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Joanna Kozłowska

Rozprawa doktorska
napisana pod kierunkiem
dr hab. prof. UŁ Stanisława Goźdz-Roszkowskiego
oraz dr Agnieszki Stawikowskiej-Marcinkowskiej
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**Legal Phraseology of EU case law. A comparative, corpus-assisted study
of German and English judgments issued by the Court of Justice of the
European Union**

Joanna Kozłowska

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Associate Professor Stanisław Goźdz-Roszkowski
And Doctor Agnieszka Stawikowska-Marcinkowska
in the Department of Specialised Languages and Intercultural
Communication
at University of Łódź

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Introduction

*“We are what we repeatedly do. Excellence, then,
is not an act, but a habit.”*

Aristotle

The object of phraseological analysis has been developed through years of valuable and path-making studies made by German linguists – e.g., Burger (1998, 2015), Fleischer (1997), Gläser (1986, 1998) and in the British tradition made by Cowie (1998), Firth (1957), Sinclair (1996, 2004), and Moon (1992, 1998). Phraseology involves more than just strict definitions and classifications; it also encompasses a wide range of linguistic concepts. Pontrandolfo (2023) identifies several key concepts associated with phraseology, including *formulacity*, *patternedness*, *petrification*, *prefabrication*, and *fixedness* (Pontrandolfo 2022). The above-mentioned studies and the successive theories developed on those foundations have provided a wide spectrum of concepts and classifications, resulting in various categories of phraseological units. This is also evident in LSP phraseology, where different LSP denominations are applied to express the technical or specialized nature of word combinations. For instance, “LSP phraseology” (Kjaer 1990a, Picht 1987), “LSP phrase” (Picht 1990), LSP phraseme” (Kjaer 1990a) (Pontrandolfo 2023).

Alternatively, *the corpus-based or frequency-based* approach focuses on frequency as the key factor, allowing researchers to identify the most frequent and conspicuous word strings, which are not always meaningful. As it was observed in the literature, “corpora and corpus linguistics techniques remain the driving force behind much of the current research into legal phraseology” (Goźdz-Roszkowski & Pontrandolfo 2018: 2). The development of corpus linguistics with its theoretical and methodological background (Sinclair 1991, Moon 2007, Biber et al. 1991, Hoey 2005, Hunston 2000,2002, 2008, 2009, 2011) contributed to a wide array of available linguistic research tools. These tools allow for the storage of large datasets, resulting in reliable and representative outcomes (Pęzik 2013: 141-160).

This, correspondingly, may be a starting point for research on contrastive phraseology¹ and material support for the development of translation studies. It is believed that “phraseology and translation constitute a highly interdisciplinary research field” (Colson 2008: 201). By compiling parallel corpora consisting of translated texts – such as those from the European Union’s institutions – new and surprising results can be obtained in the field of legal language (see recent research of Biel 2014, et al. 2018, et al. 2019, et al. 2022; Koźbiał 2018, 2020, Salkie 2018). However, the interdisciplinary character of research approached from the corpus-based perspective is not limited to linguistic and translation aspects; it encompasses cultural studies because phrasemes are “carriers of culture” (Ramusino & Mollica 2020:2), and they “rely heavily on images, traditions or habits that are characteristic of a given culture” (Colson 2008: 193).

Legal phraseology, which is considered a subfield of phraseology, deserves meticulous attention. In the literature, there were attempts to classify and define legal phraseology (e.g., Kjaer 1991, 2007, Szubert 2010, Ruusila and Lindroos 2016, Biel 2014b, Płomińska 2019, 2020, Woźniak 2017, Bielawski 2022). Many authors adopt the definitions provided in LGP theory, and these are mainly described from the traditional perspective, based on “[the] structure, meaning and use of word combinations” (Cowie 1994: 3168), attempting also to refer their considerations to LSP phraseology. The scholars provide exhausting categorizations of multi-word terms, collocations, light verb constructions, or pragmatic phrasemes, extracting them from the given genre, such as bill of indictment (Bielawski 2022), acts of law (Płomińska 2019), the treaty of EU (Woźniak 2017).

Legal language and its phraseology are believed to be intertwined with a particular legal system (Kjaer 2007: 508) and a legal culture. To maintain stability and the rule of law, legal language undergoes a continual process of stabilizing words or phrases (Kjaer 2007: 508). The frequent, reproduced set phrases may influence the development of law – especially in the multilingual environment, as it is the case of the legal precedents which have been established in the Court of Justice (McAuliffe 2013). The particularity of legal phraseology in research is also evident in the requirement of in-depth knowledge of the

¹ There is no consensus on the concept of a ‘contrastive’ phraseology. One approach states that *contrastive* is a synonym of *cross-linguistic*, and it follows that “any kind of comparison of set phrases between languages is considered as contrastive phraseology” (Colson 2008:194). In the narrow sense, *contrastive* is a comparison of all differences and similarities between two or more languages. The last one implies a comparison of only differences (Colson 2008: 194). Nevertheless, providing a few examples is not sufficient. Indeed, it “may be interesting from a cross-linguistic point of view, but a truly contrastive study presupposes an in-depth analysis of the phraseology of two or more languages (Colson 2008: 194).

legal profession (Kjaer 2007: 507), as the reference to a given legal system or legal discourse community provides a better approach to phraseology.

It can be assumed that the methods of corpus linguistics can complement the research conducted from the traditional perspective. The traditional approach provides valuable classifications of phraseological units and may contribute to a better understanding of the role of phraseology and its categorization. Importantly, the methodology of corpus phraseology may extend the knowledge about phraseology, allowing one to understand and determine the influence of phraseology on legal reasoning, stability of legal rules, standardization, and development of law. One method commonly applied in corpus linguistics is the lexical bundles approach (Biber et al. 1999), which is used in this dissertation. The lexical bundles are “the most frequent sequences of words in a register (...) and are usually not complete grammatical structures nor are they idiomatic, but they function as building blocks of discourse” (Biber 2004: 371). These patterns are retrieved from the corpus by applying the frequency-based criteria. The lexical bundles approach has already been applied in many research areas, such as pharmaceutical discourse (Grabowski 2014, 2015), university spoken and written registers (Biber, Barbieri 2007), and the scientific language of technical and empirical disciplines of microelectronics (Makowska 2024). Moreover, in the field of legal phraseology the lexical bundles approach has been adopted in many valuable contributions, for instance, Goźdz-Roszkowski investigated US contracts (2006) and genre variation in academic journals, briefs, legislation, opinions, contracts, professional articles, and textbooks (Goźdz-Roszkowski 2011). Breeze analyzed four legal genres: academic law, case law, legislation, and legal documents (Breeze 2013). Biel examined the English and Polish Eurolect corpus, including legislative texts (Biel 2018b). Mazzi explored judicial opinions produced by the Supreme Court of Ireland (Mazzi 2018), while Koźbiał analyzed CJEU and Polish Supreme Court judgments (Koźbiał 2020).

The literature claims that there is no “one” phraseology; rather, it should be stated that phraseology is a many-sided area of linguistic study (Lewicki 1974: 151). Lewicki observes that each variant encompasses a different perspective on language with different research objectives (Lewicki 1974: 151). This dissertation aims to investigate the pragmatic and functional categories in legal phraseology. It is assumed that combining the traditional perspective (which refers to pragmatic phrasemes) with the corpus-based approach makes it possible to determine the influence and role of phraseology in the legal discourse of the Court of Justice of the European Union. For that purpose, the study incorporates the lexical bundles approach. It attempts to classify and analyze the functional category of lexical

bundles in German and English judgments issued by the Court of Justice of the European Union. The study aims to verify whether the lexical bundles approach is applicable to German legal phraseology. The answer may contribute to a more in-depth understanding of fixed and frequently occurring phrases. This dissertation may offer a new and encouraging perspective for researchers who examine the role of pragmatic phrasemes in the German genres. To the Author's knowledge, it is the first attempt to analyze the functional categories of lexical bundles of German judgments produced by CJEU.

However, the research conducted only in one language may appear to be insufficient and not reliable to explore the communication process of the CJEU. Therefore, the English version of the same corpus EUR_Lex judgments was introduced. It is believed that the analysis of two language models may provide additional information on the legal procedures, legal institutions of the EU, and the communication process between CJEU and national courts. It is claimed that the English lexical bundles have already been analyzed thoroughly, including the genres such as judgments of national courts and CJEU. To assess whether this approach is applicable to the German legal language, references to the English parallel corpus were made. As a supporting method, the same functional categorization of lexical bundles of the English version was employed.

The concept of functional categorization implies that lexical bundles play various roles in the discourse of judgments. This study aims to examine their functional categories and determine to what extent this categorization corresponds to legal institutions, legal communication, or legal acts. In other words, the basic research question is whether the relationship between law and language can be described based on the functional categorization of recurrent phrases. Based on the frequency criterion, the study reveals the most recurrent sequences, which may provide information on important legal institutions or legal acts. How can the data retrieved from linguistic research enrich the knowledge about the legal system and legal communication of the EU? How can the context analysis of lexical bundles contribute to a better understanding of the role of phraseology in the judicial discourse? These fundamental questions are explored in this dissertation.

The study is divided into 5 chapters. The first one examines the development of phraseology rooted in linguistics and discusses the object of phraseological inquiry in the German research tradition. This is followed by a brief overview of the definitions of LSP phraseology. The focus of Chapter 1 is on the defining of legal phraseology and conceptualizing its most typical phraseological categories, with a particular emphasis on the recent development of pragmatic phrasemes (Płomińska 2019, 2010; Woźniak 2016).

Chapter 2 begins by outlining the shift in understanding the concept of phraseology, which is the result of corpus linguistics development, commenced mainly by British and American scholars. It discusses the contribution of corpus linguistics to phraseology and outlines the development of the concept of legal phraseology. It presents the main corpus-based approaches to phraseology, such as semantic sequences and lexical bundles. Finally, Chapter 2 concentrates on the presentation of the current research devoted to the classification of lexical bundles in the field of legal language.

Chapter 3 introduces the analytical part of this dissertation by presenting the Eur_Lex judgments parallel corpus. It is followed by the examination of the specialization degree of the corpus, discussing in detail the contextualization. The aim of this section is to present the Court of Justice of the European Union as a multilingual discourse community, which performs functions of constitutional, international, administrative, and civil court. It stresses the unique nature of that court as a court cooperating with national EU courts. Finally, the chapter examines the CJEU judgments from the genre and register approach, providing the lexico-grammatical examples and analyzing the structure with a moves approach.

The aim of the analysis in Chapter 4 is to examine the legal phraseology from the functional perspective. It also attempts to assess the applicability of the lexical bundles approach in the German language. The question to be asked here is whether it is possible to extract German lexical bundles from the German corpus, in other words, if phraseological units can be approached from the corpus-assisted perspective. It is endeavoured to collect the most frequent lexical bundles and to categorize them into functional categories. The study will attempt to show how the frequency of lexical bundles reflects the importance of legal acts, legal rules, and institutions. The objective of this chapter is to investigate the role that context analysis plays in enriching the knowledge about the EU legal system. This part of the dissertation seeks to combine the traditional perspective with the corpus-based one by examining whether the lexical bundles perspective is helpful in the extraction of pragmatic phrasemes. It is claimed that pragmatic bundles play an important role in the judicial discourse as they perform communicative and normative functions. From this perspective, the functional lexical bundles may reveal similar results. Additionally, the importance of pragmatic phrasemes is seen in their repeated occurrence in a given genre (Woźniak 2016: 146), and this feature demonstrates similarity with lexical bundles, which are found in CJEU judgments. It appears that

pragmatic phrasemes play a crucial role in introducing obligatory requirements for judgments, as outlined in Article 87 of the Rules of Procedure of the CJEU.

Chapter 5 presents the most frequent lexical bundles that were extracted from the English corpus. This section includes a functional analysis of lexical bundles. It enhances the findings of Chapter 4 by providing further evidence that the high frequency of some set phrases is reflected in important legal acts, principles, and legal institutions. The examination of the functional categories is based on context analysis, providing additional information on the legal phraseology and its role in the discourse community of CJEU. Chapters 4 and 5 contain some material issues concerning contrastive phraseology by comparing lexical bundles in parallel and aligned corpora of the same source.

Finally, Chapter 6 contains the synthesis and final conclusions.

Chapter 1

The traditional paradigm of phraseology

This chapter begins by examining the principal concepts of phraseology, including its definitions and basic categories. For that purpose, different perspectives on this area of language study will be presented. Next, this chapter outlines the development of LSP phraseology from a traditional perspective. Finally, it seeks to determine the nature of legal phraseology and its key phraseological types of phrasemes, referring to the achievements of LGP and LSP phraseology. Emphasis is placed on pragmatic phrasemes, i.e., routine formulae, which perform pragmatic functions in texts. These linguistic instruments play a key role in text production as text routines (Płomińska 2019: 224). Additionally, on the lexical level, pragmatic phrasemes appear as microroutines in the form of short phrases. It is claimed that these phrases may coincide with functional categories of lexical bundles (see Chapters 4 and 5). This chapter's discussion will be limited to the research and theories developed within German linguistics.

Biel observes that two main approaches to phraseology are identified in the literature – the traditional approach, which comes under scrutiny in this chapter, and the frequency-based approach, rooted in Sinclair's idiom principle (Biel 2014: 31, similarly Grabowski 2015: 24). Phraseology is perceived as a distinct discipline, rapidly evolving due to present holistic perspectives. This can be confirmed by Grabowski (2015: 24), who points out that phraseology can be perceived traditionally – originally, phraseology was shaped by Winogradow (1944/ 1977) and Amasowa (1963). In addition, Cowie mentions that phraseology traditionally received the attention of scholars of the former Soviet Union (Cowie 2002: 1). The German interest in phraseology dates back to the 17th century. However, early studies focused mainly on sayings and proverbs. This period lacked deeper insight, and no attempts were made to classify phraseological units (Milczarek 2009: 61). In the 19th century, Büchmann applied for the first time a term *geflügelte Worte* which

displays some attributes of a phraseme. Still, up to the 20th century, only those two groups of word combinations were under scrutiny. In contrast, others remained scholarly unnoticed (Milczarek 2009: 62). Since the mid-20th century, growing linguistic interest in word combinations has contributed to the development of phraseology in German. Many monographs and dictionaries were published by Klappenbach (1961, 1968), Agricola (1962), Schmidt (1963) (Milczarek 2009: 66). Additionally, special recognition should be given to the impact that Burger (1982), Fleischer (1982, 1997), and Gréciano (1987) have had on the traditional paradigm of phraseology, particularly in German since 1980. Presumably, this development resulted from a common and riveting interest in the works of “Western scholars,” which bore fruits in the form of many monographs dealing with these issues, large-scale projects, and thematic conferences that took place (Cowie 2002: 1).

1.1. The traditional approach to LGP phraseology²

The term that can, to a certain extent, characterize phraseology was suggested by Ruusila and Lindroos, who described it as an “umbrella term” – covering such terms as idioms, collocations, binominals, and routine formulae (Ruusila & Lindroos 2016: 122). Wray determined nearly 60 terms applied for the denotation of recurrent patterns, such as phrasemes, phraseological units, prefabs, prefabricated units, set phrases, semi-fixed phrases, routine formulae, word combinations, lexicalized phrases, and colligations (Wray 2002 in: Biel 2014: 31). In the traditional approach, at the core of linguists’ interest lies determining the criteria for a differentiation between transparent multi-word units from free combinations (Granger and Paquot 2008: 28). Burger notices that the meaning of phraseology is twofold. The first one denotes a separate area of linguistic study whose research interest concentrates on phrasemes. In this context, we can refer to *German phraseology*, much like *German grammar* (Burger 2015: 11-12). Fleischer interpreted

² The problem of differences and the borderline between LGP (Language for General Purposes) and LSP (Language for Special Purposes) is excluded from this thesis. In this subchapter, LGP phraseology refers to the phraseology of general language, and LSP phraseology denotes the phraseology of specialized language. The British approach to the differentiation between specialized languages and general languages differs from the “continental” approach (for instance German *Fachsprache*). The British one is rather devoted to communicative purposes, while the “continental” is focused on the linguistic nature of specialized languages (Goźdz-Roszkowski, Witzak-Plisiecka 2005: 174). Both categories of language should not be seen as opposite classes, as they are to some extent mutually dependent (similar conclusions about legal language in Goźdz-Roszkowski 1999: 15, Stawikowska-Marcinkowska 2020: 17-37). In this thesis, LGP is perceived as “a widely used communicative means in public and public domains,” while LSP is a language that “facilitates specialized communication between members of a given group within a linguistic community - among specialists” (Makowska 2024: 68).

phraseology in a similar way to Burger. However, for Fleischer, phraseology is generally a discipline dealing with *Phraseologismen*. Despite different conceptualizations of phraseological units, it is considered that phraseology puts the center of interest on the “prevalence of ready-made memorized combinations in written and spoken language” (Cowie 2002: 1). Cowie (1998:4) stressed that “its principal legacy is a framework of descriptive categories that is comprehensive, systematic and soundly based” (Cowie 1998: 4).

The problem of what falls into the concept of phraseology is not new. Łabno-Falęcka shows that the discussion of the prevalence of idiomaticity paved the way for a better understanding of phraseology. The question has been raised whether idiomaticity should be a crucial distinguishing feature of phraseology or whether a stability attribute would be sufficient (Łabno-Falęcka 1995: 162). According to Burger, the meaning of phraseology in the broader sense includes phrasemes that possess the following features:

1. **Polylexicality** – a phraseme is composed of two or more words, and
2. **Stability** – the use of phraseme is common and fixed (Burger 2015: 14-15).

In the narrower sense of phraseology, Burger adds the third feature – **idiomaticity**. This assumes that two components, due to their syntactic or co-occurrence regularity, do not form an explicable phraseological unit. Therefore, in this category of phraseology, he includes idioms (Burger 2015: 14-15). As Łabno-Falęcka states, the supporters of the narrower understanding of phraseology accept only these word combinations, whose one component has lost the designating function and stays “unmotivated”. However, this criterion of non-motivation failed and seems unreliable (Łabno-Falęcka 1995: 163).

1.2. Phraseme – a basic phraseological unit

When defining the discipline of phraseology, a wide range of conceptualizations for word combinations can be observed. Burger chose the term “phraseme” due to its broader global recognition and application. In his previous editions of the monograph, Burger applied the term “Phraseologismus” as it was preferred in German linguistics (Burger 2015: 11). The wide array of terms for phraseological word combinations can indeed pose an obstacle to understanding the scope of phraseology. Such opinion could be confirmed by Pezík, who summarises that “while such creativity in the phrasing of similar concepts is normal in non-technical discourse, in phraseology, it is symptomatic of the underlying proliferation of conflicting terminology. To an extent, this confusion reflects the actual

typological complexity of linguistic entities identified as phraseological units” (Pežik 2018: 30). Simultaneously, Pežik notes that Mel’čuk used the term “phraseme” for his typology of phraseology, although the term had already been used in the literature to describe word combinations known as “restricted collocations” by other linguists (Pežik 2018: 30).

Additionally, Cowie systematizes that Chernuisheva (1964) and Gläser (1988) adopted “phraseological unit” as a general category, Cowie (1988), Howarth (1996) “word combination”, whereas Zgusta (1971) applied “set combination”, and finally Mel’čuk (1988b) “phraseme” or “set phrase”. Next, Fleischer used the general term “Phraseologismen” to describe such phenomena as set expressions (*feste Wendung* – J.K.), set word combinations or word groups (*feste Wortverbindung/ Wortgruppe* – J.K.), using this as a general term (Fleischer 1997:3).

A key issue emerging from many studies is the systematic identification and classification of phraseological units (Pežik 2018:29). Donalies, who adopted for her study the term “phraseme”, endeavors to provide the definition of a phraseme in German by adopting 3 crucial criteria: morphological, syntactic and semantic features (Donalies 2009: 6). The first one corresponds to polylexicallity, defined as the presence of two or more words (for instance *Schwarzer Markt*). However, the same example can be expressed as *Schwarzmarkt*, but in that form, it cannot be analyzed from the perspective of phraseology, as it is a compound noun as a one word. It is noteworthy that German is often considered more prone to compounding than English. Choromański describes German as a “Wortbildungssprache” (*the language of word compounding* – J.K.) or, as Salzmann puts it, a “Kompositionssprache”, where new words are created by combining nouns or other parts of speech (Choromański 2021: 24). Additionally, Burger observes that phrasemes can be *Autosemantika* (content words – J.K.) but also *Synsemantika* (function words – J.K.) that lack autonomous meaning, for instance, *an sich, bei weitem, so dass* (Burger 2015: 15). On the contrary, Lüger exclude *Synsemantika*, perceiving a phraseme as a combination of at least two words, whereas a word is understood only as *Autosemantikum* (Lüger 1999: 6 in Donalies 2009: 9). Fleischer requires for the “Phraseologism” the coexistence of two words – at least one must be *Autosemantikum*, describing this word as “Basiselement” (basic element) (Fleischer 1997: 82).

The syntactic features refer to syntagmas and they are related to the stability and the repetition. However, this attribute is not as obvious as polylexicallity. Burger indicates that for stability, the condition of commonness (*Gebräuchlichkeit*) must be fulfilled. Additionally, he stresses that the words ”kennen” (to know – J.K.) and ”gebrauchen” (to

use, to apply – J.K.) seem to be synonymous in that context, but in fact, they imply different meanings. To illustrate the difference, a language user would likely understand a given phraseme without considering the meaning of each constituent. However, they might not use it, as it could seem either archaic or overly “modern” (Burger 2015: 17). Donalies notes that phrasemes are repetitions (“Wiederholungen”) – we do not produce a phraseme; we re-produce them (Donalies 2009: 11). In view of this, it could be assumed that everything in the language can be reproduced – as Donalies notes – but the emphasis should be placed on the repetition of specific combinations (“Verbindungen”) (Donalies 2009:12). It should be noted that relying solely on frequency analysis is insufficient – Łabno- Fałęcka indicates that the appropriate method for distinguishing phrasemes from free-word combinations is syntactic anomaly (Łabno- Fałęcka in Donalies 2009:14). Fleischer describes this feature:

Syntaktische Anomalien zeigen sich einerseits in der syntaktischen Verbindungen der Komponenten eines Phraseologismus und andererseits in Beschränkungen der Transformation, der transformationellen Defektivität“ (Fleischer 1997: 47).

It follows that syntactic anomaly is characterized by a specific syntactic combination of the phraseme’s components and limited possibilities for transformation. Syntactically, phrasemes operate in an unusual way; they tend to resist syntactic operations (Donalies 2009: 14). The feature can be illustrated by the following examples (Donalies 2009: 14):

- 1) Undeclined use of attributive adjectives: *frei Haus, frei Keller, eitel Freude*
- 2) An adverbial genitive case or genitive construction used as an object: *gutter Dinge sein, guter Hoffnung sein, anderen Sinnes sein*
- 3) A preposition of an attributive in a genitive case: *auf des Messers Schneide stehen, aus aller Herren Länder*
- 4) other anomaly in a case government: *jmdn. Lügen strafen, mit jmdm. ist nicht gut Kirschen essen*
- 5) anomaly in the use of articles: *vor Ort, auf Draht sein, Schliff backen*
- 6) anomaly in the use of pronouns: *es leicht, wie geht es? Hier läßt es sich aushalten*
- 7) anomaly in the use of prepositions : *jdm./ etwas ist nicht ohne.*

Regarding transformational defectiveness, Fleischer observes that phrasemes are subject to limitations in transformation, expansion, and reduction. These limitations result from idiomaticity (semantic stability) as well as lexical and syntactic stability (Fleischer 1997:

49). Fleischer provides examples such as a limitation on passive voice transformation, the possibility of forming relative clauses, and expansion with attributes.

Russila and Lindroos note that some phrasemes are distinguished by their idiomaticity (2016: 122). Burger adds that, apart from the morpho-syntactic anomalies, semantic anomalies are also evident. These are associated with narrow meaning – referred to as semantic idiomaticity (Burger 2015: 26). From this perspective, “idiomatic” denotes the discrepancy between the phraseological and literal meaning of the entire expression. Furthermore, the greater this disparity, the more idiomatic the phraseme becomes. This leads to the conclusion that semantic idiomaticity is a gradual characteristic of phrasemes (Burger 2015: 26-27), which can be categorized as follows:

- a) fully idiomatic (*Vollidiomatisch*) – *Öl ins Feuer gießen*,
- b) partially idiomatic (*Teilidiomatisch*) – *einen Streit vom Zaun brechen*,
- c) non-idiomatic (*nicht-idiomatisch*) – *sich die Zähne putzen*.

Burger explains that fully idiomatic are those word combinations whose meaning cannot be derived from the literal meaning of their components. Partially idiomatic phrasemes, on the other hand, occur when one component retains its literal meaning. At the same time, non-idiomaticity implies no (or only slight) semantic differences (Burger 2015: 27). He notices that the semantic criterion plays a pivotal role in defining phraseology – semantic idiomaticity can be attributed to all phrasemes, whereas a structural anomaly does not appear in every case. He maintains his original definition of what “phraseological” is:

“Phraseologisch ist eine Verbindung von zwei oder mehr Wörtern dann, wenn (1) die Wörter eine durch die syntaktischen und semantischen Regularitäten der Verknüpfung nicht voll erklärbare Einheit bilden, und wenn (2) die Wortverbindung in der Sprachgemeinschaft, ähnlich wie ein Lexem, gebräuchlich ist“ (Burger/ Buhofner/ Sialm 1982 in: Burger 2015:27)³.

In consequence, a phraseme in the broader sense occurs when two of the above-mentioned features are manifested (not fully explainable entity due to syntactic and semantic regularities and common use in the language community). Subsequently, in the narrower sense – when the feature of idiomaticity is present (Burger 2015: 27).

³ A combination of two or more words is considered phraseological when (1) the words form a unit that cannot be fully explained by the syntactic and semantic regularities of their connection, and (2) the word combination is commonly used within the language community, similar to a lexeme – J.K.

1.3. Development of LSP phraseology

The origin of LSP phraseology can be traced back to the 80s (Cedillo 2004: 42, Kjaer 2007: 506). Despite some claims that this subject remains underexplored, research interest in LSP phraseology has notably increased since the 1980s, as evidenced by significant contributions to the field (e.g., Kjaer 1991, 2007; Gläser 2007). Kjaer emphasizes that the analysis of LSP phraseology requires in-depth knowledge of a particular field or profession to accurately understand LSP word combinations⁴ (Kjaer 2007: 507). The contributions of Picht and Gläser to phraseology in the field of a specialized language are invaluable. Gläser clearly establishes the relationship between phraseology, specialized communication, specialized language, and general language. She argues that specialized phraseology should not be regarded as opposing general phraseology but rather as complementing it (Gläser 2007: 482). In her comprehensive study of LSP phraseology, Gläser identifies three main developmental directions:

- 1.1. Exclusion of LSP word combinations: these were excluded from the phraseological system or only partially taken into consideration by some scholars (referred to as *allgemeinsprachliche Richtung* – Woźniak 2016: 100, Gläser 2007: 483)
- 1.2. Contextual analysis: LSP word combinations were analysed in the context of applied linguistics, translation studies, LSP studies, and terminology (*fachsprachliche, terminologische und translatorische Forschungsrichtung* – Woźniak 2016: 100. Gläser 2007:484)
- 1.3. The integrative approach: the analysis was conducted in the context of general phraseology, LSP studies, and terminology. (*integrative Richtung* - Gläser 2007: 483, Woźniak 2016: 99).

Fleischer initially argued that multi-word terms⁵ (“phraseologische Termini” - Fleischer 1997: 72) should be excluded from the phraseological inventory due to their distinctive features, such as reference to specialized knowledge (“Fachbezogenheit”), conceptuality (“Begrifflichkeit”), precision (“Definiertheit”) and stylistic neutrality (Kjaer

⁴ For the purpose of presenting the development of LSP Phraseology, the term “LSP word combination” was adopted for all phraseological units analysed in the context of LSP. As Siewert-Kowalkowska notices there are various terms adopted by scholars: *Fachwendungen, fachsprachliche Wendungen, Fachphraseologismen, fachsprachliche Phraseologismen, Fachphraseme, Fachphrasen, terminologische Phrasen, terminologische Phraseologismen, phraseologische Termini, Phraseotermini* (Siewert-Kowalkowska 2015: 184).

⁵ Kjaer points out that LSP word combinations are referred to as “multi-word terms” as they are not phraseological at all or “left underscribed” (Kjaer 2007: 506).

2 007: 506; Płomińska 2020: 157). Another argument presented by Fleischer is the nature of LSP word combinations. In contrast, LGP word combinations are regarded as secondary structures as they are formed by transforming their basic respective multi-word equivalents:

“Termini, auch als Wortgruppe, sind in der Regel sprachliche Primärstrukturen. Phraseologismen dagegen sind in der Regel Sekundärstrukturen, entstehen durch Umbildung bereits vorhandener Wortverbindungen”⁶. [(Fleischer 1997: 72 ff.) in: Płomińska (2020: 157)].

It is noteworthy that it was Burger (Burger 1973: 6) who admitted that LSP word combinations (conceptualized as “Fachphraseologismen” in his work) should be partially included in the phraseological system due to the link between general and specialized language, forming a distinct group of “Phraseologismen” (Płomińska 2020: 158). These remarks, made in the context of general phraseology, led Kjaer (1991) to raise a question for further discussion whether LSP word combinations (“fachsprachliche Wortverbindungen”) should actually be excluded from the phraseological inventory or should LSP word combinations be analyzed and classified using methods of LGP phraseology (Kjaer 1991: 115).

According to Woźniak, claims made by Kjaer are perceived as a significant contribution to the understanding of LSP phraseology (Woźniak 2016: 100). In view of this, it has been observed in the literature that LSP word combinations or other non-idiomatic word-combinations can be analyzed using the criteria of LGP phraseology (Woźniak 2016: 100, Płomińska 2020: 158). Similar findings have been reported by Kunkel (1986, 1991), who, while analyzing various specialized text types, identified word combinations not found in the general language (Bielawski 2022: 190). According to Bielawski, Kunkel’s assumptions represent a milestone in the development of LSP phraseology (Bielawski 2022: 190).

It should be stressed that the influence of studies conducted in the field of applied linguistics, terminology, translation, and LSP studies in the 70s also contributed to the further development of LSP phraseology. Picht recognized LSP phraseology as a sub-discipline of LGP phraseology, but still, he noted critical differences between them, particularly highlighting the strong connection to terminology and its methods (Woźniak 2016: 1010). In the context of studies conducted in the field of terminology and LSP phraseology, special attention was devoted to LSP collocations. According to Arntz and

⁶ "Terms, also as word groups, are linguistic primary structures. Phraseologisms, on the other hand, are usually secondary structures, formed by transforming already existing word combinations." – J.K.

Picht, the LSP collocations play a crucial role in the process of introducing text, and finally, they influence communication as they express the relationships between terms (Arntz and Picht 1991 in Płomińska 2020: 160). Another key factor in the development of LSP phraseology was the recognition that, in addition to terminology, recurrent LSP word combinations should also be taken into account, as they significantly impact communication (Rossenbeck 1989 and Hohnhold in: Płomińska 2020: 160). These contributions have led Picht to formulate the first definition of LSP word combinations and to define the LSP phraseology as:

Eine fachsprachliche Disziplin, die einerseits die syntaktischen Bindungen fachsprachlicher Ausdrucksmittel, ihre Synonyme und Äquivalenz und andererseits die begrifflichen Beziehungen (sowie deren Veränderungen) zwischen fachsprachlichen Elementen untersucht, die zur einer fachlich gültigen und sprachlich korrekten Aussage zusammengefügt werden können⁷ (Picht 1988 : 193).

Bielawski (2022) attempts to confront the above-mentioned definition of Picht. Bielawski suggests that it is not convincing as it does not clarify how many technical terms (“Fachwort” – J.K.) the LSP word combination (“Fachphraseologismus”) should contain. Bielawski observes that Picht’s definition from 1990 (Picht 1990: 212) explains sufficiently that “Fachphraseologismus” includes at least two components, which together form one semantic value of LSP character (Bielawski 2022: 191).

The third stage of development of LSP phraseology, defined in the literature as the integrative approach, is characterized by the interest in the analysis of LSP word combinations from the perspective of all the above-mentioned disciplines. Researchers analyze and classify LSP word combinations by adopting the methods and classifications that had been developed in the field of LSP phraseology. The studies conducted from the integrative approach focus on classifications of LSP word combinations, analyzed from the formal, semantic, and functional perspectives (Płomińska 2020: 161).

1.4. Definitions of Legal Phraseology

The current consensus is that legal language is regarded as a specialized language. In the literature, it is believed that legal language could be regarded as a prototype of specialized language (Busse 1988: 1383). Additionally, it is not a new question whether

⁷ "A specialized linguistic discipline that, on the one hand, examines the syntactic relationships of specialized expressions, their synonyms, and equivalence, and on the other hand, the conceptual relationships (as well as their changes) between specialized elements, which can be combined into a technically valid and linguistically correct statement" – J.K.

legal language is a sublanguage or a dialect (see Goźdz-Roszkowski 1999: 7). Goźdz-Roszkowski refers to George Mounin, who believes that “legal language is no more than a specialized form of ordinary language” (Goźdz-Roszkowski 1999: 7). The connection between legal language and ordinary language is quite apparent (Kirchhof 1987: 754; Arnzt, Picht, Mayer 2002: 22), still it is an undeniable fact that a legal language is a distinct form of specialized language from other specialized languages (Goźdz-Roszkowski, Witczak-Plisiecka 2005: 176). This can be explained by the high degree of polysemy compared to other specialized languages (Pieńkos 1999: 77, 130). Given this, the tendency to refer to phraseology of legal language as LSP phraseology (i.e., “Fachphraseologie”) or legal LSP phraseology (“Juristische Fachphraseologie”) in German linguistics can be regarded as justified. One cause of concern would be that it is not so apparent at first sight that actually legal language is under scrutiny. If it is not for the legal knowledge, one could not recognize that the subject matter of Woźniak’s study “Fachphraseologie am Beispiel der deutschen und der polnischen Fassung des Vertrags von Lissabon” of 2014 is legal language. The reason may be seen in the fact that Woźniak adopted the integrative approach to LSP phraseology while analyzing the treaty (see: Woźniak 2016: 102). Presumably, it could be more accurate to refer to “juristische” or “rechtssprachliche” (i.e., legal phraseology – J.K.) to specify the scope of LSP phraseological analysis, just as it was introduced in Irahimović’s PhD thesis, in the title of which the Author refers to “**Rechtssprachliche** Phraseologie”. Similarly, Bielawski (2022) resigns from referring to LSP language, deciding the title of his study as “Juristische Phraseologie”.

The first key question relates to the denotation of the basic form of phraseological unit occurring in the legal context. Presumably, Kjaer was the first to attempt to analyze legal phraseology separately from LGP phraseology. In her 1991 paper, she limited the scope of discussion to legal language and the concept of legal word combinations.

According to Kjaer, legal word combinations (*juristische Wortverbindungen*) are

Wortverbindungen, die in juristischen Fachtexten der Gegenwartssprache wiederholt in der gleichen festen Form auftreten und die eine fachsprachlich spezialisierte Bedeutung bzw. eine fachlich bedingte Funktion haben“.

In a sense described above, Kjaer observes that the feature of recurrence (“Reproduzierbarkeit”) applies only to those word combinations that form commonly applied units (“usuelle Einheiten”) in the given legal context (Kjaer 1991:116f.). Kjaer verifies her claims by attempting to replace the word combination “die Klage ändern”. As she rightly points out, in the sense of primary meaning (verändern, abändern, umgestalten,

neu fassen), the verb “ändern” could be replaced with other synonyms to maintain the denotative meaning. In the context of the law of civil procedure – it would be impossible to maintain the precision and desired unambiguity in the legal communication. It follows that not all fixed word combinations that occur in legal texts could be defined as legal – she accepts only those which could be described in the dictionary as “legal” or attributed to “legal language”, simultaneously excluding those frequent word combinations in legal texts without a legal feature, to illustrate: *im Hinblick auf, Art und Weise, in Anspruch nehmen, etwas in Besitz nehmen* (Kjaer 1991: 115). Szubert points out that reference to the occurrence in a dictionary is quite unconvincing as not all frequent LSP word combinations would be included in dictionaries (Szubert 2010: 147).

In the context of translation studies, Arntzt, Stolze, and Sandrini (1999) observed that legal terminology is always connected with a given legal system. Through the historical process, each state developed its own way of conceptualization of legal terms and retains its tradition of externalizing the content of legal norms or provisions (Sandrini 1999: 10). The importance of the legal system and legal culture is so pivotal that Sandrini proposes replacing the phrase “deutsche Rechtsterminologie” (*German Legal terminology* – J.K.) with “Terminologie der deutschen Rechtsordnung” (*Terminology of German Legal System* – J.K.) (Sandrini 1999: 30). In view of this, it could be referred to phraseology. It might be considered whether it would be more precise to refer to the phraseology of the German or British (American) legal system. Kjaer observed that “legal language is inextricably intertwined with one particular legal system”. Therefore, she noticed that all aspects of legal language description should be taken into consideration, including the role and function of a particular term or phrase in the legal context in which they were applied (Kjaer 2007: 508). Some prefabricated patterns – seen as frequent word combinations, fulfil their role of guaranteeing the rule of law and law stability, implying the established meaning of them (Stolze 2005: 285 in Siewert-Kowalkowska 2015: 186). Kjaer also emphasizes that

The legal system is dependent on a constant process of stabilization and specialization of words and phrases that accompany the construction, deconstruction or reconstruction of legal concepts” (Kjaer 2007: 508)

It seems that additional support for this explanation comes from Gizbert-Studnicki’s concept of “das juristische Weltbild” (*the legal worldview* – J.K.). He observes that “das juristische Weltbild” refers not only to empirical, daily facts but also to those institutional. It follows that “Eheschließung” (*the institution of marriage* -JK) has its own meaning and legal effects in a given legal system (Gizbert-Studnicki 1993: 310).

1.5. Classification of legal phrasemes

A valid point here is that among many types of phrasemes, there may occur such word combinations that would not be attributed to “legal language.” These phrasemes may be applied either in the general language or legal language with their basic meaning; however, their high frequency in legal contexts suggests an important functional role. As Płomińska notices, the heterogeneous nature of phraseology deserves the exact classification and requires taking into account many criteria (Płomińska 2020: 182). In German linguistics, there have been several attempts to classify legal phrasemes (referring in German literature to “Phraseologismen”), applying syntactic, semantic, and pragmatic criteria (Bielawski 2022: 194). These phrasemes of major importance will be discussed below.

1.5.1. Multi-word-terms (*Phraseologische Termini, Mehrworttermini*)

Kjaer (2007: 509) makes the point that the most common phrasemes in legal texts are multi-word terms of semantically transparent character and collocations with specialized legal meanings. Płomińska observes that the most distinctive feature of multi-word-terms is their designating function (“Benennungsfunktion”) and definedness (“Definiertheit”) (Płomińska 2020: 184). These functions play a crucial role in legal phraseology, as these phrasemes occur in legal texts such as statutes, particularly in legal definitions. Their meaning can also be derived from other provisions of legal acts (Malinowski 2006: 154). In the German literature, the phraseological status of multi-word-terms has already been acknowledged due to the strong correlation that exists between general language and specialized terminology (Burger, Buhofer, Sialm 1982: 38; Burger 1973: 6 and 2015: 50f.). Secondly, the increasing significance of multi-word-terms in the general language use is seen as a next factor in favour of including multi-word-terms in the phraseological inventory (Płomińska 2020: 185). Lewicki seeks to justify the phraseological nature of multi-word-terms from the perspective of syntactic and structural-semantic perspective (Lewicki 1988: 12). On the contrary, Fleischer argues that multi-word-terms should be excluded from the phraseological inventory due to their communicative functions and stability (Fleischer 1996 in Płomińska 2020: 185). He points out that multi-word terms perform the communicative function by fulfilling the designation gaps, while “Phraseologismen” are semantically vague (Fleischer 1996: 157).

In the present literature, it has already been acknowledged that phraseological features, such as polilexicity, idiomaticity, recurrence, lexicalization, stylistic neutrality, and commonness characterize multi-word terms. Therefore, LSP multi-word terms should be included in the phraseology (see Woźniak 2016: 111, Płomińska 2020: 184 and 186, Bielawski 2022: 199). Kjaer states that these phrasemes are found mostly in the form of adjective +noun combination and demonstrate absolute stability. This explains why the possibility of the morpho-syntactic transformation is excluded, as illustrated in the examples: *elterliche Sorge* → *die Sorge ist elterlich*, *die guten Sitten* → *die Sitten waren gut* (Kjaer 2007:509). Płomińska adds noun+noun (*Kosten des Verfahrens*) and prepositional phrases (*Beweis durch Augenschein*) (Płomińska 2020: 188). According to Bielawski, a multi-word-term is semantically composed of two separate words that can be LSP terms (“Fachtermini”), LGP terms (“allgemeinsprachliche Termini”) or even non-terms (“Nicht-Termini”) (Bielawski 2022:198). As Płomińska correctly reports, it is barely possible to identify the LGP or LSP character of components encompassed in the legal multi-word terms. Despite potential obstacles, she demonstrates the following possible forms: LSP term+LSP term (*Verzug des Gläubigers*), LGP term+LSP term (*active latent Steuern*), Non-term+ LSP term (*Annahme der Erbschaft*), LGP term+Non-term (Płomińska 2020: 198). From the morphological perspective, Bielawski notes that all parts of speech may form multi-word-terms; therefore, they can have verbal, nominal, adjective, or adverbial characters, e.g., *vorläufige Festnahme*, *vorläufig festgenommen* (Bielawski 2022: 199).

Krzemińska-Krzywda (2010:141) describes multi-word terms (“Phraseologische Termini”) as “Phraseologismen”. She regards them as combinations of at least two words that, in the field of law, would be considered as an autonomous lexical unit, whose components altogether denote legal concepts, legal facts of the case, or legal institutions that mostly are defined by definitions in legal texts (Krzemińska-Krzywda 2010: 141). Similarly explains Woźniak, claiming that multi-word terms are

Polylexikale Wendungen (...), die ein fachspezifisches Objekt oder einen fachspezifischen Sachverhalt benennen und oft auch einen Terminus als Komponente enthalten“⁸ (Woźniak 2016: 110).

⁸ "Polylexical expressions (...) that designate a subject-specific object or a subject-specific circumstance and often include a term as a component." – J.K.

Similarly to Płomińska, Woźniak notices a strong relationship between LSP and terminology. From that perspective, in the broader sense, multi-word terms can be seen as LSP expressions that can be assigned to the specialized field and in the narrower sense as

“Fachausdrücke, die einen im betreffenden Fach exakt definierten Begriff oder Gegenstand eindeutig und einmalig [...] bezeichnen” (Beneš 1971: 130). Sie lassen sich darüber hinaus, wie Einworttermini, leicht definieren. Einige davon werden sogar in Gesetzestexten explizit definiert⁹ (Woźniak 2016: 111).

Woźniak provides an example of “offene Gesellschaft” with the definition outlined in the § 105 in Handelsgesetzbuch¹⁰. While it is valid that the function of multi-word-terms is to make the precision of the legal text much stronger (Woźniak 2016: 111), it does not necessarily imply, in the field of legal language, that a given multi-word-term has exactly and easily definable objects. Firstly, it should be noted that in the field of law, there are no terms that could easily be defined. Indeed, the legislator formulates *regulative definitions* (“definicja regulująca”), whose role is to provide a meaning rule to a given word (Ziemiński 1960: 112). From this perspective, the legislator provides legal acts with legal definitions – the aim is to elucidate the meaning of words used in a given legal act or branch of law (Stawecki, Winczorek 2003: 147). According to Grochala and Łabieniec, this process follows in two methods: firstly, legal definitions close the imprecise meaning of the LGP word or the multi-word term, as for example in Art. 115 § 5 of the Criminal Code the multi-word term “mienie znacznej wartości”. Additionally, legal definitions may indicate one of the possible meanings of the LGP word. For instance, *The Dictionary of Polish* provides five meanings of a term “sieć” and the legal act of 1997 *Prawo energetyczne* in the definition section defines the term as “instalacje połączone w współpracujące ze sobą, służące do przesyłania lub dystrybucji paliw lub energii, należące do przedsiębiorstwa energetycznego”, while one similar meaning provided by the Dictionary of Polish was “krzyżujące się ze sobą przewody lub linie, np. Drogi, ulice, stanowiące jakiś układ, umożliwiający przesyłanie, transport czegoś” (Grochala, Łabieniec 2010: 33). It implies that the legislator, in this one particular legal act chose one of many meaning variants. However, it was not formulated as a legal definition, but it was just given more precise meaning in the legal provision in this legal act (Grochala, Łabieniec 2010:

⁹ “expressions that clearly designate a concept or precisely defined object within the specialized field” (Beneš 1971: 130). Moreover, like single-word terms, they are easy to define. Some are even explicitly defined in legal texts.” – J.K.

¹⁰ German Commercial Code

33). The third possible variant is when not an LGP word but a legal term is given a new, specified meaning with a legal definition. For instance, “sprzedaż,” which is primarily defined by the Civil Code in Art. 535, in the legal act *Prawo energetyczne* was provided with a new modified meaning for the purposes of that particular legal act (Grochola, Łabieniec 2010: 33).

A more promising approach was presented by Bielawski, who, in his research on the corpus of Polish and German bills of indictment, admitted that legal multi-word terms have very often their legal definitions. Simultaneously, he reported about legal multi-word terms that do not have the strict legal definition provided in the text, but rather their definition may be derived from the definitions of other similar terms or referring to other legal sources, including jurisprudence. Therefore, Bielawski requires in-depth research of legal literature and jurisprudence to classify a phraseme as a legal multi-word term (Bielawski 2022: 199). Płomińska confirms the denotative and defining function of multi-word-terms, observing that there is a group of multi-word-terms whose meaning is fulfilled by the following regulations (Płomińska 2020: 184). For instance, the multi-word-term “zasady współżycia społecznego” is clarified in the general clause of Art. 8 of the Polish Civil Code as „Nie można czynić ze swego prawa użytku, który byłby sprzeczny ze społeczno-gospodarczym przeznaczeniem tego prawa lub zasadami współżycia społecznego”. This general clause is widely interpreted by the Polish judiciary in various judgments, and the meaning was constantly changing with the social and political transformations (see Łopatka, Ziemiński: 77f.). As regards general clauses, the legislator takes into consideration that there must be some discretion of possibility to adapt the meaning to social circumstances.

1.5.2. Collocations

The origin of the concept of collocation is commonly associated with Firth, who is often credited with introducing the term. However, some key earlier studies tend to be overlooked in the literature. Targońska observes that Palmer in 1933 introduced the term *collocation* as “a succession of two or more words that must be learnt as an integral whole and not pieced together from its components” (Targońska 2014: 698). Furthermore, it was Porzig who adopted the broader term, “wesenhafte Bedeutungsbeziehungen”. According to Woźniak, the early studies focused on the abstract relationship between lexemes (Woźniak 2016: 123). In Targońska's opinion, the meaning of collocations is very often

formulated as a whole and not as a sum of its elements (Targońska 2014: 701). Subsequently, it was Coseriu who developed Porzig's notion with his *lexikalische Solidaritäten* (lexical solidarities- J.K.), providing a method for determining the meaning of a word by means of a class (*eine Klasse*), archilexeme or lexeme (Targońska 2014: 704)¹¹. Nonetheless, Yepes argues that there are two main traditions in the study of collocations: the first one is based on Firth's empirical contextualism, rooted in the Anglo-Saxon tradition, and the second one originating from French-German lexicology (Yepes 2013: 299). As Stawikowska-Marcinkowska points out, while Firth did not explicitly define collocation, he described the phenomenon by presenting examples (Stawikowska-Marcinkowska 2020:68). In his work *Modes of Meaning* (1957). Firth was the first to emphasize the application of "the context of situation", providing the impetus for further research into meaning analysis. In his theory, linguistic units are examined in both syntagmatic and paradigmatic contexts (Targońska 2014: 704). In his monograph *A Synopsis of Linguistic Theory 1930-1955*, Firth developed the theory of a collocation, highlighting the mutual expectancy of the components, stating that "the words are mutually expectant and mutually prehended" (Firth 1962: 1). Taken together, his research has attracted widespread interest, particularly in the corpus linguistics. The current broad understanding of collocation, applied in corpus phraseology, is largely derived from Firthian contextualism and refers to the co-occurrence of lexical units within a given context. From this perspective, both content and function words can be constituents of collocations, and neither semantic nor syntactic relations are taken into account. Thus, grammatical collocations (colligations) are included in this category (Płomińska 2020: 196).

On the other hand, the narrow definition of collocation originates from lexicology and phraseology studies. Hausmann's research, conducted in 1984 for lexicological purposes, revealed the hierarchical structure of collocations. This structure includes a *collocator*, a semantically dependent constituent, and a *base*, which are semantically independent (Targońska 2014: 710, Woźniak 2016: 124). This typology is only justified and applicable in the framework of text analysis (Stawikowska-Marcinkowska 2020: 69). In the literature, collocations are typically categorized into four types based on their parts of speech: verbal, nominal, adjectival, and adverbial. In practice, a few subclasses could be

¹¹ More about the origin of a collocation, see: Targońska 2014: *Der Kollokationsbegriff im Lichte der geschichtlichen Entwicklung*. For the purpose of the thesis, this aspect was limited to indicating the main aspects.

added to each. For example, verbal collocations may include verbs with the active role (*eine Verfahren einleiten, Ansprüche geltend machen*) or verbs with the function of an cancellation or a nullification (*die Klage zurückweisen, das Verfahren einstellen*) (Woźniak 2016: 124). From the morphological perspective, nominal constituents always serve as bases. In verbal collocations without nominal constituents, the verb assumes the role of the base, while in adjectival collocations, the adjective serves as the base (Stawikowska-Marcinkowska 2020: 69).

A serious drawback of this traditional and lexicological approach, particularly regarding nominal collocations, should be taken into consideration. One major shortcoming of this theory is the unclear distinction between nominal collocations and multi-word terms. In Polish, there is a method for differentiating these two categories based on the placement of the adjective attribute. When adjectives precede a noun, they form multi-word terms due to the incidental character. However, when the adjective follows the noun, this is regarded as a permanent feature. Unfortunately, Woźniak failed to provide an effective method for making this distinction in the German language:

*Bewaffneter Konflikt / konflikt **zbrojny*** [phraseologischer Terminus]

*Humanitäre Hilfe / pomoc **humanitarna*** [phraseologischer Terminus]

*Die offenen Märkte / **otwarte** rynki* [Kollokation]

*Der fallende Kurs / **spadający** kurs* [Kollokation] (Woźniak 2016: 126).

Currently, there is a substantial body of research on collocations in legal language in the German literature. However, it seems that in German linguistics, there is a tendency to limit analysis to collocations in the narrow sense, often excluding colligations from most linguistic research due to their synsemantic nature (Bielawski 2022: 207). It should be stressed that some authors examine collocations occurring in legal texts without distinguishing between *LSP collocations* and *LGP collocations*.

Bielawski's closer syntactic inspection of German *bills of indictment*, revealed the presence of numerous verbal and nominal collocations with different configurations depending on the part of speech, for example: verbal collocations: *zur Akte bringen, eine Ausweisungsverfügung erlassen, (jdm.) einen Bewährungshelfer bestellen, zur Aufenthaltsermittlung ausschreiben, das Urteil abändern*, and nominal collocations: *umfangreiche Angaben, der gefasste Tatentschluss, sachdienliche Angaben, widersprüchliche Angaben, eine gesonderte Anklageerhebung* (Bielawski 2022: 253- 259).

It is noteworthy that Woźniak's study provides several new and essential insights. She identifies LSP collations (referred to as "Fachkollokation") as exhibiting features required for phraseological status: polylexicality, stability, non-idiomatic (quasi-idiomatic) meaning, reoccurrence, lexicalization, LSP specificity, stylistic neutrality, commonness. A closer examination reveals that while the stability of legal language collocations is relatively high (Płomińska 2019: 201), it should be considered from a dual perspective. Semantically and syntactically, an LSP collocation appears to be rather flexible, similar to LGP collocations – they can be transformed into different forms or be separated by other parts of speech within a sentence, as illustrated in the following examples (Woźniak 2014: 128):

Eine Klage erheben ↔ die Klageerhebung oder die Erhebung der Klage ↔ die erhobene Klage

*Die Klage, die der Gläubiger vor zwei Jahren **erhoben** hat, wurde am 25. November 2008 durch Berufungsurteil teilweise **abgewiesen**.*

The same view is presented by Cedillo, who endeavors to demonstrate the syntactic flexibility of LSP collocations, as seen in the following examples (Cedillo 2004: 40):

Dividenden ausschütten

Ausschüttung von Dividenden

Ausgeschüttete Dividenden

However, Cedillo pointed out that in certain communicative situations or specific genres, collocations become recurrent patterns to express particular legal facts, and the stability of LSP collocations is "external" (Cedillo 2004: 40). According to Woźniak, LSP collocations can be interpreted as concrete and effective solutions for the communicative purposes.

*Die Parteien warten nur auf **die Verkündung des Urteils**.*

*Das Gericht **verkündet** am 13.03.2014 **das Urteil**.*

These examples offer persuasive evidence that LSP collocations are indispensable instruments for legal communication. In fact, the substitution of a collocate, as Woźniak correctly observes, would not fulfill its pragmatic role – with means of pronouncement ("Verkündung") the legal situation of the parties to a given legal dispute would definitely

change, while “Bekanntmachung” (**ein Urteil bekannt machen*) would not exert influence on the legal status of individuals. Therefore, it seems that, particularly in terms of LSP collocations in legal discourse, external stability is of fundamental importance.

Woźniak suggests that there is a group of LSP collocations characterized by weak stability, as their collocates can be substituted several times (Woźniak 2016: 128), for instance:

Aktien/ Anteile/ Unternehmen/ [...] kaufen/ erwerben

Therefore, in the group of relatively stable LSP collocations, a collocation field can be formed, which clusters synonymous lexemes around a fixed collocate, as in the example (Woźniak 2014: 129):

Erlassen: *Maßnahme, Vorschriften, Richtlinie, Verordnung, Gesetz, etc.*

In terms of idiomaticity, it is outlined in the literature that LSP collocations may be non-idiomatic or partially idiomatic. This division has been suggested by Woźniak, who identifies a group of LSP collocations in a legal language where the meaning of the whole collocation is derived from the meaning of each component, for instance: *ein Verfahren durchführen, die Schenkung widerrufen* (Woźniak 2016: 130, Płomińska 2019: 206). On the other hand, expressions such as *den Gläubiger befriedigen, der Anspruch erlischt, ein Amt bekleiden* are considered partially idiomatic, as the collocator has specified meaning when combined with the base in a given communicative situation (Woźniak 2016: 130, Płomińska 2019: 38).

Similarly, Płomińska identifies the graduation of LSP/ legal collocations¹², but she makes a reservation that it is not a desired solution for legal communication, where absolute precision and impartiality are required (Płomińska 2019: 206). Kjaer also pointed out that

“Idiomatic word combinations, traditionally counting as the predominant type of phrasemes, are not typically applied in the language of law” (Kjaer 2007: 509).

Presumably, the most distinctive feature that differentiates LSP collocations from LGP collocations is their strong connection to LSP. LSP collocations are influenced and determined by specific legal genres. The prevailing view is that at least one component of the collocation should be a legal term that occurs in a given legal genre and context:

¹² Płomińska, in opposition to Woźniak, applies the term “Rechtskollokation”.

“Ihre Fachsprachlichkeit besteht vor allem darin, das seine der Komponenten ein Fachterminus ist und dass die Fachkollokation in bestimmten fachspezifischen Kontexten und Textorten vorkommen“¹³ (Woźniak 2016: 131).

Similar findings have been reported by Płomińska (2019: 208) and Kjaer (2007: 509). Other features, such as the stylistic neutrality of legal collocations or their frequency in certain legal genres, also play important roles.

Concluding, there is still no satisfactory or clearly defined boundary between what is considered more or less idiomatic or neutral enough to be classified as a legal collocation. It seems that sufficiently clear criteria for further linguistic consideration remain lacking.

1.5.3. Light verb constructions (*Funktionsverbgefüge*)¹⁴

Light verb constructions are “a linguistic phenomenon coupling a verb and a stative or eventive noun, in which the verb itself is only needed for morphosyntactic purposes, its syntactic depends being semantically related to the noun” (Cordeiro, Candito 2019: 1). Currently, it seems that little is done to clarify and categorize these phrasemes in German linguistics clearly. The diversity of approaches reflects how incoherent this field is. Woźniak observes that collocations in the broad meaning are considered to be a FVG and she reports that FVG is not consistently defined in the literature. While some researchers exclude FVG from phraseology, others make endeavors to classify these expressions as a distinct category within the phraseological system. Nonetheless, due to the heterogeneity of FVGs, a unified definition remains elusive (Woźniak 2016: 132, Płomińska 2019: 210).

The study of FVGs is not new in the field of the LGP. Helbig and Buscha define FVG by examining the dominant features :

Ein FVG besteht aus einem FV [Funktionsverb- J.K.] und einem nominalen Bestandteil (in der Regel Substantiv im Akkusativ oder Präpositionalgruppe), die beide zusammen eine semantische Einheit darstellen und als solche das Prädikat bilden“ (Helbig, Buscha 2001: 68).

In view of this, it can be concluded that FVG is composed of a light verb (“Funktionsverb”- FV) and a nominal component (mainly a noun in an accusative form or in the prepositional group) and is understood as a semantic unit forming a predicate. Woźniak clarifies the structure by identifying key elements: a light verb (Funktionsverb-FV), a noun

¹³“Their specialized nature primarily consists in the fact that one of the components is a technical term and that the specialized collocation occurs in specific technical contexts and text types” – J.K.

¹⁴ In order to indicate Funktionsverbgefüge as a German phraseme, it is referred to FVG as abbreviated form.

(Verbalabstraktum-VA – rarely Adjektivabstraktum AA), and a “Fügemittel” (FM, i.e., a linking component, which can be a preposition or an accusative object that cannot be transformed into passive voice). The nominal component, a noun (often derived from the corresponding verb or adjective) conveys the primary meaning of FV, while the verbal component is formed by the verb, which is stripped of its original semantic content (Woźniak 2014: 133, Płomińska 2016: 211). From this perspective, both components form a single semantic unit as predicative (Bielawski 2022: 208), differentiating FVGs from collocations, where only the verb serves as the predicate (Bielawski 2022: 212, Płomińska 2016: 217). Moreover, this distinction highlights another key difference – a verb in FVG loses its origin meaning, favouring a unified meaning with a noun – which is not always observed in collocations (Bielawski 2022: 213, Płomińska 2016: 217). However, a comparatively recent study on FVGs in legal texts suggests that the global meaning of FVG may retain some original meaning of both components, though it does not follow that the final meaning is derived from the sum of both of them. This can be proved with the example: *Widerspruch erheben – widersprechen* (Siewert-Kowalkowska 2016: 64).

Recently, the role of FVGs in the legal language has gained prominence. The importance and frequency of these word combinations are confirmed by Kjaer (2007: 507, 509), but further research is still needed¹⁵. Płomińska refers her research to “fachsprachliche, und somit rechtssprachliche FVG“ (*LSP and legal FVG – J.K.*), observing that the distinctive feature of FVGs – i.e. the capacity to express the passive voice which is characteristic for LSP texts - makes FVGs very frequent in legal texts (Płomińska 2016: 215). Similar findings were reported by Woźniak:

Die Passivwertigkeit der FVG lässt sich al seiner der Gründe anführen, warum diese Strukturen im Fachtexten oft Anwendung finden. In Fachtexten wird nämlich vorwiegend (...) der Gegenstand einer Tätigkeit und nicht der Träger eines durch das Verb ausgedrückten aktiven Verhaltens- Agens- hervorgehoben“¹⁶ (Woźniak 2014: 135).

