Comparing European Qualifications in the Realm of Official Translating And Interpreting

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Abstract
Since its creation, the European Union has always been committed to the promotion of the free movement of citizens and qualified workers across member states. In order to guarantee workers’ freedom of movement, European legislators have set up a legal framework for the mutual recognition of academic diplomas and qualifications, upon which the pursuit of a given profession or professional activity which is regulated in a member state depends. Obviously, the field of Translation and Interpreting has not escaped this regulation as to the recognition of diplomas issued in other member states, especially those concerning the realm of official translating and interpreting. In the case of Spain, it has been confirmed that a number of holders of the Diploma in Translation and the Diploma in Public Service Interpreting, both of them awarded by Britain’s Chartered Institute of Linguists, have been authorised to practise as Intérprete Jurado (Sworn Interpreter), pursuant to Spanish rules as regards the recognition of foreign qualifications. This paper presents a comparison of the aforementioned qualifications and the professional activities involved in Spain and Britain, highlighting both their similarities and differences. Emphasis is particularly placed on the different ways in which candidates may gain access to the profession of Sworn Interpreter in Spain, including examinations, academic accreditation and recognition of a foreign qualification deemed as equivalent, which will be contrasted with the examinations of both British qualifications. At the same time, attention is also paid to how these professions are regulated in Spain and Britain respectively.

Freedom of Movement for Professionals in the EU
Pursuant to Article 3 (c) of the Treaty establishing the European Economic Community (EEC), the abolition, as between Member States, of obstacles to freedom of movement for persons and services constitutes one of the objectives of the Community, which means that any citizen of the EEC is entitled to pursue a profession, whether in a self-employed or employed capacity, in a Member State other than that in which they acquired their professional qualification. To this end, EEC legislation has been passed to establish a legal framework for mutual recognition of higher-education diplomas issued by any Member State for professional purposes once the education and training which determine the access to those professions have been regulated in a similar fashion throughout the EEC or minimally harmonized.
In this vein, the Council Directive 89/48/EEC of 21 December 1988 set up a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years’ duration, which enable the holder to pursue certain professional activities. This system is aimed at allowing a national from another Member State who has qualified in a given profession to practise in a different country where the pursuit of such activities is restricted to the holders of certain qualifications issued in that Member State, while guaranteeing the quality of the services provided by those professionals both at home and overseas. According to the aforementioned Council Directive, any host Member State in which a profession is regulated is therefore required to take account of diplomas awarded in another Member State, the holders of which can take up or pursue a regulated profession, and to determine whether these diplomas correspond to the qualifications required by the Member State concerned. Evidently, this regulation concerning the recognition of qualifications has also taken into account the field of translation and interpreting, in that official translating and interpreting constitute regulated professional activities in several EU countries, as they can only be pursued by the holders of a given qualification or by the members of an association or organization.

The Profession of Sworn Interpreter in Spain

In Spain, the so-called intérpretes jurados or ‘sworn interpreters’ (SIs henceforth) have been acting in the field of official translating and interpreting for over 130 years, as the first regulation of this profession dates back to the late 19th century. SIs are authorised by the Spanish state (via the Ministry of Foreign Affairs) to carry out both translation and interpreting into Spanish and into the foreign language for which they have been accredited. Besides, SIs have the status of public authenticators (the same as public notaries), in that they certify by their signature and stamp the faithfulness and accuracy of their versions, which have the same legal effects as the original documents, and thus take responsibility for not committing any inaccuracy in their professional activity. Even though allegedly SIs enjoy a certain prestige in Spain, they receive little recognition and attention from the authorities and are virtually unknown to the general public. This can be explained by the fact that there is no legal framework determining their liability, rights and duties, in spite of access being strictly regulated.

