlation table**

Domain: EU law

Language code: EN

Context: “References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the **correlation table** in Annex III.”

Method in ISO 704: Morphological parts of a term are translated into another language to create a new term. The method is **loan translation**.

correlation table: korelasyon tablosu³⁹

Terim: **korelasyon tablosu**

Alan: AB hukuk

Dil: TR

Bağlam: “Yürürlükten kaldırılan Direktif’e yapılan atıflar bu Direktif’e yapılmış gibi yorumlanır ve III. Ekte yer alan korelasyon tablosu uyarınca değerlendirilir.”

Example 5:

Term: **national law**

Domain: law

Language code: EN

Context: “This Directive should be without prejudice to the obligations of the Member States concerning the time limits for transposition and application in **national law** of the Directives set out in Annex II, Part B,”

Principle in ISO 704: Term is accepted transparent if reader may infer the meaning of a concept, at least partially, from term without extra definition. The principle is **transparency**. In addition, new term should be compatible with other terms in target text. Providing consistent result, other term should be checked. The principle is **consistency**.

International law: uluslararası hukuk⁴⁰

national law: ulusal hukuk⁴¹

³⁹ Cf. The guide for the translation of European Union acts p.15

⁴⁰ Cf. Glossary for the European Union (English-Turkish) p.189

⁴¹ Cf. Glossary for the European Union (English-Turkish) p.189

Terim: **ulusal hukuk**

Alan: hukuk

Dil: TR

Bağlam:“Bu Direktif, II. Ek, B Kısımında belirtilen Direktiflerin **ulusal hukuka** aktarılması ve uygulanması için zaman sınırlamaları ile ilgili Üye Devletlerin yükümlülüklerine hanel getirmemelidir,

4.5. Using Style Guide for Translation of EU Texts

The European Union is a unique body and has invented a terminology to describe itself. Since much of the subject matter is complex, writing and translating in clear language is very important. Consequently, the style guide has been prepared by EU to facilitate the writing and translating the texts in subject fields. The guide helps translators with consistent and clear translation.⁴² Based on this Style Guide, “The Guide for Translation of the EU Acts” and “The Annex Booklet” were prepared by the Translation Coordination Directorate of the Turkish Republic Ministry for EU Affairs. The aim is to designate the main rules to be followed in translating the European Union (EU) legislation texts such as regulations, directives, and decisions of the European Council, and the European Parliament. These Guide and Annex Booklet will be taken as a basis in translating the EU legislation texts.⁴³ When translating the sample text, I used this Guide and Annex Booklet, and examples will be given to show how important and helpful this Guide for the translation process of EU text is.

Example 1:

Abbreviated: **OJ**

Domain: EU law

Language code: EN

Context: “Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (**OJ L 376**, 27.12.2006, p. 36).”

⁴² Cf. English Style Guide a handbook for authors and translators in European Commission p. 4

⁴³ https://www.ab.gov.tr/44498_en.html (accessed 23.03.2019)

Rule in the Guide: When translating OJ (Official Journal of European Union):

a) For legislative text before 1 February 2003, “**ATRG** (Avrupa Topluluğu Resmi Gazetesi)” is used as an equivalent,

b) For legislative text after 1 February 2003 “ **ABRG** (Avrupa Birliği Resmi Gazetesi)” is used as an equivalent.⁴⁴

Kısaltma: ABRG

Alan: AB hukuk

Dil: TR

Bağlam: “İç pazarda hizmetler hakkında 12 Aralık 2006 tarihli ve 2006/123/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi (ABRG L 376, 27.12.2006, s. 36**).”**

Example 2:

Term: repeal

Domain: EU law

Language code: EN

Context: “Directive 98/27/EC, as amended by the Directives set out in Annex II, Part A, is **repealed, without prejudice to the obligations of the Member States concerning the time limits for transposition into national law and application of the Directives set out in Annex II, Part B.**

Rule in the Guide: When translating “repeal”, “yürürlükten kaldırma” is used as an equivalent.

Terim: yürürlükten kaldırma

Alan: AB hukuk

Dil: TR

Bağlam: “II. Ek, A Kısmında belirtilen Direktiflerin değiştirdiği Direktif98/27/EC, Üye Devletlerin II. Ek, B Kısmında belirtilen Direktiflerin ulusal hukuka aktarılması ve uygulanması için zaman sınırlamaları ile ilgili yükümlülükler hâle getirmeksizin **yürürlükten kaldırılmıştır.”**

Example 3:

Term: having regard to

Domain: EU law

⁴⁴ Cf. The guide for the translation of European Union acts p.38

Language code: EN

Context: “**Having regard to** the opinion of the European Economic and Social Committee”

Rule in the Guide: When translating “having regard to”, “göz önünde tutarak” is used as an equivalent.

Terim: **göz önünde tutarak**

Alan: AB hukuk

Dil: TR

Bağlam: Avrupa Ekonomik ve Sosyal Komitesinin görüşünü **göz önünde tutarak,**

Example 4:

Term: **Article**

Domain: EU law

Language code: EN

Context: “Acting in accordance with the procedure laid down in **Article** 251 of the Treaty,”

Rule in the Guide: When translating “article”, “madde” is used as an equivalent.

Terim: **madde**

Alan: AB hukuk

Dil: TR

Bağlam: “Antlaşmanın 251. maddesinde belirtilen usul uyarınca hareket ederek,”

Example 5:

Term: **Part**

Domain: EU law

Language code: EN

Context: “This Directive should be without prejudice to the obligations of the Member States concerning the time limits for transposition and application in national law of the Directives set out in Annex II, **Part B,**”

Rule in the Guide: When translating “part”, “kısım” is used as an equivalent.

Terim: **Kısım**

Alan: AB hukuk

Dil: TR

Bağlam: “Bu Direktif, II. Ek, B **Kısımında** belirtilen Direktiflerin ulusal hukuka aktarılması ve uygulanması için zaman sınırlamaları ile ilgili Üye Devletlerin yükümlülüklerine hanel getirmemelidir,”

4.6. Saving Term Equivalent for Future Translations (Translation-oriented terminography)

Translators should record term information for later translation. This is the last step of terminology work in the translation process. Recording terminological information allows translators to work more efficiently, and it also saves time. ISO 12616:2002 Translation-oriented terminography helps translators to record terms systematically. **Terminography** is defined as “part of terminology work concerned with the recording and presentation of terminological data” (ISO 1087-1 Terminology Work-Vocabulary-Part 1). Terminography enables translators that deal with the technical text in subject fields:

- to store and organize terminology,
- to use terminological information coherently for a long time,
- to overcome multiple languages more effectively.