Accordingly, this feature allows for a clearer and more concise transformation of sentences by avoiding complex passive voice structures. Therefore, it contributes to better text reception (Seifert 2004: 93). Seifert points out that FVGs have a greater semantic potential

¹⁵ At that time, Seifert focused on FVG in German statutes of the 18th century: Seifert (2004): *Funktionsverbgefüge in der deutschen Gesetzessprache (18.-20. Jahrhundert)*

¹⁶ "The ability of FVGs to be used in the passive voice can be cited as one of the reasons why these structures are often found in specialized texts. In such texts, the focus is primarily on the object of an action rather than the agent performing the action expressed by the verb" – J.K.

as they may express “Aktionsart” – i.e., the process or change of the state in action (Płomińska 2014: 214, Siewert-Kowalkowska 2016: 64) and are characteristic of terminologization (Płomińska 2016: 214, Bielawski 2022: 210).

The on-going effort to separate the research of legal FVGs from FVGs in LGP contributed to the explicit definition of these structures in the legal language. For Bielawski “das rechtssprachliche Funktionsverbgefüge” is

„Eine Verbindung von einem Verb und einem Nomen (..), in der beide zusammen eine semantische Einheit bilden und als Prädikat des Satzes fungieren, und deren Nomen die hauptsächliche lexikalische und rechtsspezifische Bedeutung trägt”¹⁷ (Bielawski 2022: 208).

According to Bielawski, “rechtssprachliche FVGs” (legal light verbs -JK), like their counterparts in LGP, function as semantic units that serve as predicative within a sentence. Secondly, Bielawski demonstrates that the noun provides lexical and legal meaning. As confirmed in earlier studies by Płomińska – building on Gläser's features of specialised FVGs (2007: 493), these structures are polylexical, recurrent, conventional, and non-idiomatic. Additionally, Płomińska emphasizes that the noun is “Bedeutungsträger” (*meaning-bearer* – J.K.) – its function is to carry the meaning. She highlights that the semantic potential of FVGs is to be seen in terminologization in institutional communication discourses (Płomińska 2016: 214- 215). However, she admits that legal FVGs may include nominal components that are not inherently legal terms but, in specialized contexts – may carry the legal meaning, for instance, *den Unterhalt leisten*, *Rüge erheben* (Płomińska 2016: 215).

1.5.4. Latin multi-word-terms

The occurrence of Latin multi-word terms (e.g., *culpa in contrahendo*, *ex officio*, *ex lege*) in legal texts is likely a common feature across European states due to the influence of Roman law during the Middle Ages. This phenomenon applies not only to continental legal systems but also to Common Law (Kjaer 2007: 509, Woźniak 2017: 70). Bielawski classifies these phrases as “Latin Phraseologismen”, differentiating between three categories:

- 1) Latin word combinations (*lateinische Mehrworttermini*) – *res iudicata*, *rei vindicatio*

¹⁷ “A combination of a verb and a noun (...), in which both form a semantic unit and function as the predicate of the sentence, with the noun carrying the primary lexical and legal-specific meaning” – J.K.

- 2) Latin expressions (*Lateinische Wendungen*) – *contra legem*
- 3) Latin sayings (*lateinische Sprichwörter*) – *nulla poena sine lege*.

Interestingly, these Latin phrasemes are referred to differently - Płomińska suggested “Lateinische Fachphraseologismen” and Woźniak “Lateinische Phrasen.” However, this field remains under-researched as these structures are frequent only in some specialized contexts, such as law, canon law, and medical texts (Woźniak 2017: 73).

One of the most frequently cited works in this area is exhaustive Munske's monograph (1996), which has been referenced in studies by Bielawski and Płomińska. Munske distinguishes between several types of these phrasemes:

- 1) Latin coinages (*Phraseologismen lateinischer Prägung*) – *res iudicata*
- 2) Hybrid Phrasemes with a Latin nucleus (*hybride Phraseologismen mit einem lateinischen Kernlexem*) – *etwas ad acta legen*
- 3) Phraseological loan words (*phraseologische Lehnprägungen*) – *eine Hand wäscht die andere* – *Manus manum lavat* (Munske 1996: 94-99 in: Bielawski 2022: 203, Munske 1996: 94 ff. in: Płomińska 2016: 218).

Woźniak rightly points out that these structures are frequent, particularly in legal texts, in which legal provisions are interpreted, such as judgments, glosses, and procedural writs (Woźniak 2014: 141). Conversely, in the legislation, these structures are not preferred as they may be difficult for the recipients to understand. Woźniak also suggests that Latin expressions could be applied in the future in order to ensure uniformity in European legislation. The shared Latin origins might facilitate the communication between the lawyers practicing in continental and Common Law legal systems (Woźniak 2016: 141). Simultaneously, she observes that Latin expressions are not so frequently used (Woźniak 2016: 141). Similar findings were reported by Bielawski (2022) – in his corpus, which comprised 51 texts (indictments), he reported only 10 instances of Latin expressions – none appeared in the German texts, only in the Polish texts. The most frequent Latin phrase in Polish indictments, *tempore criminis*, was translated into German *zum Tatzeitpunkt* (Bielawski 2022: 251).

1.5.5. Pragmatic phrasemes

Pragmatic idioms, referred to in the literature as *routine formulae*, *pragmatic phrasemes* or *pragmatemes* (Szerszunowicz 2020: 174) have recently attracted increased attention in phraseology studies. Previously, these structures had been investigated in such

fields as sociolinguistics, speech act theory, and conversational analysis (Coulmas 1981: 1). As Höppnerová observes, many years of intensive research in phraseology and permanent interest have led to the investigation of routine formulae as either specific category within phraseology or as a category situated on its periphery (Höppnerová 2013: 22, Stein/ Stumpf 2019: 17).

Lüger observes that Coulmas’ s 1981 monograph provided the impetus for further research into the pragmatic aspects of phraseological units, marking a significant turning point in phraseology by broadening its focus to include communicative aspects (Lüger 2007: 450). Höppnerová has also demonstrated that the key features of idiomatic expressions – polylexicality, idiomaticity, fixedness, reproduction – are present in routine formulae, though to varying degrees (Höppnerová 2013: 22, cf. Lüger 2007: 452).

From the perspective of Fleischer’s well-known “centre-periphery” model (Figure 1), these structures should be considered complete expressions due to their functional completeness, as they often take the form of a sentence. However, the exact classification of routine formulae within this model is insufficient, as this approach overlooks their subclasses (Lüger 2007: 453)

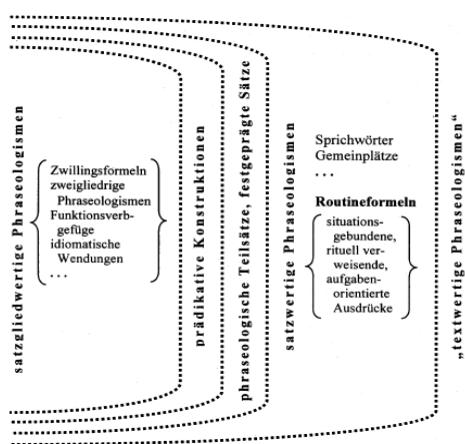


Figure 1. Classification of routine formulae in the phraseological model of centre-periphery. (Lüger 2007: 453).

The differentiating feature of pragmatic phrasemes from idioms is their pragmatic and communicative function –using them, the members of society may express joy, doubts, consent, warning, rejection, etc. (Höppnerová 2013: 22, Płomińska 2019: 220). Similar findings were reported by Coulmas, who analyzed routine formulae in spoken discourse, and he explained them as

“Muster für die Konstituierung von Handlungen, und zwar von solchen Handlungen, die sich in der alltäglichen kommunikativen Praxis jeder Sprachgemeinschaft wiederholen. Sie sind an

rekurrente Situationen der sozialen Verkehrs gebunden und sind als Resultat dieser Situationsstandardisierungen zu betrachten. Sie sind in der Sprache verfestigte organisierte Reaktionen auf soziale Situationen.”¹⁸ (Coulmas 1981: 13).

Coulmas refers to *a pattern* (Muster) that constitutes communication acts that are repeated within the language community. Similar findings can be found in Pilz’ s study, where he refers to “musterhaft festgelegte Formulierungen” (Pilz 1978: 632 in Płomińska 2019: 221). The notion of *pattern*¹⁹ seems to sustain the constant interest as this phenomenon exceeds the current boundaries of the phraseological concept of phraseme (Stein, Stumpf 2019: 22-23). In the German literature, this phenomenon is analyzed under following categories: *Formel(haftigkeit)*, *Muster(haftigkeit)*, *Modell(haftigkeit)*, *Vorgeprägtheit*, *Routine – Routinisierung*, *Stereotyp(i)e*, *Ritual* (formulaicity, patternedness and routine forms – J.K.) (Stein, Stumpf 2019: 23).

It should be emphasized that the *patternedness* arises from *routine*. A routine emerges when certain actions are performed repeatedly, and the habituation takes effect to the point that these actions no longer require the same mental attention. Simultaneously, the adoption of patterns allows for the more efficient execution of intended actions (Lüger 2007: 444-445). The partners of communication may focus on achieving their goals by applying ready-to-use patterns without needing to deliberate over which expression to use (Lüger 2007: 444-445).

From Coulmas’ s abovementioned definition, it can be concluded that pragmetemes are patterns that can be considered fixed reactions to social situations. They result from situational standardization and reveal some distinctive features: repetitiveness, patternedness, and fixedness in the process of communication. Coulmas also discusses routines, noting that “wherever repetition leads to automatization, we could call a performance a routine” (Coulmas 1981: 3). Additionally, he differentiates between rituals, conventions, and routines in everyday interaction. Although it is difficult to clearly separate and define these concepts, drawing on the research of Lewis (1969) and Schiffer (1972), Coulmas reports that conventions are standardized solutions that facilitate the coordination of problems. He observes that by adopting verbal routines, which can be seen as empty

¹⁸ "Patterns for the constitution of actions, specifically those actions that are repeated in the everyday communicative practice of any language community. They are tied to recurrent social situations and should be regarded as the result of these situational standardizations. They are organized responses, solidified in language, to social situations" (Coulmas 1981: 13).

¹⁹ The term “pattern” is commonly adopted in a frequency-based approach to phraseology rooted in the Anglo-Saxon tradition. See Chapter 2.

conventions, “the creativity of language is socially canalized according to successful solutions of recurring verbal tasks, fixed by functional appropriateness and tradition” (Coulmas 1981: 3).

Broadly speaking, the starting point for exploring the pragmatemes is their special function in communication. They should be viewed as fixed solutions to repetitive communicative tasks. Their fixedness, however, does not arise primarily from syntactic or semantic classifications (though they are often devoid of their original meaning without denoting function). Instead, they gain a new, communicative “de-semantic” meaning (Burger 2015: 45). According to Stein, pragmatic phrasemes are conventional expressions for given tasks and acts in spoken communication, simultaneously functioning as conventional textual structures in texts in certain communicative contexts (Stein 2004: 263). In view of this, it should be emphasized that the standardization process from which pragmatic phrasemes emerge is gradual. At the highest level of standardization, the use of some pragmatic phrasemes is indispensable (Coulmas 1981: 14). This implies that specific communicative tasks can only be fulfilled through the adoption of appropriate and expected conventional expression.

Interestingly, although pragmatic phrasemes were initially analyzed in the context of spoken communication, they are also significant in written communication. To take the most striking example, the situation-oriented routine formulae seem to be applied not only in spoken interactions (greeting and farewells) but also in written communication – for instance, the formulas occurring in the beginning and end of e-mails or letters (Burger 2015: 46). Płomińska observes that in the current linguistics, pragmatic phrasemes are examined in the context of text routines (“TextROUTINEN”) (Płomińska 2019: 224). Therefore, it is widely accepted that the role of pragmatic phrasemes in written communication is equally important (Woźniak 2016: 144).

The examination of routine formulae made by Woźniak reveals that the widely accepted condition of polylexicality in the traditional approach of phraseology is not always applicable. She notes that monolexical expressions, such as *Hallo! Mahlzeit! Entschuldigung!*, do exist but are relatively rare in legal texts. A key observation is that the structure of pragmatic phrasemes may be quite complex. They may consist of only one autosemantic element accompanied by a synsemantic component, such as *Nach Artikel X, im Einvernehmen*. Alternatively, they may appear as phrases with the value of a clause including more autosemantic elements (*gemäß Artikel, unbeschadet der Regelung, in Verbindung mit Artikel*). Woźniak also points out that pragmatic phrasemes can take the

form of complete sentences: *Änderungen und Ergänzungen dieses Vertrages bedürfen zu ihrer Gültigkeit der Schriftform* or even short texts (Woźniak 2017: 151).

Płomińska's study, based on Feilke's claims, reveals some crucial points. Firstly, she demonstrates that pragmatic phrasemes are applied as text routines, fulfilling the role of linguistic instruments in written text production. Secondly, they may be viewed as ready schemas that facilitate distinguishing between text functions and text genres, as she observes that

"Routineausdrücke gelten demnach als sprachliche Manifestationen der Textroutinen und stellen typische, mehr oder weniger lexikalisierte, rekurrente sprachliche Realisierungen domänen- textfunktion-, textsorten- bzw. Situationsspezifischer Handlungs- Gebrauchsschema dar"²⁰ (Płomińska 2019: 224).

Thirdly, pragmatic phrasemes can be analyzed on three levels:

- 1) Syntactic level – as grammatic structures
- 2) Lexical level – as microroutines occurring in the form of clauses, phrases or single words, for instance:

*soweit nicht das Gesetz ein anderes vorschreibt
im Sinne des Gesetzes
weggefallen*

- 3) Textual level – as macroroutines which may be expressed in the form of a sentence or longer expression:

*Die Verfassungsmäßigen Rechte des Bundesrates sind gewahrt.
Das Gesetz tritt (...) in Kraft.*

(Płomińska 2019: 223 f., Płomińska 2020: 245, Feilke 2012:11 f.)

One question is whether the above mentioned features of pragmatic phrasemes apply to legal texts. There is a consensus in the literature that the occurrence of routine formulae is a distinctive feature of LSP texts, particularly legal texts (Kjaer 1990a: 97). It is important to point out that regarding pragmatic phrasemes in legal texts, there is no requirement of LSP-nature of the components of such phrasemes. Płomińska reports that not all pragmatemes contain LSP terms; it is common for pragmatic phrasemes to consist solely of LGP terms. However, their LSP – legal – character is evident in their high

²⁰ "Routine expressions are thus considered linguistic manifestations of text routines and represent typical, more or less lexicalized, recurrent linguistic realizations of action-use patterns that are specific to domains, text functions, text types, or situations." – J.K.

frequency and repetitiveness in conventional parts of specific legal genres, for instance, *Im Namen des Volkes* (Płomińska 2019: 224). This observation offers new insight into phraseology, shifting the focus from terminological aspects to the importance of repetition and common usage.

However, no satisfactory account of routine formulae has been given to the aspect of cultural specificity of legal systems and intercultural communication in legal texts. Lüger observes that no universal directives exist to determine the patterns of habitual acts, as these are shaped by the influence and conditions of a given culture (Lüger 2007: 453). This suggests that cultural aspects may also play a role in the use of routine formulae in legal genres across different legal systems. For example, judgments of the Bundesgerichtshof contain the phrase “*Im Name des Volkes*” which is culturally tied to the German legal tradition, as it refers to the nation. In contrast, under Article 174 of *Konstytucja Rzeczypospolitej Polskiej* (The Polish Constitution – J.K.), the Polish legislator refers to the Republic of Poland: “The courts and tribunals shall pronounce judgments in the name of the Republic of Poland.”

In jurisprudence, it is widely accepted that customary or moral norms may coincide with legal norms, as one of the primary roles of law is to protect the values crucial to the community. Therefore, the law is drafted in the form of legal norms, understood as specific directives of behavior derived from written legal provisions (Stawecki, Winczorek 2003: 25 ff., Morawski 2008: 49 ff.). It is unsurprising that the legislator applies stable, recurrent, and expected formulas in statutes to maintain order in society and safeguard social values. Support for this interpretation comes from Płomińska's study, which notes that routine formulae, seen as textual building blocks, provide the text producers with the formulae to compose legal texts and help maintain behavioral stability (Płomińska 2020: 243). These formulas are “partially ready products” (“*Halb-Fertigprodukte*” – J.K.) and serve as instruments of interpretation (Płomińska 2019: 227). Płomińska also notices that some routine formulae are constitutive for legal texts, such as those used at the beginning or end of the text. However, this feature is system-bound and can vary across legal cultures (Płomińska 2019: 227). Based on her research on Polish and German statutes, she found that such constitutive opening and closing formulas are significantly more common in German statutes. At the same time, they are less frequent in Polish statutes (Płomińska 2019: 227).

It is also important to mention that the purpose of some legal genres is to produce legal effects (Šarcević 1997: 246, Šarcević 1999: 103). As Płomińska correctly observes,

another role of routine formulae is to assist the legislator in creating these legal effects, for instance in statutes (*...Absatz... wird wie folgt geändert, folgender Absatz wird angeführt*), but also in situations where an individual's legal status would change (*Hiermit nehme ich die Klage zurück*).

Kjaer's study of descriptive and prescriptive norms concerning word combinations seems to be applicable to pragmatic phrasemes. The starting point is that some formulas are natural, while others are prescribed (Lindroos 2015: 168). Consequently, some expressions are required by legal norms; they are norm-conditioned – failure to apply them under the given circumstances can invalidate the legal act (Lindroos 2015: 169). On the other hand, prescriptive norms are considered natural as the choice of expressions, often in the form of routine formulae, stems from the routine (or customs) in specialized communication. Failure to apply these, however, will have no legal effect (Lindroos 2015: 169 f., Kjaer 2007: 510 ff.) For instance, the frequent use of the routine formula *Deshalb ist Klagestellung geboten* is common but can be omitted as no legal effect is attached to it (Kjaer 2007: 513). The valid point is that pragmatic phrasemes fulfil not only a communicative role but also a normative role. This is a distinctive feature of pragmatic phrasemes (Woźniak 2016: 146), as they have the power to produce legal effects, for example, with the sentence

„Der Vertrag wird auf unbestimmte Zeit geschlossen.“

(The contract is made for an indefinite period – JK)

the entire contract becomes valid, and from the moment of signing, the parties are legally bound to comply with its terms. Woźniak also confirms that pragmatic phrasemes prescribed by normative acts (“gesetzesbedingte pragmatische Phraseologismen”) may lead to the invalidity of a legal act if they are omitted. On the other hand, pragmatic phrasemes dictated by legal culture (“kulturbedingte pragmatische Phraseme”) do not produce validating legal effects (Woźniak 2017: 156). These phrasemes are categorized from the perspective of their text-organizing function (Figure 2).

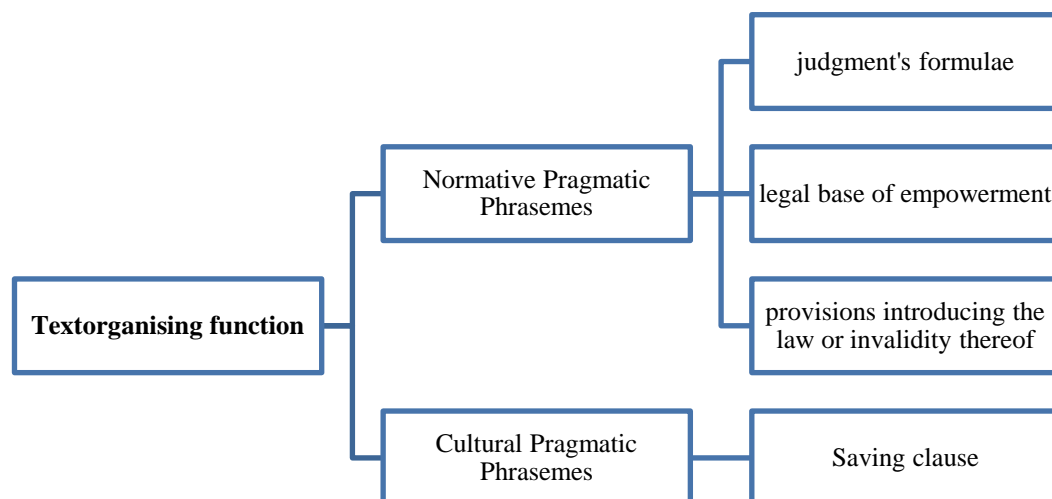


Figure 2. The classification of legal pragmatic phrasemes from the perspective of their text-organizing function with examples. Based on: Woźniak 2017: 156 ff.

More specifically, in relation to certain legal genres, such as statutes, there are prescribed requirements for drafting these legal acts. For instance, in the “Zasady techniki prawodawczej” attached to the Polish Regulation of the Council of Ministers, specific patterns are provided for statute drafters to follow. Similarly, in Germany, the “Handbuch der Rechtsförmlichkeit” adopted by the Federal Ministry of Justice contains guidelines to be followed, for example: *Dieses Gesetz ist nicht auf... anzuwenden* or *Dieses Gesetz gilt für...* (Woźniak 2016: 145).

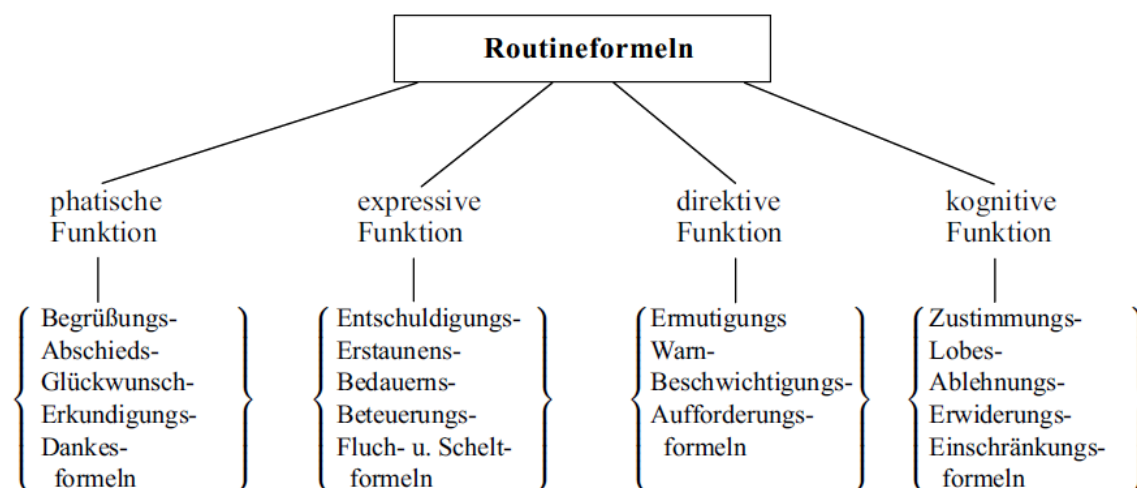


Figure 3. The functional classification of pragmatic phrasemes, source: Lüger 2007: 450.

Figure 3 shows the classification of functions that pragmatic phrasemes may perform. However, Lüger (2007: 450f.) notes that it is difficult to definitively categorize these

functions, as they may exercise more than one function (Lüger 2007: 450f.). Notably, some of these functions may be observed in the legal discourse – directive, cognitive and phatic would rather be considered from the perspective of organising the legal text (the opening or ending formulae).

| | | |
|--|--|---|
| <p>Opening function (<i>einleitende Funktion, Initialformel</i>)</p> | <p>The formula introduces the legal act</p> | <p><i>-Im Namen des Volkes -Auf Grund des § 4 Abs. 1 in Verbindung mit [...] verordnet das Bundesministerium für Wirtschaft und Technologie im Einvernehmen mit dem Bundesministerium für Bildung und Forschung:</i></p> |
| <p>Closing function (<i>abschließende Funktion, Final Formel</i>)</p> | <p>The formula ends the binding parts of legal text, often in legislative acts occurs in the form of ready sentences (macroroutines) that require only the introduction of the date</p> | <p><i>Diese Verordnung tritt am [...] in Kraft. Die verfassungsmäßigen Rechte des Bundesrates sind gewahrt. Das verstehende Gesetz wird hiermit ausgefertigt. Es ist im Bundesgesetzblatt zu verkünden. Berlin, den (...);</i></p> |
| <p>Referring function (<i>verweisende Funktion</i>)</p> | <p>The formula relates to intra- and intertextual coherence and may refer to:</p> <ul style="list-style-type: none"> a) provisions of the same legal act, they guarantee compliance thereof b) provisions of the same legal act, they limit or exclude the validation of particular parts of provisions c) the legal basis of the provision/ legal act d) the appliance of the particular provision in the given facts of the case e) the provisions of other legal acts to determine the meaning of particular terms (defined terms) | <ul style="list-style-type: none"> a) <i>Nach Maßgabe des Artikels; Im Sinne des Artikels XYZ</i> b) <i>Mit Ausnahme von Absatz X, Artikel Y; Unter Vorbehalt des Artikels</i> c) <i>Gemäß Artikel X Absatz Y; Aufgrund des Absatzes X</i> d) <i>Die Vorschriften §X-Y finden Anwendung auf...; Artikel X gilt entsprechend</i> e) <i>[...] im Sinne dieses Gesetzes sind [...] Ilekość w ustawie jest mowa o [...], należy przez to rozumieć [...]; W rozumieniu niniejszej ustawy określenie [...] oznacza [...]</i> |

| | | |
|--|--|---|
| <p>Informative function (<i>informierende Funktion</i>)</p> | <p>The aim is to provide the recipient with information about</p> <p>a) the subject of the regulation (legal definitions)</p> <p>b) the aims of the regulation</p> <p>c) the introduction of the whole regulation</p> <p>d) the requirements of cooperation of other organs, institutions</p> <p>e) the right of other legal means</p> | <p>a) <i>Dieses Gesetz regelt [...]; Dieses Gesetz gilt für [...]</i></p> <p>b) <i>Zweck dieses Gesetzes ist es [...]</i> <i>Das Gesetz dient [...]</i></p> <p>c) <i>Der Rat beschließt nach Anhörung des Europäischen Parlaments.</i></p> <p>d) <i>Gegen (...) steht die sofortige Beschwerde/ die Rechtsbeschwerde zu.</i></p> |
|--|--|---|

Table 1. The functional classification of pragmatic phrasemes. Based on: Płomińska 2019: 226f., Płomińska 2020: 246ff., Woźniak 2016: 146f., Woźniak 2017: 156ff.)

Table 1 presents the functions that pragmatic phrasemes perform in legal texts. The classification was prepared based on studies that have lately been published in the field of German linguistics. These studies demonstrate more precisely determined functions that can be assigned to LSP (legal) pragmatic phrasemes. However, it seems that Lüger’s reservation about polyfunctionality is also valid for legal pragmatic phrasemes.

In the literature, however, there is inconsistency in the context of the nomenclature adopted for the functions. For instance, while Woźniak (2016, 2017) applies “verweisende Funktion”, Płomińska thoroughly describes informative functions, though both researchers, to some extent, present the same functions. Płomińska confirms that pragmatic phrasemes also perform “verweisende Funktion” - they may refer to other texts (or the same text) or parts thereof (Płomińska 2019: 227). Table 1 presents the Author’s own categorization, which may not completely align with the classifications provided by Płomińska (2019, 2010) and Woźniak (2016,2017). The opening, ending, and referring function should be understood from the perspective of text organizing, while pragmatic phrasemes that provide the information, such as those requiring cooperation from other organs (institutions), are merely informative, and there is no reference to a given provision (cf. Woźniak 2016: 147).

1.6. Conclusions

It should be concluded that considerable progress has been made in legal phraseology, shifting from the rigid, often insufficiently motivated boundaries between categories of phraseological units towards a pragmatic approach. This shift may contribute to a deeper and broader understanding of the role of legal phraseology in legal discourse.

Legal pragmatic phrasemes, which are currently a research topic area, particularly in German linguistics, require further in-depth analysis. Although much important work has been carried out on the legal pragmatic phrasemes in legal language, a number of questions remain unanswered. No satisfactory genre-specific account has been provided for legal genres, such as judgments, normative acts (statutes, regulations), or EU case law. There is a gap to fill in, including the interdisciplinary perspective into phraseology which could facilitate the process of adopting law, especially in the organisations that work in the intercultural community.

Moreover, legal phraseology deserves more precise research, which cannot rely solely on the analysis carried out from the “traditional perspective.” The justification for this assumption is that the “traditional” approach seems to be often highly intuitive and subjective; it depends heavily on the linguistic and communicative competencies of the researcher, who manually extracts and classifies multi-word units that are just only suspected of being phraseological nature (Grabowski 2015: 60-61). Secondly, such analytical research based on imprecise semantic, syntactic, and pragmatic criteria seems to be extremely time-consuming and refers only to a limited number of texts that are analyzed manually without modern corpus tools (Grabowski 2015: 61). In such an approach, “it is theory that comes first, while data observation and analysis come second” (Grabowski 2015: 61).

It appears that the theory of pragmatic phrasemes developed from the traditional approach is promising and can be applied to the research on the phraseology of CJEU judgments. From the preceding discussion, it is clear that pragmatic phrasemes fulfill mainly the communicative functions – as “partially ready products,” they can be applied in the multilingual environment of EU institutions, especially in the community of the Court of Justice of the European Union which is expected to cooperate with national courts. Pragmatic phrasemes fulfill the referring function, and it can be supposed that these structures will be found in the interpretation process of EU provisions. National courts have to comply with EU law, and for that reason, they often refer to provisions of the EU. As already mentioned, the purpose of some legal genres is to cause legal effects (Šarcević 1997: 246, Šarcević 1999: 103). Therefore, pragmatic phrasemes are believed to contribute to this goal through opening or ending formulas. The discussion above has argued that pragmatic phrasemes can be analyzed on syntactic, lexical, and textual levels. It is believed that lexical bundles (discussed in Chapter 2) can be detected as microroutines on the pragmatic level.

Chapter 2

Legal phraseology from the corpus linguistic perspective

The main aim of this chapter is to present the development of legal phraseology influenced by corpus linguistics. It is observed in the literature that there is a visible discrepancy between the two approaches to phraseology with different fields of interest and applied methodologies (Biel 2014: 31, Granger and Paquot 2008: 29). On one hand, there is the traditional, referred to also as phraseological (Nesselhauf 2005) (discussed in Chapter 1), and on the other hand, corpus-based (Grabowski 2015) or frequency-based approach.

Firstly, the discussion begins with a general outline of the scope of corpus linguistics and how this discipline has contributed to the development of phraseology. It is commonly accepted that corpus linguistics offers further and encouraging perspectives to researchers investigating phraseological units. The scope of what is sufficiently “phraseological” to be labeled as a phraseme or phraseologies has changed because the study of large corpora reveals that those phrasemes, traditionally perceived as the most typical types of phrases, are not frequent and not preferably reused in texts. Surprisingly, the high frequency of those sequences, which at first sight are not semantically complete from the traditional approach, reveal important information about phraseology within a given genre.

This chapter also aims to present different approaches to corpus investigations of phraseology: corpus-based and corpus-driven. However, it appears that a complementary approach is possible for some studies and may contribute to the achievement of better and more far-reaching results.

Finally, this chapter aims to provide a broad outline of new perspectives on legal phraseology. Considering the recent research in this field, the question arises of how a single phraseological unit should be understood and classified. It is confirmed that the

corpus investigation can substantially contribute to understanding the legal discourse and the functions the phraseological patterns may perform in legal communication among specialists, for instance, in judicial discourse. The methods that resulted in new concepts related to phraseology (lexical bundles and semantic sequences) are currently being investigated in legal language to obtain a comprehensive picture of legal genres and legal reasoning. Therefore, this chapter will present the most influential studies in this field, which have changed the perception of phraseology, particularly in the Anglo-Saxon tradition.

2.1. The contribution of corpus linguistics to phraseology

The rapid development of computer technology and computer software in the 90s contributed to a growing interest in computational linguistics as a computer enabled linguists to store and analyse a vast amount of quantitative data (Lewandowska-Tomaszczyk 2005:11). One of the parts of computational linguistics is corpus linguistics²¹ which aims to investigate a language stored in a linguistic corpora, which collects many authentic written and spoken texts which represent a different genre, a style and a type of texts (Lewandowska-Tomaszczyk 2005: 11, Grabowski 2015b: 62). Grabowski observes that the linguistic evidence is the reason why linguists look to corpora because “a computer is the basic tool of the corpus linguist when it comes to analysing large amounts of language data” (Mason 2000:4 in: Grabowski 2015 b: 63). In view of this, there are two crucial rules applied by a corpus linguist : the corpus user is not allowed to interfere in what they actually observe – in other words, they work only with strictly authentic texts; and second, the recurrent data are of paramount importance (Biel 2015: 20, Stubbs 2004:111).

In view of this, it is crucial to refer to the contribution of corpus linguistics to the phraseology area. Drawing on Heid’s work, it should be noted that “computational phraseology” allows a researcher to look at two computational activities crucial for phraseological analysis: all computing methods applied to phraseology – in this context, a computer is regarded as a human’s supporting tool in describing, presenting and classifying phraseological units, and secondly, methods of automatic natural language processing (a computer just processes texts which comprise phraseological units) (Heid 2008: 337). As

²¹ In view of this, Grabowski reports that “Corpus linguistics is more a methodology which can be used in many areas of linguistic research – rather than specific aspect or sub-system of language that requires theoretical description and explanation, such as phonetics, phonology, syntax, semantics, etc.” (Grabowski 2015b: 63). In a similar vein, Biel notes that there are two approaches to corpus linguistics – as a theory and as a methodology, with the latter being more commonly preferred in the literature (Biel 2015: 19-20).

Goźdz-Roszkowski and Pontrandolfo observe, the study of phraseology gained a considerable impetus due to corpus linguistics. Similar findings were reported by Grabowski, who suggests denominating “corpus linguistics phraseology” as a “subtype” of the discipline of phraseology with the use of different research methods and procedures offered by corpus linguistics” (Grabowski 2015b: 63). It is also important to stress that the wide range of the methods applied to analyze the use, distribution, structure, and function of multi-word units may explain why the term *corpus linguistics* phraseology is used interchangeably with such denominations as distributional phraseology or frequency-driven phraseology (Goźdz-Roszkowski, Pontrandolfo 2015: 2015).

However, also one may encounter in corpus linguistics a wide range of labels which are applied to refer to prefabricated linguistic units, such as lexical items (Sinclair 1996), collocational frameworks (Renouf & Sinclair 1991), grammar patterns (Hunston & Francis 2000), lexical bundles (Biber et al. 1999), formulaic sequences (Wray 2002), fixed phrases, recurrent phrasal combinations, multi-word sequences (Stubbs 2002), chains (Stubbs & Wilks 2005), textual patterns (Scott & Tribble 2006), skipgrams (Wilks 2005), congrams (Cheng, Greaves & Warren 2006), n-grams (Stubbs 2007), semantic sequences (Hunston 2008) (Grabowski 2015 b: 65). Grabowski notes that such proliferation of various conceptualizations is the result of different research perspectives from which a linguist is attempting to analyze a corpus for their purposes of research (Grabowski 2015b: 65).

The corpus research made by Sinclair in the last two decades of the XX century revealed that the formal criteria applied commonly by linguists to examine the meaning are, in fact, constrained and insufficient. It is believed that corpus linguistics is rooted in Sinclair’s methods, as software allows for concordance analysis. Therefore, corpus linguists focus on fluency in language and naturally occurring patterns rather than creativity (Hoey 2005: 152). What is the most differentiating feature of Sinclair’s model of language from traditional approach is the fact that “phraseology is central: phraseological items, whatever their nature, take precedence over single words” (Granger & Paquot 2008: 28). Hunston and Francis also believe that Sinclair’s research was path-breaking as for him methods and data were more informative than just a pure theory: namely, they are authentic (observation should be devoted to actually-occurring language, resigning from the intuition-based form of collecting information), they are not selected on linguistic grounds, the corpus is large (Sinclair believes that the large corpora provide better quality), the collected data is systematically organized and “the data is not annotated in terms of existing theories” (Hunston & Francis 2000: 14- 20). It should be noted that the popular interest in

corpus linguistics contributed to developing the understanding of *a corpus* – it became necessary to determine whether a given collection of texts constitutes a “real” corpus. To determine the character of a language collection, issues such as authenticity, representativeness, and sampling should be defined (Tognini- Bonelli 2001: 52- 62). It is believed that a collection that includes spoken or written material is “taken from genuine communications of people going about their normal business” (Tognini- Bonelli 2001: 55). In that way, it can be assumed that the collection of language is *authentic* and can constitute “reservoirs of evidence” (Tognini-Bonelli 2001: 55). That implies the question what kind of evidence the researcher obtains (Tognini-Bonelli 2001: 55). Secondly, it is assumed that the *representativeness* of a corpus can be determined when “the findings based on its contents can be generalized to a larger hypothetical corpus” (Leech 1991: 27). In other words, a corpus should represent “a particular kind of language” being representative of the whole (Hunston 2002: 28). Moreover, a researcher should take into account *the balance* of the corpus. This implies that they should be aware of the properly designed number of words in each category included in the corpus. In some cases, each category might represent an equal number of words. At the same time, in other situations, it may be preferable to maintain a different proportion of words across categories (Hunston 2002: 29). Finally, the last issue that must be considered is *sampling* the criteria that are applied while selecting texts for a corpus. For Biber, this should correspond to representativeness, which he defined as “the extent to which a sample includes the full range of variability in a population” (Biber 1994: 378). This aspect of variability should be approached from situational and linguistic perspectives (Biber 1994: 380, Tognini-Bonelli 2001: 59). Sinclair believes that the division between form and meaning is only apparent, indeed these two categories are related – as he states, “there is ultimately no distinction between form and meaning” (Sinclair 1991: 7). It is claimed that there are principles, effecting on each another, which explain how the meaning is revealed in a text – the first one, the open-choice principle assumes that the language user has always a wide range of linguistic choices as “at each point where a unit is completed (a word, a phrase or clause), a large range of choice opens up and the only restraint is grammaticalness” (Sinclair 1991: 109). However, that one phenomenon is insufficient to produce a text. The second rule, which relates to the first one, states that the “language user has available to him or her a large number of semi-preconstructed phrases that constitute single choices, even though they might appear to be analyzable into segments” (Sinclair 1991: 110). Therefore, a language user, having a wide range of choices, chooses the unit that simultaneously offers other following patterns in a

given context. Moreover, while using the language, one can observe the *terminological tendency*, when there is a tendency to fixedness of the word meaning about the word, and the *phraseological tendency* – which is explained by the tendency of words to get together and transfer meanings by their combination in a given situation context (Sinclair 2004: 29). This raises the question about the validity of this theory in the phraseological research, particularly in a specialized field of language. Grabowski believes that different contexts of pharmaceutical communication reveal that phraseological tendency may contribute to the high degree of register variation (Grabowski 2015b: 73).

Based on Sinclair's theory, Hunston and Francis developed the notion of a pattern, extending it into *a pattern grammar*. This was possible as the tools for creating large corpora became available. Obviously, the idea of a *pattern* is not a new one in the literature; however, Hunston and Francis' study was instructive in that they "constitute an attempt to describe the whole of the language (or rather, all the frequently-occurring items in the language) in a principled way, and this list of words collected in a given pattern are not random" (Hunston & Francis 2000: 14). In other words, they focus on frequent and typical, and not on rare and idiosyncratic (Grabowski 2015: 74). In this sense, grammar patterns do not stand for single words or empty grammatical structures (Grabowski 2015a: 32) but they are "all words and structures which are regularly associated with the word and which contribute to its meaning" (Hunston & Francis 2000: 37). In other words, patterns convey specific meaning due to their typical occurrence in different patterns (for instance: *it is essential that, it is important that*) (Hunston & Francis 2000:38 in Grabowski 2015b:75). This study concerning the pattern grammar was subsequently developed further by Hunston who introduced the notion of *a semantic sequence* (Hunston 2008). A *semantic sequence* is meant "recurring sequences of words and phrases that may be very diverse in a form and which are therefore characterized as sequences of meaning elements rather than as formal sequences" (Hunston 2008: 271). Originally, in the theory of grammar patterns, the focus is placed on form (which allows for grouping into functional categories), while the later notion prioritizes the meaning of sequences of co-occurring words (Grabowski 2015b: 91). However, in its strictest sense, the term *semantic sequence* encompasses grammar patterns (Hunston 2008: 91). The semantic sequence is composed of *a core word*, which may be a lexical or grammatical word or a phrase, and *a complementation pattern* associated with that core word (in the form of a *that*- clause, *wh*- clause, a prepositional phrase) (Hunston

2008: 272). This can be illustrated by applying a “N that”²² grammar pattern, where N is a core item, a noun, indicating the epistemic status of the proposition followed in the appositive clause (Hunston 2008: 276). According to Grabowski, semantic sequences may make a substantial contribution to understanding of meaning and how beliefs, values and social structures are shaped by means of patterns, especially in specialist domains (Grabowski 2015b: 92).

It could be assumed that Sinclair and his proponents paved the way for a new perspective on phraseology – the inductive approach, also known as distributional (Evert 2004) and frequency-based (Nesselhauf 2004) (Granger & Paquot 2008:29). In Grabowski’s opinion, the observations made by Moon (1998) were one of the first research produced on the border of the traditional and frequency based approach to phraseology. The obtained data revealed that those phraseological units that traditionally are considered to be prototypical (idioms, sayings, proverbs), in fact, are seldom used in texts, while semantically opaque and multi-word units that were unmotivated appeared to be central and prototypical. This research led Moon to adopt three new categories, namely: *anomalous collocations*, *formulae* and *metaphors* (Grabowski 2015a: 27, 2015b: 66, Granger & Paquot 2008: 29). Grabowski points out that Moon’s research shows that the aspect of a *frequency* seems to be a crucial criterion for isolating and classifying the phraseological units in place of imprecise traditional formal, semantic or pragmatic criteria (Grabowski 2015a: 27). Viewed in this way, the Author observes that for data-driven phraseology it is information about the frequency that is the most crucial aspect in extracting and identifying the multi-word units, in contrast to linguistically oriented phraseology (Grabowski 2015b: 67). Biber, Conrad and Cortes notice that tools of corpus linguistics allow obtaining the patterns of use that otherwise in manual research would probably go unnoticed (Biber, Conrad & Cortes: 2004: 376).

Regarding the methodology that corpus linguistics applies, corpus-based and corpus-driven approaches should be differentiated. In the corpus-based methodology, the first step is assumed to involve the pre-selection of multi-word units that confirm some conclusions of a given accepted linguistic theory. It is believed that a linguistic theory is adopted by a researcher as confident enough to investigate a corpus and data from the perspective of the theory that had been accepted by them as appropriate for this research. This implies that the next step is analyzing the corpus to derive information on how this

²² Noun + appositive clause

multi-word unit is used (Tognini- Bonelli 2001: 66, Goźdz-Roszkowski 2011: 41, Goźdz-Roszkowski & Pontrandolfo 2015: 132). On the other hand, the latter approach is said to be more inductive, bottom-up, and inclusive as “it aims to provide a full account of possible sequences of words” (Goźdz-Roszkowski & Pontrandolfo 2015: 132). In this vein, a linguist perceives data as a whole and implies more than just a repository of examples, which could support theories which had been considered before. The observance of examples is separated from attachment to a given theory; the only accepted attachment is taking evidence as a starting point for further statements. According to Tognini-Bonelli, an absence of a given pattern (for support of a given theory) would be, in fact, meaningful from that perspective (Tognini-Bonelli 2001: 84).

Presumably, the *lexical bundles* approach is the most favoured methodology, described firstly by Biber, Johansson, Leech, Conrad and Finegan (1999) and in following publications (2003, 2008) (Grabowski 2015b: 79). In fact, it should be stressed that lexical bundles can be understood in two ways: as a “particular kind of prefabs” and secondly as “the method of their extraction” (Kopaczyk 2013: 62). This construct is defined as “a recurrent string of words in a text, regardless of its semantic or phrasal structure, repeated frequently enough in exactly the same form” (Kopaczyk 2013: 60). It should be borne in mind that Biber understands under the notion of lexical bundles a ‘extended collocation’ and explains that they are “multi-word sequences that occur statistically very frequently in a given language variety” (Goźdz-Roszkowski 2011: 43). Grabowski adds that lexical bundles, understood as “sequences of three or more word forms” appear in natural discourse and they form “lexical building blocks which are used frequently by language users in different situational and communicative contexts” (Grabowski 2015b: 80). It implies that these structures are an important tool of a communication process as they enable a language user to employ them, fitting to a given situational context. As regards the methodological nature of lexical bundles, these combinations are retrieved from a corpus automatically by computer software based on an $n + 1$ algorithm, where an abbreviation n stands for the number of words in a given bundle. Such algorithm provides a string of words of the length n and “the sifting out of the ‘uninteresting’ strings relies on the frequency of repetition of a given bundle in the corpus” (Kopaczyk 2013: 61). It should be stressed that lexical bundles’ identification relies not only on co-occurrence of contiguous words but their distribution – namely high-frequency recurrence – therefore the frequency may be the sole criterion which allows one to extract and identify lexical bundles (Kozbial 2020: 274 f.). Kopaczyk emphasizes that frequency’s role is seen in identifying

word patterns and not in explaining them. Therefore, this methodology is rather frequency-driven and corpus-driven (Kopaczyk 2013: 61). For research purposes, it is required to set thresholds – understood as frequency cut-off points that allow a researcher to omit uninteresting word combinations and make the analyzed corpus more manageable (Kozbiał 2020: 275). Many scholars adhere to the view that an optimal threshold amounts to 40 occurrences per million words (pmw) (for instance, the same threshold was employed by Goźdz-Roszkowski in his study of legal variation, Goźdz-Roszkowski 2011: 110). This allows a researcher to categorize a given sequence of word forms as a lexical bundle. However, some employ thresholds such as 20 occurrences pmw, which can be explained by the fact that three-word sequences are more frequent than four-word sequences, while four-word sequences are admittedly more frequent than five-word sequences. Therefore, the frequency threshold must be higher for those shorter sequences (Grabowski 2015: 80). Grabowski reports that, for instance, for four-word sequences, the required threshold is 10 occurrences per million running words, while for five-word sequences – a lower threshold of 5 occurrences per million running words (Grabowski 2015b: 80)²³. An interesting observation is made by Goźdz-Roszkowski who notices that the frequency varying may have an impact on the analysis as the determination of higher cut-off point influences its output (Goźdz-Roszkowski 2011: 43). Moreover, shorter sequences are often parts of longer sequences, what can be illustrated on the Goźdz-Roszkowski's example of three-word bundle *do you want* what can be a part of a longer, six-word sequence *do you want me to do* (Goźdz-Roszkowski 2011:43). Detailed examination reveals that the next step to be undertaken is setting a length of lexical bundles. In practice, it must be decided if 3 grams or 4 grams (in other words, lexical bundles containing 3 or 4 words) would be retrieved from a corpora. For instance, Goźdz-Roszkowski employed 4 grams because he stresses that they have a “more recognizable range of structures and functions than three-word bundles” (Goźdz-Roszkowski 2011: 110). Finally, for satisfactory results, a dispersion threshold must be determined. Kozbiał reports that “the purpose of the dispersion threshold is to limit idiosyncratic occurrences of lexical bundles” (Kozbiał 2020: 275), which in practice means that a given lexical bundle may occur more frequently in one

²³ Grabowski (2015), for his research, employed two thresholds. The first one, adopted for the first step of his research (identification of lexical bundles typical of a given text variety), amounts to 40 occurrences pmw. In the second stage, he employed normalized frequency bands – *High* 100 occurrences pmw and *Medium* 40 occurrences pmw. He explains that “such a division of bundles is meant to provide an insight into the degree of formulaicity in terms of the frequency distributions of lexical bundles found across different bundles that occur repeatedly in texts, which translates into a higher degree of phraseological variation” (Grabowski 2015: 132).

text than in another. Therefore, it is commonly adopted that lexical bundles are those contiguous sequences that appear in at least five texts of the same register or genre. In this way, only the most representative and typical phraseologies would be retrieved (Grabowski 2015b: 80), and “local repetitions” would be omitted (Goźdz-Roszkowski 2011: 43).

Regarding the phraseological character of lexical bundles, Kopaczyk attempts to compare lexical bundles with patterns from a traditional perspective. Compared to idioms, her treatment of lexical bundles is particularly interesting as she seeks to justify the fixed nature of these patterns. In contrast to Biber et al., who believe that lexical bundles are not fixed expressions, she sees a reason to regard them as fixed sequences. It has been stressed that it is true that lexical bundles are unlike idioms which are “formulaic, fixed in word order, in the selection of constituents, and syntactic properties, and are relatively rare” (Biber, Conrad, Cortes 2007 in Kopaczyk 2013: 61), subsequently lexical bundles are said not to be substituted by a single word (Biber 1999:989 in Kopaczyk 2013: 61). However, this statements is true when the narrow understanding of fixedness is employed, Kopaczyk, who adopted a broader sense, argues that “lexical bundles are also fixed because they are repeated in an unchanged form with substantial frequency” (Kopaczyk 2013: 61). She admits, however, that they “do not typically function as single units of lexical meaning (...), they do however fulfill pragmatic roles in discourse” (Kopaczyk 2018:62), what would be in line with the thesis that these patterns are “building blocks” of a given discourse.

To summarise the lexical bundle approach, it should be pointed out that:

1. Lexical bundles as a methodology are not focused on lemmas but on the actual forms of sequences,
2. Analysis is based on lexical bundles regardless of their grammatical or syntactic form,
3. Finally, frequency is the main information providing evidence for the analysis (Goźdz-Roszkowski 2011: 44).

2.2. Phraseology from the corpus linguistic perspective

Granger & Paquot notice that there is a chance to reconcile the traditional approach to phraseology with the corpus-based one. They also assume that their proponents of traditional phraseology have not yet discovered the benefits of the corpus-based methodologies. Still, on the other hand, the corpus linguists should also take into account

the contribution that the traditional approach has made to the phraseology (Granger & Paquot 2008: 40). To provide a “rigorous definition of occurrence phenomena in general, and phraseology in particular” Gries proposes an application of six criteria:

1. The *nature* of the elements involved in phraseologism,
2. The *number* of elements involved in a phraseologism,
3. The *number of times* an expression must be observed before it counts as a phraseologism,
4. The permissible *distance* between the elements involved in a phraseologism,
5. The degree of *lexical and syntactic flexibility* of the elements involved,
6. The role that semantic unity and *semantic non-compositionality/non-predictability* play in the definition (Gries 2008: 4).

For Gries, the first criterion should be considered in the broadest range – a phraseologism is a lemma, a lexical item, or any linguistic unit, such as another form of a lexical item or a grammatical pattern. Regarding the second point, Gries prompts to decide how many elements a phraseologism should contain; however, he assumes that phraseologism may be longer, i.e., consist of more than two words. As to the number of times an expression must be observed before it counts as a phraseologism, Gries accepts the frequency of occurrence larger than expected. Fourthly, for Gries, phraseologism does not only imply these phraseologisms with adjacent elements but also discontinuous types. He also argues that inflexible and flexible patterns should be considered phraseologism. However, he excludes maximally flexible expressions in English; these would be distransive elements as they do not fulfill the first criterion (occurrence of at least one lexically specified element). Finally, Gries admits that semantic unity is required (Gries 2008: 5-6). As a summary of the criteria, the Author proposes his own definition of phraseologism as

The co-occurrence of a form or a lemma of a lexical item and one or more additional linguistic elements of various kinds that functions as one semantic unit in a clause or sentence and whose frequency of co-occurrence is larger than expected on the basis of chance” (Gries 2008: 6)

This definition, rooted in the corpus linguistics tradition, provides broader and more flexible boundaries for phraseological inquiry. It allows not only lemmas but also other lexical forms and does not require continuous adjacent elements.

According to Biel, the frequency-based approach to phraseology is not focused on providing exact defined boundaries of phraseme types (Biel 2014: 32), which is the key role of the traditional approach. Granger & Paquot confirm this stance, observing that providing a precise categorization of phraseological units is impossible. However, they

manage to summarise distributional categories (Fig.4), which are applied in corpus phraseology. According to Authors, N-gram analysis allows retrieving “recurrent expressions, regardless of their idiomaticity, and their structural status” (Biber et al. 1999 in: Granger & Paquot: 2008: 38 f.). Based on this method, many linguists possess better tools for investigating terminology extraction, variation study, or informational retrieval (Granger & Paquot 2008: 39). The retrieved sequences are differently denominated, for instance, lexical bundles, chains, or n-grams (see 2.1.).

As regards the second distributional category, it is explained that the co-occurrence method allows linguists to discover word- occurrences, which are also called “collocations” in the literature; therefore, there is a considerable concern that it can be misleading as to the abovementioned differentiation between traditional and frequency-based perspective. It is observed that to avoid it, some linguists refer to ‘co-occurrence’ or ‘co-occurrent’ (Granger & Paquot 2008: 40). For instance, Stubbs, relying on the assumption that only frequent phenomena are of great importance, explains the concept from the statistical perspective that “‘collocation’ is frequent co-occurrence” (Stubbs 2001: 29).

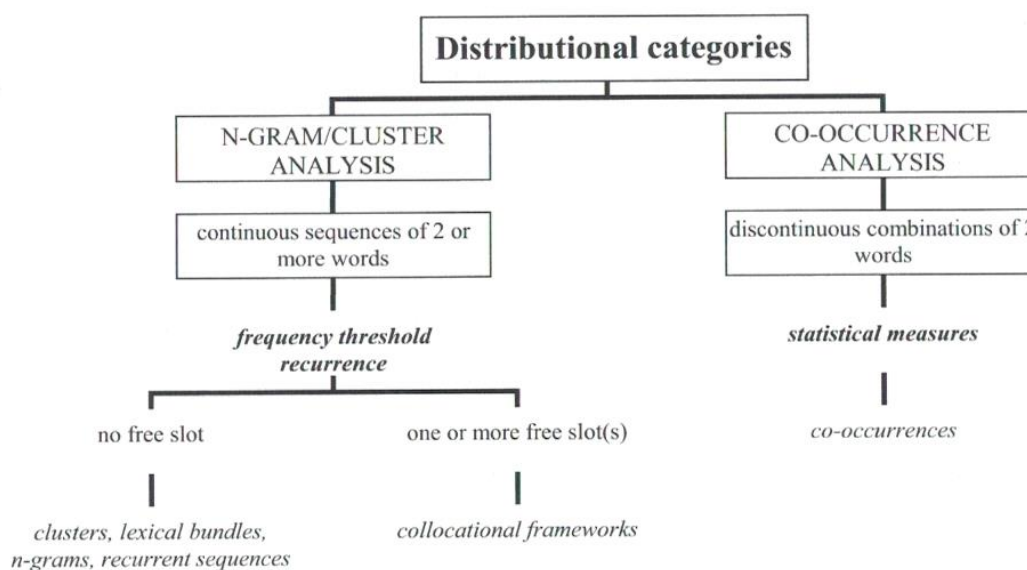


Figure 4. Categorization of phraseological units from the distributional perspective (source: Granger & Paquot 2008: 38).

Referring to this definition adopted by Gries, Granger, and Paquot endeavored to reconcile the traditional and frequency-based approaches, presenting a “phraseological spectrum” (Fig.4). They report a constant blurring process between two approaches. They both claim, referring to Burger, that “international uniformity of terminology and classification is only possible and desirable to a certain degree” (Burger 2007b in Granger & Paquot). To clarify

the applied terminology in the phraseology framework, it is prompted to refer to the categories proposed in Fig.4, where the data-driven approach is concerned. Simultaneously, when the linguistic-based approach is in the scope of interest – the terminology presented in Fig.5²⁴ (Granger & Paquot 2008: 42). It is essential not to overlook that Granger & Paquot endeavored to integrate the achievements of corpus-based phraseology into the linguistic classification. It is suggested to rely on Burger’s classification, extending the structural basis into textual (Granger & Paquot 2008: 42). Referential phrasemes are applied to provide a content message and cover such linguistic phenomena as collocations, idioms, compounds, phrasal verbs, etc. Secondly, textual phrasemes’ function is evident in structuring and organizing the information of a text or other discourse types. These include complex prepositions, conjunctions, linking adverbials, and textual sentence stems. Finally, communicative phrasemes called in the literature also as pragmatic phrasemes include, for instance, speech act formulae, attitudinal formulae, idiomatic sentences, or proverbs (Granger & Paquot 2008: 42).

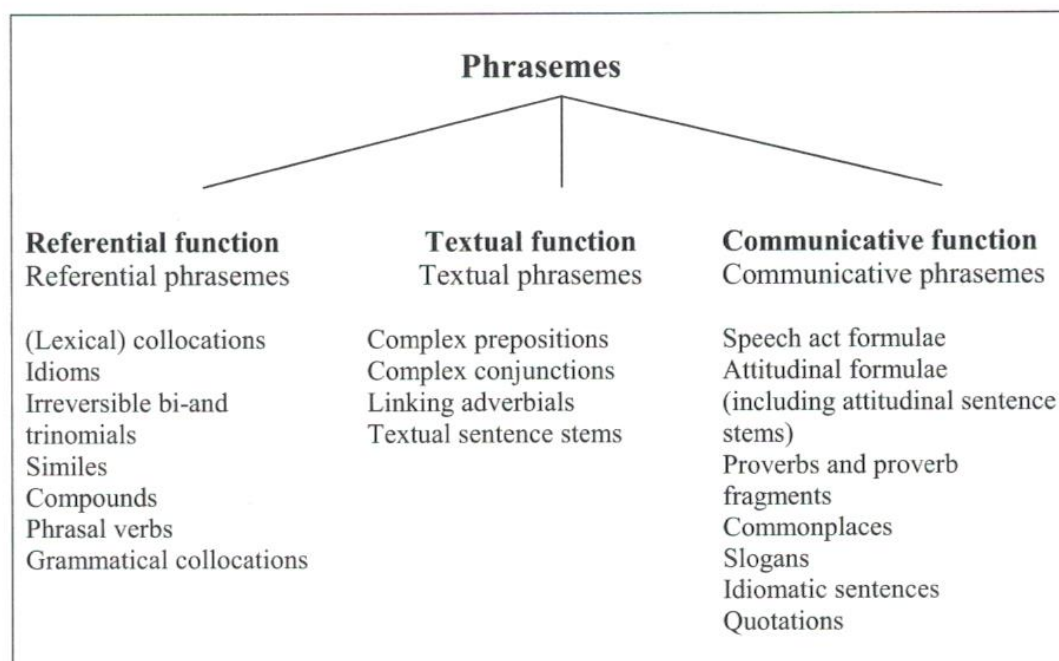


Fig.5. The phraseological spectrum (Granger & Paquot 2008: 42).

²⁴ It is important to take into account, that the authors do not rely on the term *phraseologism*, but they refer to *phraseme*.

2.3. The contribution of corpus linguistics to legal phraseology

Next to the constant interest in the traditional approach to legal phraseology, which is focused on the manual retrieval of phraseological units in different legal genres, there is a visible and strong tendency to adopt the achievements of corpus linguistics brought into the legal language. Goźdz-Roszkowski and Pontrandolfo note that in the literature, there are endeavors to investigate legal language from the corpus-driven perspective to classify recurrent word combinations, taking into account their functional properties (Goźdz-Roszkowski & Pontrandolfo 2015: 133). The same remark was expressed by Biel (2018: 12), who conducted well-investigated research on UE legal genres. It is broadly agreed that the idea of what could be labeled as “phraseological” has considerably changed as linguistic criteria appeared insufficient instruments to explore legal phraseology (Goźdz-Roszkowski & Pontrandolfo 2018: 2). However, it should be stressed that the contribution of the traditional approach to phraseology in the legal domain, based on “structure, meaning and use of word combinations” (Cowie 1994: 3168), should not be diminished. Both perspectives should remain in complementary relation (Goźdz-Roszkowski & Pontrandolfo 2018: 2). Still, it is commonly believed that manual analysis of phraseological units is not sufficient, and indeed the reliance on data-driven research provides a much wider field of linguistic interest and enables to conduct contrastive and comparative studies as “corpora and corpus linguistics techniques remain the driving force behind much of the current research into legal phraseology” (Goźdz-Roszkowski & Pontrandolfo 2018: 2). Goźdz-Roszkowski & Pontrandolfo (2015: 133f.) and Biel (2018: 12) indicate a few current directions of research into legal phraseology:

- 1) Research related to lexico-syntactic combinations, mainly to collocations in legal language,
- 2) Research of formulaicity of legal language, focusing on routine formulae and employing the notion of *lexical bundles*,
- 3) Lexicographic research in legal terminography,
- 4) Cross-linguistic research of phraseology and translation in legal language and
- 5) Semantics of legal patterns.

