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## LEXICAL TRANSFORMATIONS IN UKRAINIAN TRANSLATIONS OF DEFINITIONS IN EU LEGAL ACTS

**Summary.** The paper depicts the peculiarities of lexical translation transformations in Ukrainian translations of English EU legislative acts. The novelty of this study is the exploration of lexical translation transformations in the legal textual definitions as legal acts integral constituents that explicate specialist knowledge, contained in legal terms. The analysis is made on the basis of the classification of lexical translation transformations synthesized from research sources by L.S. Barkhudarov [1, p. 97–105], and Ya. Recker [2, p. 38]. Using contextual analysis, contrastive method to study similarities and differences in semantic scope of legal definitions in EU legal acts within English as a source language (henceforth is SL) and Ukrainian as a target language (henceforth is TL), the following inventory of lexical translation transformations is identified that have been used to reach equivalence in translating legal definitions: loan translation (52,31% in the TL), concretization (20,84%), explicatory translation (6,95%), modulation (6,02%), transcription (5,09%), transliteration (4,63%), adaptation (2,31%), and generalization (1,85%). Each of the above lexical translation transformations is illustrated with examples from our random selection of EU legal acts belonging to the *acquis* that Ukraine as a potential EU candidate is obliged to translate to harmonize its national legislation. Quantitative evaluation method has shown that slightly above two thirds (73%) of all lexical translation transformations in Ukrainian translations of legal definitions from our observation corpus is made up by the two types: loan translation, and concretization, whereas modulation, transcription, transliteration, adaptation, and generalization taken together constitute a bit more than one-fourth (27%) of all lexical transformations under analysis. Loan translation is primarily used for translating numerous terminological word combinations as constituents of legal definitions. Frequent use of concretization can be explained by the necessity of adequate and effective semantic rendering of legal definitions content.

**Key words:** lexical translation transformations, legal definitions, EU legislative acts.

**Introduction.** European Union (henceforth is EU) legislative acts represent a salient group of EU texts, showing the autonomy of EU law, the uniqueness of its source system, and the significant difference between EU law sources and international public law sources [3, p. 84]. To adequately reflect the text content, the meaning of the terms should be taken into account, since the objective reality described in a text is fixed in their meanings explicated by *textual definitions* [4, p. 40].

The accuracy of translation of definitions as means of legal terms semanticization in legislative texts becomes vitally important because adequate understandability of their content is provided precisely by the *legal definition*, a general verbal formula that contains the distinctive and essential features of legal concepts/notions [5, p. 68].

The analysis of publications on linguistic and translation issues of EU legislative texts indicates that Ukrainian researchers are focusing their scholarly efforts on the genre and lexical and semantic features of legal acts structure [3], on lexical harmonization in the context of Ukraine's European integration [6], on relevant issues concerning terminology translation [7, p. 306–307], but the characteristic features of translation transformations of legal definitions received insufficient coverage in research sources.

Following the above said, this paper aims to identify and describe the types of lexical translation transformations that have been used to reach equivalence in EU legal acts within English and Ukrainian. We will first present some theoretical considerations related to *EU legal acts*, *legal definitions*, and *lexical translation transformations*. Against this background, we will next describe the peculiarities of lexical translation transformations in legal definitions of EU legal acts in English and Ukrainian.

**Recent research and publications.** Multilingualism as a defining feature behind EU legal culture conditions an inevitable presence of translation and translators [8]. In 2004, the Verkhovna Rada of Ukraine approved the National Program of adaptation of Ukrainian legislation to the European Union laws [9]. The purpose of adapting Ukrainian laws to EU laws involves the process of Ukrainian legal system alignment with *acquis communautaire*. Harmonization of Ukraine's national legal system with that of EU necessitates the translation of EU's legal acts into Ukrainian, and this need, in its turn, makes the legal, linguistic, and translation research of legal documents from the *acquis communautaire* a topical issue.

*Legal definition* represents the understanding (characteristics) of legal phenomena, indicated by the corresponding legal term through the allocation of their main features [10, p. 44]. The main function of definitions is to ensure clarity and mutual understanding of prescriptions made by legislators.

In the research literature, various classifications of legal definitions are suggested. Drozdova distinguishes the following types of legal definitions: *definition-word*, i. e. the definition equivalent of a single word; *definition-phrase*, i. e. the definition equivalent of a separate

compound or complex sentence; *definition-description*, i.e. the definition equivalent of several sentences that explain one term [11, p. 66].