Recording terminological information is very useful for the work of individual translators and the work of teams or departments. Translators may increase their performance, improve translation quality, and enhance productivity by such recording.

Terminology entry is the fundamental unit of terminological information. The collection of terminological entries may be consolidated into a database. This database should be flexible for translators and other users to use it for their specific needs. A terminology entry is made up of terminological data categories. The information recorded in a terminology entry is divided into categories. A complete list and full description of these categories may be found in ISO 12620 computer applications in terminology- data categories. The following data categories include basic information to create a terminology entry:

- main entry term,
- input date,
- source.

These are essential data categories. According to the purpose of the terminological database, a translator may add other optional data categories such as subject field, synonym etc. The following data categories described in this step are typically particular for the use of a translator:

- term and term-related information
- related to concept description
- administrative data categories

4.6.1. Data Categories for Terms and Term-related Information

4.6.1.1. Term Type

Term type is an attribute assigned to a term. Term types may include:

- main entry term, (collective interest, public purse etc.)
- full form, (Official Journal of European Union, European Economic Community)
- abbreviated form (OJ, ECC)
- symbol, (§)
- formula, (H₂O)

4.6.1.2. Term-related Information

Data categories for term-related information are utilized to record the actual terminological information in a given context. Term-related data categories may include:

- grammar (part of speech, gender, number, class),
- usage (geographical usage, temporal qualifier and proprietary restriction),
- term status (admitted, preferred, recommended, proposed term),
- equivalence (degree of equivalence, directionality and reliability code).

4.6.2. Data Categories Related to Concept Description

4.6.2.1. Domain and Subdomain

Terminological information may be classified in many ways according to subject field such as medicine, economy, law etc., or type of information such as names of institutions, job titles, customer project etc.

4.6.2.2. Concept-related Description

These categories provide information about concept. Concept-related description categories may increase reliability to term. If possible, at least one concept-related category, preferably definition, explanation, or context should be recorded for a term.

Concept-related description categories may include:

- definition,
- explanation,
- context,
- figure,
- note.

4.6.3. Administrative Data Categories

These categories contain information regarding the establishment and maintenance of terminological data. Administrative data categories may include:

- input date,
- modification date,
- approval date,
- responsibility (inputter, updater, approver),
- subset identifier (customer subset, project subset),
- language symbol,
- entry identifier,
- cross-reference,
- source.

An example will be given to show a term entry. In the example, main entry term (4.6.1.1.), term status (4.6.1.2.), domain (4.6.2.1.), definition and context (4.6.2.2.), language symbol and input date (4.6.3.) are chosen as data categories.

Example:

Term: transposition into national law

Domain: EU law

Definition: adoption, publication and entry into force of provision of national law.

Definition reference: <https://iate.europa.eu/entry/result/787764/en> (1.4.2019)

Term status: preferred

Language symbol: EN

Context: “Directive 98/27/EC, as amended by the Directives set out in Annex II, Part A, is repealed, without prejudice to the obligations of the Member States concerning the time limits for transposition into national law and application of the Directives set out in Annex II, Part B.”

Context reference: “Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers’ interests (Codified version) Text with EEA relevance”

Input date: 1.4.2019

Terim: ulusal hukuka aktarım

Bağlam: AB hukuk

Tanım: ulusal hukuk hükümlerinin kabulü, yayımlanması ve yürürlüğe girmesi

Tanım referansı: <https://iate.europa.eu/entry/result/787764/en> (1.4.2019)

Terim durumu: tercih edilen

Bağlam: “II. Ek, A Kısımında belirtilen Direktiflerin değiştirdiği Direktif 98/27/EC, Üye Devletlerin II. Ek, B Kısımında belirtilen Direktiflerin ulusal hukuka aktarılması ve uygulanması için zaman sınırlamaları ile ilgili yükümlülüklerle hanelerini kaldırarak yürürlükten kaldırılmıştır.”

Bağlam referansı: “Tüketicilerin çıkarlarının korunmasına ilişkin mahkeme emirleri hakkında 23 Nisan 2009 tarihli ve 2009/22/AT sayılı Avrupa Parlamentosu Ve Konsey Direktifi (Kodlanmış versiyon) AEA ile ilişkili metin.”

Giriş tarihi: 1.4.2019

CONCLUSION

The aim of this study is based on the fact that while translating a technical text, translators might face terminological problems and need to take over the role of a terminologist. At this point, this study shows that terminology standards are the most reliable and helpful resources for translators to overcome these challenges effectively.

In this study, an overview of terminology studies is given, followed by the analyses of the organizations that are responsible for establishing terminology standards. Then, the description of a term and the principles and methods used to form a new term are described in detail respectively in line with the terminology standards. For the purpose of this study a short EU Directive is translated into the Turkish language as a sample text to show the steps with regards to terms in the translation process, and the problems that translators might face in these steps. The principles and methods provided by the terminology standards are used to solve these terminological problems. Examples related to the process are given. In the translation process of sample text, it is clearly seen that the terminology standards helps the translator:

- identify the terms in source text,
- find equivalents of the terms in the target language,
- choose the correct one from the equivalents in the glossary or form a new term that does not have any equivalents in the target language.

Upon the completion of the translation of the sample text, a method for systematic recording of terminological information for future uses is explained in accordance with the data categories provided by the terminology standards.

It is concluded from this study that the terminology standards enable translators to translate technical texts more efficiently and to use terminological information consistently over time. As a result, translators should use terminology standards as a translation tool for time efficiency, and high-quality translation with other tools in the process of technical translation.

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APPENDIX

APPENDIX 1: SAMPLE TEXT

L 110/30

EN

Official Journal of the European Union

1.5.2009

DIRECTIVES

DIRECTIVE 2009/22/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 23 April 2009

on injunctions for the protection of consumers' interests

(Codified version)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

(1) Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified.

(2) Certain Directives, listed in Annex I to this Directive, lay down rules with regard to the protection of consumers' interests.

(3) Current mechanisms available for ensuring compliance with those Directives, both at national and at Community level, do not always allow infringements harmful to the collective interests of consumers to be terminated in good time. Collective interests means interests which do not include the cumulation of interests of individuals who have been harmed by an infringement. This is without prejudice to individual actions brought by individuals who have been harmed by an infringement.

⁽¹⁾ OJ C 161, 13.7.2007, p. 39.

⁽²⁾ Opinion of the European Parliament of 19 June 2007 (OJ C 146 E, 12.6.2008, p. 73) and Council Decision of 23 March 2009.