A comprehensive examination of phraseology in legal language was conducted by Pontrandolfo, who endeavored to specify the domain of legal phraseology. In his latest

publication, he reconciles two approaches into legal phraseology, explaining ad hoc legal phraseology as

“crystalised lexical and/ or morphosyntactic patterns, varying in complexity and internal cohesion, which are “handed down” from texts and become recurrent in specific legal cultures and discourse communities. These patterns frequently co-occur in legal documents as result of its use by legal professionals who, as part of specific community of practise, employ them in their daily jargon so that these word combinations represent a discursive pattern typical of certain legal genres. These units may have a specific legal meaning or not depending on the textual coordinates of the legal genre” (Pontrandolfo 2023²⁵).

The abovementioned definition presents an important contribution to recent work on legal phraseology as it pays tribute to the traditional and corpus-based approach. Pontrandolfo stresses that patterns, understood as phraseological units, are repeated (recurrent) and characterized by high frequency and co-occurrence. Pontrandolfo emphasizes the strong relation of legal phraseology to legal culture and discourse. As Pontrandolfo rightly points out, legal phrasemes, in contrast to other specialized languages (medicine or economics), are bound to a particular legal system (Pontrandolfo 2023²⁶). As noticed by Jopek-Bosiacka, legal culture exercises an influence on language and style (Jopek-Bosiacka 2010: 190). This definition, adopted by Pontrandolfo, differs, to some extent, from other definitions of legal phraseology as it shows a strong connection with legal genres and cultural aspects. From Pontrandolfo’s definition, it follows that phraseological patterns do not exist as such for no reason, but in fact, they are important instruments for the communicative purposes of a given specific community of practice²⁷.

2.3.1. Lexical Bundles as Legal Phraseology

According to Pontrandolfo, there are many classifications of legal phrasemes that are based on the traditional approach to phraseology. However, there is an increasing amount of literature devoted to new typologies adopted for individual empirical studies,

²⁵ <https://doi.org/10.1075/hot.3.impl> (access: 20.08.2024)

²⁶ <https://doi.org/10.1075/hot.3.impl> (access: 26.09.2024)

²⁷ The concept of the “community of practice” (CoP) was introduced by Eckert and McConnell-Ginet and is now significantly applied in sociolinguistics. As Jopek-Bosiacka stresses, the notion of CoP is “defined by membership and by the practice in which that membership engages” (Jopek-Bosiacka 2010:73). She also enumerates features of a CoP, mainly: clearly defined identities, shared discourse practices and mutual relationships. She notes that a CoP is “defined by its quality of interaction rather than its quantity of interaction” (Jopek-Bosiacka 2010: 73).

which were created as a result of corpus-based research²⁸. It is claimed that a new perspective may contribute towards a better understanding of legal phraseology, as it is constantly being proved that lexical co-occurrence or even its sole occurrence (understood as high frequency) approached with means of corpus linguistics has wider boundaries. Therefore, new categories of phraseological units have been formed that do not fit the former traditional categories (Pontrandolfo 2023²⁹, Biel 2018: 12-13). Goźdz-Roszkowski notes that the lexical bundles approach has currently been the most commonly analyzed type of phrasemes (multi-word units) in research areas, such as variation, standardization, translation, and discourse function in judicial argumentation. However, he admits that this perspective is not free of drawbacks – one of them is inflexibility as regards the acceptable distance between its elements (Goźdz-Roszkowski 2021:1523-1524). According to Biel, lexical bundles “should be viewed as a distinct class of legal patterns on its own right, identified on the basis of frequency-based criteria (and thus incompatible with classifications based on other criteria)” (Biel 2018: 12).

Particular attention will be paid to Goźdz-Roszkowski 's functional typology, which was based on the research made on the American Law Corpus, including academic journals, briefs, contracts, opinions, professional articles, and textbooks (Goźdz-Roszkowski 2011). With this study, Goźdz-Roszkowski analyzed the linguistic variation in legal discourse and confirmed that lexical bundles might provide valuable information about the formulaicity of some legal genres, such as legislation and contracts. Furthermore, Goźdz-Roszkowski demonstrated that lexical bundles might contribute to a precise and deeper description of legal genres by analyzing preferred phraseologies. He discovered that it is harmonized with their communicative functions. Goźdz-Roszkowski recognizes three broad categories of lexical bundles: the first is legal reference bundles, whose function is to refer to given legal concepts, institutions, instruments, and processes (Goźdz-Roszkowski 2011: 119). The collected data from the corpus in his research show that the largest proportion of bundles is seen in legal reference (for instance, for legislation it is 77 % compared to 17 % of stance bundles and 17% of text-oriented, similarly contracts – the most frequent are legal reference bundles with the score of 78%, compared to stance bundles 5% and 17 % of text-oriented) (Goźdz-Roszkowski 2011: 118). This broad category includes temporal bundles, which are

²⁸ One of the first influencing studies is Kopaczyk's analysis (2013) of the standardization of the legal language of Scottish Burghs. In her study, she provided an exhaustive taxonomy of lexical bundles.

²⁹ <https://doi.org/10.1075/hot.3.imp1> (access: 20.08.2024)

considerably the most frequent in contracts and legislation. They occurred in the form of prepositional phrases, which is proved by Goźdz-Roszkowski:

At the time of hearing, he requested a continuance which was denied.

Interestingly, the phrase *from time to time* is extremely frequent (495 times per million) – it may be astonishing as in legal instruments such as contracts – the exact determination of time seems to be of high priority, but in the meaning provided in contracts the phrase implies that something will occur more often than only once (Goźdz-Roszkowski 2011: 120-121).

Thirdly, location bundles, which are said to be frequent in briefs and opinions (unlike contracts), provide valuable information regarding references to institutions (for instance, courts) and types of lawsuits. It is reported that, particularly in academic articles, these types of lexical bundles are to be found because of citation practice (Goźdz-Roszkowski 2011: 121):

*On the heels of Booker/Fanfan, the Second Circuit issued its opinion in **United States v. Crosby**,(102) and its companion decisions in **United States v. Fleming and Green v. United States**,(103) setting forth the method by which Booker/Fanfan would be implemented in that circuit (Goźdz-Roszkowski 2011: 122)*

In legal texts, attributive bundles provide vital information about quantities or amounts – in the previous contribution of Goźdz-Roszkowski (2006), these were classified as quantifying bundles, such as *the amount of the, one or more of, any part of* (Goźdz-Roszkowski 2011:122). On the other hand, participative bundles (such as *on the part of, at the request of, on behalf of, for the benefit of*) are classified as bundles determining the participants of specific legal relations – for example, in contractual relations which are reciprocal or in procedural relations – for instance in a legal proceeding (Goźdz-Roszkowski 2011: 124). The next category, institutional bundles, refers to the legal entities. He includes in this group public bodies (such as courts and government agencies) and private entities (such as corporations or other entities conducting business):

On appeal to the Court of Appeals for the Sixth Circuit, Lewis prevailed. Id., at 67. [judgment]

*Any event, action, or condition with respect to an employee benefit plan of the Company subject to Title IV of ERISA results in any penalty or action pursuant to ERISA that has a material adverse effect on the business or financial condition of the **Company and its Subsidiaries**, taken as a whole. [contract]*

The highest occurrence of institutional bundles is observed in briefs (64%) – a likely explanation could be seen in the fact that appellate briefs’ addressees are appellate courts which are vested with the power to develop new legal doctrines and to remedy errors of law (Goźdz-Roszkowski 2011: 125). Subsequently, terminological bundles, which are commonly referred to as “terms of art” by lawyers, represent remarkably specialized and technical vocabulary of the legal discipline, such as breach of contract and *right of first refusal* (Goźdz-Roszkowski 2011: 125). Finally, procedure-related bundles are expressions containing verbs that are applied to perform various functions in legal procedure or practice. Examples of procedure-related bundles in Goźdz-Roszkowski’s research suggest that these expressions may be parts of longer routine formulae applied in statutes to enact that legislative act:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (...).

The abovementioned example is the formula used in enacting clauses of statutes that “declares its enactment and serves to identify it as an act of legislation proceeding from the proper legislative authority”³⁰. Goźdz-Roszkowski reports that such expressions are performative as a special category of speech acts. He indicates that in this category of legal reference bundles, there may be found many examples of procedure-related bundles that are built of *shall* which express an authoritative position of the text’s author who is vested with the power to impose an obligation or confer legal rights (Goźdz-Roszkowski 2011: 127, Berezowski 2009: 3). Goźdz-Roszkowski justifies this by providing instances:

*The Bank **shall be entitled to** rely upon any written or telephone request from persons it reasonably believes to be authorized by the Borrower to make such requests without making independent inquiry.*

³⁰ Black’s Law Dictionary, source : [ENACTING CLAUSE Definition & Meaning - Black's Law Dictionary \(thelawdictionary.org\)](https://www.thelawdictionary.org/ENACTING-CLAUSE-Definition-&Meaning/) (19.01.2023)

Admittedly, the proper function of *shall* depends on the type of document concerned. In some contexts, it would impose an obligation and vest legal power in someone, but – interestingly – it may also be applied as a kind of declaration (a promise). The one common feature of both would be the binding force of *shall* (Tiersma 1999: 105- 106).

On the other hand, the broad category of **text-oriented bundles** was grouped with reference to different functions that they may perform in legal texts. Causative bundles occur in texts to indicate “logical links between arguments in a text in terms of cause and effect relationships” (Goźdz-Roszkowski 2011: 130). The results of his study reveal that contracts are legal instruments that are characterized by a high frequency of resultative bundles (such as *by reason of the, as a result of, arising out of*), in contrast to opinions that do not meet determined frequency criteria. The next sub-category created for research purposes is condition bundles. These are applied to introduce conditions, mainly in the form of prepositional combinations, for instance *in the event of, in the event that*. It is revealed that condition bundles occur primarily at the beginning of the sentence and are seen particularly in contractual provisions:

In the event of a breach or threatened breach of Tenant of any of its obligations under this Lease, Landlord shall also have the right of injunction (Goźdz-Roszkowski 2011:131)

Additional support for that explanation comes from Breeze (2013), who investigated lexical bundles' frequency, structure, and functions in four legal genres. According to Breeze, the phrase *in the case of* whose frequency is the highest in legislation is applied to express a “cause-effect relationship”. In other words – they fulfill the “*if... then*” function. Breeze admits that “legal discourse essentially seeks to define the consequences of actions or the conditions in which something may or must be done” (Breeze 2013: 243). Furthermore, she notes that the frequent use of that expression to maintain the cause-and-effect relationship of cause and effect may be attributed to *stare decisis* rule, which is deeply rooted in the common law system. However, she admits that it is entirely possible that this could be a feature of all legal languages, including those not originating from common law. From her examples, it is apparent that after *in the case of* a nominalization of a verbal construction follows, which is not surprising in legal language:

In the case of any default, re-entry, expiration and/ or disposal by summary proceedings or otherwise, (a), the rent shall become due thereupon and be paid up to time of such re-entry [...]. (Breeze 2013: 243 f.)

Regarding clarification/ topic elaboration bundles, this sub-category is much more common in opinions and briefs. They are employed to clarify a given topic in a text. Interestingly, these patterns occur in legal argumentation not only to present but also to contrast the arguments put forward (Goźdz-Roszkowski 121: 132). Subsequently, Goźdz-Roszkowski reports that the function of focus bundles in legal genres is to provide the addressee with the purpose of a legal instrument or an intention of a legislator, for instance:

Purposes. – The purposes of this Act [amending this section and section 902 of this title] are – “ (1) to extend the period within which the Secretary of Commerce may grant interim protective orders under section 914 of title 17, United States Code (...)

Compared with other text-oriented bundles, framing bundles have the largest proportion in legal texts and are applied in argumentation. Structurally, they are applied mainly in the form of preposition + *of* pattern (e.g., *on the ground that, in the context of, on the basis of*) and they serve to limit conditions for assertions or claims (Goźdz-Roszkowski 2011: 134 f.). The most interesting finding relates to structuring bundles, which are said to occur only in legislation and contracts. Goźdz-Roszkowski, drawing on Hyland’s study, explains that structuring bundles in legal texts function as text deixis and are applied to guide the reader through the meanders of frequently extremely long and complex documents by locating specific information with them (Goźdz-Roszkowski 2011: 136). Goźdz-Roszkowski primarily draws attention to contracts, which is justified given that British agreements are structured in accordance with the rule “one thought – one sentence”. In practice, a single, extremely long sentence can encompass a vast array of information, all composed as one thought expressed in a sentence (Berezowski 2009: 23). Goźdz-Roszkowski also notes that structuring bundles are commonly formed using four key verbs: *contain, define, provide* and *set forth*, for instance: *as provided in section, as set forth in, set forth in this, as defined in section, as otherwise provided in* (Goźdz-Roszkowski 2011: 135 f.) According to him, these patterns are also frequent in legislation. British statutes, written in the Common law tradition, are highly intricate, with complex subordination and a tendency to place the verb at the end of the sentence (Alcaraz & Hughes 2002: 19).

Although the last subcategory of text-oriented lexical bundles, transition bundles, is not common in legal genres, there is one group of legal texts where they appear with notable frequency – academic journals. The function of these expressions (such as *in addition to the, in contrast to the*) is to provide additive or contrastive links between elements (Hyland 2008: 14 in Goźdz-Roszkowski 2011: 137). Apart from these

observations, this subcategory remains relatively insignificant due to its infrequency (Goźdz-Roszkowski 2011: 137).

| Functional categories of lexical bundles | | |
|--|--|---------------------|
| Legal reference bundles | Text-oriented bundles | Stance bundles |
| Temporal bundles | Causative/ resultative bundles | Epistemic bundles |
| Location bundles | Condition bundles | Attitudinal bundles |
| Attributive bundles | Clarification/ topic elaboration bundles | |
| Participative bundles | Focus bundles | |
| Institutional bundles | Framing signals | |
| Domain-specific terminological bundles | Structuring bundles | |
| Procedure-related bundles | Transition bundles | |

Table 2. Typology of functional legal lexical bundles, based on: Goźdz-Roszkowski (2011) 109-143.

Finally, he makes a valuable distinction between stance bundles, differentiating between epistemic and attitudinal stance bundles. Drawing on Biber (1999, 2006), Goźdz-Roszkowski defines stance as “the expression of emotions, attitudes, value judgments, and assessments” and explains that this function “provides a frame for the interpretation of the following proposition” (Goźdz-Roszkowski 2011: 138). The first sub-category, epistemic bundles, is employed to signalize the source of the writer’s knowledge of the information presented in the proposition. It is reported that the structure of epistemic stance bundles can vary and often takes the form of prepositional phrases, such as *in accordance with this, pursuant to the terms, pursuant to this section, under the laws of*. These phrases are applied to refer to other legal instruments, and their distribution is mainly confined to legislation and contracts. Similar findings have been reported in Breeze’s study, where she notes that legal language is characterized by high intertextuality and the necessity to create “a web of connections to other laws, documents, and judgments” (Breeze 2013: 244). Her results are broadly consistent with Goźdz-Roszkowski’s findings – she states that

“the complex preposition *in accordance with the* is salient in legislation and documents, and frequent in case law’: there is a need to refer to rules and provisions within the same text or outside, and to stipulate that actions must be performed “in accordance with” these rules or provisions” (Breeze 2013: 244).

As regards epistemic stance bundles, Goźdz-Roszkowski notes that they may include a verb phrase with *court* as the subject, as illustrated by expressions such as: *the court noted that, the court found that, the court explained that*, (Goźdz-Roszkowski 2011:

138). Such expressions are common in opinions, briefs, textbooks, and professional articles. It has been reported that the epistemic stance *the fact that the* is found in non-operative genres and stresses that the expression is common to a broader range of academic disciplines (Goźdz-Roszkowski 2011: 138).

On the other hand, according to Goźdz-Roszkowski, attitudinal stance bundles are applied to “express speaker’s/ writer’s attitudes towards the actions or events described in the following proposition” (Goźdz-Roszkowski 2011: 139). Viewed from this perspective, it has been revealed that two grammatical patterns prevail in this sub-category: *it v-link ADJ that* (for instance *it is clear that, it is difficult that*) and *it v-link ADJ to-inf* (e.g., *it is important to compare, it is easy to understand*) (Goźdz-Roszkowski 2011: 139). Regarding their distribution, it was noticed that *the fact that* with an epistemic function appears in all genres except for legislation and contracts. At the same time, attitudinal (evaluative) bundles occur only in textbooks (Goźdz-Roszkowski 2011: 142).

The data collected in Goźdz-Roszkowski’s research shows substantial variation in the frequency, function, structure, and forms of lexical bundles across legal genres. The lexical bundles approach allowed him to distinguish between operative, expository, and persuasive genres. Interestingly, most lexical bundles in operative genres refer to the “universe of law” whereas expository or persuasive genres tend to apply lexical bundles that express stance or textual relations (Goźdz-Roszkowski 2011: 142).

The abovementioned research by Breeze (2013) contributed to the further development of legal phraseology, approached from a corpus-based perspective. She investigated the formulaicity of legal language by analyzing the frequency of lexical bundles in four legal genres: academic law articles (which may yield similar results to Biber’s studies on academic writing), case law, legislation, and legal documents. Her macro-corpus, which consisted of 2 million words limited to commercial law, consisted of 4 sub-corpora (each with 500 000 words), representing different legal genres. She set a frequency cut-off point at 25 words per 500 000 words.

In her study, she categorized lexical bundles into content-related nouns and prepositional phrases, non-content nouns and prepositional phrases, adjective phrases, and lexical bundles containing a verb phrase. She further divided content bundles into agents, documents, dates, actions, and abstract concepts (Breeze 2013: 235). In contrast, bundles containing a verb phrase were classified further into regulatives, textual navigation bundles, conditional bundles, declaratives, and others (Breeze 2013: 235). Her distinction between content-related and non-content bundles has been widely accepted in recent literature.

Pontrandolfo emphasizes her contribution, observing that “legal texts are also characterized by non-legal word combinations” (Pontrandolfo 2023³¹). Breeze’s division into content and non-content bundles was also adopted in Mazzi’s research on judicial discourse (2018) and in Koźbiał’s investigation of lexical bundles, which refer to “thematic content of judgments” and those bundles that contain function words (Koźbiał 2020: 282).

Regarding functional categorization, she divided lexical bundles into stance expressions, text organizing expressions, and referential expressions (Breeze 2013: 234). Her findings, limited to legal texts, confirm that lexical bundles are consistent with the “frame and slot” theory, as they serve to anchor new information (Breeze 2013: 251). Breeze revealed that case law is characterized by noun phrase bundles referring to agents, documents, and actions, as well as prepositional phrases that function as framing attributes. In contrast, legislation and legal documents tend to use noun phrase bundles and verb phrase bundles with deontic and referential functions (Breeze 2013: 250).

Another important study of lexical bundles in legal genres is attributed to Jablonkai (2009, 2010). She developed her own classification of lexical bundles, distinct to some extent from that proposed by Goźdź-Roszkowski. Similarly to Goźdź-Roszkowski, Jablonkai applied Biber’s frequency-based approach, but her goal was to explore the discourse of official EU texts for pedagogical purposes. She created two corpora: one comprises newspaper articles relating to EU issues from online EU news in English, and the second one consists of press releases of the Commission and Council, as well as legal texts from the Official Journal of the European Union.

Regarding structural types, she adopts Biber’s taxonomy, differentiating between (1) lexical bundles incorporating verb phrase fragments (e.g., *I’m not going to, and this is a, have a lot of*), (2) lexical bundles incorporating dependent clause fragments (e.g., *I want you to, when we get to, if we look at*), and finally (3) lexical bundles incorporating noun phrase and prepositional (e.g., *one of the things*). She found that, as in written registers such as textbooks or academic prose, the majority of frequent lexical bundles are noun phrases and prepositional phrases (Jablonkai 2009: 12).

Jablonkai emphasizes that the sub-category of noun phrases with *of*-phrase fragments (e.g., *presidency of the EU*) is the most frequent. Compared with Goźdź-

³¹ <https://doi.org/10.1075/hot.3.impl> (access: 20.08.2024)

Roszkowski's findings³² (2006, 2011:113-114), it seems to confirm that these two categories prevail among structural categories³³. Furthermore, she revealed that the grammatical difference between two EU-related genres is substantially discernible. For instance, the frequency of lexical bundles incorporating verb phrase fragments in EU discourse is considerably higher than in the corpus of Online EU news. According to her, this finding aligns with Hyland's results about Science and Engineering texts. Jablonkai observes that half of all lexical bundles incorporating verb phrase fragments apply passive verbs (Jablonkai 2009: 13-14). Jablonkai demonstrates that EU discourse is characterized by structural types typical of technical types of texts, as the addressees are mainly EU experts. In contrast, online EU news texts are addressed to the general public, and laypeople (Jablonkai 2009: 14).

Concerning discourse functions of lexical bundles, Jablonkai modified the classification made by Biber, adding subject-specific bundles, following a revised version of Hyland (2008) (Jablonkai 2009: 20). As reported by Jablonkai, this category seems to be of great importance as its function is to relate "to the issues in connection with the European Union, on the one hand, and general world issues, on the other" (Jablonkai 2009: 14, 20). She reports that corpora consisting of online EU news are characterized by a substantially higher frequency of subject-specific bundles than EU discourse. Moreover, Jablonkai added two sub-categories to discourse organizers, i.e., topic elaboration and structure signal. The latter contains bundles retrieved from online EU news texts and is employed mainly to signal "the end of a quote from a statement" (Jablonkai 2009: 15). Finally, in Jablonkai's view, in comparison to the original Biber's taxonomy, which includes a sub-category for references within the text, the EU discourse corpus contains lexical bundles that refer to intertextual referential, as illustrated by the following example:

³² Goźdz-Roszkowski revealed that the most frequent lexical bundles in his corpora are: noun phrases with *of*-fragment (*the amount of*), prepositional phrase expressions (*the extent to which*), prepositional phrase expressions (*at the request of*), verb phrases with passive verb (*shall be entitled to*), verb phrases with active verb (*shall be in writing*), anticipatory *it*+ verb phrase (*it is so ordered*), adverbial clause fragments (*as defined in section*), (verb/adjective+) *to*- clause- fragment and (verb phrase+) *that*- clause fragments (Goźdz-Roszkowski 2011: 113-114).

³³ Similar findings were reported by Berūkštie (2017). Berūkštie analyzed structural types of lexical bundles in judgments of the Court of Justice of the European Union, having created a corpus of English and Lithuanian versions. She confirms that most structural lexical bundles occurring in judgments are prepositional and nominal bundles, which aligns with results obtained by Goźdz-Roszkowski, Breeze, and Jablonkai.

“*Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,*” (Jablonkai 2009: 15).

By contrast, Jablonkai stresses that stance bundles do not indicate significant frequency in both her corpora. Those stance bundles identified by her express desire, obligation, and intention in the online EU news corpus, whereas they only express obligation in the EU discourse corpus (Jablonkai 2009: 15). This is unsurprising, given the different audiences for both types of texts.

As for discourse-organizing bundles, which clarify a given topic or function to draw contrasts or comparisons, it was revealed that the EU discourse corpus features a much higher frequency of these lexical bundles compared to the Online EU news corpus³⁴.

| Structural categories | | | |
|---|---|--|---|
| Lexical bundles that incorporate verb phrase fragments | Lexical bundles that incorporate dependent clause fragments | Lexical bundles that incorporate noun phrase and prepositional phrase fragments | |
| 1 st /2 nd person pronoun + VP fragment | 1 st /2 nd person pronoun + dependent clause fragment | Noun phrase with of=phrase fragment | |
| 3 rd person pronoun + VP fragment | WH- clause fragments | Noun phrase with other post-modifier fragments | |
| Discourse marker+ VP fragment | If- clause fragments | Other noun phrase expressions | |
| Verb phrase (non-passive verb) | To- clause fragment | Prepositional phrase expressions | |
| Verb phrase (passive verb) | That- clause fragment | Comparative expressions | |
| Yes-no question fragments | | | |
| WH- question fragments | | | |
| Functional categories | | | |
| Stance bundles | Discourse organizers | Referential bundles | Subject-specific bundles |
| Desire | Topic elaboration/ clarification | Quantity specification | Person |
| Obligation/ directive | Structure signal | Tangible framing | EU-related bundles: 1. Person 2. Country/organization 3. Event/ document 4. Other |
| Intention/ Prediction | | Intangible framing | Not- EU- related bundles |
| | | Time/ Place/ Text reference: | |

³⁴ Jablonkai conducted another study on EU administrative discourse, contrasting it with the British National Corpus (BNC) (Biel 2018: 13). It was revealed that as regards structural categories - noun lexical bundles consisting of noun phrases and prepositional phrases prevail (80%); however, verb phrase bundles are said to occur interestingly with high frequency, compared to the reference corpora (Jablonkai 2010: 260 in Biel 2018: 13).

| | | | |
|--|--|--------------------|--|
| | | 1. Place reference | |
| | | 2. Time reference | |
| | | 3. Multifunctional | |

Table 3. Structural taxonomy of lexical bundles of Biber (Biber et al., 2004: 381 in Jablonkai 2009:6). Functional categories proposed and modified to legal EU genres by Jablonkai based on Biber’s taxonomy (Jablonkai 2009: 19-20).

The contribution of lexical bundles to phraseology is undeniable, as they allow one to determine the phraseological profile of legal genres. As lexical bundles cover such patterns, which in the traditional approach are not of much linguistic interest, a corpus-based approach allows for a deeper understanding of the phraseology of legal language. However, not all studies are concerned with the structural or functional categorization of frequent lexical bundles in legal texts. Biel’s study looks at complex prepositions, which are said to occur frequently in legislative genres, and it has already been confirmed that they are a distinguishing feature of legal language (in English – Quirk et al. 1985: 672, Johnson/ Coulthard 2010: 11, Polish – Łapa 2006, Spanish and Italian – Pontrandolfo 2013) (Biel 2015: 141). She notices that complex prepositions fulfill syntactic functions as they introduce noun phrases. They also perform semantic functions – complex prepositions “code more precise meanings than simple prepositions and hence may help reduce vagueness” (Biel 2015: 141). Biel’s findings suggest that the frequency of complex prepositions in Eurolect and UK legal English are similar. However, there are some significant differences. Prepositions such as *in relation to*, *for (the) purpose(s) of*, *in respect of*, *subject to*, *by virtue of* are overrepresented in UK legislation. In contrast, EU legislation tends to use *in accordance with*, *pursuant to*, *in order to*, *in respect of*, *subject to*, *relating to*, *in case of* *in order to*, *subject to*. The findings indicate that *in accordance with* is preferred in Eurolect corpora (its frequency is almost threefold in comparison to its use in British corpus). Biel points out that complex prepositions are significantly overrepresented in the Eurolect compared to General English. One possible interpretation of these findings is that EU English has been developed within a multilingual environment, shaped by translation processes, and essentially functions as a “translationese” (Biel 2015: 149-150).

Another study by Biel on lexical bundles contributes to a better understanding of phraseological patterns in legal translation. Biel’s 2018 research investigates the internal variation of translator-mediated multilingual legislation and Poland’s domestic legislation. Surprisingly, the results of her study do not support the hypothesis of higher formulaicity and structural flattening of translations. The data have not confirmed the hypothesis that translated texts are less patterned and show lower formulaicity. However, she points out

that translated texts share 3% of 4-grams with non-translated texts. This result lends strong support to the argument that translations provide their own “formulaic profiles” influenced by n-grams (lexical bundles) retrieved rather from source texts than from target-language legal texts (Biel 2018: 23, Biel 2019³⁵). According to Biel, the concept of lexical bundles approached from frequency-driven methodology is applicable. It may contribute to a deeper investigation of legal translation, combining the tools offered by corpus phraseology (Biel 2018: 23).

A recent work by Mazzi (2018) applies the lexical bundles to investigate legal discourse in the corpus of judgments delivered by the Supreme Court of Ireland. His quantitative study was the starting point for the discourse analysis, applying the argumentation theory. It is worth noticing that his study was conducted from the corpus-assisted approach. He believes that “phraseology [is] a leading principle of discourse organization” (Mazzi 2018: 191) and regards lexical bundles as a proper instrument to detect the regularity in judicial texts (Mazzi 2018:191). The most interesting finding is that this perspective allows for determining the relationship between domestic legislation and EU law, analyzing the phraseological patterns applied by the court in the argumentation. This is illustrated by the lexical bundle *of the Constitution*³⁶. Mazzi analyzed the co-occurrence of the lexical bundle *of the Constitution*, and he detected the following collocates: *Article* (139 entries), *provision* (43), and *breach* (7). Examining the last example, it is evident that the co-occurrence context reflects the Court’s concern about the compatibility of EU-driven initiatives with the Irish Constitution (Mazzi 2018: 195). Focusing on these lexical bundles and their collocates, he observes that “SCI Justice stresses the need to make sure that domestic legislation is harmonised with and construed in light of EU objectives and/ or principles” (Mazzi 2018: 195). This finding appears to be of great importance, as Member States are obliged to maintain constant conformity with the supranational law of UE, and courts may be under pressure to comply with mandatory requirements to harmonize domestic law with EU law. This contribution may shed some light on further research in the common field of linguistics and law studies, particularly EU law, from an interdisciplinary perspective.

³⁵ [\(1\) \(PDF\) The formulaicity of translations across EU institutional genres: A corpus-driven analysis of lexical bundles in translated and non-translated language \(researchgate.net\)](#) (09.02.2023)

³⁶ This lexical bundle did not fill the distribution criterion set by Mazzi; however, it is the most striking example that may confirm the thesis of the relation of domestic law with EU law in Irish judgments (Mazzi 2018: 195).

Although much important work has been carried out on lexical bundles in legal genres, many important issues remain unsolved, and a number of questions still require deeper research to be solved. When creating a corpus for phraseological analysis in translation theory, the literature has debated whether 4-grams in English would reflect the same level of formulaicity in other languages, such as Polish. It has been suggested that they may correspond to shorter patterns in inflectional languages, which convey grammatical information through morphological affixes (Koźbiał 2020: 276, Biel 2018: 16). Secondly, the question arises of the length of lexical bundles adapted for languages that do not express (in)definiteness with articles (Koźbiał 2020: 276)³⁷. Nevertheless, it must be emphasized that despite the significant work and contribution already made in this area, further research is required to compare the findings from studies conducted in various languages. English was the first language to be investigated; originally, lexical bundles were applied to examine spoken and written varieties of academic genres (Biber 1999). Since then, research concerning other languages, particularly in the domain of legal language, has emerged (Goźdź-Roszkowski 2011 2018a; Goźdź-Roszkowski & Pontrandolfo 2014, 2015; Biel, Koźbiał, Wasilewska 2018, 2019; Biel, Koźbiał, Müller 2022; Koźbiał 2022; Mazzi 2018; Kopaczyk 2013). To the Author's knowledge, there is permanently growing literature on "legal" lexical bundles in English, French, and Polish. Still, little is known about the phraseological profile of legal genres in German, approached from a lexical bundles perspective. In other words, further work is required to initiate research in comparing two distinctive languages, considering all grammatical and morphological differences.

2.3.2. Semantic Sequences as Legal Phraseology

It is worth noticing that more recently, it is a semantic sequence that paved a new way to investigate legal discourse approached from a corpus-based methodology. Goźdź-Roszkowski maintains that this concept is promising and may shed new light on determining the objects of phraseological analysis, justifying that "semantic sequences refer to meaning elements rather than only co-occurrences of word forms or lemmas" (Goźdź-Roszkowski 2021: 132) what is in alignment with Hunston's perceiving these patterns as "sequences of meaning elements" in juxtaposition to formal sequences (Hunston

³⁷ For instance, comparing the structural forms of lexical bundles, Berukstiene adopted the same length of lexical bundles for English and Lithuanian.

2008: 271). Recent research on semantic sequences has made great strides towards the exploration of disciplinary discourse of judicial opinions, just to mention Goźdz-Roszkowski's and Pontrandolfo's study on evaluative patterns in English and Italian judicial language (2014), Goźdz-Roszkowski's comparative study of *fact that* in American and Polish judicial discourse (2018b) or his another study of semantic sequences in a compiled sub-corpus of judicial opinions delivered by US Supreme Court (2018).

This perspective differs from other methods of phraseological inquiry in that semantic sequences are not perceived only as the co-occurrence of two or three words. Still, they involve a core item (for example, a lexical phrase) that attaches co-occurring complementation patterns to it in a corpus analysis (Goźdz-Roszkowski 2018: 146). Therefore, semantic sequences are flexible as regards their form, as only the core item is invariant, while the wording of co-occurring meaning elements in a particular sequence may differ. Secondly, these patterns “unlike n-grams or lexical bundles (...) are not uninterrupted strings of word forms. They also differ from non-contiguous sequences such as skipgrams, phrase frames or congrams” (Goźdz-Roszkowski 2018a: 135). Semantic sequences allow for wider flexibility regarding lexical and structural variation (Goźdz-Roszkowski 2018b). Thirdly, this perspective integrates a corpus-based (it is aimed to detect the core item of a sequence) and corpus-driven methodology in that “less obvious patterns” could be defined (Goźdz-Roszkowski 2018b: 135). Taking that into consideration, Goźdz-Roszkowski focused on the N-pattern in his study of specialized legal discourse, specifically within a sub-corpus compiled of judicial opinions. He applied Hunston's (2008, 2011) taxonomy which posits that nouns in these patterns perform specific discourse functions. Accordingly, Goźdz-Roszkowski attempted to analyze status nouns by observing whether the N-pattern would provide the preferred choice of semantic sequences (Goźdz-Roszkowski 2018b: 154). By adopting Hunston's view that nouns found in N-pattern may fulfill five functions - evaluation, cause, result, confirmation, and existence, he observed that the “semantic sequence approach helps to determine ‘what is often said’ in judicial opinions. Among these functions, evaluation emerged as the most prominent in judicial discourse. To illustrate this, Goźdz-Roszkowski (2018b: 141- 143) analyzed 18 concordance lines, confirming evaluative function. It was demonstrated that the evaluative function could be conveyed through nominal groups, verbs, or value-laden adjectives. Besides, the phrase *the idea that* commonly appears as a subject, though it can occupy other syntactic positions (Goźdz-Roszkowski 2018b: 141). He observes that *the*

idea that is commonly used to introduce arguments in legal reasoning, as in the following example:

(6) *At base, the theory of transferring a defendant's intent is premised on the idea that one engaged in a dangerous felony should understand the risk that the victim of the felony could be killed, even by a confederate. (Miller v. Alabama)*

Viewed this way, he subsequently proposes the following pattern in the given example:

ARGUMENT/ THEORY + BASIS + *THE IDEA THAT* (Goźdź-Roszkowski 2018b: 143).

Finally, he concludes that semantic sequences are more reliable and can be regarded as a more effective tool for analyzing evaluation in judicial discourse than uninterrupted strings of words (Goźdź-Roszkowski 2018b: 156).

Facts have attracted considerable interest in the field of legal phraseology from the above-mentioned perspective. However, this area of research has been approached from different perspectives. It is commonly approved that facts allow one to establish the content of law. In judicial writing, determining the factual status of propositions is a key aspect of the epistemic and evaluative role of phraseological patterns employed by judges (Goźdź-Roszkowski 2018a: 143). The phrase *fact that* or *fakt, że* identified as semantic sequences, were objects of research made by Goźdź-Roszkowski and Pontrandolfo in English and Italian judicial language³⁸ (2014). The researchers created two separate sub-corpora (Italian and English), which come from the Corpus of Criminal Judgments and the American Law Corpus, in order to compare the frequency and the function of semantic sequences of *fact* and *fatto che* structure in their lexical and grammar environments. Firstly, they investigated the structural environment of *fact that* and *fatto che*, revealing that these patterns occur mainly after prepositions (43% in the US subcorpus and 57 % in the Italian corpus). These patterns are employed frequently (28% US and 30% IT) as subject or object (18% in the US and 10% in the Italian subcorpus). As the next step, they investigated semantic polarity, confirming the negative polarity attributed to *fact that* and *fatto che* (Goźdź-Roszkowski and Pontrandolfo 2014). The study offers several new and important insights. Of particular interest is the finding that, despite the substantial differences in legal cultures (Common

³⁸ Interestingly, some researchers also report a high occurrence of “the fact that” in other disciplines, such as politics and education, it has been demonstrated that also in spoken and written university registers, it is a common linguistic phenomenon (Biber 2006, Hunston 2011 in Goźdź-Roszkowski and Pontrandolfo 2014). Surprisingly, some legal propositions, explained as legal requirements, are factual states, although they are not labeled as “facts.” On the other hand, some states referred to as facts may not be understood as “real” facts in a given discourse community (Goźdź-Roszkowski and Pontrandolfo 2014).

law and Continental Law), judges are said to evaluate in a similar way by referring to facts (Goźdz-Roszkowski, Pontrandolfo 2014).

Another important study made by Goźdz-Roszkowski concerns the comparative analysis of *fact that* and its phraseologies in two comparative sub-corpus: the first one consists of 113 opinions of the Supreme Court of the United States and the second one – built up of 95 judgments of the Constitutional Tribunal of the Republic of Poland. Referring to former research conducted with Pontrandolfo (2014), in this study, Goźdz-Roszkowski endeavors to revise the discourse functions of preferred semantic sequences in judicial writing. He proposes the following categories:

1. facts are the basis for legal reasoning judicial disposition
2. facts explain something
3. facts are evaluated
4. facts are ignored
5. facts are emphasized
6. facts do not lead to consequences (Goźdz-Roszkowski 2018a: 148).

Data obtained in this study revealed that the most frequent use of *fact that* is employed to provide grounds for a judge's argumentation. This tendency was observed in both sub-corpora (Goźdz-Roszkowski 2018b: 148). Notably, almost all phrases in this category contain prepositions, which can be seen as evidence for the important role of prepositions: *derived from the fact, arise from the fact that, strengthened by the fact* (Goźdz-Roszkowski 2018b: 149). Surprising results come from the category "facts are emphasized". It has been reported that in Polish judicial judgments, there is a higher frequency of facts that are employed to stress a judge's statements, usually by using impersonal construction, as in the example:

„Warto też zwrócić uwagę na **fakt, że...**” (Goźdz-Roszkowski 2018b: 155).

In this study, he also supplements earlier research by introducing a category that includes cases in which a fact appears at the beginning of a clause, claiming that judges employ this to “communicate the facts [which – J.K.] do not lead to consequences” (Goźdz-Roszkowski 2018a: 147).

Additionally, Salkie's (2018) study seeks to integrate the perspective on English and German *the fact that* and *die Tatsache, dass*, by means of a parallel corpus of English and German texts – i.e., the *Acquis Communautaire* corpus of EU law. It differs from

previous research in some points. Firstly, Salkie focuses on languages that indeed represent different legal cultures (Common law and Continental Law). Secondly, he relies on the *Acquis Communautaire*, which was created in the multilingual environment, where the English language obtained a new role and status as a hybrid language, being labeled as EU legal English and as “essentially a new genre” (Robertson 2012: 1237). Thirdly, Salkie built a parallel corpus that allows for a direct comparison with German counterparts. Salkie notices that *Acquis communautaire* corpus comprises a wide variety of different legal instruments; therefore question posed by Doczekalska regarding the translation process in a multilingual environment is also applicable in this case: given that we have more than 20 language versions of authentic texts, which language version should be used as the source language for translation (Doczekalska 2007: 61)? However, Salkie cautions that employing a parallel corpus may be insufficient, as one language can be perceived as “translationese” (Salkie 2018: 130). He acknowledges that employing comparable corpora, as seen in Goźdz-Roszkowski and Pontrandolfo’s research, offers an advantage in analyzing authentic and natural languages (Salkie 2018: 130). Despite these limitations, Salkie’s treatment of the *fact that* and *die Tatsache, dass* is particularly compelling. By comparing both language versions, he seeks to demonstrate that *the fact that* is, in some cases, semantically near-empty and omissible, as the German version often omits the equivalent phrase while maintaining the meaning and the structure:

(EN)

*LDCOM further stresses **the fact that** the State cannot go back on its declarations without harming its own financial credibility.*

(DE)

LDCOM hebt ferner hervor, dass der Staat seine Erklärungen nicht zurücknehmen könne, ohne seine eigene Kreditwürdigkeit zu beeinträchtigen.

It follows that in the German version, the writer (not willing to say a translator) decided to omit the *Tatsache, dass* by applying the verb “hervorheben” (*to stress* – J.K.). However, Salkie reports that it is imminent to use the phrase in some cases to demonstrate that the circumstances presented in the complement are indeed a fact – in both languages, *the fact that* and its counterpart is present (Salkie 2018: 131). According to Salkie, all examples retrieved from his corpus are employed to assume the same function – to make the chain of reasoning. Moreover, he notes the similarity and relationship to Goźdz-Roszkowski and

Pontrandolfo's findings regarding the retrieved examples of evaluation. Salkie reports a low frequency of explicit evaluation examples while the number of examples of reasoning is similarly high in both studies (Salkie 2018: 134). Another similar finding refers to the preference for prepositions. He observed that in both language versions, "recurring prepositions" are employed to connect (or to contrast) two or more propositions, as in the example:

(EN)

In view of the fact that the quantities traded would be substantial and that the agreements was made between the two largest undertakings active in trading rough diamonds, competition would be substantially weakened as a result of the trade agreement.

(DE)

Angesichts der Tatsache, dass der Handel beträchtliche Mengen betrifft und die Vereinbarung von den beiden größten, auf dem Gebiet des Rohdiamantheandels agierenden Unternehmen abgeschlossen würde, wäre eine spürbare Beeinträchtigung des Wettbewerbs auf dem Markt zu erwarten (Salkie 2018: 134)

When contrasting both languages, it is also crucial to mention that in the German language, some discourse functions may be performed with one word instead of employing longer sequences, for instance: *in view of the fact* – "da", *owing to the fact that* – "weil" and *despite the fact that* – "obgleich" (Salkie 2018: 136). He stresses that the guidelines from the EU translations units directly advise the translators to use *as* instead of *in view of the fact that* or *weil* instead of *in Anbetracht des Umstands, dass* (Salkie 2018: 139). It is presumably prescribed to provide the optimal economy of phraseological phrases and maintain a plain and approachable language. Salkie also observed that, in a parallel corpus, one language version might use nominalization to avoid *the fact that*, while the other version employs *the fact that* even when it could have been used (Salkie 2018: 131):

(17) *According to the case of law of the Court of Justice, where private investors are prepared to intervene only after the authorities have decided to grant aid, **the fact that** those investors are the prepared to intervene at the same time is no longer relevant.*

(18) *Nach der Rechtsprechung des Gerichtshofs sei **die Bereitschaft privater Investoren**, gleichzeitig mit dem Staat aktiv zu werden, nicht mehr relevant, wenn sie diese Bereitschaft*

erst nach der Entscheidung der Regierung zur Gewährung einer Beihilfe entwickeln würden...

Salkie suggests that using parallel corpus may shed new light on legal reasoning and legal phraseology. He claims that “viewing two languages in direct contrast can shed light on each of them and can bring to light modes of expression which are less obvious in monolingual work” (Salkie 2018: 140). Salkie demonstrates that parallel corpus analysis may give an insight into differences and similarities in two legal languages – it can be observed if a similar formulation is possible in both. For instance, German *daran dass...* and *darauf das...* have no equivalents in English, but on the other hand, the question arises as to why, in some cases, even if it is possible, similar formulations are not used (Salkie 2018: 140). Therefore, Salkie calls for further research in this area.

2.4. Conclusions

In conclusion, it may be argued that the corpus-based approach has changed the perspectives on phraseology. It can be observed that the new tools that are offered by software programs enable a researcher to investigate different areas of phraseology, which would not be feasible from the traditional perspective associated with manual extraction of phrasemes. The development of corpus linguistics undoubtedly has changed how the phraseology of law can be investigated. With lexical bundles or semantic sequences, researchers can analyze legal discourse and legal reasoning and determine the relation between different legal systems. For instance, with semantic sequences, verifying and determining the judicial evaluation process is possible. By applying the frequency criterion, analyzing the functional role of lexical bundles in legal discourse is achievable. Besides, this corpus-based approach allows for comparing the results of similarly posed research questions in different languages (*the fact that* and *fatto che* in Goźdz-Roszkowski and Pontrandolfo 2014, complex prepositions in English and Polish in Biel 2014, *die Tatsache, dass* and *the fact that* in Salkie 2018, phraseology of judgments in Koźbial 2022). This perspective facilitates drawing differences and similarities in legal phraseology in different languages by creating parallel corpora. It seems that available software programs, such as SketchEngine, used for linguistic purposes, allow a researcher to embrace new challenges and investigate big corpora, such as the EUR-Lex judgments parallel corpora. Furthermore, it is at a researcher's discretion which tool would be optimal for a study; for instance, a concordance tool may provide important information on the functions of given lexical

sequences. One should also mention that with corpus-based methodology, it is possible to complement the research done from the traditional perspective, confirming assumptions formulated in a given area of phraseology, for instance, by comparing functional categories of lexical bundles with pragmatic phrasemes.

Chapter 3

The Eur-Lex judgments parallel corpus: Judgments of the Court of Justice of the European Union

This chapter aims to provide preliminary remarks on the research preparation stage. It presents available programs and tools that allow researchers to gain a new view on language use and discusses the motivation for choosing the software for the research. This chapter also presents the dedicated program and tools selected for research. The Author intends to motivate the decision of why and which tools were appropriate and optimal for her study. This is followed by the description of the parallel corpus used in this study, presenting the corpus as a whole with its data and subcorpora with German and English versions. In the second part of this chapter, the corpus will be examined by considering five parameters (Flowerdew 2004: 21 cited in Koester 2012: 68), which were modified for this research. These criteria allow for the characterization and assessment of the specialized character of the corpus and analyzed texts.

An obvious starting point is to present the contextualization, which is required for the genre analysis. For this purpose, the Court of Justice of the European Union as a multilingual institution will be presented. The Author endeavors to provide a brief overview of the judicial powers and legal status of CJEU as a supranational court. This chapter investigates the text-external background of the practices of the discourse community of CJEU, taking into account the role of judges, advocates-general, translators, and lawyer-linguists. This chapter also examines the judgment as a specific judicial genre. The study seeks to combine genre and register approaches (after Goźdź-Roszkowski 2011), investigating conventionalized lexical patterns in the macrostructure of CJEU judgments. This is followed by the analysis adopting the moves approach (Bhatia [2013] 1993: 135–136 cited in Koźbiał 2020: 99).

3.1. The Sketch Engine program and corpus

According to Hunston, ‘a corpus does not contain new information about language, but the software offers us a new perspective on the familiar’ (Hunston 2002:3). To commence the analytical part of the dissertation and gain a new view on the legal phraseology, it was necessary to decide on the appropriate software. Among many available software programs, e.g., *Wordsmith Tools* (Scott 2017), *AntConc* (L. Anthony), *WMatrix* (Rayson P. 2003,2008,2009), *Monoconc Pro*, it was the *Sketch Engine* software³⁹ (Kilgarriff A. *et al.* 2014) that was chosen and employed for the research. This computational program is used not only by linguists but also by lexicographers, translators, students, and teachers⁴⁰ who may identify what is typical or rare in language. The main advantage of this software is ready-to-use corpora, each having a representative size of 60 billion words⁴¹. The next advantage lies in a user-friendly interface with its conspicuous dashboard, which provides all available tools to a user (Figure 6). The *Word Sketch Tool* allows collecting word combinations (phrasemes) that are idiomatically correct, or *the N-grams Tool*, which provides a list of the most frequent lexical bundles in a given corpus with the possibility to set the length of a lexical bundle. A useful tool that is also available at the collection stage of the most frequent lexical bundles is *the Concordance Tool* – it provides the information on a given bundle in the context, simultaneously facilitating the functional categorization process. Regarding *the Parallel Concordance Tool*, this tool is particularly supportive to multilingual corpora and may be useful in examining the equivalents in a second language. Finally, the Sketch Engine provides a specialized corpus that allows doing research without manual collection and compilation of texts.

³⁹ <http://www.sketchengine.eu> (12.04.2023)

⁴⁰ [Create and search a text corpus | Sketch Engine](#) (12.04.2023)

⁴¹ [Create and search a text corpus | Sketch Engine](#) (12.04.2023)

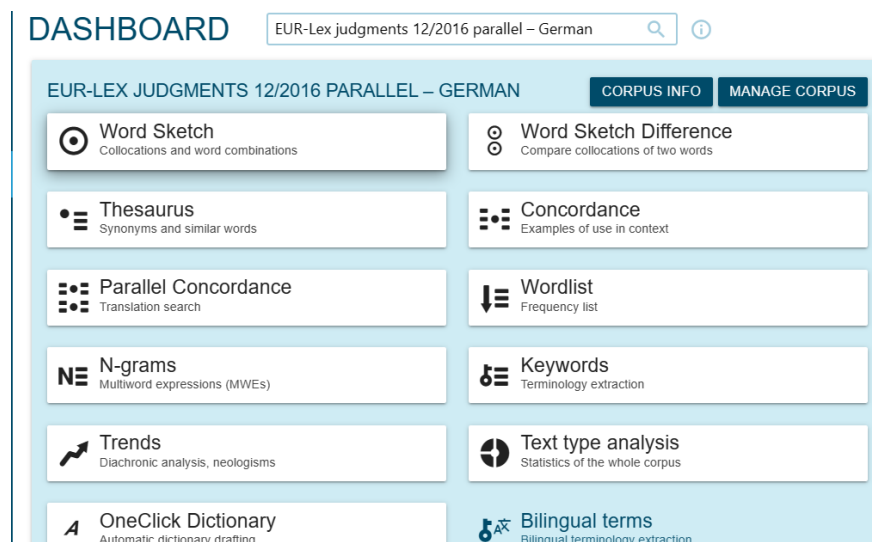


Figure 5. The dashboard screenshot in the Sketch Engine with available tools for Eur-Lex judgments corpus.

To conduct the research, the Eur-Lex judgments 12/2016 parallel corpus, which is available on the Sketch Engine, was employed. The corpus understood as “a finite-sized body of machine-readable texts sampled in order to be maximally representative of the language variety under consideration” (McEnery and Wilson 2011: 24), can be multilingual (as in this study) and when “based on a relationship of translation among the constituent texts” it can be called a parallel corpus (Bonelli 2012: 23). The corpus chosen for this research is representative in terms of being a written, specialized, multilingual and bi-directorial aligned parallel corpus⁴². A ‘specialized corpora’ refers to those corpora “that are not ‘general’ corpora – those that do not aim to represent a language comprehensively as a whole, but only specialized segments of it (e.g., domains or genres)” (Lee 2012: 114). Therefore, it can be confirmed that the Eur-Lex judgments corpus is a specialized corpus consisting solely of judgments, also considering the parameters proposed by Flowerdew (2004: 21 cited in: Koester 2012: 68), such as the specific purpose for compilation, contextualization, genre, type of text/ discourse, subject matter, variety of English. According to Hunston, the degree of the corpus’ specialization is not limitable; however, setting parameters allows limiting the kind of texts that could be included in the corpus (Hunston 2002: 14). Secondly, it is a multilingual corpus as it consists of 23 official languages and bidirectional – such corpus consists of texts in language A and their respective translations, with texts written down in language B with their translations in language A (Kenning 2012: 488). In this particular case, the Eur-Lex judgments corpus

⁴² In the literature, different nomenclatures have been used for these types of corpora. In some works, ‘parallel’ is used for those corpora that today are called ‘comparable,’ while ‘aligned’ was used for today’ s ‘parallel’ (Kenning 2012: 487).

consists of 23 language versions. It is a parallel corpus as it stems from one source text and the corpus comprises equal translations (see: Kenning 2012: 487, Hunston 2002: 15). Finally, it is of paramount importance that the corpus is automatically aligned – in the case of a parallel corpus it is recommended at the corpus preparation stage to compile the multilingual texts in such an order that the respective segments in given language versions can be compared (Kenning 2012: 490). Regarding Eur-Lex judgments parallel corpus, the Sketch Engine provides automatic alignment at paragraph or sentence level.

The EUR-Lex judgments parallel corpus consists only of judgments of the Court of Justice of the European Union and is a subset of the EUR-Lex corpus. The EUR-Lex judgments corpus involves 10 013 CELEX numbers, which stand for 10 013 documents in the form of judgments issued by the Court of Justice of the EU. It has six subcorpora of 6 decades (1950s, 1970s, 1980s, 1990s, 2000s, 2010s).

| SUBCORPUS SIZES | | |
|---------------------------|------------|--------|
| Subcorpus | Tokens | % |
| Decade_of_documents_1950s | 164,954 | 0.367 |
| Decade_of_documents_1970s | 1,682,816 | 3.749 |
| Decade_of_documents_1980s | 4,503,029 | 10.031 |
| Decade_of_documents_1990s | 6,857,278 | 15.275 |
| Decade_of_documents_2000s | 15,863,302 | 35.337 |
| Decade_of_documents_2010s | 15,286,858 | 34.053 |

Figure 6. The subcorpus sizes of each decade with its tokens and percentage in the whole German corpus.

As Figure 6 shows, the subcorpora after 2000 amount to almost 70% of the entire corpus, while documents in the subcorpora before 2000 amount to nearly 30%. The smallest subcorpus is from the 1950s, and the biggest one is from the 2010s.

The German corpus includes 44 891,478 tokens and 35,297,517 words (the total numbers found in the corpus). The lexicon sizes provide information about the number of unique items in the corpus – these are counted only once, even if they occur more than once. In the German version of the corpus, there are 337 330 words, 662 tags, 287 586 lemmas (understood as a positional attribute, i.e., an attribute assigned to each token in the corpus, however lemmas are case-sensitive), and 268 028 lemmas.

| COUNTS ⓘ | | LEXICON SIZES ⓘ | |
|------------|------------|-----------------|---------|
| Tokens | 44,891,478 | word? | 337,330 |
| Words | 35,297,517 | tag | 662 |
| Sentences | 1,835,795 | lempos? | 287,586 |
| Paragraphs | 1,132,541 | lemma | 268,028 |
| Documents | 10,013 | lc ⓘ | 277,988 |
| | | lemma_lc ⓘ | 232,024 |
| | | shorttag | 22 |
| | | kind | 22 |
| | | subkind | 34 |
| | | case | 26 |
| | | number | 14 |
| | | gender | 13 |
| | | gender_ending | 4 |
| | | adj_stem | 267,992 |
| | | cap | 277,988 |
| | | lemma_cap | 232,024 |

Figure 7. The counts and lexicon sizes of the German corpus.

On the other hand, the total number of tokens in the English version amounts to 51,449,120 tokens and 42,339,337 words. Given that this is a parallel corpus, it is composed of identical source texts. Consequently, the English version contains 10,013 CELEX numbers, which refers to 10,013 legal documents. The lexicon size of words is 184,434, of tags – 63, lempos 153,338 and lemmas – 146,755.

| COUNTS ⓘ | | LEXICON SIZES ⓘ | |
|------------|------------|-----------------|---------|
| Tokens | 51,499,120 | word? | 184,434 |
| Words | 42,339,337 | tag | 63 |
| Sentences | 1,665,884 | lempos? | 153,338 |
| Paragraphs | 1,241,255 | lemma | 146,755 |
| Documents | 10,089 | lc ⓘ | 149,234 |
| | | lemma_lc ⓘ | 124,292 |
| | | lempos_lc ⓘ | 134,979 |

Figure 8. The counts and lexicon sizes of the entire English corpus.

When the percentage of tokens is considered, the subcorpora sizes of both language versions are similar (Figure 9).

| SUBCORPUS SIZES | | |
|---------------------------|------------|--------|
| Subcorpus | Tokens | % |
| Decade_of_documents_1950s | 187,383 | 0.364 |
| Decade_of_documents_1970s | 2,044,167 | 3.969 |
| Decade_of_documents_1980s | 5,464,228 | 10.61 |
| Decade_of_documents_1990s | 8,415,507 | 16.341 |
| Decade_of_documents_2000s | 17,686,795 | 34.344 |
| Decade_of_documents_2010s | 17,043,185 | 33.094 |

Figure 9. The subcorpus sizes of each decade with its tokens and percentage in the entire English corpus.

When comparing both language versions, it is visible that the English version has a bigger total number of tokens and words than the German. However, it is astonishing that the lexicon sizes are noticeably different. Presumably, the reason lies in the fact that the tempos are case-sensitive, and any change of lemma may influence the number.

The Sketch Engine website provides information that the corpus contains the same information as the EUR-Lex corpus (i.e., CELEX number, document title, year of the document, etc.), and furthermore, it includes information related to the parts of judgments (Figure 10). However, a reservation is made that not all parts are present in each judgment. In sections before 2000, there was a summary of parties, subject or grounds, costs, and the operative part, and in sections after 2000, there was a summary of judgment and costs. The data provided in the text type analysis shows that almost half of the corpus consists of judgments rendered after 2000.

| | |
|------------------|---------------------------|
| <heading> | - title of the judgment |
| <summary> | - summary of the judgment |
| <parties> | - involved parties |
| <subject> | - subject of the case |
| <judgment> | - judgment of the court |
| <costs> | - decision on costs |
| <operative_part> | - operative part |

Figure 10. The information about judgments provided in a corpus. Source: [EUR-Lex judgments parallel corpus search | Sketch Engine](#) (12.04.2023).

3.2. The degree of specialization of Eur-judgments corpus

3.2.1. Specific purpose for compilation: analysis of legal phraseology from the functional perspective

| Eur-Lex judgments parallel Corpus -Evaluation of specialization degree | |
|--|---|
| Specific purpose for compilation (4.2.1.) | <ol style="list-style-type: none"> 1. Investigation of frequent lexical bundles in German and English sub-corpora (phraseological profile) 2. The functional categorization of lexical bundles |
| Contextualisation (4.2.2.): <ol style="list-style-type: none"> 1. Communicative and discourse aspects: socio-professional field 2. Participants (senders and receivers) | <ol style="list-style-type: none"> 1. A multilingual institution with the power to create EU case law, 2. senders: two organs of the Court of Justice of the European Union: the Court of Justice (CJ) and the General Court. 3. Many actors involved in the process of drawing up judgments |
| Genre/register (4.2.3) | Judgments |
| Type of text/ discourse (4.2.2,4.2.3) | Judicial discourse |
| Subject matter/ topic (4.2.3) | EU Law |

Table 4. The evaluation of the specialization degree of the analyzed corpus.

As presented in Table 4, investigating the corpus's specialization degree requires a few steps. Firstly, it must be observed that the specific purpose of the compilation is the analysis of the German and English legal phraseology in the functional context. This research is considered to identify the most frequent lexical bundles in EU judgments in both language versions (separately German and English subcorpora) and to examine the role of functional categories of lexical bundles in judgments issued by the Court of Justice of the European Union. Secondly, the purpose of this study is to compare the frequency of German and English functional lexical bundles, considering their similarities and differences. This dissertation may also stimulate the debate on selected translation aspects concerning comparative phraseology, analyzing the equivalents in a parallel corpus in a second language.