There is an SI exam designed and administered on a yearly basis by the Spanish Ministry of Foreign Affairs, which may be taken by the
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holders of at least a three-year undergraduate degree. This exam encompasses four different exercises: a timed, written translation into Spanish of a journalistic or literary text, with no dictionary; a timed, written translation into the foreign language, again with no dictionary; a timed, written translation into Spanish of a legal or economic text, where the use of a dictionary is permitted; and an oral exercise consisting of the candidate reading a text in the foreign language and then summarising it and answering a few questions posed by members of the Examining Board. The lack of a specialised translation exercise into the foreign language and of any interpreting test whatsoever has been fiercely criticised by many academics in Spain:

The most obvious problem with this new test format is that it does not in any way test a candidate’s ability to translate a legal document into the language of certification or to interpret in any of the three modes. The exam is not domain-referenced and lacks even the most basic standards of validity and reliability. Therefore, it still falls far short of guaranteeing the Spanish judicial system and Spanish society in general competent translating and interpreting in legal arenas (Miguélez, 1999).

Since 1996, however, the holders of the four-year undergraduate degree in Translation and Interpreting (TI) who prove that they have been specifically trained in both legal and economic translation as well as in interpreting may be exempted from the abovementioned exams and thus gain access to the profession almost automatically. Since its adoption, this exemption for TI graduates has caused profound changes in the profession. The profession of SI is no longer an exclusive profession, in that the number of SIs for the languages in which the TI degree is offered throughout Spain (namely English, French, German and Arabic) has risen dramatically, and rates have consequently dropped, such that sworn translation and interpreting has turned, in most cases, into a mere part-time activity. This is particularly noticeable in the case of SIs for English: in 2007, nearly 77% of them had been appointed following this procedure (Vigier, 2008: 414).

The Recognition of Equivalent European Qualifications

EU directives on the recognition of professional qualifications have been introduced into Spanish law, and the regulation of SIs’
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professional activities has been no exception. Accordingly, it is incumbent upon the Spanish Ministry of Foreign Affairs to decide on the recognition of qualifications awarded abroad. The applicants must present, among other documents, their University degree, a transcript of records and a professional curriculum, if required. If the authorities so decide, the candidate may be required as well to pass an extra examination or undertake an internship under the auspices of a senior SI. Furthermore, pursuant to Spanish regulations, should the qualification be conferred by a Member state in which the profession is not regulated, the candidate may be requested to enclose a document issued by a competent authority providing evidence that they have pursued the profession in this EU member state for at least two years.

Table 1 illustrates some of the foreign qualifications which have been recognised so that their holders are authorised to keep practising in Spain as SIs.

<table>
<thead>
<tr>
<th>LANGUAGE</th>
<th>QUALIFICATION</th>
<th>ISSUING BODY</th>
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<tbody>
<tr>
<td>English</td>
<td>Diploma in Translation (DipTans)</td>
<td>Chartered Institute of Linguists</td>
</tr>
<tr>
<td>English</td>
<td>Diploma in Public Service Interpreting (DPSI)</td>
<td>Chartered Institute of Linguists</td>
</tr>
<tr>
<td>German</td>
<td>Staatlich geprüfter Übersetzer für die Spanische Sprache (state-examined translator of Spanish)</td>
<td>Prüfungsamt of certain Bundesländer (e.g. Bavaria and Rheinland-Westphalia)</td>
</tr>
<tr>
<td>German</td>
<td>Ermächtigter Übersetzer der Spanischen Sprache (authorised translator of Spanish)</td>
<td>Prüfungsamt of certain Bundesländer (e.g. Hesse)</td>
</tr>
<tr>
<td>French</td>
<td>Traducteur jurée / assermenté (sworn/authorised translator)</td>
<td>Court</td>
</tr>
<tr>
<td>Danish</td>
<td>cand.ling.merc³ (graduate in Business Language)</td>
<td>Copenhaguen Business School</td>
</tr>
<tr>
<td>Polish</td>
<td>Tłumacz przysięgły języka hiszpańskiego (sworn translator and interpreter of Spanish)</td>
<td>Poland’s Ministry of Justice</td>
</tr>
</tbody>
</table>

Table 1. EU qualifications recognised as equivalent to that of SIs

The recognition of foreign qualifications has provoked criticism from many practising SIs, who argue that the accreditation of SIs is being
awarded to the holders of foreign qualifications who have had to follow very disparate accreditation routes, thus casting doubt on the equivalence of the qualifications in question to that of the SIs. But the fiercest opposition to the recognition of qualifications issued overseas is to be found in the lack of a reciprocity principle, which results in Spain’s SIs not being authorised to pursue their professional activity abroad since their accreditation is not considered equivalent to the local qualification.