⁽³⁾ OJ L 166, 11.6.1998, p. 51.

⁽⁴⁾ See Annex II, Part A.

(4) As far as the purpose of bringing about the cessation of practices that are unlawful under the national provisions applicable is concerned, the effectiveness of national measures transposing the Directives in question, including protective measures that go beyond the level required by those Directives, provided they are compatible with the Treaty and allowed by those Directives, may be thwarted where those practices produce effects in a Member State other than that in which they originate.

(5) Those difficulties can disrupt the smooth functioning of the internal market, their consequence being that it is sufficient to move the source of an unlawful practice to another country in order to place it out of reach of all forms of enforcement. This constitutes a distortion of competition.

(6) Those difficulties are likely to diminish consumer confidence in the internal market and may limit the scope for action by organisations representing the collective interests of consumers or independent public bodies responsible for protecting the collective interests of consumers, adversely affected by practices that infringe Community law.

(7) Those practices often extend beyond the frontiers between the Member States. There is an urgent need for some degree of approximation of national provisions designed to enjoin the cessation of the unlawful practices irrespective of the Member State in which the unlawful practice has produced its effects. With regard to jurisdiction, this is without prejudice to the rules of private international law and the Conventions in force between Member States, while respecting the general obligations of the Member States deriving from the Treaty, in particular those related to the smooth functioning of the internal market.

(8) The objective of the action envisaged can only be attained by the Community. It is therefore incumbent on the Community to act.

- (9) The third paragraph of Article 5 of the Treaty makes it incumbent on the Community not to go beyond what is necessary to achieve the objectives of the Treaty. In accordance with that Article, the specific features of national legal systems must be taken into account to every extent possible by leaving Member States free to choose between different options having equivalent effect. The courts or administrative authorities competent to rule on the proceedings referred to in this Directive should have the right to examine the effects of previous decisions.
- (10) One option should consist in requiring one or more independent public bodies, specifically responsible for the protection of the collective interests of consumers, to exercise the rights of action set out in this Directive. Another option should provide for the exercise of those rights by organisations whose purpose is to protect the collective interests of consumers, in accordance with criteria laid down by national law.
- (11) Member States should be able to choose between or combine these two options in designating at national level the bodies and/or organisations qualified for the purposes of this Directive.
- (12) For the purposes of intra-Community infringements the principle of mutual recognition should apply to these bodies and/or organisations. The Member States should, at the request of their national entities, communicate to the Commission the name and purpose of their national entities which are qualified to bring an action in their own country according to the provisions of this Directive.
- (13) It is the business of the Commission to ensure the publication of a list of these qualified entities in the *Official Journal of the European Union*. Until a statement to the contrary is published, a qualified entity is assumed to have legal capacity if its name is included in that list.
- (14) Member States should be able to require that a prior consultation be undertaken by the party that intends to bring an action for an injunction, in order to give the defendant an opportunity to bring the contested infringement to an end. Member States should be able to require that this prior consultation take place jointly with an independent public body designated by those Member States.
- (15) Where the Member States have established that there should be prior consultation, a deadline of two weeks after the request for consultation is received should be set after which, should the cessation of the infringement not be achieved, the applicant shall be entitled to bring an action, without any further delay, before the competent court or administrative authority.
- (16) It is appropriate that the Commission report on the functioning of this Directive and in particular on its scope and on the operation of prior consultation.
- (17) The application of this Directive should not prejudice the application of Community competition rules.
- (18) This Directive should be without prejudice to the obligations of the Member States concerning the time limits for transposition and application in national law of the Directives set out in Annex II, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Scope

1. The purpose of this Directive is to approximate the laws, regulations and administrative provisions of the Member States relating to actions for an injunction referred to in Article 2 aimed at the protection of the collective interests of consumers included in the Directives listed in Annex I, with a view to ensuring the smooth functioning of the internal market.

2. For the purposes of this Directive, an infringement means any act contrary to the Directives listed in Annex I as transposed into the internal legal order of the Member States which harms the collective interests referred to in paragraph 1.

Article 2

Actions for an injunction

1. Member States shall designate the courts or administrative authorities competent to rule on proceedings commenced by qualified entities within the meaning of Article 3 seeking:

- (a) an order with all due expediency, where appropriate by way of summary procedure, requiring the cessation or prohibition of any infringement;
- (b) where appropriate, measures such as the publication of the decision, in full or in part, in such form as deemed adequate and/or the publication of a corrective statement with a view to eliminating the continuing effects of the infringement;
- (c) in so far as the legal system of the Member State concerned so permits, an order against the losing defendant for payments into the public purse or to any beneficiary designated in or under national legislation, in the event of failure to comply with the decision within a time limit specified by the courts or administrative authorities, of a fixed amount for each day's delay or any other amount provided for in national legislation, with a view to ensuring compliance with the decisions.

2. This Directive shall be without prejudice to the rules of private international law with respect to the applicable law, that is, normally, either the law of the Member State where the infringement originated or the law of the Member State where the infringement has its effects.

Article 3

Entities qualified to bring an action

For the purposes of this Directive, a 'qualified entity' means any body or organisation which, being properly constituted according to the law of a Member State, has a legitimate interest in ensuring that the provisions referred to in Article 1 are complied with, in particular:

- (a) one or more independent public bodies, specifically responsible for protecting the interests referred to in Article 1, in Member States in which such bodies exist; and/or
- (b) organisations whose purpose is to protect the interests referred to in Article 1, in accordance with the criteria laid down by the national law.

Article 4

Intra-Community infringements

1. Each Member State shall take the measures necessary to ensure that, in the event of an infringement originating in that Member State, any qualified entity from another Member State where the interests protected by that qualified entity are affected by the infringement, may apply to the court or administrative authority referred to in Article 2, on presentation of the list provided for in paragraph 3 of this Article. The courts or administrative authorities shall accept this list as proof of the legal capacity of the qualified entity without prejudice to their right to examine whether the purpose of the qualified entity justifies its taking action in a specific case.

2. For the purposes of intra-Community infringements, and without prejudice to the rights granted to other entities under national legislation, the Member States shall, at the request of their qualified entities, communicate to the Commission that these entities are qualified to bring an action under Article 2. The Member States shall inform the Commission of the name and purpose of these qualified entities.

3. The Commission shall draw up a list of the qualified entities referred to in paragraph 2, with the specification of their purpose. This list shall be published in the *Official Journal of the European Union*; changes to this list shall be

published without delay and the updated list shall be published every six months.