3.2.2. Contextualisation: multilingual EU discourse community

The contextual features are considered to be a crucial element of corpus-based analyses (Flowerdew 2004: 15). At the same time, it is observed in the literature that the description of the contextualization is an inherent element of genre analysis (cf. presented genre characterization templates of Borja Albi et al. 2009, Dontcheva-Navratilova 2009, Szczyrbak 2014 in Koźbiał 2020: 57). On the other hand, such contextualization can be perceived as a tool for a discourse and a discourse community analysis. The discourse, which is in the literature understood as “the whole act of communication”, including verbalization as well as extra-linguistic factors (Duszak 1998: 19 in Koźbiał 2020: 51) should be explored taking into account the process of drawing up the judgments and the functions of the CJEU prescribed by the EU law. According to Swales (1990: 9), discourse community denotes a “socio-rhetorical networks that form in order to work towards sets of common goals” and it is believed that these goals are accomplished by some texts, which are understandable by members of such community – in this case the judges. As Koźbiał observes, it can be claimed that there is a group of genres that are specific or even exclusive to a given community (Koźbiał 2020: 51). From that perspective, it should be taken into consideration that the context of drawing up judgments in the Court of Justice of the EU is quite complex. It should be approached interdisciplinary because only considering some legal aspects of shaping case law may explain the contextualization.

The starting point is that the Court of Justice of the European Union is composed of the Court of Justice and the General Court. It is a judicial institution whose primary role is to ensure that “the law is observed in the interpretation and application of the Treaties”⁴³. From the linguistic perspective, the communicative purpose of the “discourse community” of judges working in the CJEU is to “settle a dispute by presenting well-founded arguments supporting a judicial conclusion through which a number of [...] facts are interpreted within the framework of a valid legal order” (Mazzi 2007:27 in Koźbiał 2020: 52). In the literature, it is stressed that the CJEU has a unique nature – CJEU performs some functions of a constitutional court (deciding on the validity of secondary law), an international court (it rules on the legal disputes between parties under international law), an administrative court (CJEU is competent to decide on failure to act) and civil court (deciding on damages

⁴³ [CURIA - General Presentation - Court of Justice of the European Union \(europa.eu\)](#) (14.04.2023)

resulting UE's and its officials' actions) (Paluszek 2009: 13). It is noteworthy that on the website of CJEU this institution introduces itself by confirming that:

The court thus constitutes the judicial authority of the European Union and, **in cooperation with** the courts and tribunals of the Member States, it ensures the uniform application and interpretation of EU law.⁴⁴

It should be taken into account that the CJEU is not a “superior” institution over national courts, but rather, it is indeed a court that is a part of each national judicial structure of each Member State (Komarek 2007: 484). As it was stressed in bold above – the Court fulfills its judicial role in cooperation with the courts of Member States. In the literature, this dialogue between the CJEU and courts (tribunals) of Member States is frequently stressed as a factor that influences (Czaplińska 2017: 298, Paluszek 2019: 298) particularly the procedures on preliminary references. Therefore, it is claimed that this is a procedure in which “judges help other judges” and they perform complementary roles; in other words, the dialogue assumes that there are no instances and hierarchy (Paluszek 2019:24).

As regards judicial powers, the CJEU is vested with the competence to decide on the interpretation or validity of an EU law (in the form of a preliminary ruling) when a court or tribunal of the national court has doubt about how to construe provisions of EU law – the national court may or in some circumstances shall submit such reference to the Court of Justice of the European Union. CJEU also has the power to enforce the law in a situation when a Member State fails to comply with supranational EU law. The next competence vested by the EU Treaties is deciding on actions for annulment when there is a danger that a given EU legal act (such as a regulation or a directive) may violate the primary source of EU law (EU treaties or fundamental rights). Furthermore, when a given institution of the EU fails to fulfill its duties – the CJEU is entitled to start actions for failure to act.

It should be taken into account that the CJEU is one of the institutions of the EU that are multilingual – it is even how this institution describes itself on the official website⁴⁵. Under Article 7 of Regulation No1/1958/EEC the CJEU has a competence to develop its own autonomous rules as regards language use for proceedings (McAuliffe 2008: 807). In view of this, it is useful to differentiate between the working language in CJEU, which is French, and the *language of the case*⁴⁶ (McAulife). Under Article 37 of the Rules of Procedure of

⁴⁴ [CURIA - General Presentation - Court of Justice of the European Union \(europa.eu\)](#) (16.02.2024)

⁴⁵ [CURIA - General Presentation - Court of Justice of the European Union \(europa.eu\)](#) (14.04.2023)

⁴⁶ Accepted manuscript (AM): Chapter 28 of the 2018 Routledge Handbook of Language and Superdiversity Creese and Blakledge (eds) [Superdiversity and the Relationship betw.pdf](#)(15.04.2023)

the Court of Justice, the applicant shall choose the language of the case in direct actions, with some exceptions listed therein. The same provision, in point 3, states that “in preliminary ruling proceedings, the language of the case shall be the language of the referring court or tribunal. (...)”. However, point 3 allows other languages, for instance, each Member State participating in a proceeding to submit written and oral statements even if it is not a language of procedure (Paluszek 2019: 20). From a legal perspective, it is of paramount importance, that only the language of the case is authentic, what is provided by the Article 41 of the Rules of Procedures:

Article 41

Authentic texts

The texts of documents drawn up in the language of the case or, where applicable, in another language authorised pursuant to Articles 37 or 38 of these Rules shall be authentic⁴⁷.

It follows that in contrast to the EU law (where all language versions are equally authentic), only the language of the case is authentic. In case of a meaning discrepancy – the source for reference to construe provisions in question should be seen only in the language of the case (Paluszek 2019: 21). In practice, as Figure 11 presents, for a reader’s information on the official website of EUR-Lex, this information is marked by asterisk (*).

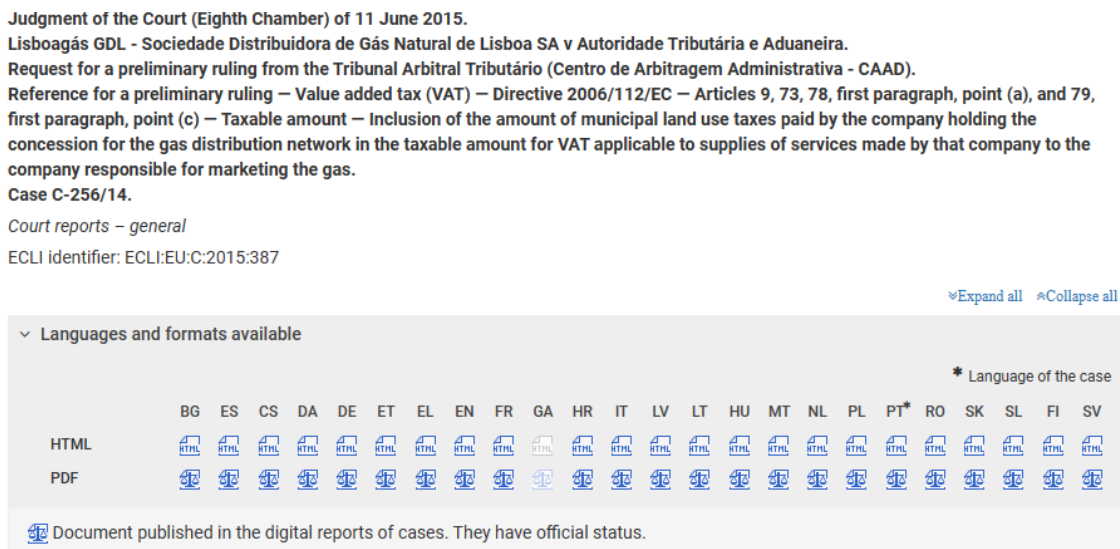


Figure 11. Screenshot of the judgment title with its language versions—the referential court (Tribunal Arbitral Tributário) is settled in Portugal, so only the Portuguese version is authentic.

Koźbiał rightly points out that an ordinary reader of CJEU judgments may not be familiar with the fact that the working language and the languages of the cases may affect the

⁴⁷ [EUR-Lex - 32012Q0929\(01\) - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2012/1259/oj) (02.10.2024)

drafting and translating process of judgments in CJEU (Kozbial 2020: 36). On the other hand, even in the literature of the legal discipline, there are annotations that these judgments are translations of French – the working language of CJEU. As Figure 12 shows, the judges deliberate and discuss the legal matter behind closed doors (even without translators). Therefore, there is a risk of inconsistency between the French version and the authentic version of the language of the case. It is also recommended to refer to the French version (Paluszek 2019:21-22, cf. McAuliffe 2018: 9).

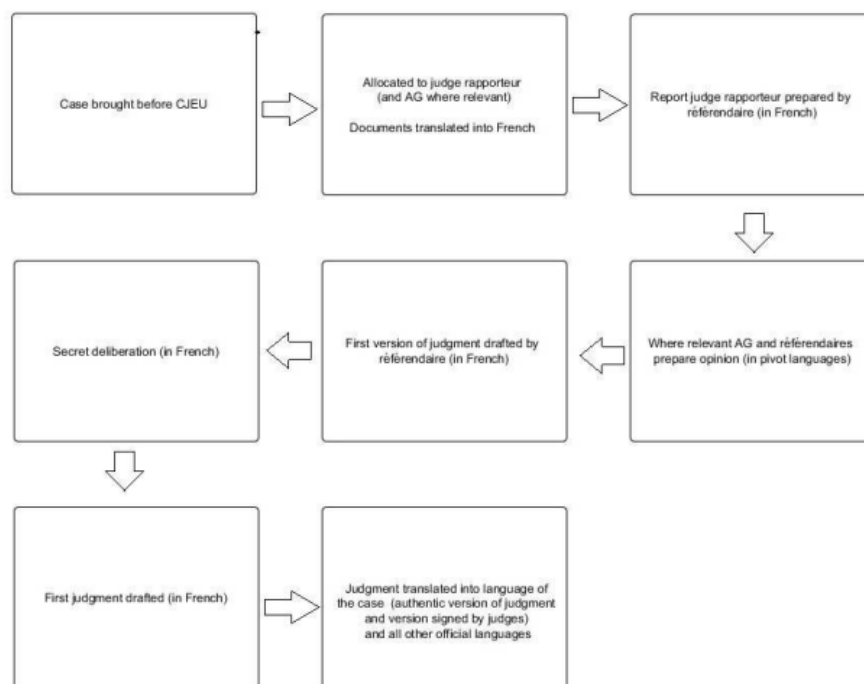


Figure 12. The process of producing CJEU judgments. Source: McAuliffe & Trkjlja 2018: 10. The figure shows how the judgment is produced. It is visible how many actors are engaged in this process. It should be noted that the case can be brought in any EU language, and subsequently, this version undergoes many language processes before it gains the authentic version.

To render a final judgment in the language of procedure, there are a few documents, alongside a reference of a national court, preliminary reports, and the opinion of an Advocate General⁴⁸, that have to be proceeded in a few languages and by many actors⁴⁹, which cannot be limited only to the judges. This may be a situation when, for instance, a reference from the German court, drawn up in the German language, is submitted to CJEU,

⁴⁸ The role of an Advocate General, whose competencies and legal knowledge are significantly recognized among the CJEU judges, is to provide his or her opinion on a given legal subject matter.

⁴⁹ Such as judge rapporteur, référendaires, and lawyer-linguists, who are called by McAuliffe „hidden translators” are responsible for the translation of the judgments and all other internal and outgoing documents (orders, opinions). All of these actors involved in the process of proceeding and delivering the final version of a judgment are “invisible to the outside world since the case law is presented as a single ‘voice’ of the Court (McAuliffe 2011, 2016: 11, cf. McAuliffe 2016, McAuliffe & Trkjlja 2018)

translated into French, the Advocate General prepares his opinion in Italian, and the judges (not all of them are native users of French) deliberate in French. This resulted in the development of a “French Court,” which differs from a “normal” French because it provides “almost wholly automatised sub-codes of grammar and syntax” (McAuliffe 2018:11)⁵⁰.

3.2.3. Genre and register: judgments

As regards the theoretical background, a widely accepted definition of *a genre* is associated with the communicative purposes of given acts and stems from Swales, who defines *a genre* as

A class of communicative events, the members of which share some set of communicative purposes. These purposes are recognized by the expert members of the parent discourse community, and thereby constitute the rationale for the genre.” (Swales 1990: 58).

According to Swales, a genre presupposes the occurrence of particular patterns regarding structure, style, content, and intended audience. The structure of a genre encompasses such rhetorical elements, which had been formerly conventionalized by the members of the given discourse community (Koźbiał 2020: 48). If all of the expectations of the members as to these patterns are fulfilled, the “exemplar will be viewed as prototypical by the parent discourse community” (Swales 1990: 58). In the sense of that it is claimed that these expected patterns can be analyzed from the perspective of conventionalized phraseological units in the judicial discourse of the CJEU, from the functional approach. The repeated presence of these stable patterns in judgments implies a significant expectation within the judicial community of national courts, where judges are required to comply with the CJEU’s interpretation of EU law, especially in cases of preliminary rulings. On the other hand, as Koźbiał observes, Tiersma groups genres, considering the criteria of structure, level of formality and function. The last one provides the following texts: operative (such as statutes, pleadings, or contracts), explanatory texts and persuasive texts (Tiersma 1999: 139 cited in Koźbiał 2020: 48). In that context, judgments are perceived as expository texts, “in which judges not only state the law based on legal provisions, but also decide the case in an operative and persuasive manner” (Koźbiał 2020: 48).

⁵⁰ The production process of a final version of CJEU judgments is lengthily discussed in the publications of McAuliffe and Trklja and in the monograph of Koźbiał (2020). For the purpose of my dissertation, only the overall presentation of the judgment-issuing process is presented.

As it is well known, the term *genre analysis* is attributed to Bhatia, who defines *genre analyses* as “investigating instances of conventionalized or institutionalized textual artifacts in the context of specific institutional and disciplinary practices, procedures, and cultures “(Bhatia 2002: 5 cited in Koźbiał 2020: 49). This linguistic investigation aims to comprehend the way the members of *the discourse community* construct, construe and apply genres to achieve these goals (Bhatia 2002: 5). Bhatia holds the view that *genre analysis* should denote the integration of such perspectives on language use as:

- purposes (community goals and purposes which are institutionalized),
- products (examples of texts or genres)
- practices (practices in a given discourse community)
- players (members of a discourse community) (Bhatia 2002:6, Koźbiał 2020:49).

From Bhatia’s observations, it follows that genre analysis requires considering text-external factors, understood in the literature as a socio-cognitive space (Koźbiał 2020:49). Therefore, the contextual background was presented in 4.2.2.

On the other hand, a *register* approach denotes the investigation of lexico-grammatical features and their high frequency (Koźbiał 2020: 50). The differences between *genre* and *register* perspectives are illustrated by Goźdź-Roszkowski, who points out that a power of attorney, as a *genre*, includes some conventionalized patterns, used in the beginning or at the end (such as *I/We hereby appoint Mr./s xxx to be my/ our Attorney*), while as a *register* it is constructed with frequent lexico-grammatical patterns as *to-infinitive clauses, nominalization* (Goźdź-Roszkowski 2011: 21). For instance, in the judgments of the Court of Justice of EU, perceived as a *register*, the Court employs similar patterns, which can be explained by the high degree of specialized nature of judgments. The examples below represent such grammatical patterns in German, which are conventionalized and distinctive for legal language and may be found in the corpus of CJEU judgments. These patterns are stressed by underlining:

- a) nominalization (the preference for complex nouns of impersonal character, which could be transformed into verbs)

Im Hinblick auf die Beantwortung dieser Frage ist bei der Auslegung und Anwendung der Richtlinie 69/335 die besondere Lage eines Staates zu berücksichtigen, der, wie die Republik Polen, am 1. Mai 2004 Mitglied der Union geworden ist.

b) passive voice (whose function is to emphasize the results of the action and impersonal character)

Bei einer Steuerprüfung wurde festgestellt, dass die Steuerbemessungsgrundlage für den Umsatz nach Maßgabe des steuerlichen Werts des Erbbaurechts gemäß der notariellen Urkunde – 684 000 BGN – und nicht nach dem Normalwert der den Grundeigentümern überlassenen Objekte ermittelt worden war.

Mit seinen Fragen, die zusammen zu prüfen sind, möchte das vorlegende Gericht wissen, ob die Richtlinie 2003/96 und der Grundsatz der Verhältnismäßigkeit dahin auszulegen sind, dass sie einer innerstaatlichen Regelung entgegenstehen, wonach zum einen die Verkäufer von Heizstoffen verpflichtet sind, fristgerecht eine monatliche Zusammenstellung der Erklärungen der Erwerber vorzulegen, denen zufolge die erworbenen Erzeugnisse für Heizzwecke bestimmt sind, und zum anderen bei nicht fristgerechter Vorlegung einer solchen Zusammenstellung der Verbrauchsteuersatz für Kraftstoffe auf den verkauften Heizstoff angewandt wird, obwohl festgestellt wurde, dass an der Bestimmung dieses Erzeugnisses für Heizzwecke keine Zweifel bestehen.

c) Konjunktiv (subjunctive mood used for indirect speech)

Darüber hinaus nehme Art. 5 Abs. 3 erster Gedankenstrich dieser Richtlinie von der Besteuerungsgrundlage das von einer Gesellschaft eingebrachte Vermögen aus, das bereits der Gesellschaftsteuer unterlegen habe.

Außerdem befand es, dass Art. 5 Abs. 3 erster Gedankenstrich der Richtlinie 69/335 auf den konkreten Sachverhalt nicht anwendbar sei.

Das vorlegende Gericht weist darauf hin, dass es zur Entscheidung des Rechtsstreits, mit dem es befasst worden sei, zunächst zu bestimmen habe, wann der Steuertatbestand für die von Orfey erbrachten Bauleistungen eintrete.

d) Das erweiterte Attribut (extended attribute used to focus and cumulate all the information concerned with a noun)

Die Richtlinie 76/769 betrifft nach ihrem Artikel 1 Absatz 1 Beschränkungen des Inverkehrbringens und der Verwendung der in ihrem Anhang aufgeführten gefährlichen Stoffe und Zubereitungen in den Mitgliedstaaten der Gemeinschaft.

Schließlich fragt sich das vorlegende Gericht, ob das in Rede stehende Erbbaurecht als Vorauszahlung für von Orfey zu erbringende künftige Bauleistungen angesehen werden könne, berücksichtige man, dass dieses

Erbbaurecht die gesamte von Orfey für diese Leistungen erhaltene Gegenleistung darstelle und dass Vorauszahlungen nach enger Auslegung des Art. 65 der Mehrwertsteuerrichtlinie in Geld vorzunehmen seien.

- e) Sein/ haben + *Infinitiv* with *zu* (infinitive construction with *zu*, used for emphasizing that a given action has to be done, similar meaning to “have to” but with a stronger emphasis)

Somit ist auf die erste Frage zu antworten, daß der Grenzwert, der in Nummer 23 Absatz 1 des Anhangs I der Richtlinie 76/769 in der Fassung der Richtlinie 91/173 festgesetzt worden ist, für PCP, seine Salze und Ester sowie für die aus diesen Stoffen hergestellten Zubereitungen, nicht aber für Erzeugnisse gilt, die mit diesen Stoffen oder Zubereitungen behandelt worden sind.

(...)Art. 7 Abs. 1 der Richtlinie 69/335 in der durch die Richtlinie 85/303 geänderten Fassung, wenn weder die Akte über den Beitritt dieses Staates zur Union noch ein anderer Unionsrechtsakt eine Ausnahmeregelung enthält, dahin auszulegen ist. (...)

Darüber hinaus ist nach Artikel 379 Absatz 2 der Durchführungsverordnung in der Mitteilung nach Artikel 379 Absatz 1 insbesondere die Frist anzugeben, innerhalb deren bei der Abgangsstelle der Nachweis für die ordnungsgemäße Durchführung des Versandverfahrens oder der Nachweis über den tatsächlichen Ort der Zuwiderhandlung zu erbringen ist.

Im vorliegenden Fall ist der Vorlageentscheidung nicht zu entnehmen, dass der im Ausgangsverfahren fragliche Umsatz zwischen Personen getätigt worden wäre, zwischen denen Bindungen der in Art. 80 Abs. 1 der Mehrwertsteuerrichtlinie bezeichneten Art bestehen, was das vorlegende Gericht jedoch zu überprüfen hat.

In diesem Zusammenhang hat das vorlegende Gericht zu prüfen, ob bei der Bestimmung des steuerlichen Wertes für inländische und eingeführte Erzeugnisse dieselben Preis- und Kostenelemente berücksichtigt werden.

- f) “Schachtelsätze” (Long and complex sentences with many subordinate clauses and many instances of *extended attributes*)

Diese Auslegung wird durch Randnr. 21 des angeführten Urteils Kommission/Spanien nicht in Frage gestellt, in dem der Gerichtshof sich darauf beschränkt hat, den Umfang der Rügen, die die Kommission in der Rechtssache, in der dieses Urteil ergangen ist, erhoben hatte, einzugrenzen, indem er klarstellte, welche Vorgänge seit dem 1. Januar 1986, dem Zeitpunkt des Beitritts des Königreichs Spanien zu den Europäischen Gemeinschaften, zwingend von der Gesellschaftsteuer befreit waren. (**one sentence - JK**)

Daraus folgt, dass im Fall eines Staates, der, wie die Republik Polen, der Union zum 1. Mai 2004 beigetreten ist, Art. 7 Abs. 1 der Richtlinie 69/335 in der durch die Richtlinie 85/303 geänderten Fassung, wenn weder die Akte über den Beitritt dieses Staates zur Union noch ein anderer Unionsrechtsakt eine Ausnahmeregelung enthält, dahin auszulegen ist, dass die in diesem Artikel zwingend vorgeschriebene Steuerbefreiung nur für

die unter diese Richtlinie fallenden Vorgänge gilt, die in diesem Staat am 1. Juli 1984 von der Gesellschaftsteuer befreit waren oder einem ermäßigten Gesellschaftsteuersatz von 0,50 v. H. oder weniger unterlagen (vgl. in diesem Sinne Urteil Optimus-Telecomunicações, Randnr. 33). **(one sentence - JK)**.

All the examples presented above confirm the high degree of the specialized nature of judicial texts in the form of a judgment. The sentences, which are commonly extremely long, multi-clause, and complex (in the German literature, they are referred to as “Schachtelsätze”), would probably be easily understandable by the members of the judicial discourse community but not by laypeople. The complex patterns and structures are employed to focus on one piece of information in one sentence, not distracting the addressee with other marginal subjects.

After Goźdz-Roszkowski (2011), in this study, it is claimed that the linguistic analysis may combine two different approaches - *genre*⁵¹ and *register*, as some patterns, whose functions are definable, show the tendency to cluster in given places in texts of a legal nature (Goźdz-Roszkowski 2011: 22). In that context, it can be proved that the analysis of particular conventionalized lexical patterns, perceived as elements (units) of a register, should be referred to the general macrostructure of a given genre with estimated functions, as they are expected by the language users of a given legal culture (Goźdz-Roszkowski 2011:20). The main strength of Goźdz-Roszkowski’s argument of integration of both perspectives is the belief, that the sole analysis of the lexical and grammatical features would not be sufficiently optimal without taking into the consideration the overall macrostructure of the text. On the other hand, the insight into the overall global structure of the text provides a better perspective of the localization of the frequent lexico-grammatical structures.

Similarly to Koźbiał, who adopted for his macrostructural research of CJEU and SN judgments the *moves* approach, referring to Bhatia’s observations (Koźbiał 2020: 99),

⁵¹ In the literature the differences between *genre* and *register* approach are broadly discussed. What is sure in terms of divergences is a fact of different perspectives on the textual focus, linguistic characteristics, distribution of linguistic characteristics and interpretation (Goźdz-Roszkowski 2011: 20).

the same approach was adopted in this thesis. The four move structure of judgments (Bhatia [2013] 1993: 135–136 cited in Koźbiał 2020: 99) is presented as follows:

1. identifying the case,
2. establishing the facts of the case,
3. arguing the case:
 - a) stating the history of the case,
 - b) presenting the arguments,
 - c) delivering *ratio decidendi*,
4. pronouncing the judgment (Bhathia [2013] 1993: 135-136).

To have a better insight into the genre of judgments of CJEU, the following inspection has been limited to the judgments delivered in the procedure of preliminary references. However, it should be mentioned that the EU law provides for the Court of Justice and the General Court other procedures, which refer to actions for annulment, actions to fulfil obligations, appeals, etc. However, the in-depth examination of the structure of all types of procedures and judgments delivered in those procedures would exceed the discussed matter and, therefore, are not the object of this thesis. The following investigation focuses on the German version of the CJEU judgment, as judgments in English have already been scrutinized in the literature (Koźbiał 2020). The analysis of an illustrative judgment (C-372/10⁵²) can be made in the light of Article 87 of the Rules of Procedure of the Court of Justice and the Statute of the Court of Justice of the European Union, applying the moves described above.

Move 1. Identifying the case.

At this opening step, it is presupposed that formulaic and standardized expressions are applied, providing the names of parties, information on the type of the case, and the role of this move is to identify the case⁵³. (Koźbiał 2020: 99, 108). Some information is

⁵² eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:62010CJ0372 (12.07.2023)

⁵³ The macrostructural analysis with examples has already been done with reference to the English and Polish version (cf. Koźbiał 2020: 99), therefore this genre analysis provides only the German version of CJEU judgment.

prescribed by Article 87 of the Rules of Procedure⁵⁴. The identifying information is included in a fixed order:

- a) An indication of the Court, the formation of the Court, and the date:

URTEIL DES GERICHTSHOFS (Vierte Kammer)
16. Februar 2012*

- b) the list of the subject matter of the judgment:

„Steuerrecht — Indirekte Steuern auf die Ansammlung von Kapital — Gesellschaftsteuer, die von den Kapitalgesellschaften erhoben wird — Verpflichtung eines Mitgliedstaats, die Richtlinien zu berücksichtigen, die zum Zeitpunkt des Beitritts dieses Staates nicht mehr galten — Ausnahme der Eigenmittel der Kapitalgesellschaft, die für die Erhöhung des Kapitals herangezogen werden und die bereits der Gesellschaftsteuer unterliegen haben, aus der Besteuerungsgrundlage“

- c) Case number:

In der Rechtssache C-372/10

- d) Type of procedure with the identification of the questioned legal provision, the requesting court with the date of its judgment :

betreffend ein Vorabentscheidungsersuchen nach Art. 267 AEUV, eingereicht vom Naczelny Sąd Administracyjny (Polen) mit Entscheidung vom 26. Mai 2010, beim Gerichtshof eingegangen am 26. Juli 2010, in dem Verfahren

- e) The list of the parties and other involved subjects interested in the process (with its representatives):

Pak-Holdco sp. z o.o.
gegen
Dyrektor Izby Skarbowej w Poznaniu

- f) Procedural, performative act of delivering a judgment (the German version is split into two parts – see point *h*)

erlässt

DER GERICHTSHOF (Vierte Kammer)

g) Composition of the court (involved judges, the Advocate General, Registrar):

unter Mitwirkung des Kammerpräsidenten J.-C. Bonichot (Berichterstatter) sowie der Richterin A. Prechal, des Richters K. Schieman, der Richterin C. Toader und des Richters E. Jarašiūnas,

Generalanwältin: J. Kokott,

Kanzler: K. Sztranc-Sławiczek, Verwaltungsrätin,

aufgrund des schriftlichen Verfahrens und auf die mündliche Verhandlung vom 6. Oktober 2011,

unter Berücksichtigung der Erklärungen

— der Pak-Holdco sp. z o.o., vertreten durch N. Póltorak, radca prawny, und L. Mazur, doradca podatkowy,

— der polnischen Regierung, vertreten durch M. Szpunar, A. Kraińska und A. Kramarczyk als Bevollmächtigte,

— der Europäischen Kommission, vertreten durch L. Lozano Palacios und K. Herrmann als Bevollmächtigte,

aufgrund des nach Anhörung der Generalanwältin ergangenen Beschlusses, ohne Schlussanträge über die Rechtssache zu entscheiden,

- h) The abovementioned part of the procedural, performative act from point *f*, which ends Move 1. It is apparent that in the English version, the whole expression is formulated as a whole expression without splitting it :

folgendes

Urteil

gives the following

Judgment

Move 2. Circumstances and procedural background of the case.

According to Bhatia, Move 2 provides the circumstances of the case, which resulted in the legal dispute (Bhatia [2013] 1993: 135-136 in Koźbiał 2020: 99). It was observed in the analyzed judgment that in this part the introductory remarks are made which refer to that particular case. It explains the scope of proceedings, indicating that the case relates to interpreting the respective legal provisions of the EU legal act. Secondly, it provides the brief information on the procedure which was commenced before the national court:

⁵⁴ The Article 87 of the Rules of Procedure is discussed in the context of text routines in Chapter 5.

Das Vorabentscheidungsersuchen betrifft die Auslegung von Art. 5 Abs. 3 erster Gedankenstrich der Richtlinie 69/335/EWG des Rates vom 17. Juli 1969 betreffend die indirekten Steuern auf die Ansammlung von Kapital (ABl. L 249, S. 25) und Art. 7 Abs. 1 der Richtlinie 69/335 in der durch die Richtlinie 85/303/EWG des Rates vom 10. Juni 1985 (ABl. L 156, S. 23) geänderten Fassung.

Dieses Ersuchen ergeht im Rahmen eines Rechtsstreits zwischen der Pak-Holdco sp. z o.o. (im Folgenden: Pak-Holdco) und dem Dyrektor Izby Skarbowej w Poznaniu wegen einer Besteuerung zivilrechtlicher Rechtsgeschäfte.

Move 3. Legal context.

Bhatia points out that this move includes sub-moves that may differ depending on the case. These sub-moves may provide “the purpose of discussing the previous stages of the proceedings”, argumentation with invoked significant precedents, the *ratio decidendi* (Koźbiał 2020: 100, Bhatia 1993: 233). Concerning the CJEU judgments, in this part of the judgments, the legal context is provided. In practice, it denotes the retrieval of European Union and national laws. As Koźbiał notices, no evaluative statements are given in this move (Koźbiał 2020: 113).

The citing of the provisions of given acts can be quite long. Firstly, the EU law (in this particular case, an EU regulation) is cited; however, only selected parts are presented below:

Rechtlicher Rahmen

Unionsrecht

Art. 5 Abs. 3 der Richtlinie 69/335 bestimmt:

„Der Betrag, auf den die Steuer bei Erhöhung des Kapitals erhoben wird, umfasst nicht:

- den Betrag der für die Erhöhung des Kapitals herangezogenen Eigenmittel der Kapitalgesellschaft, die bereits der Gesellschaftsteuer unterlegen haben;

...“

Art. 7 Abs. 1 der Richtlinie 69/335 ist mehrfach geändert worden. In seiner ursprünglichen Fassung bestimmte er:

„Bis zum Inkrafttreten der vom Rat gemäß Absatz 2 zu erlassenden Bestimmungen

- a) darf der Satz der Gesellschaftsteuer nicht über 2 v. H. und nicht unter 1 v. H. liegen;
- b) wird dieser Satz um 50 v. H. oder mehr ermäßigt, wenn eine oder mehrere Kapitalgesellschaften ihr gesamtes Gesellschaftsvermögen oder einen oder mehrere Zweige ihrer Tätigkeit in eine oder mehrere Kapitalgesellschaften einbringen, die gegründet werden oder bereits bestehen.

Die Ermäßigung hängt davon ab,

- dass für die Einlagen ausschließlich Gesellschaftsanteile gewährt werden, wobei die

After citing EU provisions, the provisions of the national law follow:

| |
|---|
| <p><i>Nationales Recht</i></p> <p>⁰ Art. 1 Abs. 1 Nr. 3 Buchst. d des Gesetzes über die Stempelsteuer (ustawa o opłacie skarbowej) vom 19. Dezember 1975 (Dz. U. 1975, Nr. 45, Poz. 226) in der auf den Rechtsstreit des Ausgangsverfahrens anwendbaren Fassung bestimmt:</p> <p>„Die Stempelsteuer wird erhoben:</p> <p>...</p> <p>3. auf folgende Dokumente, mit denen zivilrechtliche Rechtsgeschäfte beurkundet werden:</p> <p>...</p> <p>d) Unterlagen über die Beurkundung der Gründung einer Gesellschaft durch natürliche und juristische Personen, die ihre Tätigkeiten nicht im Rahmen der Planwirtschaft ausüben.“</p> <p>¹ In § 54 Abs. 1 der Verordnung des Ministerrats über die Stempelsteuer (rozporządzenie Rady Ministrów w sprawie opłaty skarbowej) vom 16. Mai 1983 (Dz. U. Nr. 34, Poz. 161, im Folgenden: Verordnung über die Stempelsteuer) in der auf den Rechtsstreit des Ausgangsverfahrens anwendbaren Fassung heißt es:</p> <p>„Die auf Gesellschaftsverträge erhobene, auf die Steuerbemessungsgrundlage anwendbare Stempelsteuer beträgt:</p> <p>1. 10 % für Einlagen in Form von Grundstücken oder dauerhaftem Nießbrauch,</p> <p>2. 5 % für sonstige Einlagen.“</p> <p>² § 54 Abs. 3 der Verordnung über die Stempelsteuer sieht vor:</p> |
|---|

Move 4. Procedural background of the case before the national court.

In this analysis, Move 4 provides information about the history of the case before the national court and the questions referred to in the preliminary ruling.

| |
|--|
| Ausgangsverfahren und Vorlagefragen |
|--|

Firstly, it is very precisely stated who the parties are (for instance, the legal form of subjects) and, when the parties started the legal proceedings, if and when the appeal was brought before the court. Simultaneously, the final decisions from those judgments are presented with legal argumentation (for example, why the court did not recognize the questioned EU provisions) and legal basis. However, the last procedural step (in that particular legal case) was not completed because the Court (Sąd Administracyjny) was

unsure, and doubts as to the interpretation of the legal act were included.

Elektrownia Pątnów II sp. z o.o. (im Folgenden: EP II) und Pak-Holdco sind zwei Tochtergesellschaften der Zespół Elektrowni Pątnów-Adamów-Konin SA (im Folgenden: ZEPAK).

Am 17. August 2005 veräußerte ZEPAK alle Anteile, die sie an EP II hielt, an Pak-Holdco, und zwar im Wege der Einbringung einer Sacheinlage an Letztere. Am 18. August 2005 nahm Pak-Holdco eine Kapitalerhöhung in einer dieser Sacheinlage entsprechenden Höhe vor, die den Wert der Anteile von ZEPAK an Pak-Holdco um den Betrag der Anteile erhöhte, die ZEPAK zuvor an EP II gehalten hatte. Da dieses Rechtsgeschäft eine Änderung des Gesellschaftsvertrags von Pak-Holdco im Sinne des PCC-Gesetzes war, wurde es mit einer Steuer auf zivilrechtliche Rechtsgeschäfte in Höhe von 0,5 % belegt.

Am 31. August 2006 beantragte Pak-Holdco bei den Steuerbehörden die Feststellung einer Überzahlung der auf zivilrechtliche Rechtsgeschäfte entrichteten Steuer in Höhe der aufgrund der Bestimmungen des PCC-Gesetzes gezahlten Steuerbeträge, weil dieses Gesetz gegen die Richtlinie 69/335 verstoße, deren Art. 7 Abs. 1 – ausgelegt in Verbindung mit den Richtlinien 73/79, 73/80 und 85/303 – der Erhebung von Gesellschaftsteuer auf das fragliche Rechtsgeschäft entgegenstehe,

und deshalb vorrangig die Richtlinie 69/335 anzuwenden sei. Darüber hinaus nehme Art. 5 Abs. 3 erster Gedankenstrich dieser Richtlinie von der Besteuerungsgrundlage das von einer Gesellschaft eingebrachte Vermögen aus, das bereits der Gesellschaftsteuer unterliege habe.

Nach der Ablehnung durch die Steuerverwaltung erhob Pak-Holdco Klage beim Wojewódzki Sąd Administracyjny w Poznaniu (Woiwodschaftsverwaltungsgericht Poznań), der diese Entscheidung bestätigte. Das Gericht stützte sein Urteil u. a. darauf, dass die Richtlinien 73/79 und 73/80 vor dem Beitritt der Republik Polen zur Europäischen Union aufgehoben worden seien und sie folglich keine Rechtswirkungen in Bezug auf die Klägerin entfalten könnten. Außerdem befand es, dass Art. 5 Abs. 3 erster Gedankenstrich der Richtlinie 69/335 auf den konkreten Sachverhalt nicht anwendbar sei.

Der mit der Kassationsbeschwerde befasste Naczelny Sąd Administracyjny (Oberstes Verwaltungsgericht) stellt sich die Frage, ob Art. 7 Abs. 1 der Richtlinie 69/335 in der durch die Richtlinie 85/303 geänderten Fassung grammatikalisch oder historisch auszulegen sei. Nach Ansicht des vorlegenden Gerichts existiert hierzu keine gefestigte Rechtsprechung des Gerichtshofs. Obschon sich der Gerichtshof nämlich im Urteil vom 21. Juni 2007, *Optimus-Telecomunicações* (C-366/05, Slg. 2007, I-4985, Randnr. 27), gegen eine historische Auslegung dieser Bestimmung ausgesprochen habe, habe er eine solche Auslegung gleichwohl im Urteil vom 9. Juli 2009, *Kommission/Spanien* (C-397/07, Slg. 2009, I-6029, Randnr. 21), vorgenommen.

In practice, after presenting the history of the case and the doubts that occurred before the national court at the final stage of the litigation, the precisely listed questions are transmitted to the CJEU:

Vor diesem Hintergrund hat der Naczelny Sąd Administracyjny beschlossen, das Verfahren auszusetzen und dem Gerichtshof folgende Fragen zur Vorabentscheidung vorzulegen:

1. Muss das nationale Gericht bei der Auslegung von Art. 7 Abs. 1 der Richtlinie 69/335 in der durch die Richtlinie 85/303 geänderten Fassung die Bestimmungen der Änderungsrichtlinien, insbesondere der Richtlinien 73/79 und 73/80, berücksichtigen, obwohl diese Richtlinien zum Zeitpunkt des Beitritts der Republik Polen zur Union nicht mehr galten?
2. Falls die erste Frage verneint wird: Betrifft die in Art. 5 Abs. 3 erster Gedankenstrich der Richtlinie 69/335 festgelegte Ausnahme der Eigenmittel der Kapitalgesellschaft aus der Besteuerungsgrundlage für die Gesellschaftsteuer ausschließlich die Eigenmittel derjenigen Kapitalgesellschaft, deren Kapital erhöht wird?

Move 5. Consideration of the questions and answers formulations.

In this move, the Court elaborates on the interpretation of the questioned provisions, providing its arguments. To introduce its argumentation, the Court employs specific expressions to introduce subordinate clauses : *Das bedeutet erstens, dass...., Daraus folgt, dass..., Schließlich ist festzustellen, dass..., Somit ist auf die (erste Frage) zu antworten, dass....* . Each question is handled and explained separately, what is formulated with headings *Zu ersten Frage, Zu zweiten Frage* :

Zu den Vorlagefragen

Zur ersten Frage

Mit seiner ersten Frage möchte das vorlegende Gericht im Wesentlichen wissen, ob Art. 7 Abs. 1 der Richtlinie 69/335 in der durch die Richtlinie 85/303 geänderten Fassung im Fall eines Staates, der, wie die Republik Polen, der Union am 1. Mai 2004 beigetreten ist, in dem Sinne auszulegen ist, dass die in dieser Bestimmung vorgeschriebene zwingende Befreiung nur für die unter diese – geänderte – Richtlinie fallenden Vorgänge gilt, die in diesem Staat am 1. Juli 1984 von der Gesellschaftsteuer befreit waren oder einem ermäßigten Gesellschaftsteuersatz von 0,50 v. H. oder weniger unterlagen.

Im Hinblick auf die Beantwortung dieser Frage ist bei der Auslegung und Anwendung der Richtlinie 69/335 die besondere Lage eines Staates zu berücksichtigen, der, wie die Republik Polen, am 1. Mai 2004 Mitglied der Union geworden ist.

Zur zweiten Frage

Mit seiner zweiten Frage möchte das vorlegende Gericht im Wesentlichen wissen, ob Art. 5 Abs. 3 erster Gedankenstrich der Richtlinie 69/335, der von der Besteuerungsgrundlage „den Betrag der für die Erhöhung des Kapitals herangezogenen Eigenmittel der Kapitalgesellschaft, die bereits der Gesellschaftsteuer unterlegen haben“, ausnimmt, in dem Sinne auszulegen ist, dass von der Besteuerungsgrundlage nur die Mittel der Kapitalgesellschaft ausgenommen sind, deren Gesellschaftskapital erhöht wird, oder auch die Mittel, die aus einer anderen Gesellschaft kommend dieses Kapital erhöhen.

Art. 5 Abs. 3 erster Gedankenstrich der Richtlinie 69/335 stellt die Herausnahme aus der Besteuerungsgrundlage, die er vorsieht, unter zwei Voraussetzungen, nämlich zum einen, dass die betreffenden Mittel für die Erhöhung des Kapitals einer Kapitalgesellschaft herangezogen werden, und zum anderen, dass sie bereits der Gesellschaftsteuer unterlegen haben.

Aus dem Wortlaut dieser Bestimmung ergibt sich somit, dass sie sich nicht ausschließlich auf die Mittel der Kapitalgesellschaft, deren Gesellschaftskapital erhöht wird, bezieht. Die Hinzufügung einer weiteren Voraussetzung, wonach diese Mittel außerdem solche der Gesellschaft sein müssten, deren Gesellschaftskapital erhöht wird, liefe der grammatikalischen Auslegung des Textes dieser Bestimmung zuwider.

Move 6. The costs.

The Court of Justice is obliged by the law to decide on the costs of the procedure. The expression employed to introduce this information is concisely formulated in references for preliminary ruling:

Kosten

Für die Parteien des Ausgangsverfahrens ist das Verfahren ein Zwischenstreit in dem bei dem vorliegenden Gericht anhängigen Rechtsstreit; die Kostenentscheidung ist daher Sache dieses Gerichts. Die Auslagen anderer Beteiligter für die Abgabe von Erklärungen vor dem Gerichtshof sind nicht erstattungsfähig.

Move 7. Pronouncement of the judgment.

After the costs, the Court's pronouncement of the judgment follows, which is performed concisely with the expression *Aus diesen Gründen, hat der Gerichtshof für Recht erkannt*: After this formula, the decisions of the binding nature follow:

Aus diesen Gründen hat der Gerichtshof (Vierte Kammer) für Recht erkannt:

1. **Im Fall eines Staates, der, wie die Republik Polen, der Europäischen Union am 1. Mai 2004 beigetreten ist, ist Art. 7 Abs. 1 der Richtlinie 69/335/EWG des Rates vom 17. Juli 1969 betreffend die indirekten Steuern auf die Ansammlung von Kapital in der durch die Richtlinie 85/303/EWG des Rates vom 10. Juni 1985 geänderten Fassung, wenn weder die Akte über den Beitritt dieses Staates zur Europäischen Union noch ein anderer Rechtsakt der Europäischen Union eine Ausnahmeregelung enthält, dahin auszulegen, dass die in**

diesem Artikel zwingend vorgeschriebene Steuerbefreiung nur für die unter diese – geänderte – Richtlinie fallenden Vorgänge gilt, die in diesem Staat am 1. Juli 1984 von der Gesellschaftsteuer befreit waren oder einem ermäßigten Gesellschaftsteuersatz von 0,50 v. H. oder weniger unterlagen.

2. **Art. 5 Abs. 3 erster Gedankenstrich der Richtlinie 69/335, der von der Besteuerungsgrundlage „den Betrag der für die Erhöhung des Kapitals herangezogenen Eigenmittel der Kapitalgesellschaft, die bereits der Gesellschaftsteuer unterlegen haben“, ausnimmt, ist dahin auszulegen, dass er unabhängig davon anwendbar ist, ob es sich um Mittel der Gesellschaft, deren Gesellschaftskapital erhöht wird, handelt oder um solche, die von einer anderen Gesellschaft kommend dieses Kapital erhöhen.**

Move 8. Signatures.

The last part of the judgment requires the signatures of the adjudicating judges, as stated in Article 37 of the Statute of the Court of Justice of the European Union.

3.3. Conclusions

The aim of this chapter was to present the preparation stage of the research. For that purpose, it was necessary to gain preliminary information on the possible instruments for

carrying out the study. It is reasonable to conclude that Sketch Engine seemed to be a sufficient software program that provides optimal tools for extracting uninterrupted strings of words in order to collect the phraseological profiles of CJEU judgments. With the Concordance Tool, it is also possible to analyze the functions of lexical bundles. Furthermore, SketchEngine provides a representative and large enough corpus of CJEU judgments.

Secondly, this chapter has focused attention on the specialized character of the corpus, which is investigated in the following chapters. As a first step, the Author discussed the contextualization in detail. One conclusion might be that the Court of Justice of the EU is a multilingual institution of the European Union, in which many actors are engaged in a linguistic manner: judges of different nationalities, advocates-general, translators, and lawyer-linguists. This institution has exerted a far-reaching influence on the law of all member states, shaping the uniform interpretation of EU legislation. It should be concluded that CJEU is a supranational court that maintains a relationship of dialogue with other courts at the national level. Furthermore, the CJEU has been vested with judicial powers, which can be compared to those given to constitutional, international, administrative, and civil courts.

As regards a genre, it should be concluded that a corpus consists of judgments. The Author attempted to investigate CJEU judgments, applying the genre analysis described by Bhatia (Bhatia 2002). This chapter has provided conclusive support for the claims of Goźdz-Roszkowski, who argues that linguistic analysis requires a combined perspective. This may imply that the investigation of judgments as *a genre* and as *a register* can be combined successfully. The integrative perspective on CJEU judgments provides valuable examples of conventionalized lexico-grammatical patterns found in the macrostructure of judgments in German. The Author applied the moves approach (Bhatia 2013) to present the distinctive nature of the genre structure of CJEU judgments in German, relating the results in English provided by Koźbiał (2020).

Chapter 4

Lexical bundles in German CJEU judgments

This chapter aims to provide a better insight into legal phraseology from the functional perspective. The investigation focuses on retrieving the most frequent lexical bundles in the German corpus consisting of 10 013 judgments issued by the Court of Justice of the European Union between 1950-2016. It aims to identify and discuss the most frequent lexical bundles and to categorize them from the functional perspective. As to the Author's knowledge, there has been no research concerning lexical bundles in the German legal language, particularly referring to judgments of CJEU. Therefore, it is presumably one of the first attempts to verify whether this corpus linguistic methodology is also applicable in German linguistics to categorize significantly frequent expressions. The question arises of whether it is possible to complement the traditional perspective on legal phraseology, which is rooted in the lexicological perspective. In this research, only the functional classification was taken into account.

It is believed that functional categories serve as an essential tool in a given discourse and may provide information on communication among discourse participants. They also explain the frequent use of recurrent expressions in legal discourse. This has led the Author to speculate whether frequent phraseology can enhance our knowledge about the legal system of the EU and the communication between CJEU and national courts. On the other hand, analyzing lexical bundles can provide insights into institutions, principles, and instruments. In addition, the aim is to identify the discourse functions of recurrent expressions in the judgments of CJEU. The study seeks to combine a corpus-based perspective with a traditional one, attempting to analyze pragmatic phrasemes. For this research, the typology of Goźdz-Roszkowski (2011) was employed as a starting point to categorize functionally the most frequent sequences. Additionally, the typology of Koźbiał (2020) was supportive of this research as it focused on the English and Polish CJEU

judgments. Presumably, due to the relatively uniform nature of the corpus (comprising only one genre – judgments) and the distinctive features of the German language, some types of lexical bundles, observed by Goźdz-Roszkowski or Koźbiał in their research, were not present in this analyzed corpus. Therefore, there was a need to modify the functional typology. It also should be noticed that similarly to Goźdz-Roszkowski (2011: 117), some lexical bundles may perform a few functions, which depend on the context. Such bundles were classified into one category based on their prevalent function. Some selected aspects of translation equivalence, examined with the tool of the Parallel Concordance, will be presented. This may serve as a helpful reference point that may confirm some functional claims.

4.1. The most frequent lexical bundles in German corpus

As a first step of this research, the list of the most frequent lexical bundles in the German corpus was generated with the N-Grams Tool. The length-based criterion is set for 4 grams (Figure 4) as this length “very often constitutes units complete in terms of meaning, thus enabling functional categorizations” (Koźbiał 2020: 292). In this study, the nature of the German language may be problematic to a certain degree – it is an inflected language which, particularly in legal and institutional language, is formed with long and complex sentences with many extended attributes and multi clauses, i.e., “Schachtelsätze”⁵⁵.

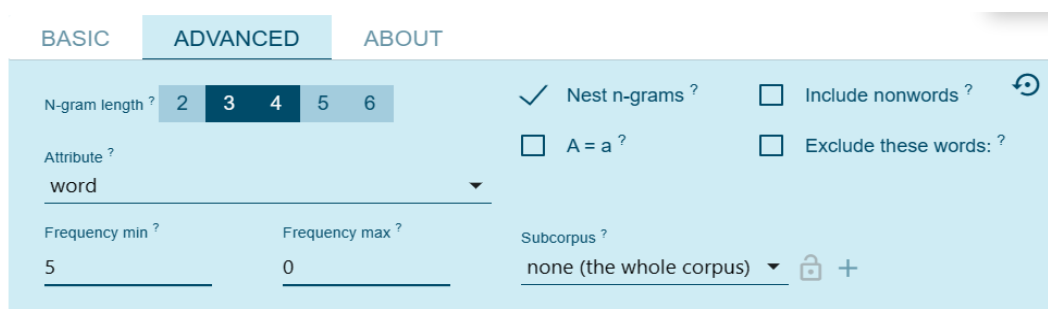


Figure 13. The screenshot of the first step of collecting the lexical bundles– N-Grams Tool.

The dispersion threshold is set for five different texts. Due to the corpus size, this research needed to be limited, and only the bundles with a frequency between 1,161.07 – 94 pmw were analyzed. The function of *nest n-grams* was employed – n-grams, which are sub-grams of other longer n-grams, are grouped with longer n-grams. This tool was supportive

⁵⁵ [English Translation of “Schachtelsatz” | Collins German-English Dictionary \(collinsdictionary.com\)](#) (Access 28.04.2023), [Schachtelsatz ▷ Rechtschreibung, Bedeutung, Definition, Herkunft | Duden](#) (Access 28.04.2023)

in the collection and determining which bundle is the “basic” one; however, in some cases, the manual retrieval of other possible variants was needed (for instance: *das vorlegende Gericht, des vorlegenden Gerichts; im Rahmen der, im Rahmen eines, im Rahmen des*). Among 213 the most frequent lexical bundles retrieved with the N-gram Tool, only 62 bundles were extracted, and these were further reduced to 47 “basic” forms. In some cases, it was necessary to consider other variants (less frequent) of the “basic” form — depending on a feminine/ masculine gender or a plural form. This allows one to confirm the importance of the frequency of some lexical bundles from the functional perspective. While extracting and analyzing the lexical bundles for this research, some of them were not taken into consideration because they did not constitute meaningful units at all – for instance, *der in der, die sich aus, der von der*. Such bundles do not fulfill any functional role.

To provide a broader view of the use of a given lexical bundle, the concordance tool was applied. Some instances of the use of selected lexical bundles will be discussed. Simultaneously the tool of the parallel concordance was employed in a few cases. This allowed the Author to compare how a particular lexical bundle was translated in the English corpus and to draw conclusions about the differences between languages. Secondly, this may confirm the importance of some bundles, intuitively regarded by the Author as functionally crucial.

Table 5 below presents the most frequent German lexical bundles, which were selected from the whole German corpus for the purpose of the research. This provides initial input for the ensuing functional analysis. Table 5 includes variant forms, which comprise the basic content word.

| | The most frequent lexical bundles selected from the German Corpus | Frequency per million | Absolute frequency |
|----------|--|------------------------------|---------------------------|
| 1 | der Verordnung Nr | 1,161.07 | 1,161.07 |
| | • <i>die Verordnung Nr</i> | 149.23 | 6,699 |
| | • <i>durch die Verordnung</i> | 113.56 | 5,098 |
| 2 | des Rates vom | 559.88 | 25,134 |
| 3 | in der Rechtssache | 530.84 | 23,830 |
| | • <i>der Rechtssache C-</i> | 446.25 | 20,033 |
| | • <i>in der Rechtssache C-</i> | 332.67 | 14,934 |
| 4 | im Sinne von | 403.26 | 18,103 |

| | | | |
|-----------|---|--------|--------|
| | • <i>im Sinne von Art</i> | 204.29 | 9,171 |
| | • <i>im Sinne von Artikel</i> | 161.97 | 7,271 |
| 5 | des angefochten Urteils | 293.29 | 13,166 |
| 6 | in Bezug auf | 278.14 | 12,486 |
| 7 | in diesem Sinne | 269.49 | 12,098 |
| | • <i>in diesem Sinne Urteil</i> | 149.76 | 6,723 |
| 8 | das vorliegende Gericht | 251.50 | 11,290 |
| | • <i>möchte das vorliegende Gericht</i> | 117.68 | 5,283 |
| | • <i>dem vorlegenden Gericht</i> | 129.38 | 5,808 |
| | • <i>des vorlegenden Gerichts</i> | 110.42 | 4,957 |
| 9 | der Sechsten Richtlinie | 245.24 | 11,009 |
| 10 | der Europäischen Gemeinschaften | 240.91 | 10,815 |
| 11 | im Hinblick auf | 216.19 | 9,705 |
| 12 | im Rahmen der | 203.96 | 9,159 |
| | • <i>im Rahmen eines</i> | 130.76 | 5,870 |
| | • <i>im Rahmen des</i> | 112.07 | 5,031 |
| 13 | auf der Grundlage | 199.33 | 8,948 |
| 14 | des vorliegenden Urteils | 183.75 | 8,249 |
| 15 | in einem anderen Mitgliedstaat | 214.58 | 9,633 |
| 18 | Kommission der Europäischen Gemeinschaften | 174.96 | 7,854 |
| | • <i>von der Kommission</i> | | |
| 19 | Für Recht erkannt | 174.62 | 7,839 |
| 20 | Aus diesen Gründen hat | 170.17 | 7,639 |
| 21 | in Rede stehenden | 157.71 | 7,080 |
| 22 | ist darauf hinzuweisen | 151.05 | 6,781 |
| 23 | vor dem Gerichtshof | 149.89 | 5,729 |
| 24 | im vorliegenden Fall | 146.58 | 6,580 |
| 25 | Ausgangsverfahren in Rede | 146.40 | 6,572 |
| 26 | unter Berücksichtigung der | 140.90 | 6,325 |
| 27 | der Europäischen Union | 137.42 | 6,169 |
| 28 | in Verbindung mit | 135.84 | 6,098 |
| 29 | hat das Gericht | 133.52 | 5,994 |

| | | | |
|----|---|--------|-------|
| 30 | Des Europäischen Parlaments | 132.12 | 5,931 |
| 31 | Avis juridique important | 132.05 | 5,928 |
| 32 | Sammlung der Rechtsprechung | 131.85 | 5,919 |
| 33 | dort angeführte Rechtsprechung | 125.03 | 5,613 |
| | • <i>die dort angeführte Rechtsprechung</i> | 124.70 | 5,598 |
| 34 | Unter diesen Umständen | 123.12 | 5,527 |
| 35 | Parlaments und des Rates | 119.76 | 5,376 |
| 36 | dahin auszelegen ist | 116.84 | 5,245 |
| | • ist dahin auszulegen | 96.92 | 4,351 |
| 37 | nach Anhörung der | 116.64 | 5,236 |
| 38 | Im vorliegenden Fall | 113.87 | 5,112 |
| 39 | URTEIL DES GERICHTSHOFES | 113.67 | 5,103 |
| 40 | In der Sitzung | 111.31 | 4,997 |
| | • <i>in der Sitzung vom</i> | 105.72 | 4,746 |
| 41 | erlässt DER GERICHTSHOF | 109.46 | 4,914 |
| 42 | sind nicht erstattungsfähig | 109.11 | 4,898 |
| 43 | Kostenentscheidung ist daher | 108.73 | 4,881 |
| | • <i>Kostenentscheidung ist daher Sache</i> | 108.62 | 4,876 |
| 44 | Des Vereinigten Königreichs | 108.71 | 4,880 |
| 45 | beim Gerichtshof eingegangen | 108.48 | 4,870 |
| | • <i>beim Gerichtshof eingegangen am</i> | 107.06 | 4,806 |
| 46 | Zur Vorabentscheidung vorgelegt | 106.30 | 4,772 |
| 47 | Unter Miwirkung des | 105.16 | 4,721 |

Table 5. The most frequent lexical bundles in the German corpus, selected by the Author.

4.2. Legal reference bundles

In this research, using Goźdz-Roszkowski's terminology, the term *legal reference bundles* "refers to legal concepts, institutions, instruments, processes, etc." (Goźdz-Roszkowski 2011: 119). Unlike Koźbiał (2020), who employed the taxonomy of Biber et al. (Biber et al. 2004: 384-388), it was much more convincing to label the bundles "legal reference" as all of them are strictly connected with the world of law (Goźdz-Roszkowski 2011: 117). However, in this study, it was necessary to modify the subcategories of legal reference bundles proposed by Goźdz-Roszkowski and adapt them to the analyzed corpus consisting of judgments. In the analyzed corpus, there was a group of bundles that referred

to the already adjudged cases; therefore, a subcategory of case-law referential bundles was added. Secondly, it was necessary for the class of institutional bundles to differentiate between legal acts and institutional participants. Institutional participants refer to institutions of the EU, national courts, and Member States that participate in legal procedures. Unlike Goźdz-Roszkowski (2011:126), nominal expressions are also included in the group of procedure-related bundles, as they refer to prescribed stages of procedures (for instance *Nach Anhörung der*). Finally, the sub-category of terminological bundles is not included in this research, as from the functional perspective, “terms of art” also play an essential role in the discourse community, and their function can be classified into more precise categories. Initially, it was observed that institutional legal reference bundles have the highest frequency, making it crucial to analyze this linguistic phenomenon and attempt an accurate categorization of the lexical bundles.

| LEGAL REFERENCE BUNDLES IN THE GERMAN CORPUS | |
|--|--|
| Location | in einem anderen Mitgliedstaat, beim Gerichtshof eingegangenen |
| Participative bundles | unter Mitwirkung des, unter Berücksichtigung der, |
| Case-law referential | Sammlung der Rechtsprechung, in der Rechtssache, die dort angeführte Rechtsprechung, des angefochten Urteils, in diesem Sinne |
| Institutional legal instruments | der Verordnung Nr., der Sechsten Richtlinie, URTEIL DES GERICHTSHOFES, |
| Institutional participants | der Europäischen Gemeinschaften, des Rates vom, EWG des Rates vom, EWG des Rates vom, vor dem Gerichtshof, der Kommission vom, der Europäischen Union, das vorlegende Gericht, des vorlegenden Gerichts, Kommission der Europäischen Gemeinschaften, bei dem vorlegenden Gericht, Des Vereinigten Königreichs, vor dem Gerichtshof |
| Procedure-related | Ausgangsverfahren in Rede, nach Anhörung der, zur Vorabentscheidung vorgelegt |
| Temporal | Beim Gerichtshof eingegangenen am, in der Sitzung vom |

Table 6. Legal reference bundles in the German corpus.

Table 6 presents selected lexical bundles from the group of the most frequent bundles. They were classified as legal reference bundles category. These were subsequently categorised into subcategories of location, participative, case-law referential, institutional legal instruments, institutional legal participants, procedure-related, and temporal lexical bundles. What these examples clearly illustrate is that the group of institutional lexical bundles was the largest as regards the number of lexical bundles and their collateral variants.

