

Legal Translations in Austria



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Court interpreters in Austria have a fairly long and complicated official title: *allgemein beeideter und gerichtlich zertifizierter Dolmetscher*, meaning «generally sworn and court-certified interpreter». Let me explain the various elements of this official designation.

«Generally sworn» stands for the oath that you take once, upon registration as an official court interpreter. The oath covers any and all assignments of interpreters in criminal and civil cases. The alternative is when a person has to take the oath on an ad hoc basis for one single hearing in a specific case. The Austrian law on court interpreters (*Sachverständigen- und Dolmetschergesetz* – SDG) contains this option because officially registered interpreters are not always available in the many different languages needed in court.

«Court-certified» refers to the examination that candidates have to take before being accepted as court interpreters. A jury of three persons (one judge, two language experts) examines the qualifications of the future court interpreter in an interview that lasts about two hours. The candidate must produce a short legal translation into German (the official language in Austria) as well as into his/her foreign language, give an oral explanation of a dozen legal terms and acronyms that are chosen randomly for every candidate, and interpret (consecutively) a brief exchange between a judge (or prosecutor) and an accused (or witness). The admission criteria for standing for the examination are a university degree in translation/interpreting and one year of (documented) practical experience in the year before taking the examination, or no university degree and three years of (documented) practical experience.

As you can see from the above comments, court interpreters in Austria are both interpreters and translators. The name (*Gerichtsdolmetscher* = court interpreter) only refers to the interpreting side of the linguists' work, but actually includes the qualification as a certified translator. The bulk of the work provided by court interpreters is oral. Interpreting takes up about 70–90% of a court interpreter's work, depending,

of course, on the language combination. This is due to the fact that hearings are oral. Even during the current pandemic, hearings take place and require interpreting (albeit often only in the form of remote or distance interpreting).

I would say that, generally speaking, the majority of certified translations are for private clients and companies, except for occasional voluminous dossiers sent by public prosecutors. In my opinion, there is also more translation work in civil proceedings than in criminal proceedings, which is partly due to the fact that many of the official requests and forms have become standardized in the European Union. As a result, the general outline and format of a warrant, for example, does not need translation anymore.

Typically, a court interpreter will begin a translation by noting at the top of the first page – and sometimes on each of the following pages – that the document is a certified translation from a foreign language into German or vice versa. At the bottom of the translated text, the court interpreter will state the following:

...the above translation from XY into German (or vice versa) is in full correspondence with the attached original (or copy of the original text) which is certified by the [interpreter's] oath as generally sworn and court-certified interpreter.

This is followed by the translator's signature in the format registered with the court and the official round stamp of the court interpreter. (See attached specimen.) To finish the certified translation, the source document (usually only a copy) and the translation are joined together, and the translator will affix his/her stamp to the ribbon connecting the two versions of the text so that nobody can tamper with the document.

When a translation is needed for a foreign country, it may occasionally be necessary to obtain an apostille, or to have the interpreter's signature certified by the court, and the court's certification re-certified by the Federal Ministry of Foreign Affairs.

When a judge or public prosecutor assigns a translation to a court interpreter, he/she will increasingly send the original document in electronic form. It is up to the court interpreter to print the document if he/she wants to have a paper copy of the text that needs to be translated. By the same token, the finished translation is sent back electronically to the requesting court or agency. The invoices for translation or interpreting services should generally also be sent in electronic form (unless the invoice can be handed to the judge directly after an interpreting assignment).

The fees that a court interpreter can charge for a translation depend on whether the translation is for a criminal or a civil case. A special law on translation/interpreting fees (*Gebührenanspruchsgesetz – GebAG*) applies to criminal proceedings. The rate is € 15.20 for 1,000 characters (not counting the empty spaces between words!). You can add 50% to the fee if the original text is difficult to read or contains complex terminology. I hasten to add that translators and court officers sometimes have diverging opinions on what is a difficult text, and whether a surcharge can be added, leading to time-consuming conflicts with the authorities. The aforementioned law on fees dates back to 1975, which explains why court interpreters can also charge for the «typing of the text» – € 2.00 per 1,000 characters (not counting the empty spaces between words). It used to be common practice – and still happens infrequently nowadays – that the court interpreter was/is requested to produce the translation not only in one but also in several copies. In this case, an extra fee of € 0.60 per 1,000 characters will be paid. These fees are indexed and have not been updated for 13 years. Court interpreters are therefore struggling to get an increase. However, the chances of success are more than slim. As a result, court interpreting is not an attractive profession for university graduates, and the number of active court interpreters is shrinking steadily.

When a translation is needed in a civil case, the translator is free to apply the going rates that are paid on the translation market. There is one restriction, namely that a party has been granted legal aid. In this case, the rates charged in criminal cases apply. The aforementioned law (*GebAG*) lists a range between € 1.40 to € 1.80 per translated line of 55 characters (including empty spaces) for certified translations. However, these fees are no longer adequate, and a court interpreter can charge the fees that are commonly paid. When private persons need the translation of a document (birth certificate, marriage certificate, school diploma, etc.) they will often contact several court interpreters simultaneously and shop for the lowest fee. Here, court interpreters should demonstrate more solidarity, and competition law prohibits any fee fixing. One should also mention, though, that the situation varies from language to language – a migrant from Nigeria will have different financial resources than an American millionaire couple seeking divorce; court interpreters for the Slavic languages (Croatian, Serbian or Bosnian, for example) will have a different clientele than those working for Russian entrepreneurs setting up business in Austria.

In some European countries, court interpreters must keep a journal of all the interpreting and translation jobs

which they perform as court interpreters. The journal is checked by the authorities and serves as a basis for granting re-certification after a certain period. This is not the case in Austria, although court interpreters must apply for an extension of their certification every five years. They must attach a list of their recent interpreting/translation jobs and provide evidence for their continuous professional development.

A total of 743 court interpreters for 51 languages are currently listed in the official electronic register of the Austrian Federal Ministry of Justice, and 535 of the 743 court interpreters are members of the professional association – *Österreichischer Verband der Gerichtsdolmetscher (ÖVGD, www.gerichtsdolmetscher.at)*. The association celebrated its 100-year anniversary last October. The planned events had to be cancelled because of the pandemic, but we are confident that the big party can be organized in 2021. ■

Certified Translation from German:

REPUBLIC OF AUSTRIA
Federal Province of Vienna
Agency: Civil Registrar's Office Vienna-Währing
Number of entry: 123456789

BIRTH CERTIFICATE

CHILD:	
Family name:	- X -
First names:	- X -
Date and place of birth:	- X -
Gender:	- X -
FATHER:	
Family name / Surname:	- X -
University degree:	- X -
Title:	- X -
Common family name:	- X -
Identical surname:	- X -
First names:	- X -
Domicile:	- X -
Religious affiliation:	- X -
MOTHER:	
Family name / Surname:	- X -
University degree:	- X -
Title:	- X -
Common family name:	- X -
Identical surname:	- X -
Domicile:	- X -
Religious affiliation:	- X -

Round stamp:
Civil Registrar's Office
Vienna

- X -
(Date of issue)

Signature (illegible)
- X -
(Civil Registrar)

Wien, am 26. November 2020

Vienna, 26 November 2020

Die genaue Übereinstimmung der vorstehenden Übersetzung mit der angefertigten Abschrift bestätige ich unter Berufung auf meinen Eid.

The exact correspondence of the above translation to the attached copy of the original document is attested by my sworn oath as general certified court interpreter for the English language.

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