Article 5

Prior consultation

1. Member States may introduce or maintain in force provisions whereby the party that intends to seek an injunction can only start this procedure after it has tried to achieve the cessation of the infringement in consultation either with the defendant or with both the defendant and a qualified entity within the meaning of Article 3(a) of the Member State in which the injunction is sought. It shall be for the Member State to decide whether the party seeking the injunction must consult the qualified entity. If the cessation of the infringement is not achieved within two weeks after the request for consultation is received, the party concerned may bring an action for an injunction without any further delay.

2. The rules governing prior consultation adopted by Member States shall be notified to the Commission and shall be published in the *Official Journal of the European Union*.

Article 6

Reports

1. Every three years and for the first time no later than 2 July 2003 the Commission shall submit to the European Parliament and to the Council a report on the application of this Directive.

2. In its first report the Commission shall examine in particular:

- (a) the scope of this Directive in relation to the protection of the collective interests of persons exercising a commercial, industrial, craft or professional activity;
- (b) the scope of this Directive as determined by the Directives listed in Annex I;
- (c) whether the prior consultation provided for in Article 5 has contributed to the effective protection of consumers.

Where appropriate, this report shall be accompanied by proposals with a view to amending this Directive.

Article 7

Provisions for wider action

This Directive shall not prevent Member States from adopting or maintaining in force provisions designed to grant qualified entities and any other person concerned more extensive rights to bring action at national level.

*Article 8***Implementation**

Member States shall communicate to the Commission the provisions of national law which they adopt in the field covered by this Directive.

*Article 9***Repeal**

Directive 98/27/EC, as amended by the Directives set out in Annex II, Part A, is repealed, without prejudice to the obligations of the Member States concerning the time limits for transposition into national law and application of the Directives set out in Annex II, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.

*Article 10***Entry into force**

This Directive shall enter into force on 29 December 2009.

*Article 11***Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg, 23 April 2009.

For the European Parliament
The President
H.-G. PÖTTERING

For the Council
The President
P. NEČAS

ANNEX I

LIST OF DIRECTIVES REFERRED TO IN ARTICLE 1 ⁽¹⁾

1. Council Directive 85/577/EEC of 20 December 1985 to protect the consumer in respect of contracts negotiated away from business premises (OJ L 372, 31.12.1985, p. 31).
2. Council Directive 87/102/EEC of 22 December 1986 for the approximation of the laws, regulations and administrative provisions of the Member States concerning consumer credit (OJ L 42, 12.2.1987, p. 48) ⁽²⁾.
3. Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities: Articles 10 to 21 (OJ L 298, 17.10.1989, p. 23).
4. Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours (OJ L 158, 23.6.1990, p. 59).
5. Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).
6. Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (OJ L 144, 4.6.1997, p. 19).
7. Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ L 171, 7.7.1999, p. 12).
8. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects on information society services, in particular electronic commerce, in the internal market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).
9. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use: Articles 86 to 100 (OJ L 311, 28.11.2001, p. 67).
10. Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services (OJ L 271, 9.10.2002, p. 16).
11. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market (OJ L 149, 11.6.2005, p. 22).
12. Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).
13. Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts (OJ L 33, 3.2.2009, p. 10).

⁽¹⁾ The Directives referred to in points 5, 6, 9 and 11 contain specific provisions concerning injunctions.

⁽²⁾ The said Directive was repealed and replaced, with effect from 12 May 2010, by Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers (OJ L 133, 22.5.2008, p. 66).

ANNEX II

PART A

Repealed Directive and its amendments

(referred to in Article 9)

Directive 98/27/EC of the European Parliament and of the Council
(OJ L 166, 11.6.1998, p. 51).

Directive 1999/44/EC of the European Parliament and of the Council Article 10 only
(OJ L 171, 7.7.1999, p. 12).

Directive 2000/31/EC of the European Parliament and of the Council Article 18(2) only
(OJ L 178, 17.7.2000, p. 1).

Directive 2002/65/EC of the European Parliament and of the Council Article 19 only
(OJ L 271, 9.10.2002, p. 16).

Directive 2005/29/EC of the European Parliament and of the Council Article 16(1) only
(OJ L 149, 11.6.2005, p. 22).

Directive 2006/123/EC of the European Parliament and of the Council Article 42 only
(OJ L 376, 27.12.2006, p. 36).

PART B

List of time limits for transposition into national law and application

(referred to in Article 9)

Directive	Time limit for transposition	Date of application
98/27/EC	1 January 2001	—
1999/44/EC	1 January 2002	—
2000/31/EC	16 January 2002	—
2002/65/EC	9 October 2004	—
2005/29/EC	12 June 2007	12 December 2007
2006/123/EC	28 December 2009	—

ANNEX III

CORRELATION TABLE

Directive 98/27/EC	This Directive
Articles 1 to 5	Articles 1 to 5
Article 6(1)	Article 6(1)
Article 6(2), first subparagraph, first indent	Article 6(2), first subparagraph, point (a)
Article 6(2), first subparagraph, second indent	Article 6(2), first subparagraph, point (b)
Article 6(2), first subparagraph, third indent	Article 6(2), first subparagraph, point (c)
Article 6(2), second subparagraph	Article 6(2), second subparagraph
Article 7	Article 7
Article 8(1)	—
Article 8(2)	Article 8
—	Article 9
Article 9	Article 10
Article 10	Article 11
Annex	Annex I
—	Annex II
—	Annex III

APPENDIX 2: TRANSLATION OF SAMPLE TEXT

L 110/30

TR

Avrupa Birliđinin Resmi Gazetesi

1.5.2009

DİREKTİFLER

Tüketicilerin çıkarlarının korunmasına ilişkin mahkeme emirleri hakkında

23 Nisan 2009 tarihli ve

2009/22/AT sayılı AVRUPA PARLAMENTOSU VE KONSEY DİREKTİFİ

(Kodlanmış versiyon)

(AEA ile ilişkili metin)

AVRUPA PARLAMENTOSU VE AVRUPA BİRLİĐİ KONSEYİ

Avrupa topluluđu'nu Kuran Antlaşma'yı ve bu Antlaşma'nın özellikle 95. maddesini göz önünde tutarak,

Komisyonun önerisini göz önünde tutarak,

Avrupa Ekonomik ve Sosyal Komitesinin görüşünü göz önünde tutarak, (1)

Antlaşmanın 251. maddesinde belirtilen usul uyarınca hareket ederek, (2)

Aşağıdaki gerekçelerle:

(1) Tüketicilerin çıkarlarının korunmasına ilişkin mahkeme emirleri hakkında 19 Mayıs 1998 tarihli ve 98/27/ AT sayılı Avrupa Parlamentosu ve Konsey Direktifi (3) üzerinde bir kaç kez önemli deđişiklik yapılmıştır (4). Açıklık ve rasyonellik sağlanması amacıyla söz konusu Direktif kodlanmalıdır.