4.2.1. Institutional legal reference bundles

In the EUR-Lex judgments corpus, institutional lexical bundles of this type indicate mainly the institutions of the EU (such as the European Commission) and legal instruments (legal acts and legal decisions). These examples suggest that also national courts (*be idem vorlegenden Gericht*), states (*Des Vereinigten Königreichs*), and international organizations (*des Europäischen Gemeinschaften*) can be classified as institutional participants. Within the scope of legal instruments, the instances of judgments and legal instruments of secondary law (for example directive) as well as from the primary law (such as treaties) can be observed.

4.2.1.1. Legal instruments

The most frequent bundle is *der Verordnung Nr.* with its frequency of 1,161.07 pmw. The other, less frequent variant is *die Verordnung Nr* (149.23 pmw). The court frequently invokes particular provisions of regulations. As legislative acts, these instruments are regarded as a secondary source of law, which is directly applicable in all member states. Art. 288 of the Treaty on Functioning of EU states that:

To exercise the Union's competences, the institutions shall adopt regulations, directives, decisions, recommendations and opinions.

A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States.

A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods (...)

⁵⁶.

It follows that regulations have general application and are directly applicable in all member states. In contrast to directives, when entering into force, regulations become

⁵⁶ [C_2016202EN.01017101.xml \(europa.eu\)](#) (Access 29.03.2023)

simultaneously a part of a national legal system – they do not require an implementation into the country’s law. The high frequency can be explained by the role of the Court of Justice of the EU, whose primary function is to provide that “the law is observed”, which implies that it construes the provisions of EU legal acts in case of legal disputes or a preliminary reference procedure.

The bundle *der Verordnung Nr.* is usually followed by a given number in compliance with the Interinstitutional Style Guide. This document sets forth the rules which govern the numbering of acts. It states that before 1 January 2015, in the period of 1952–31 December 1962 a regulation was given a number (for instance Nr.17), from 1 January 1963 to 31 December 1967 a reference to the relevant treaty and the year was added to the number (Verordnung Nr. 1009/67/EEC) and finally from 1 January 1968, the position of the treaty reference changed into the form of “abbreviation (in brackets) followed by sequential number and year (for example: Verordnung (EWG) Nr. 1470/68)⁵⁷.

| | |
|------------------------|---|
| 1.01.1952 – 31.12.1962 | Verordnung Nr.17 |
| 01.01.1963-31.12.1967 | Verordnung Nr 1009/67/EEC, Verordnung Nr. 67/67/EWG. |
| From 1.01.1968 | Verordnung (EWG) Nr. 1470/68, Verordnung (EWG) Nr. 804/68, Verordnung (EWG) Nr. 590/85, Verordnung (EG) Nr. 2868/95, Verordnung (EU) Nr. 610/2013 |

Table 7. The numbering of regulations in the EU.

From the traditional perspective on phraseology, dominating in German research, presumably, this lexical bundle would be left unnoticed because a noun in this lexical bundle often occurs in a genitive form. Therefore, rather *die Verordnung Nr.* would be regarded as the basic unit; labeling it as *der phraseologissche Terminus*. However, considering the frequency criterion, it is claimed that the difference in occurrences of a genitive form *der Verordnung Nr.* in opposition to *die Verordnung Nr.* may reveal that this variant is more important. Having analyzed the concordance of the frequent *der Verordnung Nr.* it is observed that particular sections of a given regulation are invoked (such as article, point) to refer to the particular provisions of legal acts or to interpret a provision of a legal act, as presented in examples below⁵⁸:

⁵⁷ [Numbering of acts - EUR-Lex \(europa.eu\) \(Access: 29.03.2023\)](#)

⁵⁸ Discussed lexical bundles are marked in bold.

- 62002CJ0236 Artikel 2 Absatz 1 **der Verordnung Nr . 3950/92** sieht vor: "Die Abgabe wird auf alle Milch- oder Milchäquivalente erhoben, die in dem betreffenden Zwölfmonatszeitraum vermarktet werden und die eine der beiden in Artikel 3 genannten Mengen überschreiten. Sie wird auf die Erzeuger verteilt, die zur Mengenüberschreitung beigetragen haben. "
- 62014CJ0227 35 Drittens tragen die Rechtsmittelführerinnen vor, das Gericht habe seine Befugnis zu unbeschränkter Nachprüfung gemäß Art. 261 AEUV und Art. 31 **der Verordnung Nr . 1/2003** nicht ausgeübt, als es zugelassen habe, dass die Kommission ohne hinreichende Begründung von ihrer früheren Entscheidungspraxis abrücke, wie sie u. a. aus der Entscheidung K (2007) 5791 endg. vom 28. November 2007 in einem Verfahren nach Artikel 81 [EG] und Artikel 53 EWR-Abkommen (Sache COMP/39.165 – Flachglas) sowie aus im Bereich der Kontrolle von Zusammenschlüssen erlassenen Entscheidungen, in denen die Kommission eine Berücksichtigung der internen Verkäufe bei der Berechnung der Geldbuße ausgeschlossen habe, hervorgehe.

The abovementioned examples refer to one section of the article. Surprising as it may seem, using the Parallel Concordance tool, the English version of the corpus reveals that citing the provisions is abbreviated as it is written in brackets:

- 62002CJ0236 (DE): Artikel 7 Absätze 1 und 3 der Verordnung Nr . 536/93 sieht vor:
 (EN): Article7(1) and (3) of Regulation No 536/93 state:

Under the Interinstitutional Style Guide of the EU, such reference complies with rules stipulated in section 3.2.3, in which a descending order is regulated. Analyzing both language versions, the rules that refer to documents drafted in English provide a plainer form evidentially.

| English version | German version |
|---|--|
| Article 1(2), point (a), of Regulation ... | Artikel 1 Absatz 2 Buchstabe a der Verordnung ... |
| Article 2 and Article 3(2) provide that ... | Durch Artikel 2 und Artikel 3 Absatz 2 wird festgelegt ... |
| Article 1(1), second sentence, | In Artikel 2 Absatz 2 und Artikel 3 ist vorgesehen, ... |
| Article 2(3) and Article 3 provide that ... | |
| Article 2 and Article 3(1) of Regulation ... (and not ‘Articles 2 and 3(1) of Regulation ...’) | Artikel 2 und Artikel 3 Absatz 1 der Verordnung ... (und nicht „Artikel 2 und 3 Absatz 1 der Verordnung ...“) |
| Article 2, Article 5(2) and (3) and Articles 6 to 9 of Regulation ... (and not ‘Articles 2, 5(2) and (3) and 6 to 9’) | Artikel 2, Artikel 5 Absätze 2 und 3 sowie Artikel 6 bis 9 der Verordnung ... |
| ... and in particular Article 1, point (a) and point (c)(iii), ... | (und nicht „Artikel 2, 5 Absätze 2 und 3 sowie 6 bis 9 der Verordnung ...“) |

Table 8. The order of reference to particular parts of the EU legal act is in accordance with the EU Interinstitutional Style Guide.

Similarly, in sections that are further divided into smaller units, the layout and citing are still plainer:

62002CJ0236 (DE) (Verordnung der Kommission Nr. 536/93, Artikel 7 Absatz 1 Buchstabe f) Artikel 7 Absatz 1 Satz 1 Buchstabe f der Verordnung Nr. 536/93 mit Durchführungsbestimmungen zur Zusatzabgabe im Milchsektor ist dahin auszulegen, dass das Bestandsbuch, das von Erzeugern zu führen ist, die über eine Referenzmenge "Direktverkäufe" verfügen, nur für jeden Monat und jedes Erzeugnis die Mengen verkaufter Milch und/oder Milchprodukte enthalten muss.

(EN) (Commission Regulation No 536/93, Art.7(1)(f)) The first sentence of Article7(1) and Article7(1)(f) of Regulation No 536/93 laying down detailed rules on the application of the additional levy on milk and milk products should be interpreted as meaning that the stock accounts which producers with reference quantities for direct sales are required to keep need state only the quantities, per month and per product, of milk and/or milk products sold.

62002CJ0236 (DE) Ihr Artikel 6 Absatz 1 Unterabsatz 1 ist mit Artikel 4 Absatz 1 Unterabsatz 1 der Verordnung Nr. 536/93 identisch.

(EN) The first paragraph of Article 6(1) is identical to the first paragraph of Article 4(1) of Regulation 536/93.

The substantial legal role of regulations is also observed in another institutional lexical bundle *durch die Verordnung* (113.56 pmw), with a stem noun *Verordnung*. With this bundle, the reference to another regulation may be made to identify the legal act that changes the given provision thereof, which is confirmed by the examples below. Moreover, with this genitive form, the prevalence of extended attributes in the German legal language is confirmed (see 3.2.3)

62005CJ0275 (Verordnung Nr. 857/84 des Rates, Artikel 7 Absatz 1 in der **durch die Verordnung** Nr. 590/85 geänderten Fassung; Verordnung Nr. 1546/88 der Kommission, Artikel 7 Absatz 1 Nummern 2, 3 und 4)

62007CJ0544 6 In Art. 95 Abs. 1 der Verordnung (EWG) Nr. 574/72 des Rates vom 21. März 1972 über die Durchführung der Verordnung (EWG) Nr. 1408/71 in ihrer **durch die Verordnung** Nr. 118/97 geänderten und aktualisierten Fassung heißt es:

Another essential institutional lexical bundle referring to legal instruments is the bundle *der sechsten Richtlinie* with its absolute frequency of 11, 253 occurrences. At first glance, it is clear that the reference to a regulation is much more frequent than in the case of a directive. This sequence is also used in a genitive form, and it concerns the 6th Directive of 1977 on tax law, which may indicate the importance of the subject of this legal instrument.

4.2.1.2. Institutional participants

The lexical bundle *das vorlegende Gericht* refers only to those legal proceedings that are brought before the Court of Justice as only this type of court, in contrast to the General Court, may rule on a preliminary reference. *Das vorlegende Gericht* refers to national courts that may inquire about the interpretation of EU law. Article 267 of TFEU sets forth that:

Article 267

The Court of Justice of the European Union shall have jurisdiction to give preliminary rulings concerning:

- (a) the interpretation of the Treaties;
- (b) the validity and interpretation of acts of the institutions, bodies, offices or agencies of the Union;

Where such a question is raised before any court or tribunal of a Member State, that court or tribunal may, if it considers that a decision on the question is necessary to enable it to give judgment, request the Court to give a ruling thereon.

Where any such question is raised in a case pending before a court or tribunal of a Member State against whose decisions there is no judicial remedy under national law, that court or tribunal shall bring the matter before the Court.

If such a question is raised in a case pending before a court or tribunal of a Member State with regard to a person in custody, the Court of Justice of the European Union shall act with the minimum of delay⁵⁹.

From the abovementioned provision, it follows that national courts are allowed (“that court or tribunal **may**”) to refer a question in two cases: interpretation and the validity and interpretation of acts of the institutions, bodies, offices, or agencies of the EU. On the other hand, when a national court - against whose decisions there is no judicial remedy (for instance Polish *Sąd Najwyższy Rzeczypospolitej Polskiej*) – has such doubt, it is obliged (“the court or tribunal **shall**”) to refer to the Court of Justice.

Following these provisions, it is not surprising that the lexical bundle “*das vorlegende Gericht*” is used in the form of a German extended attribute. It is formed from

⁵⁹ [EUR-Lex - 12016E267 - EN - EUR-Lex \(europa.eu\)](#) (07.03.2024)

a present participle [*Partizip I*] of the verb *vorlegen* and is given an ending *-e*⁶⁰ before the noun *Gericht*. The noun *Gericht* (court – J.K.) is significantly frequent. Its frequency is determined at 251.50 pmw. The presence and importance of an equivalent bundle can also be confirmed in Koźbial’s study of the English corpus (2020: 320). In each case, when the national court in Germany or another state (and then this term is translated into German – see remarks in 3.2.2.) asks the Court of Justice for interpretation in the form of a preliminary reference, this court is referred to as *das vorlegende Gericht*. Approached from the traditional perspective on phraseology, this bundle could be transformed into the restrictive attributive clause *das Gericht, das die Frage vorlegt*. From the collected data, it follows that *das vorlegende Gericht* occurs quite frequently in the corpus in a more extended sequence *möchte das vorlegende Gericht* (117.71 pmw), where a phrase *das vorlegende Gericht* is preceded by *möchte* (Konjunktiv I, *would like to* – J.K.). Taking also into account the right co-texts, using the Concordance tool, it is noticeable that it co-occurs with the following verb *wissen* (*to know* – J.K.), with some adverbial expressions of emphasis, that could be omitted without losing the functional role: *im Wesentlichen/ im Kern/ nämlich/ Wissen* (*essentially* – J.K.).

| Details | Left context | KWIC | Right context |
|--|--------------|-------------------------------|---|
| ① • 61991CJ0020 Imsätze festgestellt werden“ </s></s>Zur ersten Frage</s></s>12 Mit der ersten Frage | | möchte das vorlegende Gericht | im wesentlichen wissen, ob ein Steuerpflichtiger - ein Bauunternehmer -, der ein Grun |
| ① • 62002CJ0092 er Verordnungen berufen </s></s>Zur ersten Frage</s></s>25 Mit seiner ersten Frage | | möchte das vorlegende Gericht | wissen, ob die Verordnung Nr. 1408/71 der Anwendung einer nationalen Regelung üb |
| ① • 62002CJ0092 if Arbeitslosengeld hat </s></s>Zur zweiten Frage</s></s>36 Mit seiner zweiten Frage | | möchte das vorlegende Gericht | wissen, ob es gegen das in Artikel 7 Absatz 4 der Verordnung Nr. 1612/68 niedergeleg |
| ① • 62005CJ0330 <s>Zu den Vorlagefragen</s></s>Zur ersten Frage</s></s>19 Mit seiner ersten Frage | | möchte das vorlegende Gericht | im Wesentlichen wissen, ob Art. 9 Abs. 3 der Richtlinie es erlaubt, generell im Verbrau |
| ① • 62005CJ0330 age nicht zu beantworten </s></s>Zur dritten Frage</s></s>34 Mit seiner dritten Frage | | möchte das vorlegende Gericht | wissen, ob die Beförderung von 3 000 l Heizöl durch eine Privatperson mittels dreier Il |
| ① • 62005CJ0330 I Abs. 3 der Richtlinie ist </s></s>Zur vierten Frage</s></s>42 Mit seiner vierten Frage | | möchte das vorlegende Gericht | im Wesentlichen wissen, ob Art. 7 Abs. 4 der Richtlinie es einem Mitgliedstaat gestatte |
| ① • 62015CJ0417 aglichen Sache vorsieht?</s></s>Zur Vorlagefrage</s></s>23</s></s>Mit seiner Frage | | möchte das vorlegende Gericht | wissen, ob Art. 24 Nr. 1 Unterabs. 1 der Verordnung Nr. 1215/2012 dahin auszulegen |
| ① • 61999CJ0240 tige Bemessungsgrundlage dar?</s></s>Zur Vorlagefrage</s></s>18 Mit seiner Frage | | möchte das vorlegende Gericht | wissen, ob die Verpflichtung eines Versicherungsunternehmens, gegen eine marktübli |
| ① • 62007CJ0324 lellen angesehen werden </s></s>Zur dritten Frage</s></s>43 Mit seiner dritten Frage | | möchte das vorlegende Gericht | im Wesentlichen wissen, ob in dem Fall, dass eine öffentliche Stelle einer interkommun |
| ① • 61993CJ0418 ntgegenstehen </s></s>Zur Richtlinie 83/189</s></s>34 In der Rechtssache C-332/94 | | möchte das vorlegende Gericht | schließlich wissen, ob die Richtlinie 83/189 über ein Informationsverfahren auf dem G |
| ① • 62002CJ0240 bezogen werden?</s></s>Zur ersten Frage</s></s>16</s></s>Mit seiner ersten Frage | | möchte das vorlegende Gericht | im Wesentlichen wissen, ob Artikel 7 der Richtlinie im Licht von deren 21 </s></s>Begr |
| ① • 62002CJ0240 reserviert sind </s></s>Zur zweiten Frage</s></s>27</s></s>Mit seiner zweiten Frage | | möchte das vorlegende Gericht | im Wesentlichen wissen, ob es der Richtlinie zuwiderläuft, dass ein Mitgliedstaat den I |
| ① • 61997CJ0127 alen Rechts entschieden ist?</s></s>Zur ersten Frage</s></s>20 Mit der ersten Frage | | möchte das vorlegende Gericht | wissen, ob der Grenzwert, der in der durch Artikel 1 der Richtlinie 91/173 eingeführten |
| ① • 62007CJ0213 <s>Zu den Vorlagefragen</s></s>Zur ersten Frage</s></s>37 Mit seiner ersten Frage | | möchte das vorlegende Gericht | wissen, ob die in Art. 24 Abs. 1 der Richtlinie 93/37 genannten Gründe für den Aussch |

Figure 14. The Concordance view on the bundle *möchte das voregende Gericht*.

Taking it into consideration, in the broader perspective, it can be concluded that this formula can also be regarded as a pragmatic phraseme with its communicative function (see 1.5.5.) of introducing the preliminary reference (a question), which is addressed to the Court of Justice with the purpose of clarification and interpretation of particular provisions. It follows that the occurrence of this long sequence is limited only to the judgments in the

⁶⁰ Adjectives preceding a noun in German are subject to declension.

preliminary reference procedure. This pragmatic formula, which is gained based on the frequent lexical bundle, can be formulated as follows:

>Mit seiner ersten/ zweiten/ dritten Frage + **möchte das vorlegende Gericht**⁶¹ (im Wesentlichen/ im Kern/ nämlich) wissen <

Surprising as it may seem, analyzing the parallel concordance in the English corpora⁶², it turns out that in the English version, it is sometimes referred to as *the referring court* (this lexical bundle corresponds to *das vorlegende Gericht*) and is also found in Koźbiał's study, cf. 2020: 330). However, in some instances, this particular role of the national court is deduced from the context – *the national court (...) is asking* (second example from 62008CJ0171 and fourth from 62011CJ0260):

62008CJ0171 43 Mit seiner dritten Frage möchte **das vorlegende Gericht** im Wesentlichen wissen, ob in dem Fall, dass eine öffentliche Stelle einer interkommunalen Genossenschaft, deren Mitglieder sämtlich öffentliche Stellen sind, beitrifft, um ihr die Verwaltung eines gemeinwirtschaftlichen Dienstes zu übertragen, die Kontrolle über die Genossenschaft durch die ihr angeschlossenen Stellen, damit sie als eine Kontrolle wie über deren eigene Dienststellen angesehen werden kann, von jeder dieser öffentlichen Stellen individuell ausgeübt werden muss oder ob sie von ihnen gemeinsam, gegebenenfalls mit Mehrheitsbeschluss, ausgeübt werden kann.

43By Question 3, **the national court is essentially asking** whether, where a public authority joins an inter-communal cooperative of which all the members are public authorities in order to transfer to that cooperative society the management of a public service, it is necessary, in order for the control which those member authorities exercise over the cooperative to be regarded as similar to that which they exercise over their own departments, for that control to be exercised individually by each of those public authorities or whether it can be exercised jointly by them, decisions being taken by a majority, as the case maybe.

62011CJ0260 Mit seinen Fragen, die zusammen zu prüfen sind, ersucht **das vorlegende Gericht** den Gerichtshof um Klarstellung zum einen der Bedeutung des in Art. 10a Abs. 5 der Richtlinie 85/337 sowie in Art. 15a Abs. 5 der Richtlinie 96/61 vorgesehenen Erfordernisses, wonach die von diesen Bestimmungen erfassten gerichtlichen Verfahren nicht übermäßig teuer sein dürfen, und zum anderen der Beurteilungskriterien für dieses Erfordernis, die von einem nationalen Gericht angewendet werden können, wenn es über

⁶¹ Marked in bold: *the referring court wishes* – JK.

⁶² In this Chapter, English version is marked in red colour.

die Kosten entscheidet, sowie des Spielraums der Mitgliedstaaten bei der Bestimmung dieser Kriterien im nationalen Recht.

By its various questions, which it is appropriate to consider together, **the referring court** asks the Court of Justice to clarify, first, the meaning of the requirement laid down in the fifth paragraph of Article 10a of Directive 85/337 and in the fifth paragraph of Article 15a of Directive 96/61 that judicial proceedings covered by those provisions should not be prohibitively expensive, and,

The importance of the dialogue between the CJEU and the referring courts (see contextualization in 3.2.2) can be proved and confirmed from the linguistic perspective by the frequency of a genitive form *des vorlegenden Gerichts* (a referring court). This bundle again confirms that a genitive form of phraseological units may shed light on phraseology, examined traditionally in German research. This bundle refers to the initial actions undertaken by a national court to adjudge and to express the opinion of the national court (*Nach Auffassung, Nach Ansicht*) and the questions which, according to the referring court, require further CJEU's support and CJEU's stance:

- 61997CJ0424 Die erste Frage **des vorlegenden Gerichts** geht dahin, ob es gemeinschaftsrechtlich zu beanstanden ist, wenn die Haftung einer öffentlich-rechtlichen Körperschaft auf Ersatz des Schadens, der einem einzelnen durch von ihr unter Verstoß gegen das Gemeinschaftsrecht getroffene Maßnahmen entstanden ist, neben derjenigen des Mitgliedstaats selbst gegeben ist.
- 62010CJ0371 Nach Ansicht **des vorlegenden Gerichts** könnte die Beschränkung der Niederlassungsfreiheit durch das Ziel gerechtfertigt sein, eine ausgewogene Aufteilung der Besteuerungsbefugnis zwischen den Mitgliedstaaten nach dem Territorialitätsprinzip, verbunden mit einer zeitlichen Komponente, sicherzustellen.
- 62015CJ0276 Diese Klage wurde vom erstinstanzlichen Gericht abgewiesen und diese Entscheidung im Berufungsverfahren bestätigt. Hecht-Pharma legte daraufhin beim vorlegenden Gericht Revision ein. 20 Nach Auffassung **des vorlegenden Gerichts** ist streitentscheidend, ob das von HA hergestellte Erzeugnis zulassungspflichtig ist.

Other institutional lexical bundles that indicate institutional participants are *des Rates vom, der Europäischen Gemeinschaften, der Europäischen Union, vor dem Gerichtshof, Kommission der Europäischen Union, der Europäischen Union, Parlaments und des Rates*. However, it should be noted that those bundles, which refer to institutions of the European Union, may constitute a part of longer sequences that are legal acts (with a date and indication of the subject matter):

- 31992L0102 Artikel 4 Absatz 1 Buchstabe a der Richtlinie 92/102/ EWG **des Rates vom** 27. November 1992 über die Kennzeichnung und Registrierung von Tieren (ABl. L 355, S. 32) hat folgenden Wortlaut:
- 62005CJ0330 Das Vorabentscheidungsersuchen betrifft die Auslegung von Art. 7 Abs. 4 und Art. 9 Abs. 3 der Richtlinie 92/12/EWG **des Rates vom** 25. Februar 1992 über das allgemeine System, den Besitz, die Beförderung und die Kontrolle verbrauchsteuerpflichtiger Waren (ABl. L 76, S. 1) in der durch die Richtlinie 92/108/EWG **des Rates vom** 14. Dezember 1992 (ABl. L 390, S. 124) geänderten Fassung (im Folgenden: Richtlinie) sowie die Gültigkeit der zweitgenannten Vorschrift.
- 62008CJ0458 Die Portugiesische Republik verweist insoweit insbesondere auf die Richtlinien 2004/17/EG **des Europäischen Parlaments und des Rates vom** 31. März 2004 zur Koordinierung der Zuschlagserteilung durch Auftraggeber im Bereich der Wasser-, Energie- und Verkehrsversorgung sowie der Postdienste (ABl. L 134, S. 1) und 2004/18/EG **des Europäischen Parlaments und des Rates vom** 31. März 2004 über die Koordinierung der Verfahren zur Vergabe öffentlicher Bauaufträge, Lieferaufträge und Dienstleistungsaufträge (ABl. L 134, S. 114), in denen für den Zugang zu den betreffenden Tätigkeiten im Wesentlichen dieselben Regeln vorgesehen seien wie in der fraglichen Regelung

The lexical bundle *des Rates vom*, after which occurs the date of adopting a legal act, is an example when this institution is found in the name of a given legal act, taking into account that *der Rat* (the Council) and *das Europäische Parlament* (the European Parliament) are co-legislators. Article 16 (1) of TEU sets forth that:

Article 16

1. The Council shall, jointly with the European Parliament, exercise legislative and budgetary functions. It shall carry out policy-making and coordinating functions as laid down in the Treaties.

This legal role of both institutions can be manifested linguistically by the high frequency of another institutional lexical bundle (used in a genitive form): *des Europäischen Parlaments und des Rates* (117.53 pmw).

On the other hand, the bundle *Kommission der Europäischen Union* and *Kommission der Europäischen Gemeinschaften* is used as a legal party to the given legal dispute; what can be deducted from analyzing the concordance and the right context by a past participle (*Partizip II*) form of verb *vertreten durch* (represented by – J.K.) used after KWIC:

- 62002CJ0240 unter Berücksichtigung der schriftlichen Erklärungen – der spanischen Regierung, vertreten durch R. Silva de Lapuerta als Bevollmächtigte, – der belgischen Regierung, vertreten durch A. Snoecx als Bevollmächtigte, – der **Kommission der Europäischen**

Gemeinschaften, vertreten durch K. Simonsson und L. Escobar Guerrero als Bevollmächtigte, nach Anhörung der mündlichen Ausführungen der Asociación Profesional de Empresas de Reparto y Manipulado de Correspondencia (Asempre), Prozessbevollmächtigter: J. M. Piqueras Ruiz, abogado, der spanischen Regierung, vertreten durch N. Díaz Abad als Bevollmächtigte, und der Kommission der Europäischen Gemeinschaften, vertreten durch K. Simonsson und J. L. Buendía Sierra als Bevollmächtigten

In the collected data, other variants of *Kommission* are found, such as: *der Kommission vom* (143.75 pmw) and *von der Kommission* (142.08 pmw), what may confirm the crucial and active role of the Commission in the European Union. As an executive institution, the Commission may adopt executive regulations (example 1 from 61996CJ0346 below) – the lexical bundle occurs as a part of the name of the legal act and the two following examples indicate the Commission as a legal institution which brings charges against another party because of the violation of law (example 2 from 61988CJ0200 and example 3 from 62005CJ0183 below). Additionally, in these two examples lexical bundles are parts of the extended attributes what may support the above demonstrated thesis that extended attributes are a dominant feature of the German legal language.

- 61996CJ0346 Gemäß diesen beiden Verordnungen Nrn. 2966/87 und 3182/87 galten für die Lieferung der fraglichen Partien Magermilchpulver die Bestimmungen der Verordnung (EWG) Nr. 2200/87 der Kommission vom 8. Juli 1987 über allgemeine Durchführungsbestimmungen für die Bereitstellung und Lieferung von Waren im Rahmen der Nahrungsmittelhilfe der Gemeinschaft (ABl. L 204, S. 1).
- 61988CJ0200 Der dritte **von der Kommission gegen Griechenland erhobene Vorwurf** bezieht sich auf Artikel 15 Absatz 2 der Verordnung Nr . 3796/81 und auf Artikel 3 der Verordnung Nr . 3598/83.
- 62005CJ0183 Solche Initiativen kann der Gerichtshof nach der in Randnr. 17 dieses Urteils angeführten Rechtsprechung bei seiner Beurteilung der **von der Kommission gerügten Vertragsverletzung** nicht berücksichtigen.

4.2.2. Case-law referential lexical bundles

Since the main role of the Court of Justice of the European Union is to “ensure that the law is observed and the law is interpreted in the same way by all Member States”⁶³, the interpreting process plays a crucial role in the CJEU. Therefore, CJEU cites various judgments, and this, from the linguistic perspective, explains the frequent use of such bundles in the analyzed corpus. This referential category includes lexical bundles that refer to case law. Their function is to provide precise information about the source of the cited judgments (for instance, law reports, databases) or the number of cases already adjudged. These references support the interpretation of the judgment under consideration, ultimately contributing to the evolution of case law. However, further analysis requires the clarification of the term *case law*. The official website of the EU clarifies this term as “rules and principles developed in judgments and judicial opinions from courts of law. When deciding a case, the courts make interpretations of the law, which contribute to case law”⁶⁴. Case law is also understood as “the aggregate of reported cases as forming a body of jurisprudence; or for the law of a particular subject as evidenced or formed by the adjudged cases; in distinction to statutes and other sources of law”⁶⁵. Similarly, the German Duden Dictionary explains case law (Rechtsprechung) as: *Praxis der richterlichen Entscheidung; fortlaufende Folge richterlicher Entscheidungen von Rechtsfällen; Jurisdiktion*⁶⁶ (*practice of judges’ decision-making, the result in the form of cases decided by judges – JK*). It follows that case law can be understood twofold – as a collection (aggregate) of judgments in the form of law reports, journals, and court websites and as a process of adjudicating on the legal matter by judges. The case law referential bundle *Sammlung der Rechtssprechung*, with its occurrence of 131.85 pmw, allows a reader (a professional) to refer to the Reports of case law. Since 1 September 2016, all the case law has been published in the Courts Reports; before that date, there were two types of report – the Court Reports with the case law of the Court of Justice and the General Court, and Reports of staff cases with the civil service case-law of the General Court and the Civil Service Tribunal⁶⁷. This lexical bundle is found in judgments, which are provided on the website in the *.html* format providing the information about the localization in the Court

⁶³ [European e-Justice Portal - EU case law \(europa.eu\)](#) (22.04.2023)

⁶⁴ [European e-Justice Portal - Case law \(europa.eu\)](#) (22.04.2023)

⁶⁵ [CASE LAW Definition & Meaning - Black's Law Dictionary \(thelawdictionary.org\)](#) (22.04.2023)

⁶⁶ [Rechtsprechung ▷ Rechtschreibung, Bedeutung, Definition, Herkunft | Duden](#) (22.04.2023)

⁶⁷ [Reports of cases - EUR-Lex \(europa.eu\)](#) (15.04.2023)

Reports and is at the beginning of a judgment, after the full name of the judgment, date, type of the judgment and the number of the case:

61999J0240 *Sammlung der Rechtsprechung 2001 Seite I-01951*
61992CJ0399 *Sammlung der Rechtsprechung 1994 Seite I-05727*

The role of the case law in developing the legal system of the EU is observed in another case law referential bundle *die dort angeführte Rechtsprechung*⁶⁸ (*EN: and the case-law cited*). In justifying the court's stance on a given matter, the court presents its argumentation by referring to judgments already made on similar legal matters (case law), which may clarify and be the ground for reasoning. For a reader, this lexical bundle constitutes a valuable tool to refer to the mentioned reasoning in other judgments (in the last example below, the court, referring to other judgments, cites case law twice in one judgment using this formula):

- 62008CJ0171 In Ermangelung einer Definition des Begriffs „Kapitalverkehr“ im Sinne von Art. 56 Abs. 1 EG im Vertrag hat der Gerichtshof der Nomenklatur für den Kapitalverkehr in Anhang I der Richtlinie 88/361/EWG des Rates vom 24. Juni 1988 zur Durchführung von Artikel 67 [EG] (dieser Artikel ist durch den Vertrag von Amsterdam aufgehoben worden) (ABl. L 178, S. 5) Hinweischarakter zuerkannt. So hat der Gerichtshof befunden, dass „Kapitalbewegungen“ im Sinne von Art. 56 Abs. 1 EG insbesondere sogenannte Direktinvestitionen sind, also Investitionen in Form der Beteiligung an einem Unternehmen durch Besitz von Aktien, die die Möglichkeit verschafft, sich tatsächlich an der Verwaltung und der Kontrolle dieses Unternehmens zu beteiligen, sowie sogenannte Portfolioinvestitionen, d. h. Investitionen in Form des Erwerbs von Wertpapieren auf dem Kapitalmarkt allein in der Absicht einer Geldanlage, ohne auf die Verwaltung und Kontrolle des Unternehmens Einfluss nehmen zu wollen (vgl. Urteil Kommission/Niederlande, Randnr. 19 und **die dort angeführte Rechtsprechung**).
- 62008CJ0458 Der ordnungsgemäße Ablauf dieses Verfahrens stellt eine vom EG-Vertrag vorgeschriebene wesentliche Garantie nicht nur für den Schutz der Rechte des betroffenen Mitgliedstaats, sondern auch dafür dar, dass sichergestellt ist, dass das eventuelle streitige Verfahren einen eindeutig festgelegten Streitgegenstand hat (vgl. insbesondere Urteil vom 11. </s><s>September 2008, Kommission/Litauen, C-274/07, Slg. 2008, I-7117, Randnrn. 20 und 21 und **die dort angeführte Rechtsprechung**).
- 62013CJ0409 Insoweit ist darauf hinzuweisen, dass nach ständiger Rechtsprechung die Frage, ob die Begründung einer Entscheidung den Anforderungen des Art. 296 AEUV genügt, nicht

⁶⁸ Note that this case-law referential bundle is an extended attribute

nur anhand ihres Wortlauts zu beurteilen ist, sondern auch anhand ihres Kontexts (vgl. in diesem Sinne Urteile *Delacre u. a./Kommission*, C-350/88, EU:C:1990:71, Rn. 16 und **die dort angeführte Rechtsprechung**, sowie *Rat/Bamba*, C-417/11 P, EU:C:2012:718, Rn. 53 und **die dort angeführte Rechtsprechung**).

An example that confirms the importance of case law referential institutional bundle is *in der Rechtssache* with its substantially high frequency of 530.84 pmw, which tends to occur also in the form of *in der Rechtssache C-*, after which follows the number of the case.

61996CJ0308 Nach ständiger Rechtsprechung sind nämlich die Begriffe, mit denen die Steuerbefreiungen nach Artikel 13 der Sechsten Richtlinie umschrieben sind, eng auszulegen, da sie Ausnahmen von dem allgemeinen Grundsatz darstellen, daß jede Dienstleistung, die ein Steuerpflichtiger gegen Entgelt erbringt, der Umsatzsteuer unterliegt (vgl. Urteile *Stichting Uitvoering Financiële Acties*, Randnr. 13; vom 11. August 1995 **in der Rechtssache C-453/93**, *Bulthuis-Griffioen*, Slg. 1995, I-2341, Randnr. 19; vom 12. Februar 1998 **in der Rechtssache C-346/95**, *Blasi*, Slg. 1998, I-481, Randnr. 18, und vom 12. November 1998 **in der Rechtssache C-149/97**, *Institute of the Motor Industry*, Slg. 1998, I-7053, Randnr. 17).

61998CJ0228 Bei der Umsetzung dieses Erfordernisses müssen die Mitgliedstaaten sicherstellen, daß die für Klagen betreffend Verstöße gegen das Gemeinschaftsrecht geltenden Beweisvorschriften erstens nicht ungünstiger gestaltet werden als bei entsprechenden Klagen, die nur innerstaatliches Recht betreffen, und zweitens die Ausübung der durch die Gemeinschaftsrechtsordnung verliehenen Rechte durch den Rechtsuchenden nicht praktisch unmöglich machen oder übermäßig erschweren (vgl. in diesem Sinne Urteil vom 9. November 1983 **in der Rechtssache 199/82**, *San Giorgio*, Slg. 1983, 3595, Randnr. 14).

61992CJ0399 Wenn die vom vorlegenden Gericht gestellten Fragen die Auslegung einer Bestimmung des Gemeinschaftsrechts betreffen, ist der Gerichtshof daher grundsätzlich gehalten, darüber zu befinden (siehe Urteil vom 8. November 1990 **in der Rechtssache C-231/89**, *Gmurzynska*, Slg. 1990, I-4003, Randnr. 20). 10 Im vorliegenden Fall lässt sich kaum bestreiten, daß die Fragen **in der Rechtssache C-78/93** wie im übrigen auch **in den Rechtssachen C-399/92, C-409/92, C-425/92, C-34/93 und C-50/93** im Rahmen der Rechtsstreitigkeiten, über die die deutschen Gerichte zu entscheiden haben, zweckdienlich sind.

In the first example (61996CJ0308) – the Court, at the beginning of the sentence, introduces the sequence *Nach ständiger Rechtsprechung* (according to settled case-law – J.K.) with means by which the adjudging institution generally refers to the whole case law of the EU. However, it was crucial to provide the numbers of the particular cases that serve as grounds

for the interpretation. Therefore, the case-law referential bundle *in der Rechtssache C-* was finally applied for clarification.

Due to the genitive form of a noun, which constitutes the lexical bundle *des angefochten Urteils*, presumably, it would not be considered from the traditional perspective on phraseology, and rather, it would be discussed as *das angefochte Urteil* and classified as *der phraseologische Terminus*. However, in the analysed corpus, no occurrence of a nominative form of *das angefochte Urteil* was observed. This strongly suggests that the frequency criterion, not recognized in traditional phraseology, may contribute reliable and valuable information on phraseology and a given discourse. Therefore, the genitive form *des angefochten Urteil* in German may perform a crucial functional (referential) role. It is observed that this bundle is employed by a court to indicate the exact paragraphs (*Rn.*) of a judgment under appeal. Using the KWIC Tool (Key Word in Context), it can be observed that on the left side of the bundle, there are particular paragraphs of an external text. It is visible that in this context, the national court is a subject that issues the judgment in the procedure in accordance with the national law (a case law of the national court is concerned):

| Details | Left context | KWIC | Right context |
|---------|--|----------------------------------|---|
| ① | • 62014CJ0227 undes ergibt, rechtfertigen nämlich die in den Rn. 65 bis 72 und 97 | des angefochtenen Urteils | dargelegten Gründe für sich genommen die Berücksichtigung diese |
| ① | • 62014CJ0227 :u verhängen.</s><s>So habe das Gericht in den Rn. 189 und 190 | des angefochtenen Urteils | selbst eingeräumt, dass in dem streitigen Beschluss überwiegend c |
| ① | • 62014CJ0227 it, unberücksichtigt.</s><s>"</s><s>78 Wie das Gericht in Rn. 166 | des angefochtenen Urteils | zu Recht festgestellt hat, ergibt sich aus dem Wortlaut dieser Bestir |
| ① | • 62014CJ0227 ussetzungen unzweideutig und erlaubt, wie das Gericht in Rn. 167 | des angefochtenen Urteils | ausgeführt hat, eine enge Auslegung von Rn. 23 Buchst. b letzter A |
| ① | • 62014CJ0227)13:772, Rn. 19).</s><s>80 Im vorliegenden Fall geht aus Rn. 189 | des angefochtenen Urteils | hervor, dass das Gericht im Rahmen seiner freien Würdigung des E |
| ① | • 62014CJ0227 ! gewesen sei, hat es zu Recht allein aus diesem Grund in Rn. 194 | des angefochtenen Urteils | das Vorbringen der Rechtsmittelführerinnen zur Gewährung eines t |
| ① | • 62014CJ0227 b ist es ohne Bedeutung, dass das Gericht in den Rn. 189 und 190 | des angefochtenen Urteils | festgestellt hat, dass in dem streitigen Beschluss "überwiegend die |
| ① | • 62014CJ0227 vegs dem mit dieser verfolgten Ziel, da, wie das Gericht in Rn. 167 | des angefochtenen Urteils | festgestellt hat, die Wirksamkeit des Kronzeugenprogramms beeint |
| ① | • 62014CJ0227 eit zu beseitigen, sondern soll vielmehr, wie das Gericht in Rn. 163 | des angefochtenen Urteils | zu Recht festgestellt hat, ein Klima der Unsicherheit innerhalb der f |
| ① | • 62014CJ0227 rscheinlich, da sie, wie vor allem aus den Rn. 182 und 195 bis 203 | des angefochtenen Urteils | hervorgeht, einen solchen teilweisen Erlass der Geldbuße für Janu: |
| ① | • 62014CJ0227 vährt seien.</s><s>Das Gericht habe dadurch, dass es in Rn. 187 | des angefochtenen Urteils | angedeutet habe, dieses Dokument könne sich auf jeden Kartellbet |
| ① | • 62014CJ0227 gericht habe ferner einen Rechtsfehler begangen, als es in Rn. 193 | des angefochtenen Urteils | zu dem Ergebnis gelangt sei, die Kommission habe aufgrund der v |

Figure 15. Concordance view on a lexical bundle *des angefochten Urteils* with its left and right content.

4.2.3. Lexical bundles indicating a location

In this study, the referential bundles that provide information on a location are labeled as location bundles. This subcategory of legal referential bundles is rare, as some bundles, which indicate the physical object (*vor dem Gericht*), were classified as institutional lexical bundles (institutional participants). This is due to the observation that such bundles refer to the court before which the parties carry out procedural actions. Therefore, *vor dem Gericht* was classified as an institutional participant and not as a

location. Judging from the concordance, this institution is understood as an invisible adjudging participant, active or passive, in a given legal procedure.

The bundle which is classified as one that refers to the location is *einem anderen Mitgliedstaat* (214.58 pmw), and this bundle tends to be preceded by a preposition “in” — *in einem anderen Mitgliedstaat* (182.69 pmw) [in another Member State – J.K.]. The same bundle, being equivalent in the English language, was observed by Koźbiał (2020:330) in the English corpus. The high frequency may be referred to and explained by four fundamental EU economic principles laid down in Articles 28 -37 TFEU, i.e., free movement of goods, capital, services, and people. After analyzing the concordance lines, it can be observed that these examples refer to the cooperation of individuals or business entities between different member states of the EU, which is facilitated under the abovementioned legal principles. Therefore, it can be claimed that the role of some legal principles is reflected in the high frequency of certain phraseological items. Thus it confirms that the correlation between language and law is tangible:

- 62003CJ0432 Zudem kann die Tatsache, dass einer der an diesem Verfahren beteiligten Mitgliedstaaten nicht tätig geworden ist, für sich allein keine Beschränkung des freien Warenverkehrs rechtfertigen, mit der ein Wirtschaftsteilnehmer bei der Verwendung des betreffenden Produktes **in einem anderen Mitgliedstaat** konfrontiert wäre.
- 61991CJ0282 Die Kürzung nach Artikel 13 Absatz 1 AOW wird nicht auf Kalenderjahre bzw. auf Teile von Kalenderjahren vor dem 1. Januar 1957 angewandt, in denen der Berechtigte, der die Voraussetzungen, unter denen er diese Jahre Versicherungszeiten gleichgestellt bekommen kann, nicht erfüllt, zwischen dem vollendeten 15. und dem vollendeten 65. Lebensjahr in den Niederlanden wohnte oder in denen er zwar **in einem anderen Mitgliedstaat** wohnte, aber in den Niederlanden eine entlohnte Tätigkeit im Dienst eines in den Niederlanden ansässigen Arbeitgebers ausübte.
- 61998CJ0168 Die Richtlinie 98/5 zur Erleichterung der ständigen Ausübung des Rechtsanwaltsberufs **in einem anderen Mitgliedstaat** als dem, in dem die Qualifikation erworben wurde, wurde rechtsgültig mit qualifizierter Mehrheit gemäß dem Verfahren des Artikels 189b EG-Vertrag (nach Änderung jetzt Artikel 251 EG) und auf der Grundlage des Artikels 57 Absätze 1 und 2 Sätze 1 und 3 EG-Vertrag (nach Änderung jetzt Artikel 47 Absätze 1 und 2 Sätze 1 und 3 EG) erlassen, soweit sie die Ausübung dieses Berufes als Selbständiger regelt.
- 62005CJ0330 32 Daher ist auf die erste Vorlagefrage zu antworten, dass Art. 9 Abs. 3 der Richtlinie es nicht erlaubt, generell im Verbrauchsmitgliedstaat Heizöl der Verbrauchsteuer zu unterwerfen, das **in einem anderen Mitgliedstaat** von einer Privatperson für ihren Eigenbedarf erworben und von ihr selbst, gleich auf welche Weise, in den Verbrauchsmitgliedstaat befördert worden ist.

From the legal perspective, the location lexical bundle *in einem anderen Mitgliedstaat* provides relevant information about the mutual correlation among all member states. Furthermore, that confirms the pursuit of the EU law observance, as shown in the abovementioned examples. The instances refer to the recognition of professional qualifications (example 3 from 61998CJ0168), the provisions referring to the free movement of people (example 2 from 61991CJ0282) or the free movement of goods (example 1 from 62003CJ0432). These findings align with the claim made by Mazzi, who made the point that the analysis of the selected lexical bundles reflects the national courts' endeavor to comply with the Constitution (Mazzi 2018: 195; see remarks made in 2.3.1.)

Another lexical bundle that could be a candidate for this group is *beim Gerichtshof eingegangen* (received at the Court – J.K.) with a frequency of 108.48 pmw. This bundle indicates the CJEU as the physical object (court) to which references, orders, or decisions are submitted:

- 61998CJ0301 1 Das College van Beroep voor het Bedrijfsleven hat mit Beschluß vom 17. Juli 1998, **beim Gerichtshof eingegangen** am 31. Juli 1998, gemäß Artikel 177 EG-Vertrag (jetzt Artikel 234 EG) vier Fragen nach der Auslegung des Artikels 3 der Richtlinie 88/407/EWG des Rates vom 14. Juni 1988 zur Festlegung der tierseuchenrechtlichen Anforderungen an den innergemeinschaftlichen Handelsverkehr (..)
- 62007CJ0213 (...) ein Vorabentscheidungsersuchen nach Art. 234 EG, eingereicht vom Symvoulío tis Epikrateias (Griechenland) mit Entscheidung vom 8. Dezember 2006, **beim Gerichtshof eingegangen** am 23. April 2007, in dem Verfahren Michaniki AE gegen Ethniko Symvoulío Radiotileorasis, Ypourgos Epikrateias (...)

4.2.4. Participative lexical bundles

The participative bundles are legal reference bundles that “signal the presence and participation of various legal or natural persons in a particular legal process or transaction” (Goźdz-Roszkowski 2011: 124). In the CJEU judgments corpus, this type of lexical bundle introduces the roles and names of judges who participated in the process of making a judgment as “one voice of court.” In this bundle, whose occurrence is set for 105.16 pmw after the noun *Mitwirkung* follows *des* (the genitive form of a masculine definite article). Therefore, it can be supposed that omitting the following article may influence and make the frequency of *unter Mitwirkung* higher as it could include *der*, a female definite article used in a genitive form. From the collected data, we may gain information that judgments are passed by Kammerpräsident (the President of the Chamber), Präsident (President), and

Berichterstatter (Rapporteur). It can be illustrated in the following example of *unter Mitwirkung des*:

- 61999CJ0240 DER GERICHTSHOF (Erste Kammer) **unter Mitwirkung des** Kammerpräsidenten M. Wathelet (Berichterstatter) sowie der Richter P. Jann und L. Sevón, Generalanwalt: A. Saggio, Kanzler: H. von Holstein, Hilfskanzler
- 62008CJ0171 DER GERICHTSHOF (Erste Kammer) **unter Mitwirkung des** Kammerpräsidenten A. Tizzano (Berichterstatter), der Richter E. Levits, M. Ilešič und M. Safjan sowie der Richterin M. Berger, Generalanwalt: P. Mengozzi, Kanzler: M. Ferreira, Hauptverwaltungsrätin,

In most cases of the analyzed corpus, this phrase was observed as part of the beginning formula of a CJEU judgment. However, there were some instances where this phrase indicated the participation of other subjects, such as an applicant (*Antragsteller*) or an asylum seeker (*Asylbewerber*). Presumably, if the phrase was restrained to *unter Mitwirkung* without the following frequent genitive article, this could indicate more possible participants

- 62013CJ0148 Es ist Pflicht des Mitgliedstaats, **unter Mitwirkung des Antragstellers** die für den Antrag maßgeblichen Anhaltspunkte zu prüfen.
Nach Art. 3.111 Abs. 1 der Ausländerverordnung 2000 legt der Asylbewerber, wenn er
- 62013CJ0148 die Erteilung einer Aufenthaltserlaubnis gemäß Art. 28 des Ausländergesetzes 2000 beantragt, alle Informationen einschließlich der relevanten Unterlagen vor, anhand deren der Staatssekretär **unter Mitwirkung des betreffenden Asylbewerbers** prüfen kann, ob eine Rechtsgrundlage für die Erteilung dieser Erlaubnis besteht.

It is noteworthy that it was observed in the English version that the indication of the role and names of deciding judges is expressed by “*the Court (..) composed of*”. The German version is much more “institutional” as the focus is put on the court, as a subject empowered to produce judgment (“a single voice of a court”). The phrase *unter Mitwirkung (in collaboration with – J.K.)* indicates rather the cooperation of the court with the judges participating in producing a judgment:

- 62014CJ0227 DER GERICHTSHOF (Achte Kammer) **unter Mitwirkung des** Kammerpräsidenten A. Ó Caoimh (Berichterstatter) sowie der Richterin C. Toader und des Richters C. G. Fernlund, Generalanwalt: M. Wathelet, (...)
- THE COURT (Eighth Chamber), **composed of** A. Ó Caoimh (Rapporteur), President of the Chamber, C. Toader and C.G. Fernlund, Judges, Advocate General: M. Wathelet, (...)

Another frequent lexical bundle that indicates participants is *unter Berücksichtigung der*, which is in most cases followed by a noun *Erklärungen* (statements-J.K., also as part of a formula that introduces a judgment) and reports on who gave statements in a given case as a representative of the parties:

62004CJ0331 DER GERICHTSHOF (Zweite Kammer) unter Mitwirkung des Kammerpräsidenten C. W. A. Timmermans sowie der Richter C. Gulmann (Berichterstatter), R. Schintgen, G. Arestis und J. Klučka, Generalanwalt: D. Ruiz-Jarabo Colomer, Kanzler: M. Ferreira, Hauptverwaltungsrätin, aufgrund des schriftlichen Verfahrens und auf die mündliche Verhandlung vom 7. Juli 2005, **unter Berücksichtigung der** Erklärungen – der ATI EAC Srl e Viaggi di Maio Snc, EAC Srl und Viaggi di Maio Snc, vertreten durch L. Visone, avvocato, – der ACTV Venezia SpA, vertreten durch A. Bianchini und E. Romanelli, avvocati, – der ATI La Linea SpA-CSSA

4.2.5. Procedure-related lexical bundles

Similarly to Koźbiał (2020: 326), in this research, the lexical bundles that refer to the legal procedure are not only limited to verb forms (as opposed to Goźdz-Roszkowski 2011: 126-127). It can also be observed that bundles comprising nouns provide essential information about the procedure. However, since functional classification reflects roles in legal discourse, even the terminological bundles, composed of nouns, may convey important details about legal relationships or legal procedures. Thus, legal professionals can obtain crucial insights not only about acts in law designed to produce legal effects but also about factual acts that, although not intended to create legal effects directly, may affect individuals' legal status (rights or obligations).

The most obvious procedure-related bundle in the analyzed corpus was *erlässt der Gerichtshof* (The Court gives the judgment – JK) with its frequency of 109.46 pmw. However, this bundle must be analyzed considering its concordance, as after the enumeration of “collaborating” judges, the object used in accusative form *das Urteil* (a judgment) follows. This lexical bundle is perceived as a collocation *das Urteil erlassen* from the traditional perspective and refers to the performative expression that is found at the beginning of a judgment:

62002CJ0236 (...) in dem bei diesem anhängigen Rechtsstreit J. Slob gegen Productschap Zuivel vorgelegtes Ersuchen um Vorabentscheidung über die Auslegung von Artikel 7 Absatz 1 Buchstabe f der Verordnung (EWG) Nr. 536/93 der Kommission vom 9. März 1993 mit Durchführungsbestimmungen zur Zusatzabgabe im Milchsektor (ABl. L 57,

S. 12) **erlässt DER GERICHTSHOF** (Sechste Kammer),, unter Mitwirkung des Richters C. Gulmann in Wahrnehmung der Aufgaben des Präsidenten der Sechsten Kammer, der Richter J. N. Cunha Rodrigues und J.-P. Puissechet sowie der Richterinnen F. Macken und N. Colneric (Berichterstatterin), Generalanwalt: F. G. Jacobs, (...)

A closer examination of *nach Anhörung der* allows for classifying this bundle as a procedure-related bundle. This bundle could also be regarded as a temporal bundle because of *nach* (after – J.K.), but in fact, the core information that is signaled in the bundle is not temporal but rather implies a particular stage of the procedure, i.e., the hearing. The analyzed examples reveal that this bundle occurs mainly at the beginning of judgments as a part of the longer introducing sequence (pragmatic phrase):

- 62011CJ0419 unter Berücksichtigung der Erklärungen der Česká spořitelna, a.s., vertreten durch M. Vojáček, advokát, – der tschechischen Regierung, vertreten durch M. Smolek und J. Vlácil als Bevollmächtigte, der schweizerischen Regierung, vertreten durch D. Klingele als Bevollmächtigten, der Europäischen Kommission, vertreten durch M. Šimerdová und A.-M. Rouchaud-Joët als Bevollmächtigte, **nach Anhörung der Schlussanträge der Generalanwältin in der Sitzung vom 20. September 2012** folgendes Urteil
- 61999CJ0184 aufgrund des Sitzungsberichts, **nach Anhörung der mündlichen Ausführungen der belgischen Regierung**, vertreten durch C. Doutrelepon, der französischen Regierung, vertreten durch C. Bergeot.
- 62000CJ0274 unter Mitwirkung der Kammerpräsidentin F. Macken sowie der Richterin N. Colneric (Berichterstatterin) und der Richter C. Gulmann, J.-P. Puissechet und J. N. Cunha Rodrigues, Generalanwalt: F. G. Jacobs Kanzler: L. Hewlett, Verwaltungsrätin aufgrund des Sitzungsberichts, **nach Anhörung der Beteiligten in der Sitzung vom 27. Juni 2001**, in der Frau Simon durch Rechtsanwalt P. Mbaya und die Kommission durch J. Currall im Beistand von Rechtsanwalt D. Waelbroeck vertreten waren, **nach Anhörung der Schlussanträge des Generalanwalts in der Sitzung vom 25. September 2001**, folgendes Urteil
- 61998CJ0084 aufgrund des Sitzungsberichts, **nach Anhörung der Parteien in der Sitzung vom 14. September 1999**, **nach Anhörung der Schlussanträge des Generalanwalts in der Sitzung vom 20. Oktober 1999**, folgendes Urteil

This example serves as further evidence that this bundle in this form would not be of interest from the traditional perspective. After *nach Anhörung* follows *der* (in examples mentioned above – the genitive form of Plural); however, it is essential to consider that this form provides insight into the hearing stage, which is not limited to “one hearing.” Instead, it is a process of submitting a few or even more statements from the individuals involved. Closer inspection revealed that the most frequent use of *nach Anhörung der* refers to a hearing of

the opinion of an advocate general. This confirms the significant role of the advocates-general in the preliminary reference proceedings. Crucially, by analyzing the German and English versions, it can be concluded that the *Generalanwalt(in)* (Advocate General – J.K.) gives *Schlussanträge* (in Plural). Interestingly, when it was searched for this term in a singular form (Schlussantrag) in DWDS⁶⁹ - Dictionary, the most frequent co-occurrence (in a genitive form) in the corpus were *EU-Generalanwalt*, *Generalanwalt*, and *Generealanwältin*, what confirms the strict correlation of these terms. In accordance with *logDice*⁷⁰ information, the occurrence of a genitive attribute is the most frequent in DWDS corpora:

| Überblick | logDice | Freq. | hat Adjektivattribut | logDice | Freq. | ist Akk./Dativ-Objekt von | logDice | Freq. |
|---------------------|---------|-------|----------------------|---------|-------|---------------------------|---------|-------|
| 1. Eu-generalanwalt | 10.6 | 5 | 1. veröffentlicht | 2.6 | 23 | 1. folgen | 2.3 | 31 |
| 2. Generalanwalt | 10.4 | 79 | 2. gestellt | 2.6 | 8 | 2. unterzeichnen | 1.5 | 6 |
| 3. Generalanwältin | 9.9 | 5 | | | | | | |
| 4. annehmen | 5.9 | 44 | | | | | | |
| 5. Annahme | 4.1 | 8 | | | | | | |
| 6. stimmen | 2.9 | 6 | | | | | | |
| 7. veröffentlicht | 2.6 | 23 | | | | | | |
| 8. gestellt | 2.6 | 8 | | | | | | |
| 9. folgen | 2.3 | 31 | | | | | | |
| 10. unterzeichnen | 1.5 | 6 | | | | | | |

| ist in Präpositionalgruppe | logDice | Freq. | hat Genitivattribut | logDice | Freq. | hat Präpositionalgruppe | logDice | Freq. |
|----------------------------|---------|-------|---------------------|---------|-------|-------------------------|---------|-------|
| 1. stimmen gegen | 3.9 | 6 | 1. Eu-generalanwalt | 10.6 | 5 | 1. vor Gerichtshof | 4.2 | 5 |
| 2. stimmen für | 2.8 | 6 | 2. Generalanwalt | 10.4 | 79 | | | |
| 3. vertreten in | 2.2 | 5 | 3. Generalanwältin | 9.9 | 5 | | | |
| 4. fordern in | 1.7 | 6 | | | | | | |
| 5. erklären in | 1.4 | 6 | | | | | | |
| 6. schreiben in | 0.4 | 6 | | | | | | |

| ist Genitivattribut von | logDice | Freq. | ist Prädikativ von | logDice | Freq. |
|-------------------------|---------|-------|--------------------|---------|-------|
| 1. Annahme | 4.1 | 8 | 1. stimmen | 2.9 | 6 |

Figure 16. The screenshot of *Schlussantrag* word profile on DWDS website.

4.2.6. Temporal lexical bundles

The last sub-category of legal reference bundles comprises bundles that share information on the date of the sitting of the Court or the date of receiving the preliminary reference in the CJEU. After temporal legal reference bundles, the exact date follows, which is introduced with an adverb in temporal use (*vom*, *am*):

⁶⁹ www.dwds.de – This online dictionary, created by the Berlin-Brandenburgischen Akademie der Wissenschaften (BBAW), is part of the Zentrum für digitale Lexikographie der deutschen Sprache (ZDL) funded by the Bundesministerium für Bildung und Forschung. It not only provides details about the lexical form of a given word but also, due to access to big corpora, offers useful information on the context of the usage and collocations.

⁷⁰ *Statisches Maß zur Bestimmung typischer Wortverbindungen* – Static measure to determine typical word combinations (J.K.)

62009CJ0051 erlässt DER GERICHTSHOF (Vierte Kammer) (...) nach Anhörung der Schlussanträge des Generalanwalts **in der Sitzung vom 25. März 2010** folgendes Urteil

Interestingly, after analyzing the relevant co-texts, the temporal lexical bundle *beim Gerichtshof eingegangen am* may reveal information on the time that passes between the decision of a national court referring a question to the CJEU and the date it is received in the CJEU. Simultaneously, it could provide clues regarding the efficiency of the communication process between the courts. Another variant, *beim Gerichtshof eingegangen am*, which was classified as a location lexical bundle, focuses on the physical object of a court; however, when an adverb *am (an dem)* is followed – the focus is put on the precise date. In the left co-texts, the Concordance Tool imparts information on the name of the referring institution with the state (in brackets) in which the institution operates:

- 62007CJ0324 In der Rechtssache C-324/07 betreffend ein Vorabentscheidungsersuchen nach Art. 234 EG, eingereicht vom Conseil d'État (Belgien) mit Entscheidung vom 3. Juli 2007, **beim Gerichtshof eingegangen am 12. Juli 2007**, in dem Verfahren Coditel Brabant SA gegen Commune d'Uccle, Région de Bruxelles-Capitale , Beteiligte: Société Intercommunale pour la Diffusion de la Télévision (Brutélé), erlässt DER GERICHTSHOF
- 62011CJ0160 In der Rechtssache C-160/11 betreffend ein Vorabentscheidungsersuchen nach Art. 267 AEUV, eingereicht vom Naczelny Sad Administracyjny (Polen) mit Entscheidung vom 25. Februar 2011, **beim Gerichtshof eingegangen am 1. April 2011**, in dem Verfahren Bawaria Motors sp. z o.o. gegen Minister Finansów erlässt DER GERICHTSHOF (Dritte Kammer)
- 62006CJ0277 In der Rechtssache C-277/06 betreffend ein Vorabentscheidungsersuchen nach Art. 234 EG, eingereicht vom Finanzgericht Hamburg (Deutschland) mit Entscheidung vom 2. Juni 2006, **beim Gerichtshof eingegangen am 26. Juni 2006**, in dem Verfahren Interboves GmbH gegen Hauptzollamt Hamburg-Jonas erlässt > DER GERICHTSHOF (Dritte Kammer).