As stated, the holders of the Diploma in Translation (DipTrans) and those awarded the Diploma in Public Service Interpreting (DPSI), both issued by the Chartered Institute of Linguists (IoL) in Britain, may subsequently have their qualifications recognised and pursue the profession of SI in Spain. Nonetheless, it must be highlighted that the recognition process, as stated by the professionals contacted, was slow and complex, and applicants were also required to provide evidence of professional experience of at least two years in the UK.

The Profession in Britain: the DipTrans and the DPSI

Until quite recently, in Britain, translating and interpreting for the public services have been activities which have not been regulated, and have not had professional recognition or “internal systems of support through examination, regulation by professional bodies or public standing” (Connell, 2002:148). In the field of translation and interpreting, there are professional bodies, such as the IoL and the Institute of Translation and Interpreting, and professional associations like the Association of Professional Court Interpreters, however membership is not compulsory. Besides, unlike Spain’s SIs, legal translators in Britain need not have their work approved by any authority or take an official examination, and “if a document needs to be sworn, it can be done in front of a solicitor, commissioner for oaths or courts’ officer” (Rodríguez, 2005:159).

The DPSI, which originated as the Bilingual Skills Certificate in Community Interpreting (CCI), is today the only one qualification in the UK in the realm of public service interpreting, accredited by the Qualifications and Curriculum Authority and included in the National Qualifications Framework at Level 6, which amounts to a bachelor degree or a graduate certificate when compared to the Framework for Higher Education Qualifications (FHEQ). The DPSI is offered in four public service contexts, i.e. English Law, Scottish Law, Health and Local Government, and comprises the exercises described in Table 2.
<table>
<thead>
<tr>
<th>UNIT</th>
<th>TASKS</th>
<th>TIME</th>
<th>MATERIAL ALLOWED</th>
</tr>
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<tbody>
<tr>
<td><strong>Unit 01: Consecutive and Whispered Interpreting</strong></td>
<td>Task 1A. Two-way consecutive interpreting and whispered interpreting from the Other Language into English</td>
<td>15 min</td>
<td>Candidates are <strong>NOT</strong> allowed to use dictionaries or glossaries, but may take notes during the consecutive interpreting</td>
</tr>
<tr>
<td></td>
<td>Task 1B. Two-way consecutive interpreting and whispered interpreting from English into the Other Language</td>
<td>15 min</td>
<td></td>
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<tr>
<td><strong>Unit 02: Sight Translation into English and the Other Language</strong></td>
<td>Task 2A. Sight translation into English of a formal text</td>
<td>10 min (5 to study the text and 5 to render it accurately)</td>
<td>Candidates are <strong>NOT</strong> allowed to use dictionaries or glossaries, to take notes or to annotate or mark the text</td>
</tr>
<tr>
<td></td>
<td>Task 2B. Sight translation into the Other Language of a formal text</td>
<td>10 min (5 to study the text and 5 to render it with accuracy)</td>
<td></td>
</tr>
<tr>
<td><strong>Unit 03: Written Translation</strong></td>
<td>Task 3A. Translation into English, of a formal or informal text (ca. 250 words)</td>
<td>1 hr</td>
<td>Candidates <strong>ARE</strong> allowed to use dictionaries, glossaries and other reference material (in hard copy format only)</td>
</tr>
<tr>
<td></td>
<td>Task 3B. Translation into the Other Language, of a formal or informal text (ca. 250 words)</td>
<td>1 hr</td>
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</table>

Table 2. DPSI examination format
The exams, held once a year in June, are organised and marked by the IoL Educational Trust. The DPSI is awarded to candidates who attain a pass in all these units. Successful applicants are then eligible to apply for membership of the IoL\textsuperscript{10} as well as to be listed on the National Register for Public Service Interpreters (NRPSI)\textsuperscript{11}, which is intended for the use of Public Service Bodies and organisations to find professional, qualified interpreters. All NRPSI listed members are bound by a Code of Conduct and subject to Disciplinary Procedures if there are allegations that they have not followed the code.