(2) Bu Direktifin I. Ekinde listelenen belirli Direktifler, tüketicilerin çıkarlarının korunması ile ilgili kuralları belirtmiştir.

(3) Hem ulusal hem Topluluk düzeyinde, bu Direktiflere uyum sağlamak için mevcut olan güncel mekanizmalar, tüketicilerin toplu çıkarlarına zararlı ihlallerin zamanında sona erdirilmesine her zaman izin vermez. Toplu çıkarlar, ihlal nedeniyle zarar gören bireylerin çıkarlarının kümülasyonunu kapsamayan çıkarlardır. Bu durum, ihlal nedeniyle zarar gören bireylerin açtığı bireysel davalara halel getirmez.

(1) ABRG C 161, 13.7.2007, s. 39.

(2) 19 Haziran 2007 tarihli Avrupa Parlamentosunun görüşü (ABRG C 146 E, 12.6.2008, s. 73) ve 23 Mart 2009 tarihli Konsey Kararı.

(3) ATRG L 166, 11.6.1998, s. 51.

(4) bkz. EK II, Kısım A.

(4) İlgili ulusal hükümler uyarınca, yasa dışı olan uygulamaların durdurulması amacı ile ilgili olarak, Antlaşma ile uyumlu olmaları ve bu Direktiflerin izin vermesi şartıyla, bu Direktiflerin gerektirdiđi seviyenin ötesine geçen koruyucu tedbirler de dahil olmak üzere, söz konusu Direktifleri aktaran ulusal tedbirlerin etkinliđi, bu uygulamaların kaynaklandıkları yerin dışında bir Üye Devlette etkisini göstermesi durumunda engellenebilir.

(5) Bu zorluklar, iç pazarın sorunsuz işlemini engelleyebilir, bunun sonucu olarak yasa dışı bir uygulamanın kaynađını, her türlü yaptırımdan uzak tutmak için başka bir ülkeye taşımak yeterlidir. Bu durum rekabetin bozulmasını sağlar.

(6) Bu zorlukların iç pazardaki tüketici güvenini azaltması muhtemeldir ve tüketicilerin toplu çıkarlarını temsil eden örgütlerin veya topluluk hukukunu ihlal eden uygulamalar tarafından olumsuz etkilenen tüketicilerin toplu çıkarlarını korumaktan sorumlu bağımsız kamu kurumlarının eylem alanlarını kısıtlayabilir.

(7) Bu uygulamalar genellikle Üye Devletlerin arasındaki sınırların ötesine geçer. Yasa dışı uygulamanın etkilerini gösterdiđi Üye Devletten bağımsız olarak, yasa dışı uygulamaların durdurulmasını men etmek için tasarlanmış ulusal hükümlerin bir dereceye kadar yakınlaştırılmasına acil ihtiyaç vardır. Yargı yetkisi ile ilgili olarak, Antlaşmadan kaynaklanan Üye Devletlerin genel yükümlüklerine, özellikle iç pazarın sorunsuz işleyişi ile ilgili olanlara saygı gösterirken, Üye Devletler arasında yürürlükte olan özel uluslararası hukuk ve Sözleşmelerin kurallarına halel getirmez.

(8) Öngörülen eylemin amacı, sadece Topluluk tarafından gerçekleştirilebilir. Bu yüzden harekete geçmek Topluluđun sorumluluđudur.

- (9) Anlaşmanın 5. maddesinin üçüncü paragrafı; Anlaşmanın hedeflerine ulaşmak için gerekli olanın ötesine geçmemeyi, Topluluğun sorumluluđu haline getirmiştir. Bu madde uyarınca, Üye Devletlerin eşdeđer etkiye sahip farklı seçenekler arasından seçim yapmalarını serbest bırakarak, ulusal hukuk sistemlerinin kendine has özellikleri mümkün olan her ölçüde dikkate alınmalıdır. Bu Direktifte atfta bulunan işlemlerde hükmetmeye yetkili mahkemeler ve idari makamlar, önceki kararların etkilerini inceleme hakkına sahip olmalıdır.
- (10) Bir seçenek, özellikle tüketicilerin ortak çıkarlarının korunmasından sorumlu olan bir veya daha fazla bağımsız kamu kurumunun, bu Direktifte belirtilen eylem haklarının kullanılmasını zorunlu kılmalıdır. Diđer bir seçenek ise bu hakların, amacı tüketicilerin ortak çıkarlarının korunması olan örgütler tarafından ulusal hukukta belirtilen kriterler uyarınca kullanılmasının sağlanmasıdır.
- (11) Üye Devletler, bu Direktifin amaçlarına uygun nitelikte, ulusal düzeyde kurumlar ve/veya örgütler belirlerken, bu iki seçenekten birini seçebilmeli veya birleştirebilmelidir.
- (12) Topluluk içi ihlallerin amaçları doğrultusunda, karşılıklı tanıma ilkesi, bu kurumlara ve örgütlere uygulanmalıdır. Üye Devletler, kendi ulusal kuruluşlarının talepleri üzerine, bu Direktifin hükümlerine göre, kendi ülkelerinde dava açmaya yetkili ulusal kuruluşlarının adını ve amacını Komisyona iletmelidir.
- (13) Bu yetkili kuruluşların bir listesinin *Avrupa Birliđinin Resmi Gazetesinde* yayımlanmasını temin etmek, Komisyonun görevidir. Aksine bir beyan yayımlanncaya kadar, adı listeye dahil edilmişse, yetkili bir kuruluşun hukuki ehliyete sahip olduđu varsayılır.
- (14) Üye Devletler, davalıya, ihlale son vermek için bir fırsat vermek amacıyla, mahkeme emri davası açmak niyetinde olan tarafın ön istişarede bulunmasını talep edebilmelidir. Üye Devletler, bu ön istişarenin kendileri tarafından belirlenen bağımsız bir kamu kurumu ile müşterek gerçekleştirilmesini talep edebilmelidir.
- (15) Üye Devletlerin ön istişare gerektiđini tespit etmeleri durumunda, istişare için talep alınmasının ardından iki haftalık bir süre belirlenmeli, daha sonra bu süre içinde ihlalin durdurulması sağlanamazsa, başvuru sahibi, yetkili mahkeme ve idari makamdan önce, daha fazla gecikme olmaksızın dava açma hakkına sahip olur.
- (16) Komisyonun, bu Direktifin işleyişi ve özellikle kapsamı ile ön istişarenin faaliyetine ilişkin rapor vermesi uygundur.
- (17) Bu Direktifin uygulanması, Topluluk rekabet kurallarının uygulanmasına halel getirmemelidir.
- (18) Bu Direktif, II. Ek, B Kısmında belirtilen Direktiflerin ulusal hukuka aktarılması ve uygulanması için zaman sınırlamaları ile ilgili Üye Devletlerin yükümlülüklerine halel getirmemelidir.