4.3. Text-oriented bundles

In this study, text-oriented bundles are conceptualized in the same manner as in Goźdz-Roszkowski (2011: 129), but they differ from Koźbiał (2020: 332), who labeled this category as discourse-organizing. Goźdz-Roszkowski's category of text-oriented bundles is more compelling because the focus of linguistic interest is placed on a text, while the term *discourse* is too broad, and in fact, some legal reference bundles or stance bundles also fulfill their role in organizing the communication process in its discourse community.

In the analyzed German corpus, no condition, clarification transition, or purpose bundles (cf. Goźdz-Roszkowski 2011: 131) were detected. Therefore, they are not included in this typology.

| TEXT-ORIENTED BUNDLES IN GERMAN CORPUS | |
|--|--|
| Causative/ resultative | Aus diesen Gründen, unter diesen Umständen |
| Condition | - |
| Clarification | - |
| Focus bundles | In Rede stehenden, <i>im vorliegenden Fall</i> , |
| Framing | Im Rahmen der, auf der Grundlage, Im Zusammenhang mit, im Hinblick auf |
| Intertextual bundles | In Verbindung mit, im Sinne von Art, in der Fassung |
| Transition | - |
| Purpose bundles | - |

Table 9. Text-oriented bundles in German corpus.

4.3.1. Causative/ Resultative bundles

The sub-category of causative (resultative) bundles comprises the lexical bundles whose role is to link arguments of one information (argument) with the next propositional content; in other words, this group of lexical bundles demonstrates the cause-and-effect relationships (cf. Goźdz-Roszkowski 2011: 130- 131, Koźbiał 2020: 339).

The most frequent resultative bundle, *Aus diesen Gründen* (on those grounds – J.K.), with its frequency of 170.17 pmw, typically appears in routinized formula at the end of judgments, serving as confirmation of the reasons on which the following judgment is made:

62011CJ0026 **Aus diesen Gründen** hat der Gerichtshof (Dritte Kammer) für Recht erkannt:

On those grounds, the Court (Third Chamber) hereby rules:

It should be taken into account that in all examples where the bundle *Aus diesen Gründen* occurs, this bundle is a part of the pragmatic formula ending the judgment, after which final and binding decisions made by the Court follow. Simultaneously, in this closing part of judgments, the English equivalent is also used in one stable and unchanged form *on those grounds*. In other instances where *Aus diesen Gründen* occurs, with the aim to signal a logical link between the arguments and the court’s reasoning, the Parallel Concordance

Tool allows one to discover that the English version of this logical link is used variously. In fact, they are not equivalent expressions – *Aus diesen Gründen* in literal meaning denotes *for these reasons*. It can be observed that only the last example (61996CJ0342) provides the simplified, shorter form:

61997CJ0379 **Aus diesen Gründen** hat der Gerichtshof Artikel 36 EG-Vertrag dahin ausgelegt, daß sich ein Markeninhaber auf die Marke berufen kann, um einen Importeur am Vertrieb einer Ware zu hindern, die von ihm oder mit seiner Zustimmung in einem anderen Mitgliedstaat in den Verkehr gebracht worden ist, wenn dieser Importeur die Ware in eine neue Verpackung umgepackt hat, auf der die Marke wieder angebracht worden ist (siehe Urteile Hoffmann-La Roche, Randnr. 8, und Bristol-Myers Squibb u. a., Randnr. 49).

Having regard to those considerations, the Court interpreted Article 36 of the Treaty as meaning that a trade mark proprietor may rely on his rights as proprietor to prevent an importer from marketing a product put on the market in another Member State by the proprietor or with his consent, where that importer has repackaged the product in new packaging to which the trademark has been reaffixed (see Hoffmann-LaRoche, paragraph 8, and Bristol-Myers Squibb, paragraph 49).

61996CJ0348 29 **Aus diesen Gründen** ist auf die vorgelegten Fragen zu antworten, daß die Artikel 48, 52 und 59 EG-Vertrag sowie Artikel 3 der Richtlinie 64/221 einer Regelung entgegenstehen, die dem nationalen Gericht - abgesehen von einigen insbesondere familienbezogenen Ausnahmen - vorschreibt, Staatsangehörige anderer Mitgliedstaaten, die für schuldig befunden worden sind, Straftaten der Beschaffung und des Besitzes von ausschließlich zum Eigenverbrauch bestimmten Betäubungsmitteln begangen zu haben, auf Lebenszeit auszuweisen.

In view of the foregoing considerations, the answer to be given to the national court's questions must be that Articles 48, 52 and 59 of the Treaty and Article 3 of Directive 64/221 preclude legislation which, with certain exceptions, in particular where there are family reasons, requires a Member State's courts to order expulsion for life from its territory of nationals of other Member States found guilty on that territory of the offences of obtaining and being in possession of drugs for their own personal use.

61996CJ0342 **49 Aus diesen Gründen** ist die streitige Entscheidung insoweit für nichtig zu erklären, als mit ihr die vom Königreich Spanien zugunsten von Tubacex ergriffenen Maßnahmen deshalb für mit Artikel 92 EG-Vertrag unvereinbar erklärt wurden, weil der Zinssatz von 9 %, der auf die von Tubacex dem Fogasa und der Allgemeinen Kasse der Sozialen Sicherheit geschuldeten Beträge angewandt wurde, unter den marktüblichen Zinssätzen lag.

49 It follows, therefore, that the contested decision must be annulled in so far as it declares incompatible with Article 92 of the Treaty the measures adopted by the Kingdom of Spain in favour of Tubacex, in so far as the rate of interest of 9% charged on the sums owed by Tubacex to Fogasa and to the Social Security Fund is lower than the prevailing market rates.

The analysis of the above-listed examples shows that this routinized pragmatic formula, employed to close the judgment and give the final decision on a legal matter, assumes a pivotal role in the discourse (and is expected by the recipients). It is apparent that other language versions tend to provide also one, stable and unchanged form (*On those grounds*). In other instances, where the logical link is in focus – the broader space for possible variants of expressions and the author’s creativity is provided.

4.3.2. Focus bundles

Focus bundles in legal texts, described by Jablonkai (2010:264), comprised bundles indicating “sub-groups of people or countries that are in focus” (Jablonkai cited in Koźbiał 2020: 341). Subsequently, Goźdź-Roszkowski defined focus bundles for his research as “four-word bundles which indicate the purpose or purposes of a legal instrument” (Goźdź-Roszkowski 2011:134). In the analyzed statutes, Goźdź-Roszkowski found the bundles served as signals “facilitating the identification of the legislative intent envisaged for a given statute” (Goźdź-Roszkowski 2011:134). However, according to Koźbiał, this sub-category requires a broader perspective, and he explains that this sub-category comprises bundles “with which judges place additional emphasis” (Koźbiał 2020: 341). This conceptualization allowed retrieving the following bundles from the German corpus:

- 61996CJ0346 22 Mit Einschreiben vom 20. August 1987 setzte das Amt die Prolecto davon in Kenntnis, daß die gestellten Ausschreibungskauttionen in Höhe von 573 330 BFR und von 667 238 BFR für die beiden **in Rede stehenden** Partien wegen Nichtlieferung für verfallen erklärt würden, sofern die Prolecto nicht Zahlungen in entsprechender Höhe leiste, was geschah.
- 62007CJ0213 54 Die gemeinschaftliche Koordinierung der Verfahren zur Vergabe öffentlicher Aufträge soll somit u. a. die Gefahr einer Bevorzugung einheimischer Bieter bei einer Auftragsvergabe und zugleich die Möglichkeit ausschließen, dass ein öffentlicher Auftraggeber sich von Überlegungen leiten lässt, die mit dem **in Rede stehenden** Markt nichts zu tun haben.

The particular lexical bundle *in Rede stehenden* occurs relatively frequently (157.71 pmw) and as it is shown in these examples, this bundle is used to put emphasis on given subjects or objects (*Markt* – market, *Partien* – parties). When this bundle is analyzed with its concordances, it can be observed that it occurs in the form of a long and abstruse form of an extended attribute. This confirms the claim that extended attributes in the German legal language are almost dominant feature. It is believed that this linguistic instrument is adopted to maintain the precision of provisions and exclude a possible frame for

court which submits a preliminary question, while in the second example – on the main proceedings (in national court).

The next focus bundle's role is to focus the attention on the present case:

- 61998CJ0168 **Im vorliegenden Fall** hat der Gemeinschaftsgesetzgeber diesen Grundsatz nicht verletzt, da beim zuwandernden Rechtsanwalt, der unter seiner ursprünglichen Berufsbezeichnung tätig ist, und bei dem unter der Berufsbezeichnung des Aufnahmestaats tätigen Rechtsanwalt keine vergleichbaren Sachverhalte vorliegen.
- 61999CJ0430 **Im vorliegenden Fall** können die Schuldner einer Zwangsabgabe sich nicht darauf berufen, dass die Befreiung anderer Personen eine staatliche Beihilfe darstelle, um sich der Zahlung dieser Abgabe zu entziehen.

This bundle was found at the beginning of a sentence in all obtained instances.

4.3.3. Intra-/Intertextual bundles

In this study, intra-/intertextual bundles are used similarly to Koźbiał's study, opposed to Goźdź-Roszkowski, who employed instead structuring bundles, which referred to intertextual bundles (Goźdź-Roszkowski 2011: 135-136). This group of lexical bundles includes bundles whose function is to signal text deixis and navigate to "specific points in other texts (intertextual bundles)" or "within the same text (intratextual bundles)" (Koźbiał 2020: 337). Similarly to Koźbiał, in this research, both sub-categories of inter- and intratextual bundles are examined together without separating them (Koźbiał 2020: 337).

As shown in the following examples, the bundle *in Verbindung mit* with its frequency of 135.84 pmw, is used to refer a given provision to a specific point (provision) in the same legal act (example from 61999CJ0283) but also is applied to refer to another legal act (example from 62014CJ0439):

- 61999CJ0283 Ein solches Erfordernis der Staatszugehörigkeit stellt eine Beschränkung der Niederlassungsfreiheit und der Dienstleistungsfreiheit dar, die nicht durch die in Artikel 55 Absatz 1 EG-Vertrag (jetzt Artikel 45 Absatz 1 EG) gegebenenfalls **in Verbindung mit Artikel 66 EG-Vertrag (jetzt Artikel 55 EG)** vorgesehene Ausnahmeregelung gerechtfertigt ist.
- 62014CJ0439 Sind Art. 1 Abs. 1 bis 3 der Richtlinie 89/665 und Art. 1 Abs. 1 bis 3 der Richtlinie 92/13 in Verbindung mit Art. 47 der Charta dahin auszulegen, dass sie einer nationalen Bestimmung entgegenstehen, die den Zugang zu den Verfahren zur Nachprüfung von Entscheidungen des öffentlichen Auftraggebers von der Erfüllung der Verpflichtung abhängig macht, eine "Wohlverhaltenssicherheit" wie die in Art.

271 1 und Art. 271 2 der OUG Nr. 34/2006 geregelte zugunsten des öffentlichen Auftraggebers zu hinterlegen?

The concordance analysis allows for the conclusion that this bundle not only combines the provisions from the same text but also refers to EU legislation. In the example from 62003CJ0386 below, it is visible that the provisions § 8 (2) and § 9 (3) of BADV (*Verordnung über Bodenabfertigungsdienste auf Flugplätzen*) are to be considered together in the light of their compliance with Article 18 of the Directive 96/67. Similarly, in the fragment from 62015CJ276, the bundle refers to and combines the legal norm from the provisions of § 21 (2) Nr. 1 of AMG (*Gesetz über den Verkehr mit Arzneimitteln*) and § 6 (1) of ApBetrO (*Apothekenbetriebsordnung*) with EU directive 2001/83 (Article 3 Nr.2). As shown in these instances, the reference to the provisions is not only on the national level, but also in the context of EU legal acts. In these examples, this reference may be explained by the fact that the EU directives are the legal instruments that are not directly applicable in the Member States, but they require transposition – the process of incorporating EU directives into national legislation. It should be taken into account that the Member States adopt their own national measures to meet the prescribed aims in a directive⁷¹.

62011CJ0160 Unter diesen Umständen hat der Naczelny Sąd Administracyjny beschlossen, das Verfahren auszusetzen und dem Gerichtshof folgende Frage zur Vorabentscheidung vorzulegen: Sind die Regelungen in Art. 313 Abs. 1 und Art. 314 in Verbindung mit den Art. 136 und 315 der Richtlinie 2006/112 dahin auszulegen, dass danach die Sonderregelung zur "Differenzbesteuerung" für steuerpflichtige Wiederverkäufer in Bezug auf Lieferungen von Gebrauchsgegenständen auch dann angewandt werden darf, wenn sie gekaufte Personenkraftwagen und andere Kraftfahrzeuge weiterverkaufen, auf die gemäß den nationalen polnischen Bestimmungen des § 13 Abs. 1 Nr. 5 der Mehrwertsteuerverordnung die Steuerbefreiung für die Lieferung von Personenkraftwagen und anderen Kraftfahrzeugen durch Steuerpflichtige angewandt wurde, denen bei ihrem Erwerb nur ein Recht auf teilweisen Vorsteuerabzug nach Art. 86 Abs. 3 des Mehrwertsteuergesetzes zustand,

62015CJ0276 42 Für den Fall, dass das vorlegende Gericht nach diesen Feststellungen zu der Auffassung gelangt, dass das fragliche Arzneimittel gewerblich oder unter Anwendung eines industriellen Verfahrens zubereitet wurde, ist ihm zudem zu antworten, dass Art. 3 Nr. 2 der Richtlinie 2001/83 dahin auszulegen ist, dass er Bestimmungen wie § 21 Abs. 2 Nr. 1 AMG in Verbindung mit § 6 Abs. 1 ApBetrO nicht entgegensteht, soweit diese die Apotheker der Sache nach verpflichten, bei der Zubereitung von Arzneimitteln in der Apotheke die Pharmakopöe zu beachten.

⁷¹ About the transposition see: [EUR-Lex - transposition - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eur-lex-content/view/?uri=CELEX:32001L0083:de:NOT) (25.04.2023)

62003CJ0386 18 Die Vorschriften des § 8 Absatz 2 in Verbindung mit § 9 Absatz 3 BADV sowie die sich daraus ergebende Möglichkeit, durch die Entlassung von Arbeitnehmern verursachte soziale Folgekosten gerecht auf die Bodenabfertiger zu verteilen, seien arbeitnehmerschützende Regelungen, die innerhalb des von Artikel 18 der Richtlinie 96/67 gesteckten Rahmens blieben.

In the corpus, other intra-/ intertextual bundles were identified: *im Sinne von Art*, which also refers to provisions of legislative instruments, and *in der Fassung*. This last bundle refers to other legal acts which amend the former:

61997CJ0127 Somit ist auf die erste Frage zu antworten, daß der Grenzwert, der in Nummer 23 Absatz 1 des Anhangs I der Richtlinie 76/769 in der Fassung der Richtlinie 91/173 festgesetzt worden ist, für PCP, seine Salze und Ester sowie für die aus diesen Stoffen hergestellten Zubereitungen, nicht aber für Erzeugnisse gilt, die mit diesen Stoffen oder Zubereitungen behandelt worden sind

62005CJ0275 Sollte Frage 1 zu verneinen sein: Steht eine nationalstaatliche Regelung eines Mitgliedstaats, welche anordnet, dass im Fall der Beendigung eines Pachtverhältnisses die Referenzmenge vollständig bei dem Pächter des Betriebsteils verbleibt, in Einklang mit Artikel 7 Absatz 1 Verordnung Nr. 857/84 in der Fassung der Verordnung Nr. 590/85 sowie mit Artikel 7 Nummer 4 der Verordnung Nr. 1546/88, auch wenn die Beendigung des Pachtverhältnisses freiwillig erfolgte?

4.3.4. Framing bundles

Primarily, framing signals were described by Hyland as those lexical bundles that „situate arguments by specifying limiting conditions” (Hyland 2008: 14 cited in Goźdz-Roszkowski 2011: 134). This notion was developed and modified by Goźdz-Roszkowski, who observes that their role is to “specify the conditions in which a statement can be accepted, working to elaborate, emphasize or compare aspects of an argument” (Goźdz-Roszkowski 2011: 134-135). He also makes the point that this type of text-oriented bundle demonstrates a particularly high frequency in legal genres, which are supposed to focus on legal argumentation (Goźdz-Roszkowski 2011: 135). In this research, the observed framing bundles are used to provide grounds for further argumentation. Some of them introduce the legal basis:

62008CJ0458 So werden die technischen Kapazitäten eines Unternehmens nicht nur **auf der Grundlage** seiner organisatorischen Struktur, der Zahl der Mitarbeiter, des Besitzes der

erforderlichen technischen Mittel und der tatsächlichen Erfahrung des Unternehmens, sondern auch anhand des Niveaus der Kenntnisse, der Spezialisierungen und der Erfahrung der Mitarbeiter des Unternehmens beurteilt.

62007CJ0544 In Art. 95 Abs. 1 der Verordnung (EWG) Nr. 574/72 des Rates vom 21. März 1972 über die Durchführung der Verordnung (EWG) Nr. 1408/71 in ihrer durch die Verordnung Nr. 118/97 geänderten und aktualisierten Fassung heißt es: "Die zuständigen Träger erstatten den Trägern, die die Sachleistungen gemäß Artikel 28 Absatz 1 ... der Verordnung [Nr. 1408/71] gewährt haben, den Betrag dieser Sachleistungen **auf der Grundlage** eines Pauschbetrags, der den tatsächlichen Ausgaben möglichst nahekommt.

62007CJ0544 Denn der Rechtsstreit sei ausschließlich **auf der Grundlage** des nationalen Rechts zu entscheiden.

The bundle *im Rahmen der* is used with high frequency (203.96 pmw); however, the frequency could be higher if solely *im Rahmen* was taken into consideration. The last element of *im Rahmen der* indicates the genitive form of a feminine or plural noun which follows the lexical bundle. In these examples, the bundle limits conclusions of the court to those made during the verification of admissibility (example from 61992CJ0399) or limits subjects only to those who operate in their territory under the freedom of establishment or freedom to provide services (example from 61998CJ0206):

61992CJ0399 Wie bereits **im Rahmen der Prüfung** der Zulässigkeit ausgeführt wurde, steht fest, daß Artikel 119 EWG-Vertrag wegen seines zwingenden Charakters nicht nur für Rechtsvorschriften, sondern auch für Tarifverträge und Arbeitsverträge gilt.

61998CJ0206 42 Überdies gibt die Richtlinie 92/49 den Mitgliedstaaten die Befugnis, zu fordern, daß der zuständigen Behörde die allgemeinen und besonderen Versicherungsbedingungen der Pflichtversicherungen mitgeteilt werden (Artikel 30 Absatz 2), und es denjenigen Unternehmen, die in ihrem Staatsgebiet **im Rahmen der Niederlassungs- oder der Dienstleistungsfreiheit** tätig sind, zur Auflage zu machen, unter denselben Bedingungen wie die dort zugelassenen Unternehmen den Fonds, die die Zahlung von Entschädigungen an Versicherungsnehmer und geschädigte Dritte garantieren sollen, beizutreten und sich an ihnen zu beteiligen (Artikel 45 Absatz 2).

4.4. Stance bundles

| STANCE BUNDLES IN THE GERMAN CORPUS | |
|-------------------------------------|--|
| Attitudinal | für Recht erkannt, hat der Gerichtshof, |
| Epistemic | dahin auszulegen ist (ist dahin auszulegen) ist darauf hinzuweisen, |

Table 10. Stance bundles in the German corpus.

Following Goźdz-Roszkowski's definition of stance bundles, based on Biber et al. (1999), this group of lexical bundles covers „expressions which provide a frame for the interpretation of the following proposition” and it is differentiated between epistemic and attitudinal bundles (Goźdz-Roszkowski 2011: 138, cf. Biber, 2006). The first sub-category allows determining the source of knowledge and encompasses bundles that “signal the writer comments on the knowledge status of the information contained in the following proposition” (Goźdz-Roszkowski 2011: 138), revealing the information on the author's certainty, uncertainty, probability or possibility. According to Goźdz-Roszkowski, with attitudinal stance bundles, attitudes to the following proposition are expressed (Goźdz-Roszkowski 2011: 139).

The most “obvious” bundle is *für Recht erkannt* (ruled to be right – J.K.), which is used in the past tense (in all the analyzed examples). The equivalent bundle (in the Polish language *orzeka, co następuje*) was reported as a frequent expression by Koźbiał in his research (2020: 355)

- 61993CJ0418 Insoweit hat der Gerichtshof im Urteil B & Q **für Recht erkannt**, daß das in Artikel 30 ausgesprochene Verbot nicht für eine nationale Regelung gilt, die es Einzelhändlern verbietet, ihre Geschäfte am Sonntag zu öffnen.
- 61997CJ0250 DER GERICHTSHOF (Sechste Kammer) auf die ihm vom Civilret Hilleröd mit Beschluß vom 4. Juli 1997 vorgelegte Frage **für Recht erkannt** :
- 62010CJ0132 Aus diesen Gründen hat der Gerichtshof (Zweite Kammer) **für Recht erkannt** : Art. 63 AEUV ist dahin auszulegen, dass er einer Regelung eines Mitgliedstaats wie der im Ausgangsverfahren fraglichen entgegensteht, die im Bereich der Erbschaftsteuern eine Verjährungsfrist von zehn Jahren für die Bewertung von Namensaktien einer Gesellschaft vorsieht, deren Aktionär der Erblasser war und deren tatsächliche Geschäftsleitung sich an einem Ort in einem anderen Mitgliedstaat befindet, während diese Frist zwei Jahre beträgt, wenn sich der Ort der tatsächlichen Geschäftsleitung im erstgenannten Mitgliedstaat befindet.

After analyzing the concordance of *für Recht erkannt*, it can be observed that this phrase is part of a longer sentence *Aus diesen Gründen(...) für Recht erkannt* which, from the perspective of the traditional phraseology, would be classified as a pragmatic phraseme and has a performative role to give the final decision on the subject matter under discussion. This is explained by the speech theory, under which performative utterances “are those by which the state of affairs expressed by the words comes into being or those that commit the speaker to carry out or performing the actions expressed by the words” (Austin 1962 cited in: Alcaraz and Hughes 2014: 11). With this formulation, the court performs its

authoritative power to pronounce the judgment, and the judgment is given the binding force.

Surprisingly, the analysis with the use of the Parallel Concordance Tool demonstrates that the English version of pronouncing the court's decision is plainer, shorter, and used in the Present Simple tense with a compound adverb *hereby*⁷². According to Alcaraz and Hughes, performative verbs also occur in past tense, however in such cases, "they are no longer truly performing the operation" (Alcaraz and Hughes 2014: 11). This opinion, made in reference to the legal English, does not apply to German legal language as the use of past tense in all examples have the same and equally performative role as in English version:

- 62005CJ0275 Aus diesen Gründen **hat** der Gerichtshof (Erste Kammer) **für Recht erkannt:**
On those grounds, the Court (First Chamber) **hereby rules:**
- 62006CJ0346 Aus diesen Gründen **hat** der Gerichtshof (Zweite Kammer) **für Recht erkannt:**
On those grounds, the Court (Second Chamber) **hereby rules:**

Presumably, the bundle *hat der Gerichtshof* would not be recognized from the traditional approach to the phraseology due to the incomplete sequence of words. This bundle, with the occurrence of 133.52 pmw, after the concordance analysis, discloses information about the active role of the CJEU in case law. There are instances in which this bundle co-occurs with another, above-mentioned frequent lexical bundle *für das Recht erkannt*. The analysis also uncovered examples that signal reasoning actions undertaken by the court in the process of investigating the legal matter – *feststellen*, *anerkennen* (determine – J.K.), *befinden* (decide – J.K.), *den Schluss gezogen* (conclude – J.K.). Most of them refer to the process of interpreting and investigating the matter. These actions were found in the past tense (the Past Participle form is underlined):

- 62008CJ0171 So **hat der Gerichtshof befunden**, dass "Kapitalbewegungen" im Sinne von Art. 56 Abs. 1 EG insbesondere sogenannte Direktinvestitionen sind, also Investitionen in Form der Beteiligung an einem Unternehmen durch Besitz von Aktien, die die Möglichkeit verschafft, sich tatsächlich an der Verwaltung und der Kontrolle dieses Unternehmens zu beteiligen,(..)
- 62008CJ0171 50 Zu diesen beiden Investitionsformen **hat der Gerichtshof festgestellt**, dass nationale Regelungen als "Beschränkungen" im Sinne von Art. 56 Abs. 1 EG anzusehen sind, wenn

⁷² The use of archaic compound adverbs with 'here', 'there', or 'where', whose function is to refer to this particular or another document, is a feature of the English legal language (Alcaraz and Hughes 2012: 9).

sie geeignet sind, den Erwerb von Aktien der betreffenden Unternehmen zu verhindern oder zu beschränken oder aber Investoren anderer Mitgliedstaaten davon abzuschrecken, in das Kapital dieser Unternehmen zu investieren.

- 62003CJ0150 Zwar **hat der Gerichtshof** anerkannt, dass es in bestimmten Sonderfällen, insbesondere wenn der behauptete Schaden schwer zu beziffern ist, nicht unabdingbar ist, in der Klageschrift den genauen Schadensumfang anzugeben und den beantragten Schadensersatzbetrag zu beziffern
- 62007CJ0457 Unter diesen Umständen **hat der Gerichtshof** den Schluss gezogen, dass die portugiesischen Behörden dadurch, dass sie nach Art. 17 RGEU die Verwendung des fraglichen Produkts einem Zulassungsverfahren unterworfen hatten, ohne dass dabei eine Bescheinigung berücksichtigt worden war,(...)
- 61997CJ0379 Aus diesen Gründen **hat der Gerichtshof** Artikel 36 EG-Vertrag dahin ausgelegt, daß sich ein Markeninhaber auf die Marke berufen kann, um einen Importeur am Vertrieb einer Ware zu hindern, die von ihm oder mit seiner Zustimmung in einem anderen Mitgliedstaat in den Verkehr gebracht worden ist, wenn dieser Importeur die Ware in eine neue Verpackung umgepackt hat, auf der die Marke wieder angebracht worden ist (siehe Urteile Hoffmann-La Roche, Randnr. 8, und Bristol-Myers Squibb u. a., Randnr. 49).

Additionally, this formula *hat der Gerichtshof* introduces measures that the Court (in its opinion) has just to undertake. In this case, this bundle is not part of the past tense sequence (as examples above) but indicates another grammatical structure, *haben + zu + infinitive*. According to Biskup, this structure (*haben+zu+Infinitiv*⁷³) is the characteristic feature of the German legal language and allows for the deontic modality (Biskup 2013:22) or shows the obligating character of actions (Thorman & Hausbrandt 2016:58-59). However, this co-occurrence is not frequent in the EUR-Lex judgments corpus:

- 62007CJ0213 Somit **hat der Gerichtshof** in der vorliegenden Rechtssache seine Prüfung zu beschränken und das Gemeinschaftsrecht in einer für das vorliegende Gericht sachdienlichen Weise auszulegen; diesem obliegt es, im Hinblick auf die Entscheidung des bei ihm anhängigen Rechtsstreits die Vereinbarkeit der betreffenden nationalen Rechtsnormen mit dem Gemeinschaftsrecht zu beurteilen.
- 62014CJ0001 Betreffen die vom nationalen Gericht vorgelegten Fragen die Gültigkeit einer Bestimmung des Unionsrechts, **hat der Gerichtshof** daher grundsätzlich über sie zu befinden (Beschluss Adiamix, C-368/12, EU:C:2013:257, Rn. 16 und die dort angeführte Rechtsprechung).
- 62002CJ0224 Da sich hier aber die Vorlageentscheidung selbst auf das Zwangsvollstreckungsgesetz und insbesondere auf Kapitel 4 § 6a Absatz 1 bezieht und sich dieser Entscheidung nichts entnehmen lässt, was geeignet wäre, die von der

⁷³ Discussed lexical bundles are marked: *haben* in bold, *zu* in red colour, *Infinitiv* – underlined.

finnischen Regierung vertretene Auslegung zu widerlegen, **hat der Gerichtshof zu prüfen**, ob Artikel 18 EG nationalen Rechtsvorschriften entgegensteht, die in dieser Weise ausgelegt werden.

The most representative example of an epistemic bundle, found in the German corpus was *dahin auszulegen ist* (116.84 pmw) and its other variant *ist dahin auszulegen* (96.92 pmw). Both variants, which can be presented in the form of *dahin +auslegen* in the form of the infinitive with *zu + sein*⁷⁴, perform the same function. However, the occurrence of one of them depends on the structure of a sentence (i.e., a subordinate clause – example 1 from 62009CJ0229 and example 2 from 61991CJ0020). The high frequency of both variants confirms these bundles' significance in the argumentation of CJEU judgments. In these examples, the dialogue between the courts is apparent – this expression is used in the first instance in the clause with a question and in the second – the answer. The formula refers to the process of the court's interpretation.

- 62009CJ0229 Das vorlegende Gericht möchte mit seiner Frage im Wesentlichen wissen, ob Art. 3 Abs. 1 Buchst. b der Verordnung Nr. 1610/96 **dahin auszulegen ist**, dass er der Erteilung eines ergänzenden Schutzzertifikats für ein Pflanzenschutzmittel entgegensteht, für das eine vorläufige Genehmigung nach Art. 8 Abs. 1 der Richtlinie 91/414 erteilt wurde.
- 61991CJ0020 21 Auf die erste Frage ist demnach zu antworten, daß Artikel 5 Absatz 6 der Sechsten Richtlinie **dahin auszulegen ist**, daß in einem Fall, in dem ein Steuerpflichtiger - ein Bauunternehmer - ein Grundstück allein zur Verwendung für private Zwecke erwirbt, darauf aber im Rahmen seiner beruflichen Tätigkeit ein Wohnhaus für sich selbst errichtet, nur das Haus, nicht aber das Grundstück im Sinne dieser Vorschrift für den privaten Bedarf entnommen wird.
- 62007CJ0570 Aus diesen Gründen hat der Gerichtshof (Große Kammer) für Recht erkannt: 1. Art. 49 AEUV **ist dahin auszulegen**, dass er grundsätzlich einer nationalen Regelung wie der in den Ausgangsverfahren fraglichen nicht entgegensteht, die die Erteilung von Niederlassungserlaubnissen für neue Apotheken begrenzt, indem sie vorsieht, dass – in jedem Apothekenbezirk grundsätzlich nur eine einzige Apotheke pro Einheit von 2 800 Einwohnern errichtet werden kann (...)

It is essential not to overlook how the same form of stance expression in one language (German) can be used differently in the referential language (English). The German stance

⁷⁴ This form is a feature of German legal language; it is used as an impersonal way of introducing a directive or obligation.

bundle *ist dahin auszulegen*, which in this grammatical form denotes a directive or an obligation (with an authoritative nature), is used with a different modality in English. It is to be observed that *should* or *must* differ in terms of how something is obligatory; the first denotes “a less binding nature of an obligation” (Bázklik 2010: 92). The most frequent observed equivalent of the bundle *ist dahin auszulegen* is *must*, which is the first candidate after *shall* in the legal English to express an obligation (Bázklik 2010: 92). Consequently, it is visible, that the extraction of frequent phraseological units in a multilingual corpus may reveal critical differences between two legal languages. From the following examples, it is noticeable that the degree of the imposed obligation in the German *ist dahin auszulegen* is higher than in English *should*. It is, in fact, alarming that there is such a non-uniform equivalence between two languages in the field of interpreting the law, allowing for possible misinterpretation. It is also perceptible, that the use of *must* somehow may confirm the tendency to resign from the archaic nature of the English legal language⁷⁵, in which *shall* prevails in the meaning of the imposed obligation or directive.

- 61995CJ0074 Artikel 9 Absatz 1 der Richtlinie 90/270/EWG des Rates vom 29. Mai 1990 über die Mindestvorschriften bezüglich der Sicherheit und des Gesundheitsschutzes bei der Arbeit an Bildschirmgeräten (Fünfte Einzelrichtlinie im Sinne von Artikel 16 Absatz 1 der Richtlinie 89/391/EWG) **ist dahin auszulegen**, daß
 Article 9(1) of Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) **must be interpreted as meaning that** the regular eye tests for which it provides are to be carried out on all workers to whom the Directive applies and Article 9(2) is to be interpreted as meaning that
- 62002CJ0236 Artikel 7 Absatz 1 Satz 1 Buchstabe f der Verordnung Nr. 536/93 mit Durchführungsbestimmungen zur Zusatzabgabe im Milchsektor **ist dahin auszulegen** , dass
 The first sentence of Article 7(1) and Article 7(1)(f) of Regulation No 536/93 laying down detailed rules on the application of the additional levy on milk and milk products **should be interpreted as meaning that**

⁷⁵ For instance, in Goźdz-Roszkowski’s study, it was reported on overusing of *shall* in contracts, expressing “an obligation as to how a process of valuation must be carried out”, (Goźdz-Roszkowski 2011:127). The reason lies in the fact that the collected data are documents drafted in Common Law tradition. The legal writing in English is deeply rooted in the tradition of using *shall*.

62006CJ0306 Art. 3 Abs. 1 Buchst. c Ziff. ii der Richtlinie 2000/35/EG des Europäischen Parlaments und des Rates vom 29. Juni 2000 zur Bekämpfung von Zahlungsverzug im Geschäftsverkehr **ist dahin auszulegen**, dass Article 3(1)(c)(ii) of Directive 2000/35/EC of the European Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions **is to be interpreted as meaning that it requires, in order that**

Another epistemic stance bundle, with a high frequency of 151.05 pmw reveals also some valuable findings after analyzing two versions of the corpus with the Parallel Concordance Tool. The court's stance with the German expression *sein + hinweisen + zu*, whose nature is rather obligatory, is also used differently in English: *it is necessary to point out, it should be borne in mind, it must be pointed out*. The frequent common grammatical pattern *it v-link ADJ to-inf* in the legal language in expressing the impersonal attitude was also observed in Goźdz-Roszkowski's study (Goźdz-Roszkowski 2011: 139). Noteworthy is the varying degrees of force - the same phrase in the German language is applied to draw a reader's attention. At the same time, when used in the English version, a different degree of expressing the obligation is observed (*it is necessary, must, should*):

62007CJ0544 57 Es **ist darauf hinzuweisen**, dass der Gerichtshof ungeachtet dessen, dass das vorliegende Gericht in seiner Vorlagefrage nicht auf Art. 18 EG Bezug genommen hat, nicht daran gehindert ist, diesem Gericht alle Hinweise zur Auslegung des Gemeinschaftsrechts zu geben, die ihm bei der Entscheidung des bei ihm anhängigen Verfahrens von Nutzen sein können, unabhängig davon, worauf es in seiner Frage Bezug genommen hat (vgl. in diesem Sinne Urteile vom 12. Dezember 1990, SARPP, C-241/89, Slg. 1990, I-4695, Randnr. 8, vom 21. Februar 2006, Ritter-Coulais, C-152/03, Slg. 2006, I-1711, Randnr. 29, und vom 26. April 2007, Alevizos, C-392/05, Slg. 2007, I-3505, Randnr. 64)

57 **It is necessary to point out that**, even though the national court does not refer to Article 18 EC in the wording of its preliminary question, the Court is not thereby precluded from providing the national court with all those elements for the interpretation of Community law which may be of assistance in adjudicating on the case pending before it, whether or not that court has specifically referred to them in its question (see, to that effect, Case C-241/89 SARPP [1990] ECR I-4695, paragraph 8; Case C-152/03 Ritter-Coulais [2006] ECR I-1711, paragraph 29; and Case C-392/05 Alevizos [2007] ECR I-3505, paragraph 64).

62009CJ0097 28 Insoweit **ist darauf hinzuweisen**, dass in einem Verfahren nach Art. 234 EG nur das nationale Gericht, das mit dem Rechtsstreit befasst ist und in dessen Verantwortungsbereich die zu erlassende Entscheidung fällt, im Hinblick auf die

Besonderheiten der Rechtssache sowohl die Erforderlichkeit einer Vorabentscheidung für den Erlass seines Urteils als auch die Erheblichkeit der dem Gerichtshof vorzulegenden Fragen zu beurteilen hat.

28 In that regard, **it should be borne in mind that**, in the procedure under Article 234 EC, it is solely for the national court before which the dispute has been brought, and which must assume responsibility for the subsequent judicial decision, to determine in the light of the particular circumstances of the case both the need for a preliminary ruling in order to enable it to deliver judgment and the relevance of the questions which it submits to the Court.

62010CJ0112 21 Zweitens **ist darauf hinzuweisen**, dass Art. 5 Abs. 2 und 3 der Verordnung Nr. 1346/2000 den Begriff "dingliches Recht" zwar nicht definiert, doch anhand einer Reihe von Beispielen für Rechte, die von dieser Verordnung als "dinglich" eingestuft werden, die Tragweite und damit die Grenzen des Schutzes bestimmt, den diese Vorschrift den Vorrechten, Garantien oder anderen im nationalen Recht der Mitgliedstaaten vorgesehenen Rechten des Gläubigers eines insolventen Schuldners gewährt.

21 In the second place, **it must be pointed out that**, whilst Article 5(2) and (3) of Regulation No 1346/2000 does not define the notion of a 'right in rem', it does, however, explain, through a number of examples of rights described in that regulation as 'in rem', the scope and therefore the limits of the protection afforded by that provision to the privileges, guarantees or other rights under the national law of the Member States of the creditors of an insolvent debtor.

4.5. Lexical bundles in the German research of pragmatic phrasemes

A closer inspection of lexical bundles in the analyzed corpus suggested that this approach might appear to be supportive of the research being done from the traditional perspective. From the data collected, it is presupposed that some key assumptions of the phraseology approached from an angle of lexical bundles are concurrent with those present from the traditional perspective. Comparison of theoretical predictions with actual observations revealed that it is possible or even preferred to combine both perspectives, as none of them excludes the other. The lexical bundle analysis allowed for the observation of phraseological units that are frequent and not irrelevant in the discourse, which, in the manual examination, could remain unnoticed. The traditional perspective is assumed to pose preliminary and mainly intuitive questions, which may be verified with data obtained from the corpus linguistic methodology.

Secondly, pragmatic phrasemes, which fulfill the communicative role, can be combined with the observations on lexical bundles, approached from the functional perspective, which also performs specific communicative functions. The pragmatic

phrasemes, perceived in this research as text routines, provide the court with ready-to-use patterns, which, when employed, lead to the performance of some repeated and habitual acts (cf. Lüger 2007: 444-445). It is claimed that, particularly in the multilingual environment of the Court of Justice of the European Union, the process of drafting judgments is performed in French and then translated into all languages of the Member States. Moreover, “invisible” translators and linguist-lawyers engaged in this process are of different nationalities and should employ routinized formulae in French (cf.: (McAuliffe 2011, 2016: 11, cf. McAuliffe 2016, McAuliffe & Trklja 2018) but also in other languages while translating. Therefore, employing the concordance tool, it was noticed that some frequent lexical bundles were found as stable units of longer routinized sequences. What is certain is that the high frequency of particular lexical bundles in such text routines does fulfil pivotal communication functions. This factor may contribute to the easier retrieval of text routines and the investigation of their functional role. The benefits of this approach are immediately visible as the list of the most frequent bundles, supplemented with the concordance view, is generated by software based on large corpora. This provides objective and unquestionable results of the analysis. This research revealed that frequent lexical bundles are included in the text routines of the judgments of the Court of Justice of the European Union. Moreover, this analysis allowed for categorizing text routines, employing the typology of Płomińska (2019: 226f., 2020: 246ff.) and Woźniak (2016: 146f., 2017: 156ff.). In the sense described above, the examples of text routines are retrieved from the judgments made in the preliminary ruling procedure.

4.5.1. Opening function

This category of text routines is constitutive of the introductory part of ECJ judgments. The constitutive character of introductory and ending formulas of legal texts has already been confirmed in the German literature (Płomińska 2019: 227). In this particular case, the formula introduces the CJEU’s judgment, providing information on the number of the case with an indication of the type of the case (in this subchapter, only the judgments referring to the preliminary reference procedure are inspected), the date of received reference, engaged judges who gave the judgment, the hearing of the observations of particular actors, and the information about the opinion of the Advocate General. What these examples clearly illustrate is the occurrence of frequent lexical bundles (stressed in bold font), which could be perceived in that context as microroutines (in the form of shorter

clauses, phrases, or words – cf.: Płomińska 2019: 225) that form longer macroroutines in the form of longer sentences which may have empty blanks to fill in (the name of judges, advocate general or parties, dates). These observations are in line with Article 87 of the Rules of Procedure of the CJEU, which sets forth that judgment shall contain:

- (a) a statement that it is the judgment of the Court,
- (b) an indication as to the formation of the Court,
- (c) the date of delivery,
- (d) the names of the President and of the Judges who took part in the deliberations, with an indication as to the name of the Judge-Rapporteur,
- (e) the name of the Advocate General,
- (f) the name of the Registrar,
- (g) a description of the parties or of the interested persons referred to in Article 23 of the Statute who participated in the proceedings,
- (h) the names of their representatives,
- (i) in the case of direct actions and appeals, a statement of the forms of order sought by the parties,
- (j) where applicable, the date of the hearing,
- (k) a statement that the Advocate General has been heard and, where applicable, the date of his Opinion, (..).

These legal requirements set out in Article 87 are included in the introductory macroroutine, presented below in documents 62007CJ0213 and 62010CJ0112. Each microroutine in bold font, which is part of macroroutines detected with the means of lexical bundles, fulfills its significant function of introducing all obligatory legal requirements set forth in the Rules of Procedure.

Additionally, in the following examples, it is confirmed that the specialized nature of the pragmatic phrasemes used in the CJEU judgments is found not only in the terminological character of the components of the routine formulae⁷⁶ but rather in their repeated occurrence in that particular genre (cf. Płomińska 2019: 224). These claims were confirmed in this thesis by a high frequency of lexical bundles. The introducing

⁷⁶ [Rules of Procedure of the Court of Justice \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A019520R0001-01) (05.07.2023)

macroroutine, perceived as a whole, is composed of microroutines that are obligatory, and each of them fulfills its respective role:

- a) *In der Rechtssache C-* introduces the number of the case with an indication of the character of the judgment (*Vorabentscheidungsersuchen* – the reference as regards the given EU provision),
- b) *Beim Gerichtshof eingegangen am* – fulfills the informative role as regards the date of bringing the case to the court (Article 87 c)
- c) *Erlässt der Gerichtshof (Große Kammer) (...) das folgende Urteil-* the formula introduces the procedural action of the court and informs about the formation of the court (*Große Kammer*) (Art. 87 a and b)
- d) *unter Mitwirkung des* – the formula exercises the informative role about the participation of judges (Article 87 d, e, f)
- e) *unter Berücksichtigung der Erklärungen* – the microroutine informs about the fact of taking into consideration the submissions of parties
- f) *nach Anhörung der Schlussanträge des* – the microroutine provides the information from Article 87 (k) of the Rules of Procedure, concerning the opinion of the Advocate General.

62007CJ0213 **In der Rechtssache C-213/07** betreffend ein Vorabentscheidungsersuchen nach Art. 234 EG, eingereicht vom Symvoulio tis Epikrateias (Griechenland) mit Entscheidung vom 8. Dezember 2006, **beim Gerichtshof eingegangen am** 23. April 2007, in dem Verfahren Michaniki AE gegen Ethniko Symvoulio Radiotileorasis, Ypourgos Epikrateias, Beteiligte: Elliniki Technodomiki Techniki Ependytiki Viomichaniki AE, Rechtsnachfolgerin der Pantechniki AE, und Syndesmos Epicheiriseon Periodikou Typou, **erlässt DER GERICHTSHOF (Große Kammer)** **unter Mitwirkung des** Präsidenten V. Skouris, der Kammerpräsidenten P. Jann, C. W. A. Timmermans, A. Rosas und K. Lenaerts (Berichterstatter) sowie der Richter A. Tizzano und J. N. Cunha Rodrigues, der Richterin R. Silva de Lapuerta, der Richter K. Schiemann, J. Klučka und A. Arabadjiev, der Richterin C. Toader und des Richters J.-J. Kasel, Generalanwalt: M. Poiares Maduro, Kanzler: L. Hewlett, Hauptverwaltungsrätin, aufgrund des schriftlichen Verfahrens und auf die mündliche Verhandlung vom 4. März 2008, **unter Berücksichtigung der Erklärungen** — der Elliniki Technodomiki Techniki Ependytiki Viomichaniki AE, Rechtsnachfolgerin der Pantechniki AE, vertreten durch K. Giannakopoulos, dikigoros, — der Syndesmos Epicheiriseon Periodikou Typou, vertreten durch K. Drougas, dikigoros,

der griechischen Regierung, vertreten durch A. Samoni-Rantou, E.-M. Mamouna, A. Manidakis und I. Dionysopoulos als Bevollmächtigte, — des Rates der Europäischen Union, vertreten durch A. Lo Monaco, M.-M. Joséphidès und A. Vitro als Bevollmächtigte, — der Kommission der Europäischen Gemeinschaften, vertreten durch M. Patakia, D. Kukovec und X. Lewis als Bevollmächtigte,

nach Anhörung der Schlussanträge des Generalanwalts in der Sitzung vom 8. Oktober 2008 folgendes Urteil:

62010CJ0112 **In der Rechtssache C-112/10** betreffend ein Vorabentscheidungsersuchen nach Art. 267 AEUV, eingereicht vom Hof van Cassatie (Belgien) mit Entscheidung vom 4. Februar 2010, **beim Gerichtshof eingegangen am** 1. März 2010, in dem Verfahren Procureur-generaal bij het hof van beroep te Antwerpen gegen Zaza Retail BV **erlässt DER GERICHTSHOF** (Erste Kammer) **unter Mitwirkung des** Kammerpräsidenten A. Tizzano, der Richter A. Borg Barthet, E. Levits und J.-J. Kasel sowie der Richterin M. Berger (Berichterstatterin), Generalanwalt: P. Mengozzi, Kanzler: M. Ferreira, Hauptverwaltungsrätin aufgrund des schriftlichen Verfahrens und auf die mündliche Verhandlung vom 31. März 2011, **unter Berücksichtigung der Erklärungen** — der Zaza Retail BV, vertreten durch M. Cordewener, advocaat, — der griechischen Regierung, vertreten durch M. Michelogiannaki, Z. Chatzipav lou und K. Georgiadis als Bevollmächtigte, — der Europäischen Kommission, vertreten durch R. Troosters und S. Petrova als Bevollmächtigte, aufgrund des **nach Anhörung des Generalanwalts** ergangenen Beschlusses, ohne Schlussanträge über die Rechtssache zu entscheiden, folgendes Urteil:

4.5.2. Closing function

The term pragmatic phrasemes with closing function denotes text routines that end the judgment's binding part. This category of text routines is also constitutive as Article 87 (n) of the Rules of Procedure prescribes that the judgment shall contain “the operative part of the judgment, including, where appropriate, the decision as to costs”⁷⁷. The examples below (61997CJ0127, 62015CJ0417, 61993CJ0418, 62010CJ0372) present the pragmatic phrasemes relating to the decision on costs. The difference between them is only marginal; it refers to the order of presenting the information on the recoverability of the costs of submitted observations and the information that the costs are a matter of the national court, before which the main proceeding is in progress. There is also one difference, which was observed using the Concordance Tool. In some instances, the Court employs the noun *Rechtsstreitigkeit* (used in Plural as *Rechtsstreitigkeiten*), in other cases *Rechtsstreit* (in

⁷⁷ [Rules of Procedure of the Court of Justice \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015R0876) (05.07.2023)

Singular) occurs. However, both variants perform the same function. It can be supposed that the pragmatic phrasemes in the recent judgments of CJEU are simplified and unified to a higher degree as they are almost the same in each judgment. In older versions of the judgments, the text routine referring to the costs starts with the recoverability of submissions of exactly enumerated institutions, that are not parties to the proceeding (61997CJ0127 – year 1998, 61993CJ0418 – year 1996) (*dänische, französische, niederländische, österreichische, finnische und schwedische Regierung sowie der Kommission*⁷⁸). This requires employing the complex grammatical structure of the extended attribute (*das erweiterte Atribut*). On the other hand, in those recent judgments, only the general phrase occurs - *Die Auslagen anderer Beteiligter* (other participants – J.K.) (62015CJ0417 - the year 2016, 62010CJ0372- the year 2012):

- 61997CJ0127 Die Auslagen der *dänischen, französischen, niederländischen, österreichischen, finnischen und schwedischen Regierung sowie der Kommission der Europäischen Gemeinschaften*, die vor dem Gerichtshof Erklärungen abgegeben haben, **sind nicht erstattungsfähig. Für die Parteien des Ausgangsverfahrens ist das Verfahren ein Zwischenstreit in dem bei dem vorlegenden Gericht** anhängigen Rechtsstreit; die Kostenentscheidung ist **daher Sache dieses Gerichts.**
- 62015CJ0417 **Für die Parteien des Ausgangsverfahrens ist das Verfahren ein Zwischenstreit in dem bei dem vorlegenden Gericht** anhängigen Rechtsstreit; die Kostenentscheidung ist **daher Sache dieses Gerichts.** Die Auslagen *anderer Beteiligter* für die Abgabe von Erklärungen vor dem Gerichtshof **sind nicht erstattungsfähig.**
- 61993CJ0418 Die Auslagen der *griechischen Regierung und der Kommission der Europäischen Gemeinschaften*, die vor dem Gerichtshof Erklärungen abgegeben haben, **sind nicht erstattungsfähig. Für die Parteien des Ausgangsverfahrens ist das Verfahren ein Zwischenstreit in den bei dem vorlegenden Gericht** anhängigen Rechtsstreitigkeiten; die Kostenentscheidung **ist daher Sache dieses Gerichts**
- 62010CJ0372 **Für die Parteien des Ausgangsverfahrens ist das Verfahren ein Zwischenstreit in dem bei dem vorlegenden Gericht** anhängigen Rechtsstreit; die Kostenentscheidung **ist daher Sache dieses Gerichts.** Die Auslagen *anderer Beteiligter* für die Abgabe von Erklärungen vor dem Gerichtshof **sind nicht erstattungsfähig.**

By analogy, the text routines that introduce the operative part of a judgment, in much the same way, which are from 2016 (62015CJ0417) and 2012 (62010CJ0372), are

⁷⁸ Marked in red.

simplified. The beginning starts only with one sentence and shows a higher degree of conciseness:

Aus diesen Gründen hat der Gerichtshof (Zweite Kammer) für Recht erkannt:

After this sentence, the final decision (or decisions) follows. In the judgments from year 1996 (61993CJ0418) and 1991 (61990J0041), the extended attribute (*das erweiterte Attribut*) is employed (marked in purple colour – J.K.) to indicate who brought the reference to the Court of Justice. The tendency to apply more concise formulas is observed, which allows for avoiding extended attributes.

61990J0041 **Aus diesen Gründen hat DER GERICHTSHOF (Sechste Kammer) auf die ihm vom Oberlandesgericht München mit Beschluß vom 31. Januar 1990 vorgelegten Fragen für Recht erkannt:** 1) Eine öffentlich-rechtliche Anstalt für Arbeit, die Arbeitsvermittlung betreibt, unterliegt dem Verbot des Artikels 86 EWG-Vertrag, soweit die Anwendung dieser Vorschrift nicht die Erfüllung der ihr übertragenen besonderen Aufgabe verhindert. Ein Mitgliedstaat, der einer solchen Anstalt ein Arbeitsvermittlungsmonopol eingeräumt hat, verstößt gegen Artikel 90 Absatz 1 EWG-Vertrag, wenn er eine Lage schafft, in der die Anstalt zwangsläufig gegen Artikel 86 EWG-Vertrag verstossen muß. Dies gilt insbesondere, wenn folgende Bedingungen erfüllt sind

62015CJ0417 **Aus diesen Gründen hat der Gerichtshof (Zweite Kammer) für Recht erkannt:** Die Bestimmungen der Verordnung (EU) Nr. 1215/2012 des Europäischen Parlaments und des Rates vom 12. Dezember 2012 über die gerichtliche Zuständigkeit und die Anerkennung und Vollstreckung von Entscheidungen in Zivil- und Handelssachen sind dahin auszulegen, dass eine Klage auf Aufhebung eines Schenkungsvertrags über ein Grundstück wegen Geschäftsunfähigkeit des Schenkenden nicht nach Art. 24 Nr. 1 dieser Verordnung in die ausschließliche Zuständigkeit der Gerichte des Mitgliedstaats fällt, in dem das Grundstück belegen ist, sondern in die besondere Zuständigkeit nach Art. 7 Nr. 1 Buchst. a der Verordnung. Eine Klage auf Löschung der das Eigentumsrecht des Beschenkten betreffenden Eintragungen aus dem Grundbuch fällt in die ausschließliche Zuständigkeit nach Art. 24 Nr. 1 der Verordnung.

61993CJ0418 **Aus diesen Gründen hat DER GERICHTSHOF (Fünfte Kammer) auf die von der Pretura circondariale Rom, Auswärtige Kammer Castelnuovo di Porto, mit Beschlüssen vom 18. Juli, 28. Oktober, 11. November, 2. und 16. Dezember 1993 sowie vom 10. Oktober 1994 vorgelegten Fragen für Recht erkannt:**

62010CJ0372 **Aus diesen Gründen hat der Gerichtshof (Vierte Kammer) für Recht erkannt:**

1. Im Fall eines Staates, der, wie die Republik Polen, der Europäischen Union am 1. Mai 2004 beigetreten ist, ist Art. 7 Abs. 1 der Richtlinie 69/335/EWG des Rates vom 17. Juli

1969 betreffend die indirekten Steuern auf die Ansammlung von Kapital in der durch die Richtlinie 85/303/EWG des Rates vom 10. Juni 1985 geänderten Fassung, wenn weder die Akte über den Beitritt dieses Staates zur Europäischen Union noch ein anderer Rechtsakt der Europäischen Union eine Ausnahmeregelung enthält, dahin auszulegen, dass die in diesem Artikel zwingend vorgeschriebene Steuerbefreiung nur für die unter diese – geänderte – Richtlinie fallenden Vorgänge gilt, die in diesem Staat am 1. Juli 1984 von der Gesellschaftsteuer befreit waren oder einem ermäßigten Gesellschaftsteuersatz von 0,50 v. H. oder weniger unterlagen. (...)

4.5.3. The referring function

In this category, the microroutines are included, whose role is to refer to other legal acts. The frequency of this occurrence is high and confirmed in the former subchapter, which relates to the lexical bundles.

Using the Concordance Tool, the neighborhood of the microroutine *im Sinne von Art.* can be observed. It is noted that *im Sinne von Art.* is employed to invoke other provisions of EU legal acts (such as regulations) and the legal norms of the national legal system (statutes).

62011CJ0260 der Entscheidung über die Frage, ob der Rechtsstreit "übermäßig teuer" **im Sinne von Art.** 9 Abs. 4 des Übereinkommens von Aarhus in der Umsetzung durch die

62005CJ0330 n Granberg wegen unerlaubter Einfuhr von Heizöl, also einem Mineralöl **im Sinne von Art.** 9 Abs. 3 der Richtlinie, nach Schweden. </s><s>I – Rechtlicher Rahmen

62005CJ0330 ühren vorzusehen, die nicht in Form einer "atypischen Beförderungsart" **im Sinne von Art.** 9 Abs. 3 der Richtlinie durchgeführt würden, die Bestimmungen dieser

62005CJ0330 wenn diese Privatperson sich hierzu einer "atypischen Beförderungsart" **im Sinne von Art.** 9 Abs. 3 bediene. </s><s>22 Nach Ansicht der polnischen Regierung u

62005CJ0330 n, wie im Ausgangsverfahren der Fall, eine "atypische Beförderungsart" **im Sinne von Art.** 9 Abs. 3 der Richtlinie ist. </s><s>Der Umstand, dass sich in dieser Re

62007CJ0213 teilte Erga OSE, die damals zum "öffentlichen Sektor im weiteren Sinne" **im Sinne von Art.** 1 Abs. 2 des Gesetzes Nr. 3021/2002 gehörte, dem ESR mit Schreiber

62015CJ0002 ichtungen und Anforderungen nur benannten Universaldiensteanbietern **im Sinne von Art.** 4 der Richtlinie auferlegt werden können. </s><s>25</s><s>Außerdem

62015CJ0002 dort verwendete Begriff "Genehmigungen" sowohl die Genehmigungen **im Sinne von Art.** 9 Abs. 2 Unterabs. 1 dieser Richtlinie als auch die Genehmigungen im

62015CJ0002 Art. 9 Abs. 2 Unterabs. 1 dieser Richtlinie als auch die Genehmigungen **im Sinne von Art.** 9 Abs. 1 der Richtlinie bezeichnet. </s><s>29</s><s>Als Drittes ist zu c

62008CJ0171 </s><s>49 In Ermangelung einer Definition des Begriffs "Kapitalverkehr" **im Sinne von Art.** 56 Abs. 1 EG im Vertrag hat der Gerichtshof der Nomenklatur für den F

62008CJ0171 int. </s><s>So hat der Gerichtshof befunden, dass "Kapitalbewegungen" **im Sinne von Art.** 56 Abs. 1 EG insbesondere sogenannte Direktinvestitionen sind, also I

62008CJ0171 ichtshof festgestellt, dass nationale Regelungen als "Beschränkungen" **im Sinne von Art.** 56 Abs. 1 EG anzusehen sind, wenn sie geeignet sind, den Erwerb vor

62007CJ0570 gen zu behindern oder weniger attraktiv zu machen, eine Beschränkung **im Sinne von Art.** 49 AEUV dar. (vgl. in diesem Sinne Urteile vom 14. </s><s>Oktober 200

62007CJ0570 en fragliche stellt folglich eine Beschränkung der Niederlassungsfreiheit **im Sinne von Art.** 49 AEUV dar. </s><s>Zur Rechtfertigung der Beschränkung der Nieder

62011CJ0160 sich bei diesen Kraftwagen und Fahrzeugen um Gebrauchsgüter **im Sinne von Art.** 43 Abs. 2 des Mehrwertsteuergesetzes handelt. </s><s></s><s>Sach

62011CJ0160 Vorlagefrage </s><s>18</s><s>Bawaria Motors ist umsatzsteuerpflichtig **im Sinne von Art.** 15 des Mehrwertsteuergesetzes. </s><s>Sie übt eine wirtschaftliche Tz

62011CJ0160 n Personenkraftwagen und Kraftfahrzeugen um Gebrauchsgüter **im Sinne von Art.** 43 Abs. 2 des Mehrwertsteuergesetzes und Art. 311 Abs. 1 Nr. 1 der Ri

62011CJ0160 erezbesteuerung anwenden kann, wenn er als Gebrauchsgüter **im Sinne von Art.** 311 Abs. 1 Nr. 1 dieser Richtlinie geltende Kraftfahrzeuge liefert, die er

Figure 18. Screenshot of the concordance of "im Sinne von Art."