The DipTrans, first launched in 1989, is a postgraduate qualification\textsuperscript{12} accredited by the Qualifications and Curriculum Agency for entry into the National Qualifications Framework at Level 7, which is equivalent to a Master's degree or postgraduate Diploma if mapped against the FHEQ. The DipTrans is chiefly aimed at testing the ability of candidates to translate from a source language to a (usually mother) target language to a professional standard. The examination, which is held in January of each year and devised and marked by the IoL Educational Trust, consists of the units detailed in Table 3, normally with English as either the source or the target language.

<table>
<thead>
<tr>
<th>UNIT</th>
<th>TASK</th>
<th>TIME</th>
<th>MATERIAL ALLOWED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Unit 01: General translation</strong></td>
<td>Translate a non-specialised text into their target language</td>
<td>3 hrs</td>
<td>Candidates ARE allowed to use dictionaries as well as other reference books (viz glossaries or manuals), but the use of IT is not permitted except for word processing facilities.</td>
</tr>
<tr>
<td><strong>Unit 02: Semi-specialised translation</strong></td>
<td>Translate one of three semi-specialised texts covering the following areas: (A) Technology (B) Business (C) Literature</td>
<td>2 hrs</td>
<td></td>
</tr>
</tbody>
</table>
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<table>
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<tr>
<th>Unit 03: Semi-specialised translation</th>
<th>Translate one of three semi-specialised texts covering the following areas: (D) Science (E) Social Science (F) Law</th>
<th>2 hrs</th>
</tr>
</thead>
</table>

Table 3. DipTrans examination format

Candidates must attain a pass in all three units to qualify for the Diploma and subsequently be eligible for membership of the IoL.

On the equivalence of SI to DPSI/DipTrans

It is an extremely complicated task to determine the equivalence of qualifications in the field of (official) translation and interpreting for the public services, keeping in mind the enormous variety of existing accreditation systems and training backgrounds across Europe:

The current provision of training and assessment for legal interpreters and translators in EU member states is patchy and uneven and standards of training, qualifications, practice and working arrangements differ from member state to member state and even within states (Ostarhild, 2003)

For the Spanish Ministry of Foreign Affairs, the British DPSI and the DipTrans are considered tantamount to the Spanish SI qualification, authorising the holders of the former to pursue the professional activity of the latter. Nevertheless, there are obvious differences.

As far as the scope of the qualifications is concerned, whereas sworn translations in Spain may only be performed by SIs and the DPSI is a prerequisite for joining the UK’s NRPSI, the DipTrans does not grant access to any specific translator body or organisation in Britain and is required under no circumstances to practice as a translator, as it merely “provides a qualification, which is widely recognised as a key to the profession” (Ducroquet, 2005: 61). In addition, while SIs in Spain may perform both translation and interpreting tasks, there is a clear-cut division as regards these activities and the respective British diplomas. Accordingly, whereas the DPSI, which focuses first and foremost on interpreting, does include some general translating, the DipTrans deals exclusively with
written translation, which implies that its holders’ capacity to interpret has not been tested in any way. Therefore, authorising the holder of the DipTrans to engage in Spain in court interpreting tasks in their capacity as an SI could possibly jeopardise service quality and standards.