İŞBU DİREKTİFİ KABUL ETMİŞTİR:

Madde 1

Kapsam

1. Bu Direktifin amacı, iç pazarın sorunsuz işleyişini temin etmek amacıyla, 1. Ekte listelenen Direktiflerde yer alan, tüketicilerin ortak çıkarlarının korunmasını amaç edinmiş, 2. maddede atfta bulunan bir mahkeme emrine ilişkin davalarla ilgili, Üye Devletin kanunlarını, tüzüklerini ve idari hükümlerini yakınlaştırmaktır.

2. Bu Direktifin amaçları doğrultusunda ihlal; Üye Devletlerin iç hukuk düzenine aktarılan 1. Ekte listelenmiş Direktiflere aykırı, 1. paragrafa atfta bulunan ortak çıkarlara zarar veren herhangi bir eylem anlamına gelir.

Madde 2

Bir mahkeme emri için eylemler

1. Üye Devletler, 3. madde çerçevesinde, yetkili kuruluşlar tarafından başlatılan işlemler üzerine hükmetmeye yetkili mahkemeler ve idari makamları belirler, bu işlemler:

- (a) İvedi yargılama usulünün uygun olduđu hallerde, herhangi bir ihlalin durdurulması veya yasaklanmasını gerektiren bir mahkeme emri;
- (b) Uygun olduđu hallerde, kararın tamamı veya bir kısmının yayımlanması ve/veya ihlalin devam eden etkisini ortadan kaldırmak amacıyla düzeltilici bir açıklamanın yayımlanması gibi önlemler;
- (c) İlgili Üye Devletin hukuk sisteminin izin verdiđi ölçüde, mahkemeler veya idari kurumlar tarafından belirlenen bir süre içerisinde karara uyulmaması durumunda, kararlara uyumu sağlamak amacıyla, hergün gecikme için sabit bir miktar veya ulusal mevzuatta belirtilen herhangi diđer bir miktarda devlet hazinesine veya ulusal mevzuat tarafından belirlenen herhangi bir lehtara yapılacak ödemeler için kaybeden davalı aleyhine bir mahkeme emri.

2 Bu Direktif, normal hallerde, ya ihlalin kaynaklandığı Üye Devletin hukuku veya ihlalin etkilerinin görüldüğü Üye Devletin hukuku olan yürürlükteki hukuka saygı duyarak, özel uluslararası hukukun kanunlarına halel getirmemelidir.

Madde 3

Dava açmaya yetkili kuruluşlar

Bu Direktifin amaçları doğrultusunda, 'yetkili kuruluş' bir Üye Devletin hukukuna göre doğru şekilde oluşturulmuş, 1. maddede atıfta bulunulan hükümlere uyumun sağlanmasında yasal bir hakkı olan, hertürlü kurum veya örgüt anlamına gelir, özellikle;

- (a) böyle kurumların bulunduğu Üye Devletlerde, bilhassa 1. maddede atıfta bulunulan çıkarları korumaktan sorumlu bir veya daha fazla kamu kurumu; ve/veya
- (b) ulusal hukukta belirtilen kriter uyarınca, amacı 1. maddede atıfta bulunulan çıkarların korunması olan örgütler.

Madde 4

Topluluk içi ihlaller

1 Her bir Üye Devlet, kendinden kaynaklanan bir ihlal durumunda, ihlal tarafından söz konusu yetkili kuruluşun koruduğu çıkarların etkilendiđi diđer bir Üye Devlette bulunan herhangi bir yetkili kuruluşun, 2. maddede atıfta bulunulan mahkeme veya idari makama bu maddenin 3. paragrafında bulunan liste ile başvurabilmesini temin etmek için gerekli tedbirleri alır. Mahkemeler veya idari makamlar bu listeyi, yetkili kuruluşun amacının belirli bir dava için işlem yapmasını haklı gösterip göstermediđini inceleme haklarına halel getirmeksizin, yetkili kuruluşun hukuki ehliyetinin kanıtı olarak kabul eder.

2 Topluluk içi ihlallerin amaçları doğrultusunda ve ulusal mevzuat altında diđer kuruluşlara garanti edilen haklara halel getirmeksizin, Üye Devletler yetkili kuruluşlarının talebi üzerine, 2. madde kapsamında bu kuruluşların dava açmaya yetkili olduklarını Komisyona iletmelidir. Üye devletler, bu yetkili kuruluşların adı ve amacını Komisyona bildirirler.

3 Komisyon, amaç şartnameleri ile 2. paragrafta atıfta bulunulan yetkili kuruluşların bir listesini hazırlar. Bu liste *Avrupa Birliđinin Resmi Gazetesinde* yayımlanır;

deđişiklikler gecikmeksizin yayımlanır ve güncellenmiş liste her altı ayda bir yayımlanır.

Madde 5

Ön istişare

1 Üye Devletler, mahkeme emri aramaya niyetlenen tarafın, bu işleme sadece ya davalı ile yada hem davalı hemde 3(a) maddesi çerçevesinde, mahkeme emri aranan Üye Devletin bir yetkili kuruluşu ile istişare ederek ihlalin durdurulmasını sağlamayı denedikten sonra başlayabileceđi hükümlerini getirebilir veya yürürlükte tutabilir. Üye Devlet, mahkeme emri arayan tarafın yetkili kuruluşu danışması gerekip gerekmediđine karar verir. İhlalin durdurulması, istişare için talep alındıktan sonra iki hafta içinde sağlanamazsa, ilgili taraf daha fazla gecikme olmaksızın bir mahkeme emri için dava açabilir.

2 Üye Devletler tarafından kabul edilen ve ön istişareyi düzenleyen kurallar Komisyona bildirilir ve *Avrupa Birliđinin Resmi Gazetesinde* yayımlanır.