Benion singles out six types of legal definitions that are not only allowed by law but also regulated by it and therefore they are called statutory: *comprehensive*, *clarifying*, *representative*, *referential*, *enlarging*, *labeling*, and *exclusionary* [12, p. 132]. Comprehensive definitions always include the full meaning of a word taking into account all its components, e. g., “*economic operator*” means any natural or legal person, or a contracting entity, or a group of such persons and/or entities, including any temporary association of undertakings, which offers the execution of works and/or work, the supply of products or the provision of services on the market [13]. Clarifying definitions specify the meaning components of the signified word, taking the form “T means A, B, C or D, or any other manifestation of T”: “*label requirements*” means the requirements to be met by the works, products, services, processes or procedures in question to obtain the label concerned [13]. In enlarging definitions, certain components are added to the meaning of the word, taking the form “T includes X”, e. g., “*harmful organism*” means an organism, including pathogenic agents, which has an unwanted presence or a detrimental effect on humans, their activities or the products they use or produce, on animals or the environment [13]. Labeling definitions have two necessary components: “labeling term” + “concept-explanation” corresponding to it, e. g., “*tenderer*” means an economic operator that has submitted a tender [13]. Referential definitions are used when the meaning of the term is already defined in another legal act, e. g., “*central purchasing body*” means a contracting entity within the meaning of Article 4(1) of this Directive or a contracting authority within the meaning of point 1 of Article 2(1) of Directive 2014/24/EU providing centralized purchasing activities and, possibly, ancillary purchasing activities [13]. Exclusionary definitions deprive the term of certain meaning components, e. g., “*support vessel*” means a vessel other than a craft carried on board that is not equipped with operational fishing gear designed to catch or attract fish and that facilitates, assists, or prepares fishing operations [14].

In creating an equivalence between a source text (henceforth is ST) and a target text (henceforth is TT), translators apply various translation transformations [1, p. 191]. In the focus of our attention, there are lexical translation transformations. Based on various classifications of lexical translation transformations described in research sources we have synthesized their typology consisting of loan translation, transcription, transliteration that mainly deal with finding the equivalence of form, and generalization, concretization, explicatory translation, modulation, and adaptation aiming at reaching the equivalence of meaning.

**Research methodology and design.** An analysis of the EU legal acts translations from English into Ukrainian was made to explore the usage of lexical translation transformations in the above-said translations. While conducting the analysis, a research question to answer is about the types and impact of lexical transformations in legal definitions translations of the EU legislative acts to show how to overcome some

of the lexical inconsistencies and to outline the basic nomenclature of translation transformations.

To study the lexical choices of reaching translation equivalence, a parallel corpus consisting of 5 English EU legislative acts and their Ukrainian translations is used. In most cases, definienda (a term/terminological expressions that are being defined) consist of two to four elements, e. g., *fishing operation*; *mineral supply chain*; *Union fishing authorizations database*, etc., with the two-member phrases predominating. In some cases, the definiendum can consist of a noun and two compound adjectives in the attributive function, e. g. *conflict-affected and high-risk areas*, or two nouns with attributes, e. g. *global responsible smelters and refiners*. In rare cases, the definiendum can be of “X or Y” structure, e. g. *chain of custody or supply chain traceability system*. The definiens (a stretch of text that defines) in legal definitions of EU legislative texts can be predominantly patterned as a simple extended sentence, e. g. “*verifiable date*” means a date which can be verified by the inspection of physical date stamps on products or of inventory lists [15]; and more than one extended sentence, e. g. “*recycled metals*” means reclaimed end-user or post-consumer products, or scrap processed metals created during product manufacturing, including excess, obsolete, and scrap metal materials which contain refined or processed metals that are appropriate for recycling in the production of tin, tantalum, tungsten or gold. For the purposes of this definition, minerals partially processed, unprocessed or a by-product from another ore are not considered to be recycled metals [15].

The methodology of this study includes the following key methods: the method of contextual analysis to identify the meaning of a certain legal term or phrase within the legal definition, contrastive method to study differences in the semantic scope of legal definitions, transformational analysis to establish peculiarities and types of lexical transformations in English-Ukrainian legal definitions translation, descriptive method to depict collected factual data, quantitative evaluation method to identify the frequency of occurrence of each type of lexical transformations.