Another variant of *im Sinne* is followed with the genitive form *des Artikel*, without *von*:

61993CJ0439 /erpflichtungen können daher auch dann zum Betrieb einer Niederlassung **im Sinne des** Artikel 5 Nr. 5 des Übereinkommens gehören, wenn sie ausserhalb des Ve
61991CJ0020 tworten ist, daß im Hinblick auf das Grundstück als Ganzes eine Lieferung **im Sinne des** Artikels 5 Absatz 6 der Sechsten Richtlinie erfolgt ist, Artikel 11 Teil A Absa
61991CJ0020 stück den Gegenständen seines Unternehmens für seinen privaten Bedarf **im Sinne des** Artikels 5 Absatz 6 der Sechsten Richtlinie entnimmt. </s><s>13 Die nieder
62002CJ0236 iten Abgaben beauftragt. </s><s>Artikel 29</s><s>1.</s><s>>Der Erzeuger **im Sinne des** Artikels 4 zeigt gemäß Artikel 4 der Verordnung (EWG) Nr. 536/93 und der
62011CJ0260 eses Dokument doch klar, dass die Kosten eines Überprüfungsverfahrens **im Sinne des** Übereinkommens oder für die Durchsetzung des nationalen Umweltrechts
61996CJ0308 ert Dienstleistung gilt als Besteuerungsgrundlage und als Preis ohne Steuer **im Sinne des** Artikels 22 Absatz 3 Buchstabe b) die Marge des Reisebüros, das heisst d
61996CJ0308 ert Bestimmung nicht erfasste Eigenleistungen bezieht, die Gegenleistung **im Sinne des** Artikels 11 Teil A Absatz 1 Buchstabe a der Sechsten Richtlinie nicht als Be
62005CJ0330 ilter im Laderaum eines Lieferwagens ist eine "atypische Beförderungsart" **im Sinne des** Art. 9 Abs. 3 der Richtlinie 92/12 über das allgemeine System, den Besitz,
62005CJ0330 echtlich freien Verkehr übergeführt worden ist, erworben hat und es selbst **im Sinne des** Art. 9 Abs. 3 der Richtlinie in den Bestimmungsmitgliedstaat "auf atypische
62005CJ0330 aus den in Kapitel 1 § 2 angegebenen Gesetzen oder aus Bestimmungen **im Sinne des** Kapitels 1 § 5a ergeben, erfüllt sind. </s><s>"</s><s>14 Gemäß Kapitel 5 !
62005CJ0330 Laderaum eines Lieferwagens um eine Beförderung auf atypische Weise **im Sinne des** Art. 9 Abs. 3 der Richtlinie? </s><s>4.</s><s>Ist mit Art. 7 Abs. 4 der Richtl
62005CJ0330 r übergeführt worden ist, erworben hat und es selbst auf atypische Weise **im Sinne des** Art. 9 Abs. 3 der Richtlinie in den Bestimmungsmitgliedstaat befördert hat,
62005CJ0330 hälter im Laderaum eines Lieferwagens eine "atypische Beförderungsart" **im Sinne des** Art. 9 Abs. 3 der Richtlinie ist. </s><s>Beim Gerichtshof eingereichte Erklär
62005CJ0330 hälter im Laderaum eines Lieferwagens eine "atypische Beförderungsart" **im Sinne des** Art. 9 Abs. 3 der Richtlinie ist. </s><s>Zur vierten Frage</s><s>42 Mit seine
62005CJ0330 echtlich freien Verkehr übergeführt worden ist, erworben hat und es selbst **im Sinne des** Art. 9 Abs. 3 der Richtlinie in den Bestimmungsmitgliedstaat "auf atypische
62005CJ0330 ilter im Laderaum eines Lieferwagens ist eine "atypische Beförderungsart" **im Sinne des** Art. 9 Abs. 3 der Richtlinie 92/12 in der durch die Richtlinie 92/108 geändei
62005CJ0330 echtlich freien Verkehr übergeführt worden ist, erworben hat und es selbst **im Sinne des** Art. 9 Abs. 3 der Richtlinie in den Bestimmungsmitgliedstaat "auf atypische
61999CJ0240 en abschließt, stellt keinen mehrwertsteuerbefreiten Versicherungsumsatz **im Sinne des** Artikels 13 Teil B Buchstabe a der Sechsten Richtlinie zur Harmonisierung

Figure 19. Screenshot of the concordance of "im Sinne des".

Another detected phrase *im Zusammenhang mit* can be employed with a referring function to refer to the national legal system; however, such reference is not made directly. The analysis of the concordance of this phrase allows one to conclude that this microroutine can be adopted to clarify the scope of the discussed matter or refer some legal provisions (underlined) to other, generally denoted legal rules or law (marked in green colour):

- 62008CJ0116 Die nicht im Sanierungsgesetz, im Königlichen Erlass vom 29. Oktober 1997 oder im Königlichen Erlass vom 2. Januar 1991 geregelt arbeitsrechtlichen Fragen **im Zusammenhang mit dem Elternurlaub** richten sich weiterhin **nach dem allgemeinen Arbeitsvertragsrecht**, insbesondere nach dem Arbeitsvertragsgesetz.
- 62001CJ0421 Verbieht Artikel 30 Absätze 1 und 2 der Richtlinie 93/37/EWG **im Zusammenhang mit den Grundsätzen der Transparenz und der Gleichbehandlung dem öffentlichen Auftraggeber**, die Annahme eines alternativen Angebotsvorschlags, der sich durch eine andere technische Qualität von einem der Ausschreibung entsprechenden Angebot unterscheidet, von der positiven Beurteilung anhand eines in nationalen Rechtsvorschriften aufgestellten Kriteriums, dass mit dem Alternativvorschlag die Erbringung einer qualitativ gleichwertigen Leistung sichergestellt ist", abhängig zu machen, wenn die Ausschreibungsunterlage diesbezüglich nur auf die nationale Rechtsvorschrift verweist und nicht näher definiert, anhand welcher konkreten Vergleichsparameter (...).
- 61997CJ0319 Handelt die Kommission **im Zusammenhang mit einer von einem Mitgliedstaat im Rahmen des Artikels 100a Absatz 4 EG-Vertrag vorgenommenen Mitteilung** nicht zuegig, kann dies zwar eine Verletzung der ihr obliegenden Pflichten darstellen, doch steht eine solche Verletzung der vollen Anwendung der fraglichen Richtlinie nicht entgegen.

Another example obtained using the N-gram Tool was *in der Rechtssache*. This phrase refers to other cases decided by the Court of Justice of the European Union. As described in 4.2.1.3, the role of *in der Rechtssache* is significant in developing uniform interpretation in the European Union:

- 62002CJ0092 Nach ständiger Rechtsprechung kann der Gerichtshof gemeinschaftsrechtliche Vorschriften berücksichtigen, die das vorlegende Gericht in seiner Frage nicht angeführt hat, wenn das erforderlich ist, um diesem Gericht eine sachdienliche Antwort zu geben (Urteile vom 20. </s><s> März 1986 in der Rechtssache 35/85, Tissier, Slg. 1986, 1207, Randnr. 9, vom 27. </s><s> März 1990 **in der Rechtssache** C-315/88, Bagli Pennacchiotti, Slg. 1990, I-1323, Randnr. 10, und vom 18. </s><s> November 1999 in der Rechtssache C-107/98, Teckal, Slg. 1999, I-8121, Randnr. 39).
- 62002CJ0092 Neben ihren Wirkungen innerhalb der Gemeinschaftsverwaltung verpflichten die BSB somit auch die Mitgliedstaaten, soweit deren Mitwirkung zu ihrer Durchführung erforderlich ist (Urteil vom 7. </s><s> Mai 1987 **in der Rechtssache** 186/85, Kommission/Belgien, Slg. 1987, 2029, Randnr. 21).

It is evident that another microroutine, which can be used with the purpose of referring to other legal acts, is *im Hinblick auf*:

- 61997CJ0424 Zum anderen habe sich die Entscheidung der KVN **im Hinblick auf** Artikel 52 EG-Vertrag, der die Niederlassungsfreiheit gewährleiste, als fehlerhaft erwiesen.
- 62011CJ0160 In einem Fall wie dem des Ausgangsverfahrens hingegen schließt dieser Preis nur einen Teil der als Vorsteuer entrichteten Mehrwertsteuer ein, nämlich den Teil, den der Steuerpflichtige, der dem steuerpflichtigen Wiederverkäufer die betreffenden Gegenstände geliefert hat, bei deren Erwerb **im Hinblick auf die Beschränkung nach** Art. 86 Abs. 3 des Mehrwertsteuergesetzes nicht abziehen konnte.
- 62009CJ0097 Nach alledem ist auf die Vorlagefragen zu antworten, dass die Prüfung der Fragen nichts ergeben hat, was die Gültigkeit der Art. 24 Abs. 3 und 28i der Sechsten Richtlinie sowie des Art. 283 Abs. 1 Buchst. c der Mehrwertsteuerrichtlinie **im Hinblick auf** Art. 49 EG berühren könnte.
- 62004CJ0353 Die Beschaffenheitsfiktion des Artikels 70 Absatz 1 Unterabsatz 1 der Verordnung Nr. 2913/92 in der durch die Verordnung Nr. 82/97 geänderten Fassung gilt dann nicht, wenn die entnommene Stichprobe **im Hinblick auf** Artikel 7 der Verordnung Nr. 1538/91 keinen ausreichenden Umfang hat.

The next detected formula, which exercises the referring function in a legal text, is *auf der Grundlage*. This microroutine provides the legal basis for judicial reasoning and refers directly to given provisions or indirectly to the generally formulated legal acts, such as *das polnische Recht* (the Polish law – J.K.), *Geschäftsordnung* (rules of procedure –

J.K.). However, it was observed that this pragmatic phraseme could also be used to refer to given sentences of the questioned judgment (the example from document 62008CJ0141):

- 61998CJ0168 Somit konnten die Vorschriften über die gemeinsame Berufsausübung rechtmäßig **auf der Grundlage** des Artikels 57 Absatz 2 Sätze 1 und 3 des Vertrages erlassen werden.
- 62008CJ0141 104 Nach alledem konnte das Gericht **auf der Grundlage** der Randnrn. 72 bis 75 des angefochtenen Urteils nicht ausschließen, dass der Verstoß gegen Art. 20 Abs. 5 der Grundverordnung geeignet war, den Inhalt der angefochtenen Verordnung und folglich die Verteidigungsrechte der Rechtsmittelführerin zu beeinträchtigen.
- 62007CJ0200 Selbst wenn im Übrigen das Parlament auf den Antrag des betreffenden Europaabgeordneten hin **auf der Grundlage** der Geschäftsordnung eine Entscheidung erlassen würde, mit der der Schutz der Immunität verfügt wird, wäre dies eine Stellungnahme, die keine Bindungswirkung für die nationalen Gerichte entfaltet.
- 62007CJ0544 Die Krankenversicherungsbeiträge, die von der Betriebsrente abgezogen würden und die Herr Rüffler auf der Grundlage der deutschen Rechtsvorschriften zahle, entsprächen nach Art und Zweck den Beiträgen, die polnische Steuerpflichtige **auf der Grundlage** des polnischen Rechts zahlten.
- 62007CJ0544 Nach Ansicht des vorlegenden Gerichts entspricht der Krankenversicherungsbeitrag, den Herr Rüffler **auf der Grundlage** der deutschen Rechtsvorschriften zahle, nach Art und Zweck dem Beitrag, den polnische Steuerpflichtige auf der Grundlage des polnischen Gesetzes zahlten. Sowohl im deutschen als auch im polnischen Recht seien Rentenempfänger zur Zahlung eines solchen Beitrags verpflichtet.

4.5.4. Informative function (focus function)

In the German literature, this category is used as an umbrella term. It encompasses broadly denoted pragmatic phrasemes whose role is to provide the aim of a legal act, the requirement of cooperation of other organs, the information about the fact of coming into force, etc. (Płomińska 2019: 226-227). This, however, raises the question of whether this category is not too broad as reference microroutines do also exercise an informative role about the source of law to some extent. To put it another way, the microroutines described in 4.5.1. can be approached together as a whole macroroutine with the opening function. In fact, retaining the nomenclature of Płomińska, these microroutines would be categorized as routines performing the informative function.

Therefore, it should be endeavored to adopt a narrower definition of informative pragmatic phrasemes. As was described in the previous subchapter, the focus lexical bundle *in Rede stehenden*, which occurred with high frequency, fulfills a significant role in a text. From that perspective, based on the results obtained through lexical bundles, it could be

claimed that this category of informative microroutines could encompass phrases that aim to focus on a particular discussed matter (cf.: Koźbiał 2020: 341). It can be perceived as a microroutine with an informative role as it introduces precisely the scope of the matter under discussion:

- 62001CJ0313 Die Aufnahme und Ausübung der im Ausgangsverfahren in Rede stehenden Tätigkeiten eines praticante und eines praticante-patrocinate werden durch Rechtsvorschriften geregelt, mit denen eine Regelung aufgestellt wird, die diese Tätigkeiten Personen vorbehält, die bestimmte Voraussetzungen erfüllen, während sie die Aufnahme dieser Tätigkeiten denjenigen versagt, die diese Voraussetzungen nicht erfüllen.
- 62007CJ0553 Eine Regelung, die die Aufbewahrung der Information über die Empfänger oder Kategorien der Empfänger der Daten und den Inhalt der übermittelten Daten und dementsprechend den Zugang zu dieser Information auf die Dauer eines Jahres begrenzt, während die Basisdaten viel länger aufbewahrt werden, stellt keinen gerechten Ausgleich zwischen dem hier **in Rede stehenden Interesse** und der fraglichen Verpflichtung dar, sofern nicht nachgewiesen wird, dass eine längere Aufbewahrung der betreffenden Information den für die Verarbeitung Verantwortlichen über Gebühr belasten würde.
- 62004CJ0418 Demzufolge kann die Ausweisung eines BSG nicht das Ergebnis einer isolierten Prüfung des ornithologischen Werts jeder einzelnen der **in Rede stehenden Flächen** sein, sondern muss unter Berücksichtigung der natürlichen Grenzen des Feuchtgebiets erfolgen, und die ornithologischen Kriterien, auf denen die Ausweisung ausschließlich zu beruhen hat, müssen wissenschaftlich begründet sein.
- 62000CJ0316 Hinsichtlich der in dieser Rechtssache **in Rede stehenden Parameter** ist dort Folgendes vorgesehen:

4.5.5. Communicative function

For the purposes of the analysis of the judgment delivered in the preliminary ruling procedure, it was necessary to include the additional function in this typology. The communicative function seems to play a crucial role in the judicial discourse between CJEU and national courts. This was observed at the former step of this research, which was based on the analysis of the frequency of lexical bundles. Therefore, in this category, the microroutines are included, which confirm the cooperation in the communication between judges of the EU institution and judges from domestic courts.

Firstly, as stated in the previous chapter, the national courts are allowed (and sometimes obliged, as prescribed by the respective provisions of EU law) to bring the

question before the Court of Justice. In order to communicate this reference, the microroutine *möchte das vorlegende Gericht wissen* is employed. It was spotted that this phrase is used as an indirect question. Firstly, it is formulated by the domestic court and subsequently invoked in the CJEU “answering” judgment, after which the interpreting answer of the CJEU is followed.

- 61992CJ0034 Für den Fall, daß sich die von der Klägerin vertretene Auslegung als unzutreffend erweisen sollte, **möchte das vorlegende Gericht wissen**, ob die streitige Regelung nicht wegen Verstosses gegen das Diskriminierungsverbot ungültig sei, das sich aus Artikel 40 Absatz 3 Unterabsatz 2 EWG-Vertrag in Verbindung mit Artikel 18 der Verordnung Nr. 805/68, wonach die Erstattung für die gesamte Gemeinschaft gleich sei, ergebe.
- 62010CJ0371 Außerdem **möchte das vorlegende Gericht wissen**, ob die Auslegung von Art. 49 AEUV dadurch beeinflusst wird, dass sich die besteuerten nicht realisierten Wertzuwächse auf Kursgewinne beziehen, die im Aufnahmemitgliedstaat angesichts der dort geltenden Steuerregelung nicht zum Ausdruck kommen können.
- 61993CJ0071 Mit seiner Frage 1 c **möchte das vorlegende Gericht wissen**, welches die genaue Bedeutung der Worte "insoweit, als" in Artikel 2 Absatz 3 der Verordnung ist
- 62011CJ0335 Mit seiner ersten und seiner zweiten Frage, die zusammen zu prüfen sind, **möchte das vorlegende Gericht wissen**, ob der Begriff "Behinderung" im Sinne der Richtlinie 2000/78 dahin auszulegen ist, dass er den Gesundheitszustand einer Person erfasst, die ihre Arbeit aufgrund physischer, geistiger oder psychischer Beeinträchtigungen über einen wahrscheinlich langen Zeitraum oder dauerhaft nicht oder nur in begrenztem Umfang verrichten kann.

From the observations made while analyzing the concordance of the frequent lexical bundles, it was concluded that epistemic stance bundles fulfill a significant role in the judicial interpretation of EU law. In the context of pragmatic phrasemes, the stance bundles could be perceived as microroutines with communicative function because they are employed to communicate the ready solution concerning the interpretation of respective provisions, included in the question of a national court:

- 61993CJ0456 Die erste und die dritte Frage sind daher wie folgt zu beantworten: 1) Artikel 3 Absatz 2 der Verordnung Nr. 3201/90 **ist dahin auszulegen**, daß er es nicht verbietet, in der Etikettierung von "Qualitätsweinen mit Prädikat" die Prädikate "Kabinett", "Spätlese" oder "Auslese" zusätzlich zu deren vorgeschriebener Angabe (in Schriftzeichen der gleichen Art und Grösse wie der Name des bestimmten Anbaugebiets oder der Name einer geographischen Einheit, die kleiner ist als das bestimmte Anbaugebiet) in anderer

Schriftart und grösseren Schriftzeichen, insbesondere blickfangartig als Bestandteil einer Marke, auf dem Etikett zu wiederholen.

62014CJ0310 Art. 13 der Verordnung Nr. 1346/2000 **ist dahin auszulegen**, dass die Wendung "diese Handlung in keiner Weise ... angreifbar ist" neben den insolvenzrechtlichen Vorschriften des für diese Handlung geltenden Rechts (*lex causae*) sämtliche Vorschriften und allgemeinen Grundsätze dieses Rechts erfasst .

62002CJ0372 Artikel 13 Absatz 2 Buchstabe f der Verordnung Nr. 1408/71 in der durch die Verordnung Nr. 2001/83 aktualisierten Fassung, geändert durch die Verordnung Nr. 2195/91, **ist dahin auszulegen**, dass eine Person, die in einem Mitgliedstaat wohnt und dort arbeitslos ist, nachdem sie ihren Pflichtwehrdienst in einem anderen Mitgliedstaat abgeleistet hat, den Rechtsvorschriften des Wohnmitgliedstaats unterliegt.

4.6.Conclusions

It is reasonable to conclude that the lexical bundles may contribute to our understanding of the phraseological unit, especially in German linguistics. This research has provided convincing evidence that frequency can be the sole criterion for extracting phraseological units. It is claimed that the semantic completeness is not required. For instance, some phrases, such as *der Verordnung Nr.*, would not even be discussed from the traditional perspective due to the genitive form. It has turned out that this particular form is much more frequent than the nominative form *die Verordnung Nr.* and the reason lies in the need to invoke some crucial provisions of legal acts. Contrary to the traditional perspective on legal phraseology, the results suggest that some formulas, which at first glance seem not semantically complete, are intentionally employed by the language users as they fulfill crucial roles in the judicial discourse. Simultaneously, those phrasemes, which occurred frequently in a large corpus, could be otherwise unnoticed because of an ungrammatical form, but still, it should be stressed that they were given a respective purpose by a language user. What is apparent is the fact that the concordance tool, applied to the considerable database, provides a better insight into the neighborhood of phrasemes. Additionally, their application in a text contributes to a deeper exploration of the functions of those routines.

It was also confirmed that the lexical bundles approach can be taken into account in the traditional research field. For instance, retrieved stance bundles, used as an interpreting tool for judges, revealed that they are employed as a routine formula (text routine) to communicate with national judges in the form of cooperation.

This chapter has also demonstrated that at the textual level microroutines with informative functions can be regarded as a macroroutine. For instance, the opening macroroutine in the judgments of CJEU includes obligatory informative microroutines, for example *in der Rechtssache C, beim Gerichtshof eingegangen am, unter Mitwirkung des*). All of them are in line with Article 87 of the Rules of Procedure of the CJEU, which provides the obligatory elements for the introductory part of a judgment. Secondly, it was noticed that the text routines may perform the communicative function in the CJEU judicial discourse. Therefore, the Author suggested a new function to be included in the functional categorisation. It was observed that with stance bundles, such as *möchte das vorlegende Gericht* or *dahin auszulegen ist*, the CJEU communicates with domestic courts to provide a uniform interpretation of EU law.

However, there are obvious limitations to this approach. German is much more complex because of articles governed by four cases (Nominativ, Genitiv, Dativ and Akkusativ) and the declension. Therefore, the frequency numbers of lexical bundles were significantly different from those obtained in the English section (see Chapter 5). Secondly, the search for stable, uninterrupted forms in the case of the German language presumably results in the lack of some categories of lexical bundles, such as purpose, transition, or condition bundles. Whether this methodology is completely adaptable for the pragmatic phrasemes research is still uncertain. Presumably, it could omit some phrases due to the variation in terms of articles and declension.

Chapter 5

Lexical bundles in the English CJEU judgments

The purpose of this chapter is to present the results of the lexical bundles analysis in the English version of EUR-LEX judgments parallel 12/2016 corpus, which was described in Chapter 3. Hypothetically, due to the same corpus comprising the same judgments – the same results should be observed in both language versions (see Chapter 4). Similarly to the analysis presented in Chapter 4, it is believed that the most frequent lexical bundles may reveal some important information on the discourse and discourse community of the Court of Justice of the European Union. The combination of linguistic and legal knowledge may complement each other in a way that the frequency of some phraseological units (lexical bundles) may indicate the importance of the role of particular institutions, legal acts, legal principles, case law, etc. On the other hand, some provisions of the EU law may explain the linguistic occurrence of expressions. The analysis from the corpus-assisted perspective (CADS) allows a researcher to investigate the legal discourse, employing different techniques to examine “the communicative discourse” (Partington et al. 2013: 10) with the use of corpus linguistics (Goźdz-Roszkowski 2021: 1517). It is claimed that the analysis of functional categories of lexical bundles approached with corpus linguistics tools, may shed light on the communicative processes in CJEU. Given this, the concordance and parallel concordance tools were supportive in comparing the results received in English with those obtained in the German corpus analysis. This led the Author to assess the usefulness of the corpus methodology in the research of German phraseology. In this chapter, however, the analysis of the English examples will not be as exhaustive as in the German one because the English analysis serves as the complementary tool used to verify the claims made in Chapter 4. It is also dictated by the fact that there have already been extensively well-researched studies carried out on the English lexical bundles in legal

genres, including judgments of CJEU (e.g., Koźbiał 2020; Biel 2014; Biel, Koźbiał, Wasilewska 2018; Biel, Koźbiał, Wasilewska 2019, Biel, Koźbiał, Müller 2022).

5.1. The most frequent lexical bundles in the English corpus

Firstly, the list of the most frequent lexical bundles was generated, and the bundles were assigned to specific functional categories based on the analysis of the relevant contexts. However, the list of the most frequent English lexical bundles provided more manageable and viable bundles for further examination. There were fewer meaningless lexical bundles (such as *and of the*), in contrast to the list of lexical bundles in the German corpus, which contained many insignificant bundles (for instance, *in der durch, die in den*). Presumably, because of the uninflected nature of the English language, the number of pmw frequency of words was also higher (to illustrate the disproportion - the first 169 words were with a frequency between 800.11 – 185.87 pmw in the English version, while the frequency of the first 169 words in the German corpus amounts to 1, 161.07 – 105.16 pmw). Similarly to the extraction process of German lexical bundles, circa about 200 the most frequent bundles have been submitted for further selection with the aim of narrowing the scope of functional analysis. Secondly, the German corpus provided more n-grams, which were more meaningful, allowing for categorizing them into different functional types. For these reasons, the final number of 68 lexical bundles was intuitively selected due to its potential significance for understanding the discourse.

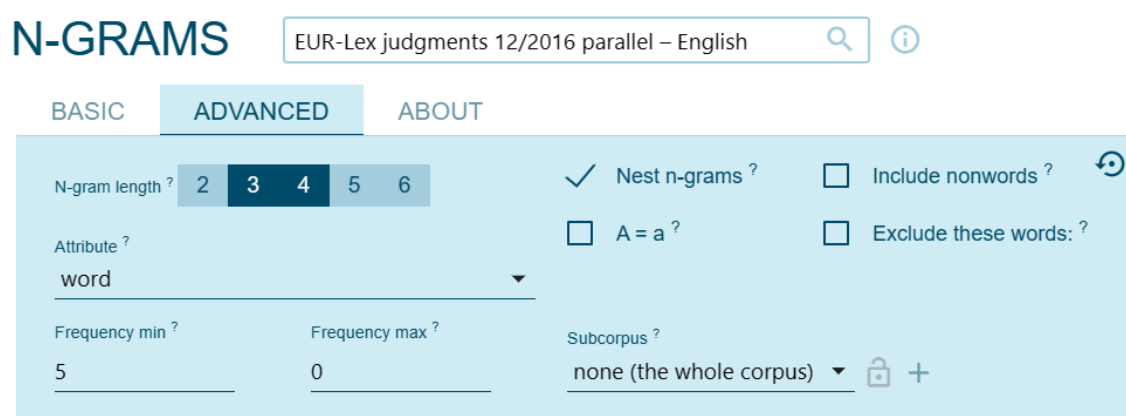


Figure 20. The screenshot of the first step of collecting the lexical bundles– N-Grams Tool.

**SELECTED MOST FREQUENT LEXICAL BUNDLES FROM THE ENGLISH
CORPUS**

| | | | |
|-----------|--|--------|--------|
| 1 | Of Regulation No | 800.11 | 41,205 |
| 2 | The main proceeding | 736.34 | 37,921 |
| 3 | A preliminary ruling <ul style="list-style-type: none"> • For a preliminary ruling | 558.46 | 28,760 |
| 4 | In accordance with | 536.67 | 27,638 |
| 5 | The Member States <ul style="list-style-type: none"> • A Member State • The Member State • Another Member State • Of the Member States | 523.39 | 26,954 |
| 6 | in order to | 492.96 | 25,387 |
| 7 | Within the meaning of | 464.07 | 23,899 |
| 8 | In respect of | 427.99 | 22,041 |
| 9 | Referred to in | 427.81 | 22,032 |
| 10 | Court of First Instance | 411.56 | 21,195 |
| 11 | The national court | 395.39 | 20,362 |
| 12 | To the Court | 394.30 | 20,306 |
| 13 | Laid down in | 356.01 | 18,334 |
| 14 | On the basis of | 349.99 | 18,024 |
| 15 | Be interpreted as | 345.83 | 17,810 |
| 16 | The General Court | 340.67 | 17,544 |
| 17 | The fact that | 335.62 | 17,284 |
| 18 | Court of Justice | 311.38 | 16,036 |
| 19 | The European Communities | 298.76 | 15,386 |
| 20 | At issue in | 289.42 | 14,905 |
| 21 | The application of | 274.12 | 14,117 |
| 22 | Of the judgment | 273.11 | 14,065 |
| 23 | For the purposes | 270.82 | 13,947 |
| 24 | The provisions of | 269.97 | 13,903 |
| 25 | Judgment under appeal | 268.80 | 13,843 |
| 26 | Relating to the | 265.56 | 13,676 |

| | | | |
|-----------|-------------------------------|--------|--------|
| 27 | Of the case | 252.22 | 12,989 |
| 28 | Must be interpreted | 250.82 | 12,917 |
| | • Must be interpreted as | 215.25 | 11,085 |
| 29 | Acting as Agents | 245.40 | 12,638 |
| | • Acting as Agent | 210.86 | 10,859 |
| 30 | In accordance with the | 241.34 | 12,429 |
| 31 | Set out in | 240.59 | 12,390 |
| 32 | By the Commission | 240.14 | 12,367 |
| | • Commission of the European | 228.72 | 11,779 |
| 33 | The Advocate General | 239.98 | 12,359 |
| 34 | The European Union | 239.67 | 12,343 |
| 35 | The referring court | 238.24 | 12,269 |
| 36 | To that effect | 235.98 | 12,153 |
| 37 | The interpretation of | 230.00 | 11,845 |
| 38 | As meaning that | 225.29 | 11,602 |
| | • Interpreted as meaning that | 208.99 | 10,763 |
| 39 | Provided for in | 224.04 | 11,538 |
| 40 | The scope of | 223.63 | 11,517 |
| 41 | Having regard to | 216.10 | 11,129 |
| 42 | Of the Directive | 215.56 | 11,101 |
| | • Of that directive | 205.50 | 10,583 |
| 43 | Decision on costs | 213.65 | 11,003 |
| 44 | In the present case | 211.71 | 10,903 |
| 45 | The contested decision | 209.62 | 10,795 |
| 46 | The United Kingdom | 206.06 | 10,612 |
| 47 | The right to | 202.82 | 10,445 |
| 48 | The Sixth Directive | 201.48 | 10,376 |
| 49 | In relation to | 201.03 | 10,353 |
| 50 | In the light of | 200.55 | 10,328 |
| 51 | The amount of | 192.41 | 9,909 |
| 52 | Referred to in Article | 189.40 | 9,754 |
| 53 | As amended by | 182.64 | 9,406 |
| 54 | answer to the | 181.28 | 9,336 |

| | | | |
|----|------------------------|--------|-------|
| 55 | After hearing the | 179.81 | 9,260 |
| 56 | The context of | 177.38 | 9,135 |
| 57 | The EC Treaty | 176.10 | 9,069 |
| | • of the EC Treaty | 152.62 | 7,860 |
| 58 | To pay the costs | 171.46 | 8,830 |
| 59 | In that regard | 169.56 | 8,732 |
| 60 | The territory of | 167.83 | 8,643 |
| 61 | It follows that | 164.80 | 8,487 |
| 62 | According to the | | 8,204 |
| | • according to the | 156.84 | 8,077 |
| 63 | President of the | 158.95 | 8,186 |
| 64 | In those circumstances | 157.69 | 8,121 |
| 65 | To fulfil its | 154.92 | 7,978 |
| 66 | With regard to | 154.84 | 7,974 |
| 67 | On behalf of | 151.21 | 7,787 |
| 68 | is apparent from | 150.22 | 7,736 |

Table 11. The most frequent lexical bundles in the English corpus, selected by the Author.

5.2. Legal reference bundles

In this chapter, the term ‘legal reference bundles’ also applies to legal concepts, institutions, legal acts, and terms referring to procedural aspects (see Chapter 4). However, the same appears true that this typology requires modification because of the nature of the corpus. Therefore, for the purposes of this analysis, the same subcategories were adopted as in Chapter 4: institutional bundles (with differentiation between institutional participants and legal instruments), case-law referential, and procedure-related. However, no participative and temporal bundles were detected in the examined material. Therefore, they are not included in this study. Expanding the range of analyzed units could potentially reveal the missing categories. Secondly, some bundles can be classified into more than one category; however, the decision remains on which function prevails after the concordance analysis. The one possible bundle *acting as Agent* could be classified as a participative bundle. Still, the focus is put on the procedural role of the Agent. Therefore, it was classified as a procedural lexical bundle. The study reveals a similarly high number of institutional lexical bundles in the English corpus (compared to the German corpus).

LEGAL REFERENCE BUNDLES IN THE ENGLISH CORPUS

| | |
|---|--|
| Location | The United Kingdom, the Member States, another Member State, a Member State, the territory of |
| Attributive bundles | Part of the, the amount of, |
| Participative bundles | On behalf of |
| Case-law referential | To that effect |
| Legal instruments | Of Regulation No of the Directive, the Sixth Directive, the EC Treaty, of the Treaty, |
| Institutional participants | The Member States, Court of First Instance, the national court, the European Communities. The Court of Justice, Commission of the, the Advocate General, the referring court, the European Union, The United Kingdom, The President |
| Procedure- and substantive law related | The main proceedings, for a preliminary ruling, acting as Agents, the interpretation of, Decision on costs, the present case, after hearing. To pay costs, a preliminary ruling, judgment under appeal, to fulfil its, contested decision, |

5.2.1. Institutional lexical bundles

Similar tendencies were observed in the English institutional lexical bundles group as in the German research. The results were relatively uniform regarding the occurrences of the same types of lexical bundles referring to legal acts and institutional participants. The most frequent lexical bundle⁷⁹ of the whole corpus was *Regulation No*, with 800.11 pmw, still lower than *der Verordnung Nr.* in the German corpus. Similarly, the function of citing a given provision is found with the concordance view.

62002CJ0104 52 Accordingly, the examination of this action will be limited to the plea relating to the Federal Republic of Germany's delay in making available own resources in the period 1993 to 1996, in violation of Article 49 **of Regulation No** 1214/92 or Article 379 of the implementing regulation, read together with Article 2(1) of Regulation No 1552/89.

⁷⁹ Discussed lexical bundles marked in bold.

The correlation between the high frequency of *Regulation No.* and *der Verordnung Nr.* in both language versions confirms the key role of regulations in the EU legal system, as they are directly applicable in all legal systems of Member States.

To corroborate the results obtained in German research, the bundles referring to another type of secondary source of law (directives) are present in the English corpus, with a focus on *the Sixth Directive* (201.48 pmw), which tends to occur also in the form of *of the Sixth Directive* (167.91 pmw):

62005CJ0330 23 In contrast, the Swedish, Greek and Italian Governments consider that the Member States may exclude liquid heating products transported by private individuals from the scope of Article 8 **of the Directive**, and consequently, impose excise duty on those products subject to excise duty in the Member State of consumption, irrespective of the mode of transport chosen.

61991CJ0020 16 Those conditions for the application of Article 5(6) of **the Sixth Directive** are not satisfied where a building contractor, as in this instance, owns land in his own right and, in pursuit of his business, builds a dwelling on it for his own use.

In this corpus, the instances of the legal acts which constitute a primary source of law were observed:

61992CJ0399 3. If not: Does Article 119 **of the EEC Treaty** require that part-time employees be paid for each hour worked in addition to the working hours agreed in the individual contract of employment the full amount of the collectively- agreed overtime supplement payable in the case of overtime in excess of the full normal weekly working hours under the collective agreement?

As regards the institutional participants, the results of the English version are partially similar. The high frequency of the bundle *of the Commission* confirms its active role in the European Union, as was the case in the German corpus. However, the research of the English language version may complement the results obtained in the study of the German corpus, as the high frequency is also ascribed to the lexical bundle *Court of First Instance, the General Court, and the Court of Justice*. The Article 19 of TEU provides that:

The Court of Justice of the European Union shall include the Court of Justice, the General Court and specialised courts. It shall ensure that in the interpretation and application of the Treaties the law is observed.

From the abovementioned bundle, it follows that the Court of Justice and General Court are parts of the Court of Justice of the European Union. In the corpus, also *Court of First Instance* occurs, and this can be explained by the fact that the previous name of the General Court, before 2009, was Court of First Instance⁸⁰. The research of the English version complements the study in German⁸¹ as it was impossible to receive similar results. The reason is that the equivalents in the German language are written in two words and are inflected:

62003CJ0150 In the judgment under appeal, the **Court of First Instance** held that the competent authority could confine itself to stating that the statutory requirements governing the legality of the appointment procedure had been observed, because it was free to select one person from the list of suitable candidates available to it.

Im angefochtenen Urteil hat **das Gericht** entschieden, dass die Einstellungsbehörde, da es ihr freigestanden habe, einen der auf der Eignungsliste stehenden Bewerber auszuwählen, sich darauf habe beschränken können, die Begründung ihrer Entscheidung auf die Einhaltung der rechtlichen Voraussetzungen für die Ordnungsmäßigkeit des Ernennungsverfahrens zu beziehen.

62004CJ0331 14 By a document lodged at the Registry of the Court of Justice on 19 September 2005, ACTV requested **the Court of Justice** to order the reopening of the oral procedure under Article 61 of the Rules of Procedure.

14 Mit Schriftsatz, der am 19. September 2005 bei der Kanzlei **des Gerichtshofes** eingegangen ist, hat ACTV die Wiedereröffnung der mündlichen Verhandlung gemäß Artikel 61 der Verfahrensordnung beantragt.

A similar situation applies to the institution of an Advocate-General, whose role is to give an impartial opinion on a given legal matter. They are not binding on the Court of Justice, however the opinion (*Schlussanträge*) may influence the sentence. From the linguistic perspective, the occurrence of *the Advocate General* is significantly frequent (239.98 pmw), and a similar result could not be observed in the German corpus due to the limited nature of such analysis to the German language. The same institution in German is known as *der Generalanwalt*, as a compound noun and as it was determined in Chapter 4 – the institution of *der Generalanwalt* was present mainly in the sequence after *Nach der Anhörung der Schlussanträge des Generalanwalts* in the genitive form. The occurrence in

⁸⁰ [EUR-Lex - general court - EN - EUR-Lex \(europa.eu\)](#) (01.05.2023)

⁸¹ In this Chapter, German version is marked in red colour.

the English corpus, with the analysis of parallel occurrence, allows one to receive perspective on the wider use of the lexical bundle *the Advocate General*:

61998CJ0228 As **the Advocate General** noted in point 28 of his Opinion, even if there is no production of photocopiers in Greece, that does not mean that there is no market there for used photocopiers.

Wie **der Generalanwalt** in Nummer 28 seiner Schlußanträge ausgeführt hat, werden in Griechenland zwar keine Fotokopiergeräte hergestellt, doch bedeutet dies nicht, daß es in diesem Staat keinen Markt für gebrauchte Fotokopiergeräte gäbe.

62001CJ0304 As **the Advocate General** pointed out in paragraphs 48 and 50 of her Opinion, small Spanish vessels can therefore operate normally in those areas, within the limits of the quotas allocated to the Kingdom of Spain.

Wie **die Generalanwältin** in den Nummern 48 und 50 ihrer Schlusssanträge ausgeführt hat, könnten die kleinen spanischen Schiffe daher in den genannten Gebieten innerhalb der dem Königreich Spanien zugeteilten Quoten auf normale Weise tätig werden

61996CJ0374 28 As **the Advocate General** has observed in point 41 of his Opinion, that second condition requiring a certain level of sales to have been reached during the previous twelve months in no way imposes any obligation to resume deliveries by the beginning of that period, that is to say by 29 March 1990 at the latest.

28 Wie **der Generalanwalt** in Nummer 41 seiner Schlusssanträge ausgeführt hat, schafft das letztgenannte Erfordernis, wonach die Verkäufe im Laufe der letzten zwölf Monate ein bestimmtes Niveau erreicht haben müssen, nicht die Verpflichtung, die Lieferungen spätestens zu Beginn dieses Zeitraums, also spätestens am 29. März 1990 wieder aufzunehmen.

From the above-cited examples, it follows that the Court cites the particular sections of the Advocate's General opinion in its judgment. These may confirm the Advocate General's specific role in the Court of Justice's work. Article 253 TFEU sets forth that "(...) It shall be the duty of the Advocate-General, acting with complete impartiality and independence, to make, in open court, reasoned submissions on cases which, in accordance with the Statute of the Court of Justice of the European Union, require his involvement"⁸². These instances also confirm that the court does consider the opinions and perceives them as reliable. As a matter of fact, there is no obligation for Advocates General to deliver their opinion. According to Article 20(5) of the CJEU Statute, when CJ "considers that the case raises no new point of law, the Court may decide, after hearing the Advocate-General, that the case shall be determined without a submission from the Advocate-General"⁸³. It is

⁸² [EUR-Lex - 12016E252 - EN - EUR-Lex \(europa.eu\)](#) (Access 02.09.2024)

⁸³ [EUR-Lex - 12016E/PRO/03 - EN - EUR-Lex \(europa.eu\)](#) (Access 02.09.2024)

worth noting that in about 30 % of cases, it was not requested for an opinion of the Advocate General, and subsequently, in 70 % of cases, the opinion was delivered⁸⁴. As discussed by Tridimas, the Advocate General is entrusted with four functions. Firstly, he is involved in the preparation stage of the case in CJ. Secondly, he or she is empowered to provide his or her solution to the case before the Court. It is important to point out that, unlike judges, the Advocates General are not bound by formal and terse language but, in fact, can decide on their own style. Thirdly, their role is to provide the legal basis for justification of their solution. Finally, as Tridimas points out, the Advocate General is empowered to express their opinion on many aspects of law, especially regarding those referring to a critical assessment of the present case law on a given topic⁸⁵. It is worth noticing that the authority of the opinions is rather advisory and not binding on the Court of Justice. As it was observed, in the past, there was no tradition to refer judgments to the opinions of Advocates General, but currently, it has changed. There is a tendency to refer expressly to the opinion in judgments⁸⁶. This would explain the direct reference of given parts of the opinion submitted by the Advocate General in judgments presented above (61998CJ0228, 62001CJ0304, 61996CJ0374).

It is also important to note that the dialogic nature of the communication between the courts of EU countries and CJUE is also corroborated by the high frequency of *the referring court* in the English corpus. This has provided evidence of why national courts are classified as institutional participants. However, some instances of the occurrence of *the referring court* could be seen as a bundle indicating the location. This is not, however, the prevailing function used in the corpus. After analyzing the concordance of *the referring court*, it should be concluded that the referring court is an institutional participant. The examples clearly illustrate the active role of the agent whose engagement is seen in cooperating with the CJEU, even if, from the linguistic perspective, the agent is found in the passive voice (example 2 from 62011CJ0542 below). The referring court poses questions concerning the interpretation of the EU law, requesting the exact explanation of given provisions of secondary legislation (such as a directive – example from 62005CJ0330 and a regulation in 62008CJ0381). It is worth noticing that the active role of the referring court is not only limited to requests concerning the interpretation but also to attempts to investigate the case (example 2 from 62011CJ0542).

⁸⁴ [Role of Advocates General at the Court of Justice \(europa.eu\)](#) (Access 02.09.2024)

⁸⁵ [Role of Advocates General at the Court of Justice \(europa.eu\)](#) (Access 02.09.2024)

⁸⁶ [Role of Advocates General at the Court of Justice \(europa.eu\)](#) (Access 02.09.2024)

- 62005CJ0330 19 By its first question, **the referring court asks**, in essence, whether Article 9(3) of the Directive allows heating oil, acquired in another Member State by a private individual for his own use and transported by him to the Member State of consumption, to be subject, generally, to excise duty in that Member State of consumption, whatever the means of transport used.
- 62011CJ0542 31 According to the information sent by the referring court , examination of the case is predicated on the assumption that, at the time of the customs declaration, all the packages declared and intended for external Community transit were in the container on Seaport International's site, but two packages had disappeared before the container was sealed by customs.
- 62008CJ0381 By Question 1, **the referring court is asking the Court**, in essence, how 'contracts for the sale of goods' are to be distinguished from 'contracts for the provision of services', within the meaning of Article 5(1)(b) of Regulation No 44/2001, in the case of contracts for the supply of goods to be produced or manufactured, where the customer has specified certain requirements with regard to the provision, fabrication and delivery of the components to be produced.

5.2.2. Case-law referential bundles

As already mentioned in Chapter 4, there is a group of legal reference bundles that indicate the case law or are used to elucidate the meaning of interpreted provisions on the grounds of referring to interpretation made in already produced judgments. The most frequent bundle, which refers to other judgments, is *to that effect* with its high frequency of 325.98 pmw, which occurs in a form *see, to that effect*, after which follows the name or the number of the case. Frequently, it is not only one judgment (example 1 from 62011CJ0160 and 2 from 62007CJ0570), but the Court regards it crucial to refer to a few judgments (the last example from 62014CJ0131). In addition, the Court cites particular sentences of a judgment (paragraph). This reference demonstrates how the case law of CJEU impacts the following (future) judgments of CJEU. It is endeavoured to maintain the uniform interpretation that EU Treaties require. From a linguistic perspective, this can be seen as a lexical marker for evidentiality as this provides a knowledge source for the interpretation – it involves referring to other past judgments. As a matter of fact, case-law referential bundles can be perceived as a tool for intertextual connections in the judicial discourse. The main aspect of intertextuality is seen in “the ability of text to reference each other borrowing formal and informative elements belonging to other texts” (Konovalova 2008 in Gennadyevna, Serebriakova 2020: 2448). According to Gennadyevna and Serebriakova, intertextuality can take the form of quotations and references (Gennadyevna,

Serebriakova 2020:2449). In this study, the case-law referential bundles allow one to refer to other significant judgments, gaining formal and informative elements of them.

- 62011CJ0160 Article 136(b) must be construed narrowly. The exemption which it introduces constitutes an exception to the general principle that VAT is to be levied on all goods supplied for consideration by a taxable person (**see, to that effect** , Jyske Finans , paragraph 21).
- 62007CJ0570 90 First of all, it should be observed that the freedom of establishment of economic operators must be weighed against the imperative requirements of the protection of public health, and the seriousness of the objectives pursued in that domain may justify restrictions which have adverse consequences, and even substantial adverse consequences, for certain operators (**see, to that effect** , Case C-183/95 Affish [1997] ECR I-4315, paragraphs 42 and 43).
- 62014CJ0131 Amongst the factors that could allow the artificial nature of such a mechanism to be established are the facts that the importer holding the import licences did not accept any commercial risk or that the importer's profit margin is insignificant or that the price of the garlic sold by the importer to the first buyer in the European Union, then by the latter to the second buyer in the European Union, is lower than the market price (**see, to that effect** , judgments in SICES and Others , C-155/13, EU:C:2014:145, paragraph 39, and Cimmino and Others , C-607/13, EU:C:2015:448, paragraph 67)

5.2.3. Participative bundles

Participative bundles are text-oriented bundles, which aim to introduce the presence of particular participants. In this subcategory, only the bundle *on behalf of* (7,787 pmw) was detected in the group of selected bundles of the analyzed corpus:

- 62005CJ0330 Consequently, only the transport of heating oil carried out by a professional haulier **on behalf of** a private individual and by means of a tanker should be outside the concept of atypical mode of transport.
- 61992CJ0034 after considering the written observations submitted on behalf of : the applicant in the main proceedings, by Dietrich Ehle, Rechtsanwalt, Cologne, on behalf of the Commission of the European Communities, by Ulrich Woelker, of its Legal Service, acting as Agent,
- 62010CJ0112 Indeed, it is expressly stated in the order for reference that, under Belgian law, the Public Prosecution Service does not act in the name or **on behalf of** the creditors

This bundle was found mainly in those examples where the bundle is followed by *after considering the written observations submitted*. This implies that with this bundle, the required stage of collecting written observations in proceedings is performed. Furthermore, it could be assumed that there exists a relationship between participative bundles and

institutional bundles as it indicates individuals who act for principals, including various institutions (such as *Commission of the European Communities* in example from 61992CJ0034). As it can be observed from examples 62005CJ03300 and 62010CJ0112, this bundle may also refer to another situational context – still, it indicates acting for other individuals.

Another lexical bundle that also performs the participative function is *acting as an Agent*; however, this was classified as a procedure-related bundle because of an agent's procedural status.

5.2.4. Attributive bundles

The result that emerges from the analysis of lexical bundles in the English language version of the researched documents reveals that attributive bundles are present, unlike in the German version. Therefore, this suggests that the comparative study of two languages may complement each other to gain a wider perspective on phraseological units which have their functional meaning in the judicial discourse. It can be claimed that the role of this category is rather marginal in this study.

- 62009CJ0053 11 The sponsors award points to customers for each purchase on the basis of **the amount of** money spent.
- 61997CJ0433 7 As regards the second plea in law, the Court of First Instance observed that a decision reducing **the amount of** financial aid must clearly show the grounds which justify a reduction of the amount of aid initially authorised, since such a decision has serious consequences for the person receiving the aid.

5.2.5. Procedure and substantive law-related bundles

The findings provide conclusive support for the understanding of procedure-related bundles described in Chapter 4. In the group of procedure-related bundles, there are lexical bundles that do not only constitute verb-based expressions but also noun expressions. The research on the English bundles, however, reveals the need to broaden this subcategory with lexical bundles indicating the substantive law. Therefore, this category of lexical bundles includes sequences that refer to particular stages of a procedure or rights of individuals.

Similarly to German results, *after hearing the (Nach Anhörung der)* indicates the hearing stage during the procedure before the CJEU. This bundle always occurs at the

beginning of a sentence and refers to the process of collecting the oral observations of the parties, but also the opinion of the advocate general:

62009CJ0229 **after hearing the** Opinion of the Advocate General at the sitting on 17 June 2010, gives the following Judgment

61992CJ0399 **after hearing the** oral observations of Elke Herzog; Dagmar Lange, represented by Max Gussone, the representative of the Gewerkschaft Oeffentliche Dienste, Transport und Verkehr, OETV, Bezirksverwaltung Hamburg; Angelika Kussfeld, represented by Ute Lorenz, Rechtssekretarin of the DGB (Deutscher Gewerkschaftsbund), Duesseldorf

Other procedure-related bundles which refer to particular stages of a process is *to pay the costs*. The source of that directive confirms the procedural nature of this bundle – *the Rules of Procedure*, which is binding and provides the legal basis for paying orders:

62003CJ0092 Under Article 69(2) of the Rules of Procedure, the unsuccessful party is to be ordered **to pay the costs** if they have been applied for in the successful party's pleadings.

On the other hand, *the right to* is not strictly “procedural” but may indicate the substantive law. The Cambridge Dictionary defines *substantive law* as “the part of the law that deals with the rights and duties of people, organizations, etc. rather than the part that deals with legal processes”⁸⁷. In jurisprudence, it is differentiated between substantive law, which includes the legal norms that constitute the content of legal relationships, and procedural law, which indicates the procedure before the national institutions and the process of executing own rights which come from substantive law (Stawecki, Winczorek 2003: 15). The bundle *the right to* indicate the particular right of an individual, which comes from different legal acts (at EU or national level):

62011CJ0260 Moreover, the requirement that the cost should be 'not prohibitively expensive' pertains, in environmental matters, to the observance of **the right to an effective remedy** enshrined in Article 47 of the Charter of Fundamental Rights of the European Union, and to the principle of effectiveness, in accordance with which detailed procedural rules governing actions for safeguarding an individual's rights under European Union law must not make it in practice impossible or excessively difficult to exercise rights conferred by European Union law (see, inter alia, Case C-240/09 Lesoochranárske zoskupenie VLK [2011] ECR I-1255 , paragraph 48).

61996CJ0415 In precluding the Kingdom of Spain from submitting fresh observations on the question of the compatibility with the common market of the aid granted to Hytasa, the principle of respecting **the right to be heard** was infringed.

⁸⁷ [SUBSTANTIVE LAW | English meaning - Cambridge Dictionary](#) (2.05.2023)

- 62008CJ0116 10 Pursuant to Article 2(1) of that Royal Decree, the worker has **the right to take parental leave** in order to care for his child.
- 62002CJ0006 In any event, in the absence of an application for registration of the name Salaisons d'Auvergne, the French authorities cannot legitimately rely on the provisions of Article 5(5) of that regulation, which conferred on them **the right to protect that name transitionally and on a national level** pending a Community decision on its registration.
- 62015CJ0002 Member States shall ensure that effective mechanisms exist at national level under which any user or postal service provider affected by a decision of a national regulatory authority has **the right to appeal against the decision** to an appeal body which is independent of the parties involved

When analyzing the parallel concordance, it can be explained why this bundle type was not found in the German corpus. Due to the nature of the German language, some lexical bundles were compound nouns (example 1 from 61997CJ0293 and 2 from 62011CJ0375 below), consisting of a noun *Recht* (right) and another noun indicating the type of right (*Eigentum*, *Nutzung*) or termed differently, as *Anspruch*. This should be referred to the German legal system, in which *das Recht* (a right) is a term that is wider in meaning – *der Anspruch* denotes the subjective right to demand something from another person, which may be acting or not acting (Thormann, Hausbrandt 2016: 63). However, this is not recognized by the English language (example 3 from 62008CJ0116 below). These linguistic differences in both languages outline the difference between the continental legal and Common law systems.

- 61997CJ0293 45 Finally, they submit that **the right to property** is infringed by imposing on farmers the entire responsibility for, and economic burden of, reducing nitrate concentrations in the waters concerned when others are the major or substantial causes of those concentrations.
- 45 Schließlich werde **das Eigentumsrecht** verletzt, indem den Landwirten die gesamte Haftung und die Tragung der Kosten für die Verringerung der Nitratkonzentrationen in den betroffenen Gewässern auferlegt werde, obwohl andere die Haupt- oder wesentliche Quelle seien.
- 62011CJ0375 a one-off fee to replace the former one-off licence fee charged to mobile telephone operators in order to guarantee optimal use of those radio frequencies, which is due not only at the time of granting those authorisations and **the right to use** radio frequencies, but equally at each renewal of an existing authorisation;
- ein einmaliges Entgelt, das die frühere Konzessionsabgabe für die Mobilfunkbetreiber mit dem Ziel ersetzt, eine optimale Nutzung der Funkfrequenzen zu gewährleisten, und das nicht nur bei Erteilung der Zulassungen in Bezug auf **die**

Nutzungsrechte für Funkfrequenzen, sondern auch bei jeder Verlängerung der bestehenden Zulassung zu entrichten ist,

62008CJ0116 10 Pursuant to Article 2(1) of that Royal Decree, the worker has **the right to** take parental leave in order to care for his child.

10 Nach Art. 2 § 1 dieses Königlichen Erlasses hat der Arbeitnehmer, um für sein Kind zu sorgen, **Anspruch** auf Elternurlaub.

5.2.6. Location lexical bundles

The sub-category of location lexical bundles indicates the location. In the analyzed corpus, the units, such as *the United Kingdom, the Member States, another Member State, and a Member State*, are candidates for this sub-category. However, the meaning of these phraseological units is not so obvious – in the majority of examples, they directly indicate the place (the first example from 61998CJ0206 and the second from 62012CJ0020 below). In other instances, they indicate this entity as an institutional participant who has its rights or obligations under EU law (the third and fourth instances):

61998CJ0206 Article 2(2) of Directive 92/49 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239 and 88/357 (third non-life insurance Directive) must be interpreted in the light of Article 55 of the Directive, which refers to insurance undertakings offering, at their own risk, compulsory insurance against accidents at work in the territory of the Member States and from which it follows, since it is a special provision derogating from the general scheme of the Directive, that the insurance referred to falls within the scope thereof.

62012CJ0020 The request has been made in proceedings between the ministre de l'Enseignement supérieur et de la Recherche luxembourgeois (Luxembourg Minister for Higher Education and Research) ('the Minister') and students who have requested financial aid from the State for higher education studies in order to pursue such studies in a Member State other than the Grand Duchy of Luxembourg.

62008CJ0047 In other words, Article 43 EC prohibits the Member States from laying down in their laws conditions for the pursuit of activities by persons exercising their right of establishment there which differ from those laid down for its own nationals (Commission v Austria , paragraph 28)

62011CJ0351 Consequently, the Member States are not required to determine, in their national legislation, the practical procedures as to how the entry in the accounts of customs duty is to be made, since internal measures of customs authorities are sufficient

Another variant *another Member State* (246. 43 pmw) is much more distinct and directly indicates the place, as it was the case in German *in einem anderen Mitgliedstaat*:

- 62010CJ0132 The application of a longer limitation period to heirs holding shares in a company whose centre of effective management is established in another Member State may have the effect of deterring residents of the first State from investing or maintaining investments in assets situated outside that Member State, given that their heirs will experience a longer period of uncertainty as to the possibility of being subject to a tax adjustment.
- 61998CJ0228 Is Council Regulation (EEC) No 1224/80 of 28 May 1980 also directly applicable where a tax provided for under the legislation of a Member State applies to goods imported from another Member State ?

5.3. Text-oriented lexical bundles

| TEXT-ORIENTED BUNDLES IN ENGLISH CORPUS | |
|---|---|
| Causative/ resultative | It follows that, in those circumstances, is apparent from, in that regard, |
| Condition | |
| Clarification | |
| Focus bundles | At issue in, the present case. |
| Framing | On the basis of, with regard to, in respect of, referred to in, relating to, having regard to, in the scope of, in the context of |
| Intra-/Intertextual bundles | In the light of, within the meaning of, laid down in, |
| Purpose | for the purposes, in order to |

Table 12. The category of text-oriented bundles with selected bundles in English.

In this chapter, text-oriented bundles are applied as described in Chapter 4. This category encompasses lexical bundles, whose role is to focus a reader's attention on particular relationships between segments of a text (Goźdz-Roszkowski 2011: 117). The following sub-categories were detected in this category: causative (resultative), focus bundles, framing, intra-/intertextual bundles, and purpose bundles. However, neither condition nor clarification bundles were observed.

5.3.1. Causative/ resultative bundles

This sub-category includes bundles whose function is to provide links between arguments in the form of cause-and-effect relationships (Goźdz-Roszkowski 2011: 130).

Causative (resultative) bundles are in the analysed corpus not frequent. The following example shows the context of the *it follows that* belonging to this sub-category:

62008CJ0005 72 It follows from the foregoing that that act does not fulfil the second condition laid down in Article 5(1) of Directive 2001/29; accordingly, such an act cannot be exempted from the reproduction right provided for in Article 2 thereof. **73 It follows that** the data capture process at issue in the main proceedings cannot be carried out without the consent of the rightholders and, consequently, it is not necessary to consider whether the four acts which make up that process fulfil the other conditions laid down in Article 5(1).

In the above-presented example also occurs another similar bundle *it follows from the foregoing*, which indicates the causative-resultative relationship. However, the frequency criterion did not allow extracting this sequence from the corpus. Another bundle, *in those circumstances* with its frequency of 8,121 pmw is also used as a logical link in the judicial argumentation:

62006CJ0306 20 In that context, an interpretation requiring the debtor to make the credit transfer through a financial institution by the due date achieves an adequate balance between the interests of the creditor and those of the debtor, having regard in particular to the fact that the time necessary for the credit transfer to be executed depends on the handling of the transaction by the banks and not on any action by the debtor. **In those circumstances**, it is unreasonable to make the debtor liable for any delays due to the time taken to handle banking transactions if he has acted in good faith by making the credit transfer in time, that is to say before the due date for payment.

It should be noted that these results should be accompanied by the remarks made in Chapter 4 (4.3.1). Taking into account that the frequency does not allow one to detect all causative-resultative sequences, the comparative methods of lexical bundles in two languages may be ancillary, and therefore, a wider perspective on causative-resultative bundles is gained. The bundles, detected with the means of parallel concordance of *unter diesen Umständen* represent logical link arguments: *on those grounds; it follows, therefore; in view of the foregoing consideration; having regard to those considerations.*

5.3.2. Intra-/Intertextual bundles

The lexical bundles, whose role is to navigate a reader through a text or to signal text deixis in referring to given points in another text (Kozbiał 2020: 337), are included in the sub-category of intra-/ intertextual bundles. In the analyzed text, the majority of intra-

/intertextual bundles refer to particular provisions of legislative provisions (EU law, such as directives, regulations, and treaties):

62006CJ0277 Thirdly, a new maximum duration of 28 hours of transport **within the meaning of point 48.4(d) of the annex to Directive 91/628**, interrupted by a minimum rest period of 1 hour, could begin immediately the roll-on/roll-off ferry arrives at the port of destination.

62011CJ0419 Concerning, in the first place, the interpretation of the concept of 'matters relating to a contract' **within the meaning of Article 5(1)(a) of Regulation No 44/2001**, it is important to note that that concept must be interpreted independently, regard being had to the general scheme and objectives of the regulation, in order to ensure that it is applied uniformly in all the Member States.

61998CJ0451 61 At paragraph 28 of that judgment the Court, after finding that the Commission was required to inquire into the negative effects which its decision might have on the economy of the Member State concerned and on the undertakings concerned, did not conclude from that finding alone that all of the undertakings concerned were individually concerned **within the meaning of the fourth paragraph of Article 173 of the Treaty**

It is noticeable that the action of referring to other provisions is, in fact, a part of interpreting the law. In the analyzed corpus also occurred examples, which refer to generally termed “case-law”, therefore this bundle is also used as a framing bundle:

61997CJ0424 51 In the present case, the Portuguese Republic disputes the classification of the contested measure as a national measure **within the meaning of the case-law cited in the preceding paragraph**, by maintaining that the preferred shares at issue are private in nature and that their introduction into PT's articles of association resulted solely from the will of the company and not that of the State.

