

Statement

Statement of NA 105-00-03-01 UA “Translation Services” on the publication of ISO 20771:2020 “Legal translation – Requirements”

ISO 20771:2020 “Legal translation - Requirements” was published in April 2020. As the responsible subcommittee “Translation Services” of the DIN Standards Committee Terminology (NAT) and as the German mirror committee of the ISO committee ISO/TC37/SC5 responsible for ISO 20771, we wish to make the following comments on this matter:

We voted against the adoption of this standard in the responsible ISO committee. Unfortunately, the final draft was approved by a majority – despite considerable unresolved differences of opinion among the currently 36 member countries involved in the ISO committee. Because the majority of the other countries approved the standard, it was adopted and is now available in English. **As the responsible DIN sub-committee, we rejected the adoption of ISO 20771:2020 into the German body of standards. The standard will therefore not appear as a DIN ISO standard and will not be published in German. We recommend that clients and translation service providers refrain from using this ISO standard in Germany and that certification companies do not offer certification according to this standard.**

Reasons for the rejection:

In contrast to DIN EN ISO 17100, which explicitly applies to translation service providers of all kinds – e.g. translation companies, freelance translators or in-house translation departments – ISO 20771 was created at the instigation of the project initiators as a standard which only defines requirements for “individual translators” who specialize in providing translation services in the legal field¹. The standard “specifies requirements for the competences and qualifications of legal translators, revisers and reviewers, best translation practices and the translation process directly affecting the quality and delivery of legal translation services. In particular, it specifies the core processes, resources, confidentiality, professional development requirements, training and other aspects of the legal translation service provided by individual translators.”²

In our view, there is no objective reason whatsoever to define different requirements for translation services – regardless of the specialist field – for different types of translation service providers. Experience with DIN EN ISO 17100:2015 in Germany and in other countries has shown that the requirements of ISO 17100 can be met by translation service providers of all kinds. ISO 20771 sets higher requirements for legal translation services than ISO 17100. But why should such specific requirements only apply where the services are provided by freelance translation service providers? **Regardless of its intention, ISO 20771 can ultimately distort the level playing field promoted by ISO 17100 to the detriment of freelance legal translators.**

ISO 20771 does not in any way determine the relationship between this standard and ISO 17100, which applies to translation services in general. **Instead of defining requirements for translation services more clearly, such an ambiguous coexistence of standards which, by their very nature,**

¹ ISO 20771:2020(E), Introduction

² ISO 20771:2020(E), Chapter 1 – Scope

regulate the same subject matter in different ways, can lead to confusion among both clients and service providers. Our comments on this were repeatedly rejected during the development of the standard.

There is no question that for translation services in certain specialist areas in which interests requiring special protection are involved – e.g. for translation services in the legal field (rule of law of proceedings), in the medical field (physical integrity) or also in the field of technical documentation (product safety and consumer protection) – the general requirements of ISO 17100 should and can be “translated” into more specific and, where appropriate, higher requirements. In our view, however, this should not be done in the form of separate ISO standards, but in the form of domain-specific annexes to ISO 17100. A series of individual standards existing in parallel (and unrelated to ISO 17100) for the requirements of translations in different specialist fields would mean that freelance translation service providers – especially in less widely used languages, where full specialization in a single domain (e.g. legal) is often not possible for economic reasons – would have to undergo a whole series of certifications (and periodic re-certifications) over time. **If the approach adopted in ISO 20771 of creating separate standards for different domains continues to be pursued, this will in practice lead to excessive certification demands.**

In addition, **ISO 20771 recommends procedures**

- **which are in contradiction to official regulations applicable in Germany.** In particular, the “signing off” of all translations by the translator, as recommended in sub-clause 6.7, can easily be misunderstood or even misused as a fake “certification of accuracy and completeness” which may only be issued by a court-authorized translator.
- **which are not practicable, at least in Germany, and lead to avoidable bureaucratic burdens.** For example, ISO 17100 requires the translation service provider to enter into an agreement with the client. This “agreement, whether contractual or non-contractual, shall include or reference the commercial terms and the project specifications.” Beyond this requirement, ISO 20771 additionally recommends the conclusion of “Service Level Agreements” (SLAs)³. However, such framework agreements are only possible and useful in the context of regular translation requests from the same client. If assignments are made on a more occasional basis, a request addressed to the client for the conclusion of a “Service Level Agreement” will at best meet with incomprehension, as the conclusion of such contracts also involves considerable bureaucratic effort on the part of the client. Where the client is a court or an authority, the conclusion of such SLAs is not practicable at all.

Since the beginning of the ISO 20771 project, we have opposed the creation of separate standards for specialist translation services in different domains. The final version now available confirms the concerns raised by us and national standard bodies of other countries from the outset. We will continue to advocate the further development of ISO 17100 as the central standard for translation services. Certain relevant aspects which have been developed and formulated in the context of ISO 20771 with regard to processes and resources can, of course, be taken into consideration constructively in this process. The scheduled review of ISO 17100 which is due this year presents a good opportunity for this.

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³ ISO 20771:2020(E), 3.5.5 and 6.7