**Findings and discussions.** By way of the quantitative evaluation method, we determined the frequency of occurrence of each lexical transformation type in the Ukrainian translations of EU legislative acts from our observation corpus (see fig. 1). As shown by our data, loan translation is the most frequent lexical transformation occurring in the EU legislative texts (113 units or 52,31% in TL); the second place is taken by concretization (45 units or 20,84%); the third place – by explicatory translation (15 units or 6,95%); the fourth place – by modulation (13 units or 6,02%); the fifth place – by transcription (11 units or 5,09%); the sixth place – by transliteration (10 units or 4,63%); the seventh place – by adaptation (5 units or 2,31%), and the last place is occupied by generalization (4 units or 1,85%).

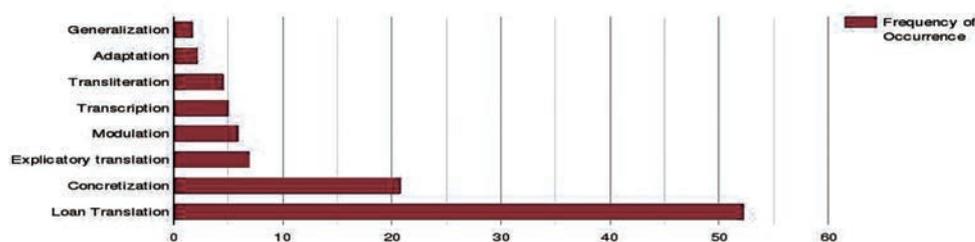


Fig. 1. Lexical transformations in the definitions of EU legislative acts

Let us consider the transformations that are used in legal definitions of Ukrainian translations of English EU legislative acts in more detail.

**Loan translation** (52,31% in TL) is a transformation used to translate lexical units of the SL by replacing their components in the target language. This type of transformation is most frequently used in the EU legal acts. For instance, the terminological combination “*member states*” [16] is rendered into Ukrainian as “*держави-члени*” [17]; the notion “*biometric data*” [18] is translated into Ukrainian as “*біометричні дані*” [19]. This lexical transformation conveys the full meaning of a terminological unit without omitting any components of a concept/notion.

In approximately one-fifth of all legal definitions (20,84% cases in TL) under analysis in EU legislative acts texts **concretization** is used, where the word with a broad semantics/meaning in the ST is replaced by a word with a narrower semantics/meaning, e. g., the word “*body*” [20] (*organization, main part*) is translated into Ukrainian exactly as “*орган*” [17] – the translator narrowed the meaning of this concept/notion. In another example, the word “*Union*” [21] is rendered not as “*association*” but specified as “*ЄС*” [22].

Let us consider one more example that illustrates the application of concretization. In the legal definition (see example 1), the word “*measure*” (method, activity, arrangement) is presented in the TT as “*інструмент*” (a means of pursuing an aim). Using this concept/notion, the translator explains that the definition refers not to a plan or course of action for protecting personal data, but to concrete tools (technical and organizational) for achieving this aim, thus narrowing the meaning of this term.

Example 1:

<p>“<i>pseudonymisation</i>” means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person [18].</p>	<p>“<i>використання псевдонімів</i>” означає опрацювання персональних даних у такий спосіб, що персональні дані більше не можна віднести до конкретного суб’єкта даних без використання додаткової інформації, за умови, що таку додаткову інформацію зберігають окремо і на неї поширюється застосування технічних та організаційних інструментів для забезпечення того, що персональні дані не віднесено до фізичної особи, яку ідентифіковано чи можна ідентифікувати [19].</p>
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The third place according to its frequency of occurrence in our observation corpus of EU legal acts is taken by **explicitation** or **descriptive translation** (6,95% in TT). This transformation means that the term used in the SL is replaced by a terminological phrase that defines this concept in the TL, e. g. the translator explains the phrase “*entity in charge of maintenance*” [16] in Ukrainian, with the help of a descriptive phrase – “*суб’єкт, який відповідає за технічне обслуговування*” [17], by adding the words “*який*” and “*за*”.

The lexical translation transformation of **modulation** or **semantic matching** (6,02% in TT) allows to replace the word or phrase in the SL with the language unit of the TL, the meaning

of which is logically deduced from the meaning of the source terminological unit.

In the following definition (see example 2), the translator uses modulation to render the concept “*breach*” (break, gap, fall). In the Ukrainian TT, this word is translated with the phrase “*порушення захисту персональних даних*” (that is, hacking, illegal intrusion, attack), because according to the definition, this concept means “a gap in a defense of personal data or a gap in the defense of their security which leads to their destruction, loss, alteration, unauthorized disclosure or access”.