Madde 6

Raporlar

1 Her üç yılda bir ve ilk kez en geç 2 Temmuz 2003 tarihinden itibaren, Komisyon, Avrupa Parlamentosu ve Konseye bu Direktifin uygulanmasına ilişkin bir rapor sunar.

2 Komisyon, ilk raporunda özellikle şunları inceler:

- (a) Ticari, endüstriyel, zanaat ve profesyonel bir faaliyette bulunan kişilerin toplu çıkarlarının korunması ile ilgili bu direktifin kapsamı;
- (b) I. Ekte listelenen Direktifler tarafından belirlenen bu Direktifin kapsamı;
- (c) 5. maddede belirtilen ön istişarenin tüketicilerin etkin korunmasına katkıda bulunup bulunmadığı.

Uygun olduđu hallerde, bu rapora bu Direktifi deđiştirmek amacıyla teklifler eşlik edecektir.

Madde 7

Geniş kapsamlı eylemlere ilişkin hükümler

Bu Direktif, Üye Devletlerin, yetkili kuruluş ve ilgili herhangi bir diđer kişiye, ulusal düzeyde dava açabilmeleri için daha kapsamlı hakları vermek üzere tasarlanmış yürürlükteki hükümleri kabul etmelerini veya muhafaza etmelerini önlemez.

*Madde 8***Uygulama**

Üye Devletler, bu Direktifin kapsadığı alanda kabul ettikleri ulusal hukuk hükümlerini Komisyona iletmelidir.

*Madde 9***Yürürlükten
Kaldırma**

II. Ek, A Kısmında belirtilen Direktiflerin deđiřtirdiđi Direktif 98/27/EC, Üye Devletlerin II. Ek, B Kısmında belirtilen Direktiflerin ulusal hukuka aktarılması ve uygulanması için zaman sınırlamaları ile ilgili yükümlülüklerle hâlel getirmeksizin yürürlükten kaldırılmıştır.

Yürürlükten kaldırılan Direktif'e yapılan atıflar bu Direktif'e yapılmış gibi yorumlanır ve III. Ekte yer alan korelasyon tablosu uyarınca deđerlendirilir.

*Madde 10***Yürürlük**

Bu Direktif 29 Aralık 2009 tarihinde yürürlüğe girer.

*Madde 11***Muhataplar**

Bu Direktif'in muhatabı Üye Devletlerdir.

Strazburg'da, 23 Nisan 2009 tarihinde düzenlenmiştir.

Avrupa Parlamentosu adına

Başkan

H.-G. PÖTTERING

Konsey adına

Başkan

p. NE-CAS

EK I

1. MADDEDE ATIFTA BULUNULAN DİREKTİFLERİN LİSTESİ ⁽¹⁾

1. İş yerleri dışında müzakere edilen sözleşmeler hususunda tüketiciyi koruma hakkında 20 Aralık 1985 tarihli ve 85/577/AET sayılı Konsey Direktifi (ATRG L 372, 31.12.1985, s. 31).
2. Tüketici kredileri ile ilgili Üye Devletlerin kanunlarının, tüzüklerinin ve idari hükümlerinin yaklaştırılması hakkında 22 Aralık 1986 tarihli ve 87/102/AET sayılı Konsey Direktifi (ATRG L 42, 12.2.1987, s. 48) ⁽²⁾.
3. Televizyon yayıncılığı faaliyetlerinin izlenmesi ile ilgili Üye Devletlerde kanun, tüzük ve idari eylemlere belirlenen bazı hükümler hakkında 3 Ekim 1989 tarihli ve 89/552/AET sayılı Konsey Direktifi: 10 ile 21 arasındaki maddeler(ATRG L 298, 17.10.1989, s. 23).
4. Paket seyahatler, paket tatiller ve paket turlar hakkında 13 Haziran 1990 tarihli ve 90/314/AET sayılı Konsey Direktifi (ATRG L 158, 23.6.1990, s. 59).
5. Tüketici sözleşmelerindeki haksız koşullar hakkında 5 Nisan 1993 tarihli ve 93/13/AET sayılı Konsey Direktifi (ATRG L 95, 21.4.1993, s. 29).
6. Mesafeli sözleşmeler hususunda tüketicilerin korunmasına ilişkin 20 Mayıs 1997 tarihli ve 97/7/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi (ATRG L 144, 4.6.1997, s. 19).
7. Tüketim mallarının satışı ve buna bağlı teminatların belirli yönleri hakkında 25 Mayıs 1999 tarihli ve 1999/44/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi (ATRG L 171, 7.7.1999, s. 12).
8. İç pazarda, bilgi toplumu hizmetlerinin, özellikle elektronik ticaretin belirli yasal yönleri hakkında 8 Haziran 2000 tarihli ve 2000/31/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi (elektronik ticaret Direktifi) (ATRG L 178, 17.7.2000 s. 1)
9. İnsan kullanımına yönelik tıbbi ürünlere ilişkin Topluluk kodu hakkında 6 Kasım 2001 tarihli ve 2001/83/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi: 86 ile 100 arasındaki maddeler (ATRG L 311, 28.11.2001, s. 67).
10. Tüketici finansal hizmetlerinin mesafeli pazarlanması hakkında 23 Eylül 2002 tarihli ve 2002/65/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi (ATRG L 271, 9.10.2002, s. 16).
11. İç pazarda, firmadan-tüketicisy haksız ticari uygulamaları hakkında 11 Mayıs 2005 tarihli ve 2005/29/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi (ABRG L 149, 11.6.2005, s. 22).
12. İç pazarda hizmetler hakkında 12 Aralık 2006 tarihli ve 2006/123/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi (ABRG L 376, 27.12.2006, s. 36).
13. Tüketicilerin devremülk, uzun vadeli tatil ürünleri, yeniden satış ve değişim sözleşmelerinin belirli yönleri hakkında 14 Ocak 2009 tarihli ve 2008/122/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi (ABRG L 33, 3.2.2009, s. 10).

(1) 5, 6, 9 ve 11. bentlerde atıfta bulunulan Direktifler mahkeme emirlerine ilişkin özel hükümleri içerir.

(2) Söz konusu Direktif, 12 Mayıs 2010 tarihinden itibaren, tüketicilere yönelik kredi anlaşmaları hakkında 23 Nisan 2008 tarihli ve 2008/48/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi (ABRG L 133, 22.5.2008, s. 66) ile yürürlükten kaldırılmış ve değiştirilmiştir.