62003CJ0012 It is, therefore, necessary merely to consider strategies for tied or bundled sales which are not in themselves forced, for loyalty rebates that are objectively justified on the carton markets, and for offers of reduced prices for carton or PET packaging equipment that are not predatory **within the meaning of well-established case-law (Case C-62/86 AKZO v Commission [1991] ECR I-3359, particularly paragraphs 102, 115, 156 and 157; judgment in Case C-333/94 Tetra Pak v Commission [[1996] ECR I-5951], paragraphs 41 to 44, upholding the judgment in Case T-83/91 [Tetra Pak v Commission [1994] ECR II-755], and the Opinion of Advocate General Fennelly in Joined Cases C-395/96 P and C-396/96 P Compagnie maritime belge transports and Others v Commission [2000] ECR I-1365.**

In the group of intra/-intertextual lexical bundles *in the light of* is also present (similarly to the research conducted by Koźbiał 2020: 337) with a high frequency of 200.55 pmw. Additionally, it is observed that the neighborhood of this phraseological unit (the right context of concordance) is significantly different. It also refers to particular provisions of the legal act (as an indirect reference). However, they also may signal competencies, facts, legal documents, circumstances or legal principles (indirect references):

- 62007CJ0544 In addition, it is of the view that, given the lack of any connection between Mr Ruffler's stay on Polish territory and the exercise of a professional activity, his situation is not to be assessed **in the light of** Article 39 EC.
- 61986CJ0291 41 In its fourth question, the national court, **in the light of** Article 2 (2) of Regulation No 521/77 in conjunction with Articles 13 and 14 of Regulation No 516/77, raises the question of the validity of Regulation No 2742/82 inasmuch as it lays down a fixed rate for the countervailing charge which exceeds the difference between the minimum price and the import price .
- 62003CJ0150 The Court considered that, **in the light of** the competent authority's very broad discretion in the evaluation of that interest in the recruitment of temporary staff, its review should be limited to the question whether that authority had acted within reasonable limits and had not exercised its discretion in a manifestly erroneous way.
- 62012CJ0020 32 Considering that it is necessary, in the present case, to establish whether such indirect discrimination is justified **in the light of** the principle of equal treatment, the tribunal administratif decided to stay the proceedings and to refer the following question to the Court of Justice for a preliminary ruling
- 62005CJ0183 10 The Commission withdrew the first complaint during the procedure **in the light of** Ireland's response to that point in its statement in defence.

5.3.3. Focus bundles

As was explained in Chapter 4, the sub-category comprises the bundles whose function is to focus the reader's attention on a particular case or matter that is subject to a judicial case:

- 62006CJ0183 In **the present case** , clearly the keypad membrane at issue in the main proceedings is not expressly referred to either in the wording of the headings of the CN or in that of the notes to the sections or chapters.
- 62008CJ0399 37 In the Federal Republic of Germany's submission, **the present case** does not concern the simple question of the method to be applied here, but relates to the effect of the burden of proof, which rests on the Commission, of the fact that DPAG had obtained an advantage.
- 62010CJ0371 The tax **at issue in** the main proceedings is not charged on realised capital gains.

The bundle *the present case* is found in the German parallel corpora mainly as *im vorliegenden Fall*.

- 61996CJ0415 Such an analysis was necessary in **the present case** , particularly because the plan provided for a substantial redirection of production towards the manufacture of clothing. Eine solche Untersuchung wäre jedoch **im vorliegenden Fall** um so mehr erforderlich gewesen, als der Plan eine wesentliche Umorientierung der Produktion auf die Herstellung von Bekleidung vorsah.

5.3.4. Purpose bundles

This sub-category was introduced by Koźbiał (2020: 348) and encompassed the bundles that are used in order to specify the aims of legal instruments or provide the “prerequisites for actions performed by entities other than the courts” (Koźbiał 2020: 348). Contrary to the German corpus, in the English corpus, the purpose bundles were present. The reason for non-occurrence in the German corpus may be seen, in fact, that the expression of the purpose in the German corpus is performed by different grammatical structures (such as *um zu*) or by a single word (*für*).

- 62007CJ0291 The supplier of services need merely establish that the customer is a taxable person **in order to** ascertain whether the place of supply of services is in the Member State in which he, the supplier, is established or in the Member State in which the customer's activities are based.
- 62005CJ0376 'Article 5(2)(2) and (3) and Article 5(3) lay down minimum requirements for exemption concerning the duration and termination of the distribution and servicing agreement, because the combined effect of the investments the dealer makes **in order to** improve the distribution and servicing of contract goods and a short-term agreement or one terminable at short notice is greatly to increase the dealer's dependence on the supplier.
- 62007CJ0569 33 For Article 11(a) of the directive to have practical effect, therefore, 'issue', **for the purposes** of that provision, must include the first acquisition of securities immediately consequent upon their issue (Commission v Belgium , paragraph 33).
- 61990CJ0097 14 It follows from that judgment that a person who acquires goods **for the purposes** of an economic activity within the meaning of Article 4 does so as a taxable person, even if the goods are not used immediately for such economic activities

5.3.5. Framing bundles

There is some indication that the sub-category of framing bundles forms a substantial part of text-oriented lexical bundles with high frequency in the analyzed corpus. The term *framing bundles* was coined by Goźdź-Roszkowski to denote bundles whose role

is to “specify limiting conditions for making assertions, claims or arguments or providing explanation or rationale” (Goźdź-Roszkowski 2011: 134). On the other hand, they are also applied in order to provide the “conditions under which a statement can be accepted, working to elaborate, emphasize or compare aspects of an argument” (Goźdź-Roszkowski 2011: 135).

- 62008CJ0458 Furthermore, some Member States do not have legislation relating to access to construction activity **in respect of** private works.
- 62010CJ0371 The Netherlands loses all tax jurisdiction **in respect of** income from that company's activities
- 62007CJ0544 63 Situations falling **within the scope** of Community law include those involving the exercise of the fundamental freedoms guaranteed by the Treaty, in particular those involving the freedom to move and reside within the territory of the Member States, as conferred by Article 18 EC (Pusa , paragraph 17, and Schwarz and Gootjes-Schwarz , paragraph 87).
- 62009CJ0064 Thus, batteries which can be easily dismantled come within the scope of 'stripping', whilst those which cannot be easily dismantled come **within the scope** of 'depollution'.
- 62009CJ0229 The authorisation must stipulate the requirements **relating to the** placing on the market and use of the product or at least those aimed at ensuring compliance with the provisions of paragraph 1(b).

It is also noticeable that the frequent lexical bundle *having regard to* with its frequency of 11,129 pmw occurs as a framing bundle with the function to specify the conditions that limit the assertions or arguments:

- 62008CJ0458 70 The Portuguese Republic explains in that context that the commercial aptitude requirement is designed particularly to ensure the probity of the undertaking and its readiness for engaging in construction activity, **having regard to the numerous legal, contractual and ethical rules involved**, and to ensure that its conduct remains lawful and commercially honest.
- 62011CJ0080 35 First of all, it must be noted that, **having regard to the various dates of the facts in the main proceedings**, the questions submitted refer to both the Sixth Directive and Directive 2006/112.

On the other hand, in the analyzed corpus, the procedure-related function of this bundle is detected – as this sequence is also applied at the beginning of the judgments, introducing information about the completed written procedure and the date of the oral procedure (the hearing). It follows that this bundle also performs its pragmatic role in judgments:

62011CJ0080 THE COURT (Third Chamber), composed of K. Lenaerts, President of the Chamber, J. Malenovský, E. Juhász, G. Arestis and T. von Danwitz (Rapporteur), Judges, Advocate General: P. Mengozzi, Registrar: C. Strömholm, Administrator, **having regard to the written procedure and further to the hearing on 15 March 2012,** after considering the observations submitted on behalf of:

62015CJ0276 COURT (First Chamber), composed of R. Silva de Lapuerta, President of the Chamber, J.-C. Bonichot, A. Arabadjiev, C.G. Fernlund (Rapporteur) and S. Rodin, Judges, Advocate General: M. Szpunar, Registrar: V. Tourrès, Administrator, **having regard to** the written procedure and further to the hearing on 21 April 2016, after considering the observations submitted on behalf of:

These examples suggest that it is not always possible to precisely categorize the lexical bundles into one category, as analyzing a large corpus may result in detecting more than one similarly important function.

5.4. Stance bundles

Stance bundles, as described in Chapter 4, are expressions that convey the source of knowledge or perspective hereto of the following proposition (epistemic bundles) or attitudinal bundles, which provide the information on the writer's attitude with the indication of ease/difficulty and obligation/ directive (Goźdz-Roszkowski 2011: 138-139).

| STANCE BUNDLES | |
|-----------------------|---|
| Attitudinal | Must be interpreted as, be interpreted as |
| Epistemic | In accordance with the, the fact that, |

Table 13. Stance bundles category with subcategories of attitudinal and epistemic bundles.

5.4.1. Epistemic bundles

In this subcategory the most frequent bundle is *the fact that*. This result is not surprising, taking into account that in the literature, it is a commonly observed and widely discussed bundle (see Chapter 2, section 2.3.2). However, it is also noticeable that in the analyzed corpus, there are examples that can confirm the claims from the research made by Salkie (2018), which refers to a comparative analysis of German counterparts of the English. He observed examples in which *the fact that* and *die Tatsache, dass* are used as equivalent counterparts in parallel corpora (see Chapter 2):

62004CJ0353 28 The Court has also held that **the fact that** the marketability of a product in 'normal conditions' is an aspect inherent in the concept of 'sound and fair

marketable quality' is indeed clearly apparent from the rules relating to export refunds for agricultural products inasmuch as, from Regulation No 1041/67 onwards, all the relevant regulations have adopted the concept of 'sound and fair marketable quality' as well as the criterion of the product's marketability 'in normal conditions'.

28 Der Gerichtshof hat ferner entschieden, dass sich **die Tatsache, dass** die Vermarktungsfähigkeit eines Erzeugnisses "unter normalen Bedingungen" ein Merkmal darstellt, das notwendig mit dem Begriff "gesunde und handelsübliche Qualität" verbunden ist, eindeutig aus der Regelung über die Ausfuhrerstattungen für landwirtschaftliche Erzeugnisse ergibt, da seit der Verordnung Nr. 1041/67 alle einschlägigen Verordnungen als Voraussetzungen dafür, dass für ein Erzeugnis eine Ausfuhrerstattung gewährt wird, sowohl den Begriff "gesunde und handelsübliche Qualität" als auch das Kriterium der Vermarktungsfähigkeit des Erzeugnisses "unter normalen Bedingungen" übernommen haben.

It should be reported that in some cases, the German counterpart of *the fact that is Hinsichtlich des Umstands* or *der Umstand, dass* :

61997CJ0309 22 That finding is not contradicted by **the fact that** a single tariff is charged for psychotherapeutic treatment, an arrangement which may be the result of social policy.

22 **Der Umstand, daß** es für psychotherapeutische Behandlungen einen einheitlichen Tarif gibt, steht dieser Feststellung nicht entgegen. Eine solche Tarifierung kann nämlich auf sozialpolitischen Gründen beruhen.

62010CJ0069 66 **As regards the fact that** the time-limit for bringing an action is 15 days in the case of an accelerated procedure, whilst it is 1 month in the case of a decision adopted under the ordinary procedure, the important point, as the Advocate General has stated in point 63 of his Opinion, is that the period prescribed must be sufficient in practical terms to enable the applicant to prepare and bring an effective action.

66 **Hinsichtlich des Umstands, dass** im beschleunigten Verfahren die Klagefrist 15 Tage, im Fall einer im gewöhnlichen Verfahren erlassenen Entscheidung dagegen einen Monat beträgt, ist, wie der Generalanwalt in Nr. 63 seiner Schlussanträge hervorgehoben hat, entscheidend, dass die vorgesehene Frist tatsächlich ausreicht, um einen wirksamen Rechtsbehelf vorzubereiten und einzureichen.

Similar findings which refer to the near-emptiness and the possibility of omission of *the fact that* are present in this corpus. Comparing the occurrence of *the the fact that* with the aligned German parallel corpus leads to conclusion that this equivalent phrase in German can be omitted by employing solely *dass* (that – J.K.).

62011CJ0419 Account must be taken of **the fact that** the giver of the aval, by also signing the agreement on the right to complete the note, freely accepted the conditions concerning the manner in which that promissory note would be completed by the payee filling in the missing information, even though signature of that agreement did not, in itself, result in the aval coming into being.

Es ist nämlich zu berücksichtigen, **dass** der Wechselbürge, indem er auch die Vereinbarung über die Vervollständigung unterzeichnete, freiwillig die Bedingungen akzeptierte, unter denen dieser Wechsel vom Begünstigten durch Eintragung der fehlenden Angaben vervollständigt werden würde, auch wenn die Unterzeichnung dieser Vereinbarung für sich genommen die Wechselbürgschaft nicht entstehen ließ.

From the example provided above, it follows that *the fact that* could be omitted without losing the context by the transformation into the phrase *It must be taken into account that (...)* what is the case in the German version *Es ist nämlich zu berücksichtigen, dass....* On the other hand, in the example below, the argumentation in the German sentence is provided directly without introducing sequence, as is the case in the English sentence (*it draws attention to the fact that*). It is apparent that the German sentence begins directly with the proper information about the action that is to be brought in the given period of time. It is worth noting that the information in both language versions is introduced by employing the passive voice. However, only the German version lacks redundant *Tatsache, dass*. It confirms that in the English judicial language, there is a tendency to “overuse” the omissible sequence in the chain of reasoning.:

62010CJ0069 In particular, **it draws attention to the fact that** the action against the final decision must be brought within a period of 15 days from notification of that decision, as opposed to within 1 month in the case of the ordinary procedure, and that the decisions of the Tribunal Administratif taken in relation to an accelerated procedure are not open to appeal.

Insbesondere müsse die Klage gegen die endgültige Entscheidung binnen 15 Tagen ab deren Zustellung erhoben werden anstelle der Monatsfrist im Rahmen des gewöhnlichen Verfahrens, und die Entscheidungen des Verwaltungsgerichts im beschleunigten Verfahren seien nicht anfechtbar.

Similarly, in the following example, the information is introduced directly with *Funktionsverbgefüge* construction (noun-verb combination) *zum Ausdruck bringen*, without the German counterpart of *the fact that (die Tatsache, dass)*. In this example in the English version, *the fact that* could be omitted and after *despite* could follow a noun *the Commission's intention*.

62002CJ0287 70 Despite the fact that the Commission has expressed the intention of taking account of the error made at the time of the finalisation of the correction in the decision on compliance taken pursuant to Article 7(4) of the basic regulation, the Court is required to draw the necessary consequences from that unlawfulness already at the stage of its review of the contested decision.

70 Obwohl die Kommission ihre Absicht zum Ausdruck gebracht hat, den begangenen Fehler bei der Festlegung der endgültigen Berichtigung in der Konformitätsentscheidung gemäß Artikel 7 Absatz 4 der Grundverordnung zu berücksichtigen, ist der Gerichtshof verpflichtet, schon in der Phase der Prüfung der angefochtenen Entscheidung sämtliche Konsequenzen aus dieser Unregelmäßigkeit zu ziehen.

In order to verify whether *the fact that* in English is semantically empty and omissible, the transformation test was performed. This investigation is separately discussed in 6.4.2.

Correspondingly, it is noticeable that the analyzed corpus showed the bundles whose role is to mark the source of judicial argumentation. The prepositional phrase *in accordance with* is significantly frequent (536. 67 pmw) and used by the court to provide the legal basis:

61991CJ0020 The basis of assessment will then, **in accordance with** Article 11A(1)(b), comprise solely the value of the building and not that of the land.

62005CJ0330 The form and content of this document shall be established **in accordance with** the procedure laid down in Article 24 of this Directive.

It should be taken into account that this bundle also performs a case-law referential function as it provides a link between different provisions to provide the one and proper interpretation.

The German counterpart, used to introduce a legal basis for argumentation, which was detected with the concordance tool, is a one-word preposition *gemäß*:

62002CJ0236 Article 7(1)(f) of Regulation No 536/93 provides that producers with reference quantities for direct sales are to keep both stock accounts and registers of livestock held, **in accordance with** Article 4(1) of Directive 92/102

Nach Artikel 7 Absatz 1 Buchstabe f der Verordnung Nr. 536/93 ist ein Erzeuger, der über eine Referenzmenge "Direktverkäufe" verfügt, verpflichtet, zum einen ein Bestandsbuch und zum anderen das Register der Tiere **gemäß** Artikel 4 Absatz 1 der Richtlinie 92/102 zu führen.

The remarks relating to citing particular subsections of provisions (p. 113) are also apparent in the above-mentioned example — the English version is more simplified (italicized).

5.4.2. *The fact that* and *die Tatsache, dass* – transformation tests

The question arises if the same content would be conveyed if *the fact that* was omitted or transformed in the English sentence (step 1). Subsequently, stage 2 involves observing how the introduction of *Tatsache dass* (which would comply with the English equivalent *the fact that*) would change the information provided in the German language. For this investigation, excerpts from the German parallel versions of English examples were tested.

STEP 1 – ENGLISH FORMATION

TEST 1.

ORYG.: The Court has also held that **the fact that** the marketability of a product in 'normal conditions' is an aspect inherent in the concept of 'sound and fair marketable quality' is indeed clearly apparent from the rules relating to export refunds for agricultural products (...)

The Court has also held that the marketability of a product in 'normal conditions' is an aspect inherent in the concept of 'sound and fair marketable quality' is indeed clearly apparent from the rules relating to export refunds for agricultural products (...)

TEST 2.

ORYG.: That finding is not contradicted by **the fact that** a single tariff is charged for psychotherapeutic treatment, an arrangement which may be the result of social policy (...)

That finding is not contradicted by a single tariff that is charged for psychotherapeutic treatment, an arrangement which may be the result of social policy (...)

TEST 3.

ORYG.: **As regards the fact that** the time-limit for bringing an action is 15 days in the case of an accelerated procedure (...)

As regards the time-limit for bringing an action is 15 days in the case of an accelerated procedure (...)

TEST 4.

ORIG.: Account must be taken of **the fact that** the giver of the aval, by also signing the agreement on the right to complete the note, (...)

It must be taken into account that the giver of the aval, by also signing the agreement on the right to complete the note, (...)

TEST 5.

ORIG.: In particular, it draws attention to **the fact that** the action against the final *decision* must be brought within a period of 15 days from notification of that decision,

In particular, it draws attention to the action against the final decision must be brought within a period of 15 days from notification of that decision,

TEST 6.

ORIG.: Despite **the fact that** the Commission has expressed the intention of taking account of the error made at the time of the finalisation of the correction in the decision on compliance taken pursuant to Article 7(4) of the basic regulation, the Court is required to

(version 1) *Despite the Commission's expressed intention to take account of the error*

(version 2) *Despite the Commission's expression of intending to take account of the error*

Closer inspection revealed that in most cases, the omission of *the fact that* would be preferred and would lead to clearer communication. Tests 1, 3, and 5 suggest that the phrase *the fact that* could be omitted without any alteration in the sentence structure. Still, the meaning of the sentence remains unchanged. On the other hand, the necessity of a minor sentence formation was required in sentences 2 and 4. It is self-evident that the elimination of *the fact that* is possible and even preferable. At first glance, this may appear promising, but difficulties arise in test 6. The introduction of *despite* in a sentence requires the implementation of a noun. Viewed in this way, the transformation in version 2 required a noun formed from the verb *to express*. The same was true with version 1; however, in order to stress that the subject has expressed the intention, it was necessary to add the past participle adjective expressed before the *intention*. However, the Cambridge Dictionary⁸⁸ provides the explanation that the preferable use of *despite* is *despite the fact that* or *in spite of the fact*. While it cannot be denied that in tests 1-5, the possibility of the omission was

⁸⁸ [In spite of and despite - English Grammar Today - Cambridge Dictionary](#) (access 25.04.2024)

confirmed, a serious question remains concerning whether this thesis applies to all cases. Test 6 reveals some limitations which need to be further analyzed.

STEP 2 – GERMAN FORMATION

TEST 1

ORIG.: Obwohl die Kommission ihre Absicht zum Ausdruck gebracht hat, (...)

Trotz der Tatsache, dass die Kommission ihre Absicht zum Ausdruck gebracht hat, (...).

EN: Despite the fact that the Commission has expressed the intention

TEST 2.

ORIG.: Insbesondere müsse die Klage gegen die endgültige Entscheidung binnen 15 Tagen ab deren Zustellung erhoben werden (...)

Insbesondere mus die Aufmerksamkeit auf die Tatsache gerichtet werden, dass die Klage gegen die endgültige Entscheidung binnen 15 Tagen ab deren Zustellung erhoben werden müsse (...)

TEST 3.

ORIG.: Es ist nämlich zu berücksichtigen, dass der Wechselbürge,..

(version 1) Es ist nämlich zu berücksichtigen, dass die Tatsache, dass der Wechselbürge,
...

(version 2) Die Tatsache muss berücksichtigt werden, dass der Wechselbürge,...

The results lend strong support to the argument that the introduction of *die Tatsache, dass* would convey the impression of an unnatural, redundant, and too complex sentence. At first sight, the sentences with *die Tatsache, dass* are longer. Secondly, as it was observed in the analysis of the first example (test 1), in order to comply with the English version (i.e., *Despite the fact that the Commission has expressed the intention*), the equivalent construction, a conjunctive preposition *Trotz*, was employed in the test. However, the original German text was introduced with *obwohl*, and it would be impossible to apply *die Tatsache, dass* because *obwohl* is a subordinating conjunction with the meaning of *although*. Next, the second example is presumably the most striking. In order to comply

with the English version, the light-verb construction was introduced (*die Aufmerksamkeit richten*). However, the passive voice with the modal verb (*müssen*) had to be applied. Therefore, the past participle and the auxiliary verb “werden” in the infinitive form occurred at the end of the clause. It is visible that *die Tatsache* and *dass* had to be separated. Finally, the phrase *die Tatsache, dass* includes *dass* (a subordinating conjunction) and this implies the necessity in the German language to place a conjugated verb at the end of a subordinate clause. Taking these two remarks into account, it can be concluded that the final version, after this sentence formation would look too exaggeratedly and unnatural. From Test 3 it is apparent that the original version (without *die Tatsache, dass*) is much more natural and more concise.

In conclusion, the findings indicate that in most cases, *the fact that* is omissible and redundant. The results agree by and large with those reported in a study of *the fact that* by Salkie (2018). It was confirmed that the omission of *the fact that* would not change the meaning. To give a comparison from the results obtained in the second stage of analysis, made on German examples, the findings provide conclusive support for the redundancy of *the fact that* (or *die Tatsache, dass*). The introduction of *die Tatsache, dass* would require more complex structures, such as subordinate clauses with a conjugated verb at the end of a sentence.

5.4.3. Attitudinal bundles

The function of attitudinal bundles is to provide the writer’s attitude to the following propositions. In the analyzed English corpus, *must be interpreted* is a substantially frequent bundle (250.82 pmw), and the functional importance of this bundle is also seen in the German corpus (*ist dahin auszulegen, dahin auszulegen ist*). It is noticeable that the dialogic nature is similarly confirmed in the English corpus (the national court is asking, the CJEU is answering). Therefore, the high frequency of these German and English bundles denotes a significant role of interpretation instruments in discourse communication to maintain the uniform understanding of EU law among Member States. This remark stays in line with the results of Mazzi’s research, which admitted that the lexical bundles provide essential information on the relation of the domestic law with the EU law (Mazzi 2018: 195):

61993CJ0456 30 The answer to Questions 1 and 3 must therefore be that: 1. Article 3(2) of Regulation No 3201/90 **must be interpreted** as not precluding the labelling of quality wines ("Qualitätsweine mit Prädikat") from repeating the terms "Kabinett", "Spätlese" or

"Auslese" ° in addition to their prescribed use (in lettering of the same type and height as the name of the specified region or of a geographical unit smaller than the specified region) ° in different lettering with higher letters, particularly in a conspicuous manner as part of a brand name.

62008CJ0227 18 By its question, the Audiencia Provincial de Salamanca asks, in essence, whether Article 4 of the Directive **must be interpreted** as meaning that it allows a national court to raise, of its own motion, an infringement of that provision and to declare a contract falling within the scope of that directive void on the ground that the consumer was not informed of his right of cancellation, even though the consumer, at no stage, pleaded that the contract was void before the competent national courts.

Another attitudinal bundle is *is interpreted as* and this provides insights into the binding nature of interpreting the given provision or legal act. It is observed that the construction of *to be + to- infinitive* was employed by the requesting court in order to stress the obligational character of the eventual answer of the adjudging court.

61994CJ0283 If Question 1 is answered in the negative: is the above Directive to be interpreted as meaning that a parent company which satisfies the conditions of Articles 2 and 3 of the Directive can rely, as against the Member State of the subsidiary, directly on Article 5 of the Directive as a basis for its right to claim exemption from or reduction in withholding tax there provided for and, if so, is protection of that right a matter for the national courts of the Member State of the subsidiary?

5.5. Conclusions

In conclusion, the analysis of the English corpus revealed that the generated list of the English lexical bundles provided more manageable lexical bundles, which, from a semantic perspective, would convey meaning. The English bundles are supposed to show structural completeness. It can be claimed that there is sufficient literature concerning the in-depth examination of English lexical bundles in the judicial discourse of the CJ of the European Union (see Koźbiał 2022). On the other hand, the results have largely confirmed the results obtained by Koźbiał and reinforced the thesis that some examples of lexical bundles are similarly frequent because they serve the same functions in judicial discourse. The results lend strong support to the argument that phraseology demonstrates universal applicability in the judicial discourse. This is observed not only in the English corpus but also in the German. The collected lexical bundles provided sufficient knowledge about the dialogical character of the communication between CJEU and national courts and the role of some institutions (such as the Advocate General). It has been confirmed that some types

of legal acts are important instruments that influence legal systems (for instance, regulation) because in both corpora occur *Regulation No.* and *Verordnung Nr.* On the other hand, the analysis carried out in English allowed the Author to obtain more information and to complement the research – the paramount role of the Advocate General was observed while analyzing the English corpus, and that would remain unnoticed while analyzing only the German version - *der Generalanwalt*. The investigation also reveals the presence of the General Court (previously known as the Court of First Instance) and Court of Justice, which constitute the Court of Justice of the European Union (in accordance with Art. 19 TUE). Furthermore, the importance of intertextuality and evidentiality in the judicial discourse emerged from the analysis of case-law referential bundles. This reflects the role of past judgments in explaining the interpretation of Union law in present judgments.

In the same vein, the analysis of the English phrases complemented the research by drawing attention to the differences between the legal systems. It was observed that *the right to* has its equivalent legal institutions in German – *das Recht* or *der Anspruch*. By implication, it was seen that there were many instances of compound nouns formed with *Anspruch* (for instance, *Eigentumsanspruch*), which indicates various possible rights of this type in German (formed as compound nouns). *Der Anspruch*, as a subjective right, denotes an individual's right to demand acting or not acting from someone else. In that meaning, it would mean in English a particular demand or claim, but still, a claim *sensu stricto* in English would denote someone's right to request for damages or relief (*filing a claim*⁸⁹). Semantically most similar in meaning is *to claim something*. According to the Oxford Dictionary, *to claim something* means “to demand or ask for something because you believe it is your legal right to own or to have it”⁹⁰. However, these proposals for the equivalent still do not exhaust the proper meaning of *der Anspruch* as a subjective right. The Cambridge German-English Dictionary translates *der Anspruch* to *a right*. It could be claimed that this Eur-Lex judgment 12/2016 corpus, despite being parallel, does not always propose proper equivalents in different languages.

The most striking finding is that the results concerning the possibility of omission of *the fact* closely match those obtained by Salkie (2018). Salkie compared parallel corpus and endeavored to verify whether it is possible to omit *the fact that* with a comparison of

⁸⁹ [FILING A CLAIM Definition & Meaning - Black's Law Dictionary \(thelawdictionary.org\)](https://www.thelawdictionary.org/filing-a-claim-definition-meaning/) (access: 04.09.2024)

⁹⁰ [claim verb - Definition, pictures, pronunciation and usage notes | Oxford Advanced Learner's Dictionary at OxfordLearnersDictionaries.com](https://www.oxfordlearnersdictionaries.com/definition/claim-verb/) (Access: 04.09.2024)

the German equivalent *die Tatsache, dass*. As predicted, the analysis of the English corpus and the parallel German corpus, complemented by the transformation tests, provided sufficient evidence that the English judicial discourse does tend to overuse the phrase *the fact that*. This observance is in line with the conclusions of Salkie (2018). In the German corpus, similar constructions were employed (passive voice, the sole conjunction that and *dass* connecting two clauses); however, *die Tatsache dass* did not occur so frequently as in the English corpus. To corroborate the predictions, step 2 was taken. The aim was to compare the results after introducing the equivalent phrase *die Tatsache, dass* in German sentences. The transformation test revealed that this phrase is redundant, and sentences with *die Tatsache, dass* would appear to be unnatural and would form too complex and abstruse sentences.

Chapter 6

Synthesis and Final Conclusions

This study primarily explores CJEU judgments from the phraseological perspective, aiming to offer an alternative view on phraseology by employing corpus linguistics methods to identify and analyze the most frequent lexical bundles. The purpose of this study was to collect and investigate the functional categories of lexical bundles in two languages: German and English. To the Author's knowledge, this is the first examination of functional lexical bundles in the German judgments of CJEU. Based on the results, this study argues that phraseology should not be confined to traditional linguistic descriptions, which remain dominant in current German linguistic studies (Bielawski 2022, Płomińska 2020, Woźniak 2016). One key question posed in the introductory part of this dissertation was whether it is possible to combine the traditional perspective with the corpus-based approach investigating pragmatic phrasemes and functional categories of lexical bundles. In this way, this dissertation contributes to exploring new paths in investigating German phraseology.

The results of this dissertation demonstrate that this combined approach reveals the role of lexical bundles in the judicial discourse. The lexical bundles provided significant knowledge about institutional participants and their paramount role in the European Union. Another valid conclusion was that some legal instruments, such as regulations, are pivotal in shaping the EU legal system. This study demonstrates that lexical bundles reveal fundamental legal principles underlying the EU legal system. Additionally, the lexical bundles analysis provided convincing linguistic support for the dialogical nature of the communication between CJEU and national courts and this will be summarized below.

Furthermore, analyzing lexical bundles in both languages offered a broader perspective on judicial discourse. The investigation of lexical bundles in one language would not be exhaustive enough. This aspect will be discussed in 6.1.

However, some difficulties were encountered because of the nature of the German language, and this will be summarised below.

6.1. Difficulties and limitations

Contrary to expectations, the collection of lexical bundles in the German corpus was not as straightforward as expected. Compared to the German corpus, it was observed that the generated list of English lexical bundles provided more semantically complete units. The obtained lexical bundles offered a longer list of meaningful lexical bundles. In contrast, many German lexical bundles did not convey any meaning, for instance *der in der, die sich aus, der von der* (see 4.1.). This can be adequately explained by the German language's complex system of articles and declension, which vary depending on gender, case, and number. Additionally, prepositions – usually quite frequent – are more challenging in German due to the case system. In fact, in English sentences, the preposition does not affect the noun's article. However, in the German language the use of preposition, for instance *unter* may require the question of whether the location or direction was meant. The system of articles in the German language is complex, which explains why it can be perceived as a severe obstacle to obtaining satisfying results from research carried out with lexical bundles.

Secondly, the German language is referred to as *Wortbildungssprache* or *Kompositionssprache* (the language of word compounding) (see: 1.2, cf.: Choromański 2021: 24). This, by comparison to the English language, may influence the results of the similar research in German. Accordingly, this does not imply that this corpus-based perspective does not apply to the German language – as with all such studies, there are limitations that offer opportunities for further research. One strategy also applied in this research is introducing “ancillary” language that can be examined in parallel for comparative purposes. The findings presented in this dissertation have provided convincing evidence that the research, even in German, can be achievable, provided that the second, supportive language can be analyzed parallel. For instance, the functional importance of the institutional bundle *the Advocate General* (239.98 pmw)⁹¹ was only observed after retrieving it in the English corpus. *Der Generalanwalt* in German is formed as one word; secondly, this was applied in different cases (for instance, the Genitive), and it may affect

⁹¹ About the role of an Advocate General see 3.2.2., about *the Advocate General* as an institutional lexical bundle see 5.2.1

the feminine or masculine gender. This explains why it was not generated in the German corpus. A comparison of both corpora shows that the role of an Advocate General is evident in both. The German lexical bundle *nach Anhörung der* indicates the importance of the Advocate General's opinion (*Schlussanträge*) in the Court of Justice's procedures (see remarks in 4.5.). The supplementary perspective on both languages may provide a crucial insight into functional categories. Another evidence confirming the need to introduce a supporting language is *the right to*, which in the German language with the parallel view was detected as *der Anspruch* and compound nouns – *das Nutzungsrecht, das Eigentumsrecht*. Such a parallel perspective supplements the findings and provides interesting information on the differences between two languages.

Additionally, this approach does not always provide clear solutions for categorizing functional lexical bundles. It requires a time-consuming and in-depth context analysis, especially regarding the big corpora in which a given lexical bundle occurs. For instance, the bundle *nach Anhörung der* could suggest that the preposition *nach* denotes rather temporal meaning; however, after closer inspection of the concordance, it became clear that the focus was put on the procedure-related matters. In a similar vein, the bundle *the Member States* and the other variant *another Member States* were not so easily categorized because sometimes the context suggests that Member States are in the role of institutional participants, and in other examples, these bundles refer to the location:

(...) *compulsory insurance against accidents at work in the territory of the Member States*
 (...)

(...) *Article 43 EC prohibits the Member States from laying down in their laws conditions* (...)

Strict categorisation would require in-depth analysis, examining each example with its context, which is not possible for one researcher with reference to a huge corpus.

6.2. Correlation between Law and Language in the legal discourse of CJEU

An interesting aspect of the correlation between law and language emerged while examining the frequent lexical bundles. The data suggest that the high frequency of lexical bundles corresponds to the fundamental importance of some legal institutions. The active role of the Commission of the European Union was confirmed by the high frequency of the bundle *Commission of the* in the English corpus and *Kommission der Europäischen Union* in the German one. Both sub-corpora (the English and the German) revealed the high

frequency of the bundle containing the name of that EU institution, which is not meaningless for the Commission of the EU's pivotal role in shaping the European Union's legal order as a co-legislator. It was detected that the Commission endeavors to perform its role scrupulously, as it produces many regulations – the name of the Commission occurs in the titles of this type of legal acts, but also the context examination divulged that the Commission participates in legal proceedings in the court as the Commission's role is to perform control actions over the Member States whether they implement the EU law correctly.

It can also hardly be a coincidence that the dialogical character of the CJEU and national courts was captured in the lexical bundles analysis. The frequent bundle *das vorlegende Gericht* (117 pmw) was observed in the introducing formula of the national court's reference to the CJEU. This pragmatic sequence was found in those judgments commenced in the preliminary reference procedure, which corresponds to the legal basis set forth in Article 267 TFUE. In most cases, the reference formulation is followed by a similar pattern:

>Mit seiner ersten/ zweiten/ dritten Frage + möchte das vorlegende Gericht (im Wesentlichen/ im Kern/ nämlich) wissen <

Surprising as it may seem, it was also observed that the genitive form of *das vorlegende Gericht*, i.e. *des vorlegenden Gerichts* was detected, and this occurrence provides not only a reliable confirmation for the dialogical character but also substantial information on the frequent genitive- use of the lexical bundles in the German corpus. The genitive form was frequent and this case was observed in many lexical bundles, for example: *im Sinne des Artikels, des angefochten Urteils, der Kommission vom, der sechsten Richtlinie*. The context analysis reveals that these bundles refer to EU institutions and their undertaken actions (for instance the question (reference) submitted to CJEU, adopted legal acts) and other provisions.

The importance of the dialogue between the CJEU and the referring courts (see contextualization in 3.2.2) can be proved and confirmed from the linguistic perspective by the frequency of a genitive form *des vorlegenden Gerichts* (a referring court). This bundle again confirms that a genitive form of phraseological units may shed light on phraseology, examined traditionally in German research. This bundle refers to the initial actions undertaken by a national court to adjudge and to express the opinion of the national court

(*Nach Auffassung, Nach Ansicht*) and the questions which, according to the referring court, require further CJEU's support and CJEU's stance.

The Oxford Dictionary clarifies that a dialogue "is a formal discussion between two groups or countries, especially when trying to solve a problem, end a disagreement"⁹². Simultaneously, the discussion implies addressing many aspects of a subject⁹³ and exchanging opinions or solutions. A closer examination of the discourse of the CJEU reveals that national courts apply the EU provisions concerning the submission of questions to the CJEU to obtain clarification of unclear EU provisions. With the means of stable microroutines, they ask the CJEU for uniform interpretation, but simultaneously, the CJEU provides an in-depth explanation, introducing the information with frequent microroutines, which were observed using lexical bundle methodology. The CJEU produces the answer employing stance bundles.

*21 Auf die erste Frage ist demnach zu antworten, daß Artikel 5 Absatz 6 der Sechsten Richtlinie **dahin auszulegen ist**, daß*

*Es ist **darauf hinzuweisen**, dass der Gerichtshof ungeachtet dessen, dass das vorliegende Gericht in seiner Vorlagefrage nicht auf Art. 18 EG Bezug genommen hat,*

Closer inspection revealed that those German lexical bundles (approached from the traditional perspective as irrelevant) may provide crucial functional information. The bundle *hat der Gerichtshof* with the occurrence of 133.52 pmw confirmed the significant role of CJEU in shaping EU case law. In the framework of the dialogue between the national courts and CJEU, the analysis of the concordance of the bundle demonstrated the reasoning actions of CJEU undertaken to investigate and to provide a stance on the interpretation (mainly in the past tense):

*So **hat der Gerichtshof befunden**, dass "Kapitalbewegungen" im Sinne von Art. 56 Abs. 1 EG insbesondere sogenannte Direktinvestitionen sind,*

*Zu diesen beiden Investitionsformen **hat der Gerichtshof festgestellt**, dass nationale Regelungen als "Beschränkungen" im Sinne von Art. 56 Abs. 1 EG anzusehen sind,*

⁹² [dialogue noun - Definition, pictures, pronunciation and usage notes | Oxford Advanced Learner's Dictionary at OxfordLearnersDictionaries.com](#) (10.06.2024)

⁹³ [discussion noun - Definition, pictures, pronunciation and usage notes | Oxford Advanced Learner's Dictionary at OxfordLearnersDictionaries.com](#) (10.06.2024)

Strong support for this interpretation of the correlation between law and language comes from another instance. The importance of four main economic principles, set out in Articles 28- 37 TFEU, was confirmed by a location bundle *in einem anderen Mitgliedstaat* (182.69 pmw). Detailed examination of concordance lines revealed that this bundle occurred in the context of the cooperation of individuals or business entities of different member states. Once more, the provided example demonstrates that the importance of some institutions or legal principles can be reflected in lexical bundles' frequency.

It is undoubtedly the case that the Advocate General's influential role was similarly confirmed in this research. The concordance analysis enabled the Author to determine that the bundle *nach Anhörung der* is followed by *Schlussanträge* (the opinion – J.K.) which indeed indicates the significance of the Advocate's General opinion in the procedure commenced in the CJEU. This explains why the bundle occurred so frequently in the German corpus.

This correlation becomes clear when one examines Article 87 of the Rules of Procedure of the CJEU. The respective provisions provide the requirements of the judgment of CJEU, *inter alia* a statement that it is the judgment of the Court, an indication as to the formation of the Court, and the date of delivery. All the requirements, laid down in a legal act, were reflected in microroutines and macroroutines with opening and closing functions, corresponding to frequent lexical bundles performing the same pragmatic role. The decisive evidence comes from each bundle that introduces a respective requirement of Article of 87, for instance: *In der Rechtssache C-* introduces the number of the case with an indication of the character of the judgment, *beim Gerichtshof eingegangen am* – fulfills the informative role as regards the date of bringing the case to the court (Article 87 c), *unter Mitwirkung des* – the formula exercises the informative role about the participation of judges (Article 87 d, e, f), *nach Anhörung der Schlussanträge des* – the microroutine provides the information from Article 87 (k) of the Rules of Procedure. This strongly suggests that the close correlation between law and language exists and can be confirmed with lexical bundles, whose main criterion is frequency. This strengthens the argument that the frequency of bundles, which may be regarded as unimportant and meaningless at first sight, employ a significant pragmatic role and provide promising information on legal language and a legal system.

Based on the conclusions presented, it is clear that expanding the subcategory of procedural law-related lexical bundles is necessary. The frequently-occurring *the right to* could not be omitted as it carries significant information on the broad spectrum of

individuals' rights, which undoubtedly shall be observed by the Member States and the European Union. In fact, the bundle *the right to* would denote the subjective rights of individuals. In view of this, after the concordance analysis, we can obtain the data on which rights require legal protection. It is relatively easy to observe which rights are rather of a procedural nature (e.g. *the right to be heard*, *the right to appeal*) and which relate to substantive law (e.g. *the right to property*, *the right to effective remedy*, *the right to protect that name*).

6.3. Lexical bundles perspective on the German legal language and legal phraseology. Implications and applications

This study has attempted to verify if a shift in the German phraseology is possible regarding the methodology. The thesis offers an alternative view on legal phraseology as it employed lexical bundles perspective, attempting to provide a functional categorization of lexical bundles. The focus on the pragmatic role of specific frequently occurring word combinations is not new; however, this study extends previous works as it may stimulate the debate on the applicability of lexical bundles regarding their functional role in legal discourse. The traditional perspective, deeply rooted in German research, is undoubtedly time-consuming, and the analysis is rather intuition-driven. Therefore, this thesis differs from previous research in that it applies the corpus-driven perspective, trying to verify whether the lexical bundles in the German language are a viable way to investigate word combinations. The analysis solely of the German corpus would not be sufficient; it required another well-researched benchmark and a point of reference, which has already been exhaustively studied and described in the literature. The comparative work on two languages provides a broader perspective on the functional role of phraseology in the legal discourse, as the analysis of only German lexical bundles does not capture all crucial relations of law and language.

However, the research demonstrated that the lexical bundles perspective also applies to German. In the first stage of this research, after collecting the data in German, the impression emerged that the derived bundles were meaningless and seemed not manageable because of limitations connected with the declension and conjugation of German words. It was quite confusing to handle the genitive form of definite articles, for instance, *nach Anhörung der*, as it is visible that only the Plural form or the feminine is concerned, and simultaneously, the neuter and the masculine forms are excluded.

Surprisingly, such an occurrence provides valuable information on phraseology and legal language.

Firstly, the first conclusion might be that the genitive form in the discourse of CJEU is frequent and facilitates the communication of specialists as it provides the reference to other legal acts and respective sections of judgments, for instance:

In den Randnummern 260 bis 269 des angefochtenen Urteils

Artikel 2 Absatz 1 der Verordnung Nr. 3950/92 sieht vor:

On the other hand, the frequent occurrence of the genitive form may be illustrated by the *nach Anhörung der*, which provides procedural information about who was heard. It emerged that mainly the plural or masculinum form occurred. This suggests that the Court mentions these parties collectively, participants who had been heard:

nach Anhörung der Beteiligten in der Sitzung vom 27. Juni 2001,

What is more, the genitive plural form demonstrated a difference between German and English equivalents, as in English the Advocate General provides *an Opinion*, while in the German *nach Anhörung der* implies the plural form of submissions (*Schlussanträge*) and not a single opinion:

after hearing the Opinion of the Advocate

nach Anhörung der Schlussanträge der Generalanwältin in der Sitzung vom 20. September 2012

The results of the analysis suggest that the German legal language of CJEU is characterized by the frequent use of attributes. This feature has been observed in examples formed from adjectives being participle forms and in longer extended adjective constructions. The German written language, especially in the formal language, tends to use, not to say – overuse, these constructions to form long sentences. The main role of extended attributes is to provide exhaustive information that refers to a noun by placing all descriptions and modifiers before a noun. This also applies to the legal language of CJEU, which was confirmed by many examples derived from the analysis of concordance of lexical bundles, for instance:

die dort angeführte Rechtsprechung

As shown, the adverb *dort* and the declined past participle *angeführte* in the nominative case occurred.

Unexpectedly, as mentioned in 6.2., lexical bundles, which at first sight may seem meaningless, may contribute to a better understanding of German legal language and legal phraseology. The bundle *hat der Gerichtshof*, described already in 6.2., from the traditional perspective, provides only one noun (Fachbegriff – LSP term) that would eventually deserve the attention and an auxiliary verb used in the past. Surprisingly, the contextual analysis supported the view that such “meaningless bundles” may constitute convincing proof that this perspective contributes to a better insight into legal language. It was already summarised that this bundle revealed the reasoning actions of the court, but it also indicates the measures that the Court is to undertake. In other words, it is an example of an auxiliary verb used to form the past tense and also a part of the grammatical structure *haben + zu + Infinitiv*, which may introduce deontic modality. The tendency to use this grammatical pattern has already been presented in the literature (Biskup 2013: 22), but with the lexical bundles perspective, it is easier to confirm this feature of the German legal language based on the frequency and the concordance analysis:

*Somit **hat der Gerichtshof** in der vorliegenden Rechtssache seine Prüfung zu beschränken und das Gemeinschaftsrecht in einer für das vorliegende Gericht sachdienlichen Weise auszulegen;*

In conclusion, the analysis of lexical bundles offers fresh insights into German legal phraseology. This study has made a contribution to German legal language and legal phraseology as it has provided convincing evidence that the traditional perspective is not the only correct path. The lexical bundles perspective offers an alternative view and allowed the Author to discover the legal language and legal phraseology based on the corpus of CJEU judgments in German. However, it has also highlighted a number of problems regarding the time-consuming context analysis or the process of selecting bundles for further study. One strategy would be to employ the second supplementary language version of the same corpus or refer to similar research on the corpus of the same genre (such as judgments). This allows for verifying the results of the German study.

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Treaty on Functioning of the European Union

Treaty on European Union

STRESZCZENIE

ROZPRAWY DOKTORSKIEJ

*Frazeologia języka prawnego w unijnym orzecznictwie –
komparatywna analiza wsparta korpusowo niemieckich i angielskich
wyroków Trybunału Sprawiedliwości Unii Europejskiej.*

Zjawisko integracji europejskiej na płaszczyźnie społecznej, gospodarczej, ale również prawnej ma swoje odzwierciedlenie w mnogości unijnych tekstów prawnych. Taki materiał stanowi interesujący przedmiot badawczy i bez wątpienia może podlegać analizie nie tylko prawnej, ale również lingwistycznej. Wielojęzyczność, będąca cechą immanentną Unii Europejskiej, zasługuje na szczególną uwagę w kontekście m.in. wpływu języka na zachowanie jednolitej interpretacji przepisów unijnych we wszystkich porządkach prawnych państw członkowskich. Co więcej, komunikacja oraz dialog między instytucjami unijnymi a instytucjami krajowymi, tak jak w przypadku Trybunału Sprawiedliwości UE oraz krajowymi sądami musi przebiegać na tyle sprawnie, aby nie zaistniały wątpliwości w zakresie stosowania prawa oraz wykładni. Mając na uwadze powyższe, można twierdzić, że relacja między prawem a językiem jest na tyle silna, że istnieje możliwość unaocznienia wagi niektórych instytucji prawnych, aktów prawnych za pomocą badań językowych. W tym ujęciu zaobserwować można również funkcje poszczególnych instytucji. Taki wniosek został oparty na wynikach badania, które po kategoryzacji funkcjonalnej wykazało, że frekwencyjność instytucjonalnych zbitek wielowyrazowych jest na tyle reprezentatywna i częsta, że można z nią łączyć istotne znaczenie niektórych instytucji europejskich, takich jak Komisja UE czy części aktów prawnych – np. rozporządzenia. Udowodniono, że występujące często zbitki wielowyrazowe zawierające w sobie nazwy instytucji są częścią nazw aktów prawnych, które kształtują w sposób istotny unijny porządek prawny. Ponadto badania frazeologii orzeczeń unijnych również potwierdziły dialogowy charakter komunikacji, o którym stanowiła już wcześniej literatura z dziedziny prawa. Za pomocą analizy konkordancji zbitek wielowyrazowych pozyskano pragmatyczne frazemy, za pomocą których sądy krajowe wnoszą do Trybunału UE zapytania w zakresie pytań prejudycjalnych. Jednocześnie, badanie wykazało również zbitki, za pomocą których

Trybunał UE udziela odpowiedzi i wskazuje sposób właściwej interpretacji przepisów unijnych, celem zapewnienia jednolitego interpretowania prawa we wszystkich krajach członkowskich.

Celem niniejszej rozprawy doktorskiej jest omówienie problematyki frazeologii języka prawnego w kontekście unijnego orzecznictwa. Frazeologia stanowi przedmiot badań od wielu lat, jednak dopiero nieoceniony wkład m.in. Fleischera, Burgera, Cowego przyczynił się do podjęcia prób kategoryzacji związków frazeologicznych na podstawie kategorii strukturalnych oraz znaczeniowych. Jednakże wadą takiego podejścia jest czasochłonny proces samodzielnej selekcji jednostek frazeologicznych. W większości przypadków stanowi to efekt intuicyjnego doboru tych związków, które w ocenie badacza stanowią przykład danej kategorii. Ponadto nie można w taki sposób uzyskać informacji, czy dany związek frazeologiczny występuje na tyle często w całym korpusie, aby niósł cechy istotne i charakterystyczne dla danego gatunku tekstu. Istnieje bowiem ryzyko, że ocenie podlegają np. jednostki rzadkie, irrelewantne w ujęciu całościowym. W literaturze niemieckojęzycznej, w tym przypadku dotyczącej języka prawnego, wciąż można zaobserwować tendencje do przyjmowania tradycyjnego podejścia do frazeologii. Celem niniejszej pracy była próba włączenia do badań w zakresie frazeologii niemieckiego języka prawnego metodologii obecnie stosowanej w badaniach opartych na tradycji anglosaskiej, w której prym wiedzie ujęcie korpusowe. W tym celu w pracy zastosowano metodologię korpusową opartą na zbitykach wielowyrazowych, *lexical bundles*, których głównym kryterium wyodrębnienia jest ich frekwencyjność. W pracy ograniczono zakres badań do kategoryzacji funkcjonalnej, aby przybliżyć badanie częściowo do ujęcia tradycyjnego w ramach frazemów pragmatycznych, obecnie analizowanych w literaturze niemieckiej poświęconej frazeologii języka prawnego (Płomińska 2020, Woźniak 2017, Bielawski 2022).

Rozwiązaniem, które umożliwiłoby kontrolną weryfikację zasadności korpusowego podejścia do języka niemieckiego, było wykonanie takiego samego badania na paralelnym korpusie, w języku angielskim. Z kolei praca nad tym korpusem była porównywana do podobnych badań, również przeprowadzonych w języku angielskim (Koźbiał 2022). W wyniku przeprowadzonej analizy Autorka sformułowała wniosek, że badanie korpusowe za pomocą zbitek wielowyrazowych na korpusie niemieckojęzycznym jest możliwe i mimo wstępnych wątpliwości co do zasadności takiego podejścia, wnosi wiele informacji dotyczących samego języka prawnego, funkcji częstych zbitek leksykalnych w komunikacji w danym dyskursie. Pochopnie byłoby twierdzić, że to ujęcie,

które zostało już w dużej mierze uznane za obiecujące w badaniach anglosaskich, jest w pełni optymalne w kontekście języka niemieckiego. Badanie wykazało, że w oparciu o ten sam paralelny korpus, uzyskano znacznie mniej zbitek wielowyrazowych niemieckich niż angielskich. Frekwencja zbitek była też niższa niż w przypadku zbitek angielskich. Może to wynikać z fleksyjnego charakteru języka niemieckiego. W badaniu na korpusie niemieckim ponadto więcej pojawiło się zbitki, które nie nadawały się do analizy, np. *der durch die*, co wynika z faktu, że język niemiecki zawiera rodzajniki nieokreślone i określone, które, w przeciwieństwie do języka angielskiego, odmieniają się przez osoby, przypadki i liczbę. Z kolei część zbitek wielowyrazowych, które na początkowym etapie uznane były przez Autorkę za niekompletne, po wnikliwej analizie konkordancji okazywała się przydatnym przedmiotem badawczym. Można twierdzić, że takie ujęcie stanowi ciekawe źródło dyskusji oraz obiecujący kierunek, który musi zostać jeszcze głębiej zbadany w literaturze. Np. zbitka *hat der Gerichtshof* ujawniła po zbadaniu prawej strony konkordancji, za pomocą jakich wyrażenń TSUE wnioskuje wskazuje właściwą linię interpretacyjną. Zbitka ta potwierdziła również, że konstrukcja *haben + zu + Infinitiv* jest charakterystyczna dla niemieckiego języka prawnego. Co ciekawe, w badaniu niemieckim nie wykazano nadużywania ekwiwalentnego zwrotu *the fact that*, które w części dysertacji poświęconej angielskiej wersji korpusu, zostało potwierdzone.

Praca doktorska została podzielona na 5 rozdziałów. Rozdział pierwszy i drugi stanowi część teoretyczną dysertacji. Najpierw omówiono rozwój frazeologii w literaturze niemieckiej, omówiono pojęcie frazeologii ogólnej, a następnie uściślono zakres przeglądu literatury do frazeologii języków specjalistycznych, w tym języka prawnego. Szczególną uwagę poświęcono pragmatycznym związkom wyrazowym, które obecnie są badane z uwagi na ich rolę w komunikacji. Rozdział drugi stanowi przegląd podstaw teoretycznych z zakresu frazeologii w tradycji anglosaskiej, która swoją metodologię opiera głównie na językoznawstwie korpusowym. Zwrócono uwagę głównie na badania poświęcone *lexical bundles* w dyskursie prawnym. Kolejny, trzeci rozdział rozpoczyna część empiryczną dysertacji. Przedstawia on program do przeprowadzenia badania, poszczególne jego etapy, selekcji zbitek wyrazowych oraz omówiono szczegółowo korpus badawczy. Czwarty rozdział otwiera część badawczą na korpusie niemieckim i zawiera omówienie kategorii funkcjonalnych zbitek wyrazowych, odnosząc wyniki analizy do ujęcia tradycyjnego w zakresie frazemów pragmatycznych. Rozdział piąty stanowi kontrolny punkt odniesienia badania zawartego w rozdziale czwartym. Zawiera badanie przeprowadzone na paralelnym korpusie w języku angielskim. Z kolei rozdział szósty przedstawia końcowe wnioski oraz

postulaty w zakresie badań poświęconym frazeologii języka prawnego raz korelacji prawa z językiem.

SUMMARY
OF THE DOCTORAL DISSERTATION

Legal Phraseology of EU case law. A comparative, corpus-assisted study of English and German Court's of Justice of the European Union judgments.

The integration of European countries at social, economic, and legal levels resulted in a significant body of EU legal texts. These texts provide rich material that is suitable not only for legal analysis but also for linguistic examination. Multilingualism, a key feature of the European Union, deserves closer attention, particularly in the context of how language influences the consistent interpretation of EU provisions across member states' legal systems. Furthermore, communication and dialogue between the EU and the national institutions, such as the CJEU and state courts, is crucial for ensuring consistent and uniform application and interpretation of law. The importance of certain institutions and legal acts is reflected in the frequency of specific lexical bundles. Research results show that the high frequency of institutional lexical bundles correlates with the significant role of EU institutions, such as the European Commission, and legal instruments like regulations. It was confirmed that EU institutions occurred in those lexical bundles, which were part of the names of the legal acts. Furthermore, the dialogical character of the communication between CJEU and national courts, which had already been reported in the law-oriented literature, was proven with lexical bundles. The lexical bundles allowed the Author to collect the pragmatic phrasemes used by national courts when submitting questions to the CJEU. The research also revealed the phrases employed by the CJEU to provide the correct and proper interpretation of EU provisions. This, consequently, may guarantee the uniform interpretation of law in all member states.

This dissertation aims to analyze the phraseology of legal language within the context of EU case law. Phraseology has been a research subject for many years, with significant contributions from Fleischer, Burger, and Cowie, who provided key input into various attempts to categorize phrasemes based on structure and meaning. However, a significant drawback of this approach is the time-consuming process of collecting phraseological items. Additionally, the selection of phrasemes is often based on the researcher's intuition, raising concerns about representativeness. Thirdly, one cannot determine whether the selected phraseme is frequent enough through the whole corpus to be described as sufficiently representative for a given register. Indeed, there is an apparent

risk that in the focus remain irrelevant and rare phraseological items. This dissertation aimed to apply and introduce lexical bundles to German-related research, which has already been employed successfully in the study devoted to the English legal language. Therefore, the purpose of this dissertation was to verify whether the lexical bundles perspective, whose sole criterion is frequency, is applicable with reference to the German legal language. In this PhD thesis, the scope of the analysis was limited to the functional categorization to combine the results with pragmatic phrasemes from the traditional approach, which is currently a trend in the German papers discussing German legal phraseology (Płomińska 2020, Woźniak 2017, Bielawski 2022).

The solution that allowed for the verification of whether the corpus-based approach to German phraseology was justified was the formation of similar research on the parallel corpus in the English language. This was compared to similar studies already carried out in English (Kozbiał 2022). Despite the initial doubts, it emerged that this perspective provides essential and promising information on the features of the German legal language, the functions of the frequent lexical bundles, and their role in communication in a given discourse. However, it would be rash to conclude that this perspective is fully and completely applicable and optimal in German. A severe drawback of this approach that emerged during the parallel analysis was that significantly fewer lexical bundles could have been extracted than in the case of the English one. Secondly, the frequency of the collected lexical bundles was also lower than that of the English corpus. It can be explained by the inflected character of the German language. This is further complicated by those lexical bundles that were unmanageable at all, for instance, *der durch die*. The explanation may lie in the definite and indefinite German articles, which are inflected by the persons, number, gender, and case. On the other hand, there are some lexical bundles, which at the initial stage of the research appeared to be semantically incomplete, but after closer concordance analysis, it became apparent that these comprise essential information on the role of phraseology in the legal discourse. For instance, the lexical bundle *hat der Gerichtshof* showed which verbs are used for the reasoning of TSUE (i.e., the Court concluded/ interpreted/ ruled). It should be emphasized that the same lexical bundle confirmed that the construction *haben+ zu+ Infinitiv* is one of the leading features of the German legal language. Analysis of the data revealed that in the German research, the equivalent phrase of *the fact that* is not overused, what is the case in the English one.

This dissertation is divided into five chapters. The first and the second constitute the theoretical part of the PhD thesis. Firstly, the development of the phraseology in the German literature was presented. As a starting point, it was necessary to discuss the general phraseology, and finally, the focus was put on the LSP phraseology and phraseology of legal language. Particular attention was devoted to the pragmatic phrasemes, which are currently discussed in the German literature. The central theme of the second chapter is the phraseology in the English tradition, which applies the instruments provided by corpus linguistics. The third chapter presents the initial stages of the study, introduces the software applied in this research, and describes the contextualization and the corpus in depth. The fourth chapter opens the empirical part of the dissertation. It presents the functional categorization of the German lexical bundles, attempting to reconcile the results with the traditional approach referring to the pragmatic phrasemes. The fifth chapter constitutes the frame of reference to the research discussed in the previous chapter. It comprises the functional categorization of English lexical bundles derived from the English parallel corpus. The final chapter provides the conclusions and summarizes the most important findings, proposing recommendations for further research in legal phraseology and the correlation between law and language.