Example 2:

<p>“<i>personal data breach</i>” means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed [18].</p>	<p>“<i>порушення захисту персональних даних</i>” означає порушення безпеки, що призводить до випадкового чи незаконного знищення, втрати, зміни, несанкціонованого розкриття або доступу до персональних даних, які передано, збережено або іншим чином опрацьовано [19].</p>
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Lexical transformations of **transcription** (5,09% in TL) and **transliteration** (4,63% in TL), i.e. ways of translating the lexical unit of the SL by reconstructing its form using sounds or letters of the TL, exhibit nearly the same frequency of occurrence in our observation corpus (see examples below).

English terms in the ST	Their Ukrainian equivalents in the TT
<i>monosaccharide</i> [21]	<i>моносахарид</i> [22]
<i>nanomaterial</i> [21]	<i>наноматеріал</i> [22]
<i>controller</i> [21]	<i>контролер</i> [22]

As it can be seen from the above-given examples, transcription or transliteration are resorted to in case of scientific terms (chemical, physical, medical, etc.), e. g. *monosaccharide*, *nanomaterial*, or in case of internationalism, i.e. words that are borrowed in more than one language, e. g. *profiling*, *monitoring*, *controller*, etc.

Due to a large amount of information on various topics in the EU legislative acts, such texts contain abbreviations of complex lexical units (names of different international organizations). It was found out that in Ukrainian there are two ways of rendering the abbreviations of institutions, organizations, and enterprises: transliteration of the abbreviation, e. g., **SL-TL: EC – ЄС, EEC – ЄЄС; the abbreviation is formed using the Ukrainian (TL) equivalent name, e. g., SL-TL: BAT – ННТ, CSM – М33, CST – ЦЗБ.**

**Adaptation** (2,31% in TT) is the lexical transformation by way of which, the unknown language units of the SL are replaced with those which are known in the TL.

In example 3, the terminological phrase “*systematic internalizer*” in the SL is adapted as “*систематичний учасник*” in the TL, though the Ukrainian “*учасник*” does not accurately reflect the TL component “*internalizer*”. In our opinion, adaptation, in this case, does not appear a translator’s successful solution. This situation is complicated by the fact that the term “*internalizers*” is used in psychology where it denotes individuals “assuming that the focus of control over their lives is in themselves and try harder to change themselves and their environment” (Psychology Dictionary). Thus,

the adaptation of the SL “*systematic internalizer*” into the TL “*систематичний учасник*” should be reinforced with explication.

Example 3:

<p>“<i>systematic internaliser</i>” means an investment firm which, on an organised, frequent systematic and substantial basis, deals on own account when executing client orders outside a regulated market, an MTF or an OTF without operating a multilateral system [23].</p>	<p>“<i>систематичний учасник</i>” – інвестиційна фірма, яка веде торгівлю за власний рахунок на організованій, частій, систематичній та істотній основі, виконуючи замовлення клієнтів поза регульованим ринком, БТМ або ОТМ без організації багатосторонньої системи [24].</p>
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The least common lexical transformation in translating the legal definitions in EU legislative acts is **generalization** (1,85% in TL) that expands the meaning of the word. In example 4 below, the translator generalized the noun “*service*” and rendered it in the target text as “*перевезення*”, but not as “*обслуговування, послуга*”.

Example 4:

<p>“<i>Type of operation</i>” means the type characterised by passenger transport, including or excluding high-speed services, freight transport [16].</p>	<p>“<i>Тип діяльності</i>” означає тип, що характеризується пасажирськими перевезеннями, у тому числі наявністю чи відсутністю високошвидкісних перевезень, вантажними <b>перевезеннями</b> [17].</p>
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This study attempted to investigate lexical transformations in translations of legal definitions in the EU English legislative acts into Ukrainian. Data analysis showed that the following types of lexical transformations were resorted to when creating an equivalence between English legal definitions in EU legislative acts: loan translation, concretization, explicatory translation, modulation, transcription, transliteration, adaptation, and generalization. As to the preference of the above used transformations from the most to the least frequent, approximately 73% of them consist of loan translation (52,31% in TL) and concretization (20,84% in TL). The high frequency of that method application can be explained by a considerably large number of terminological phrases as definienda that already exist in the TL as lexical borrowings or there are full equivalents to the expressions from the SL; in addition to definienda consisting of one element expressed by scientific, economic, chemical, etc., terms that belong to internationalisms.