With regard to specialism, at least as may be inferred from the topics covered in their examinations, SIs’ translation activities seem to be related predominantly to the legal and economic fields, whereas a DipTrans holder may have qualified as such having successfully rendered texts of a technical and scientific nature, for example. Besides, as noted by the IoL, passing the Law paper does not confer Legal Translator status due to the semi-specialised nature of the exam. The DPSI examination format, in turn, does not assess candidates’ capacity to translate specialised texts in the legal or economic field. Likewise, the DPSI is offered in four options, including a legal one, but no specific option is required in Spain for recognition purposes, in such a way that somebody acting as an SI may only have been assessed in their ability in, say, medical interpreting, which obviously does not seem to match the interpreting activity of an SI.

As far as directionality is concerned, there is a notable disparity with respect to the SI and DPSI, on the one hand, and the DipTrans, on the other. The Spanish qualification encompasses translating and interpreting both from and into Spanish, just as the DPSI examination includes interpreting and translation units both from and into English and the other language involved. The DipTrans exam, however, only takes in translating from a given source language into a given target language, normally the candidate’s mother tongue. Consequently, the holder of the DipTrans is not examined as to their competence to carry out prose translation, which they are presumed to have to undertake as well, if they are ever appointed SIs on the basis of the recognition of their qualification.

Lastly, and what probably constitutes one of the most striking aspects of this matter, the holders of an SI qualification cannot have it recognised for the DipTrans or the DPSI, nor are they eligible initially to be listed on the NRPSI by means of a process which recognises the Spanish qualification. According to the entry criteria, holders of degrees issued overseas are also eligible to be listed on the NRPSI provided that the qualification encompasses at least two translation components and two interpreting components, including consecutive and simultaneous interpreting as well as sight translation. That is, if a
person who has qualified in Spain as an SI without a previous TI degree wishes to pursue professional translation and interpreting activities in the UK by being registered in the NRPSI, they are very likely to have to obtain first one of the qualifications required, for instance the DPSI. This breaks the reciprocity principle which must be observed in the recognition of professional qualifications, which results in an undue disadvantage for the professionals qualified in Spain in comparison with the professionals in the UK, who may have their qualification recognised and thus practice in Spain just as local professionals do.

Conclusion

Regulating the recognition of diplomas and qualifications within the realm of (official) translating and interpreting, in order for the holders to be able to pursue their professional activities in a member state other than their own, is one step closer to achieving the process of professional and academic harmonisation promoted by EU institutions. As described above, this has been the case of Spanish legislation regarding the profession of SI, which has incorporated EU directives on the recognition of other European professional qualifications. As a result of our comparison between the SI and its closest equivalent British counterparts, i.e. the DPSI and the DipTrans, it becomes clear how important it is to pay particular attention to any recognition framework. This would guarantee the equivalence of the qualifications involved and essentially ensure the reciprocity principle among member states, avoiding possible unfair conditions for the professionals qualified in a given member state in contrast to those of other foreign colleagues.

Notes

2 In a survey conducted by Way (2003: 343), only 7.5% of the respondents said that they were working as SIs on a full-time basis.
3 Candidatus/a linguae mercantilis, awarded upon completion of the MA in International Business Communication at the Copenhagen Business School (http://www.cbs.dk).
4 The most patent case is that these disputes have ended up in a formal complaint in the European Commission against the French Republic as a result of the French refusal to authorise Spain’s SIs to provide their translating and interpreting services in France (Peñarroja, 2004).
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5 http://www.iol.org.uk
6 http://www.iti.org.uk
7 http://www.apcinterpreters.org.uk
8 See more at http://www.iol.org.uk/qualifications/exams_dpsi.asp
10 IoL members must abide by its code of professional conduct in all their work involving languages.
11 According to the criteria for entry onto the NRPSI, to obtain full status candidates must have a qualification (the DPSI, the Metropolitan Police Test or an equivalent level interpreting qualification at honours degree level) plus more than 400 hours of proven Public Service Interpreting (http://www.nrpsi.co.uk).
13 See more at http://www.nrpsi.co.uk/pdf/CriteriaforEntry.pdf.

Bibliography