EK II

KISIM A

Yürürlükten kaldırılan Direktif ve Deđişiklikler

(9. maddede atıfta bulunulan)

98/27/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi
(ATRG L 166, 11.6.1998, s. 51).

1999/44/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi
(ATRG L 171, 7.7.1999, p. 12).

sadece Madde 10

2000/31/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi
(ATRG L 178, 17.7.2000, s. 1).

sadece Madde 18(2)

2002/65/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi
(ATRG L 271, 9.10.2002, s. 16).

sadece Madde 19

2005/29/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi
(ABRG L 149, 11.6.2005, s. 22).

sadece Madde 16(1)

2006/123/AT sayılı Avrupa Parlamentosu ve Konsey Direktifi
(ABRG L 376, 27.12.2006, s. 36)

sadece Madde 42

KISIM B

Ulusal hukuka aktarılması ve uygulanması için zaman sınırlamalarının listesi

(9. maddede atıfta bulunulan)

Direktif	Aktarıma için zaman sınırı	Uygulanma tarihi
98/27/AT	1 Ocak 2001	—
1999/44/AT	1 Ocak 2002	—
2000/31/AT	16 Ocak 2002	—
2002/65/AT	9 Ekim 2004	—
2005/29/AT	12 Haziran 2007	12 Aralık 2007
2006/123/AT	28 Aralık 2009	—

EK III

KORELASYON TABLOSU

98/27/AT sayılı Direktif	Bu Direktif
Madde 1'den 5'e	Madde 1'den 5'e
Madde 6(1)	Madde 6(1)
Madde 6(2), birinci altparagraf, birinci bent	Madde 6(2), birinci altparagraf, bent (a)
Madde 6(2), birinci altparagraf, ikinci bent	Madde 6(2), birinci altparagraf, bent (a)
Madde 6(2), birinci altparagraf, üçüncü bent	Madde 6(2), birinci altparagraf, bent (c)
Madde 6(2), ikinci altparagraf	Madde 6(2), ikinci altparagraf
Madde 7	Madde 7
Madde 8(1)	—
Madde 8(2)	Madde 8
—	Madde 9
Madde 9	Madde 10
Madde 10	Madde 11
Ek	EK I
—	EK II
—	EK III

APPENDIX 3: TERMLIST

en_US	tr_TR
1 injunction	mahkeme emri
2 Directive	Direktif
3 Member State	Üye Devlet
4 European Parliament	Avrupa Parlemantosı
5 European Union	Avrupa Birliđi
6 official journal	resmi gazete
7 collective interest	toplu çıkar
8 internal market	iç Pazar
9 prior consultation	ön istişare
10 independent public body	bağımsız kamu kuruluşu/kurum
11 smooth functioning	sorunsuz işleme,
12 administrative authority	idari makam
13 legal system	hukuk sistemi
14 intra-community infringement	topluluk içi ihlal
15 long-term holiday product	uzun vadeli tatil ürünü
16 internal legal order	iç hukuk düzeni
17 consumer financial services	tüketici finansal hizmetleri
18 electronic commerce	elektronik ticaret
19 consumer contract	tüketici sözleşmesi
20 distance contract	mesafeli sözleşme
21 professional activity	profesyonel faaliyet
22 council decision	konsey kararı
23 credit agreements	kredi anlaşmaları
24 public purse	devlet hazinesi
25 exchange contract	kambiyo, deđiş tokuş
26 effective protection	etkin korunma
27 international law	uluslar arası hukuk
28 summary procedure	ivedi yargılama usulü
29 mutual recognition	karşılıklı tanı(n)ma
30 losing defendant	kaybeden davalı
31 package travel	paket seyahat

32	correlation table	korelasyon tablosu
33	administrative action	idari eylem
34	corrective statement	düzlüci açıklama
35	legal aspect	yasal yönler
36	consumer credit	tüketici kredisi
37	administrative provision	idari hüküm/kural
38	legal capacity	hukuki ehliyet; fiil ehliyeti
39	in force provision	yürürlükte olan hüküm
40	specific provisions	özel hükümler
41	unfair term	haksız koşullar-şartlar
42	applicable law	yürürlükteki hukuk
43	package tour	paket tur
44	package holiday	paket tatil
45	protective measure	koruyucu önlem-tedbir
46	medicinal product	tıbbi ürün
47	european economic	Avrupa Economic
48	private international law	uluslar arası özel hukuk
49	community law	topluluk hukuku
50	unlawful practice	yasadışı uygulama
51	business-to-consumer	firmedan tüketiciye
52	specific case	belirli dava
53	Community competition rules	Topluluk rekabet kuralları
54	distance marketing	mesafeli pazarlama
55	Community code	Topluluk kodu
56	social committee	sosyal komite
57	OJ	ATRG
58	Annex	EK
59	Part	Kısım
60	Council Directive	Konsey Direktifi
61	EEA	AEA
62	EC	AT
63	EEC	AET
64	provision	hüküm
65	transposition into national law	ulusal hukuka aktarım
66	competent court	yetkili mahkeme

67	qualified entity	yetkili kuruluş
68	national legislation	ulusal mevzuat
69	specification	sözleşme
70	grant	hibe
71	national level	ulusal düzey
72	implementation	uygulama
73	repeal	yürürlükten kaldırma
74	addressees	muhataplar
75	business premises	iş yeri
76	in respect of	çerçevesinde
77	national law	ulusal hukuk
78	bring an action	dava açma
79	bring the infringement to end	ihlale son vermek
80	applicant	başvuru sahibi
81	scope	kapsam
82	obligation	yükümlülük
83	consumer good	tüketim malları
84	associated guarantee	bağlı teminat
85	timeshare	devremülk

ÖZGEÇMİŞ

Adı, Soyadı	Mustafa		ŞİK
Doğum Yeri ve Yılı	Ankara		1981
Bildiği Yabancı Diller	İngilizce		
ve Düzeyi	İyi		
Eğitim Durumu	Başlama - Bitirme Yılı		Kurum Adı
Lise	1995	1998	M.Akif Ersoy Lisesi
Lisans	2000	2007	Anadolu Üniversitesi
Yüksek Lisans	2015	2019	29 Mayıs Üniversitesi
Doktora			
Çalıştığı Kurum/lar	Başlama - Ayrılma Yılı		Çalışılan Kurumun Adı
1.Genelkurmay	1998	----	Hava Kuvvetleri Komutanlığı
2.			
3.			
Üye Olduğu Bilimsel ve Mesleki Kuruluşlar			
Katıldığı Proje ve Toplantılar			
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	İmza		
	Adı Soyadı	Mustafa ŞİK	