A relatively high proportion of cases of concretization in translated legal definitions in Ukrainian as the TL can be accounted for by the legal nature of translated documents with strong demands on their understandability and accuracy. Another reason for it is that English is characterized by a larger amount of substance names, process names, words with a wide semantic basis in comparison with Ukrainian, thus their translation depends to a great extent on the concretization of their meaning. For the same reason, in contrast to concretization, generalization is sparingly used in the translation of legal definitions into Ukrainian. Explicatory translation and modulation, in our opinion, are used in cases where there is partial or no equivalence between the definienda in English and Ukrainian.

**Conclusions.** The legal definition alongside the legal term is a core unit of storing information and actualizing specialist

(legal) knowledge incorporated in legal texts. This study aimed at identifying and describing the types of lexical translation transformations that have been used to reach equivalence in EU legal acts within English as a SL and Ukrainian as a TL. The major findings of the study consist in establishing an inventory of lexical transformations in translations of legal definitions that incorporates the following eight types: loan translation (52,31%), concretization (20,84%), explicatory translation (6,95%), modulation (6,02%), transcription (5,09%), transliteration (4,63%), adaptation (2,31%), and generalization (1,85%). As shown by our quantitative data, lexical transformations exhibit different frequencies of occurrence, with loan translation and concretization being the most common, and adaptation and generalization the least common. The choice of a definite lexical transformation is primarily conditioned by similarities or differences between the SL and TL lexical components that undergo translation. The findings of this study will presumably assist legal translators and scholars, translation students in getting deeper awareness of textual legal definitions as an object of translation/research, and lexical translation transformations as tools of creating faithful translations of legal texts.

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щодо призупинення торгів фінансовими інструментами та зняття фінансових інструментів з торгів. URL: [https://zakon.rada.gov.ua/laws/show/984\\_017-16](https://zakon.rada.gov.ua/laws/show/984_017-16).

### **Ярова Л. О., Олійник О. С. Лексичні трансформації в українських перекладах визначень законодавчих актів ЄС**

**Анотація.** У статті висвітлено особливості лексичних перекладацьких трансформацій в українських перекладах англійських законодавчих актів Європейського Союзу. Новизна полягає в дослідженні лексичних перекладацьких трансформацій у правових дефініціях як складових частин законодавчих актів, що експлікують спеціальні знання, закладені у правових дефініціях. Аналіз проводиться на основі класифікації лексичних перекладацьких трансформацій, синтезованої з дослідницьких робіт Л.С. Бархударова [1, с. 97–105] та Я.І. Рецкера [2, с. 38]. З використанням контекстуального аналізу та контрастивного методу для вивчення схожостей і відмінностей у семантичному обсязі правових дефініцій у законодавчих актах Європейського Союзу в англійській мові як мові оригіналу та українській мові як мові перекладу виявлено такі лексичні перекладацькі трансформації, які використовувалися для досягнення еквівалентності під час перекладу правових дефініцій: калькування (52,31% в мові перекладу), конкретизація (20,84%), описовий переклад (6,95%), словословний розвиток (6,02%), транскрипція (5,09%), транслітерація (4,63%), адаптація (2,31%) та генералізація (1,85%). Кожна з наведених вище лексичних перекладацьких трансформацій проілюстрована прикладами з випадкової вибірки законодавчих актів асquis Європейського Союзу, які Україна як потенційний кандидат на членство в Європейському Союзі зобов'язана перекладати для гармонізації свого національного законодавства. Метод кількісної оцінки показав, що понад дві треті (73%) всіх лексичних перекладацьких трансформацій в українських перекладах правових дефініцій із нашого дослідницького корпусу становлять два типи – калькування та конкретизація. Натомість словесний розвиток, транскрипція, транслітерація, адаптація та генералізація разом узяті становлять трохи більше чверті (27%) всіх проаналізованих лексичних трансформацій. Калькування використовується здебільшого для перекладу численних термінологічних словосполучень як складників правових дефініцій. Часте використання конкретизації зумовлене необхідністю адекватної й ефективної передачі смислового змісту правових дефініцій.

**Ключові слова:** лексичні перекладацькі трансформації, правові дефініції, законодавчі акти Європейського Союзу.