

Dariusz Koźbiał

*University of Warsaw*

Jekaterina Nikitina

*University of Milan*

## Regulation of the Profession of Sworn (Legal) Translators and Interpreters in Poland and Italy in Light of Directive 2010/64/EU

**Summary:** This paper analyses the regulation of the profession of sworn (legal) translators and interpreters in two Member States of the European Union (EU), namely Poland and Italy, in light of Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings. To this end, the Polish Act of 25 November 2004 on the Profession of Sworn Translator is compared with the Italian legislative framework, in which the relevant legislation remains fragmentary due to the fact that Italy has yet to adopt a comprehensive legal act of generally binding nature regulating the profession in question. The analysis aims to assess how these two states addressed certain requirements set out by Directive 2010/64/EU. The paper identifies the shortcomings of the current regulatory framework and offers *de lege ferenda* conclusions regarding the desirable regulation of the profession in both EU Member States. It is argued that certain aspects of the existing Polish regulation of the profession, most notably the 2024 Act, despite certain deficiencies, could serve as a reference point for Italy, where the lack of harmonization at the national level is among key challenges. The findings could be applicable to some other EU Member States with similar legislative landscapes.

**Key words:** profession of sworn translator in Poland; legal translators and interpreters in Italy; certified translation; profession of public trust; Directive 2010/64/EU; right to interpretation and translation in criminal proceedings

## 1. Introduction

This paper analyses the regulation of the profession of sworn (legal) translators and interpreters in two Member States of the European Union, namely the Republic of Poland and the Italian Republic. Both states share the obligation to comply with Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings. To this end, the Act of 25 November 2004 on the Profession of Sworn Translator (as amended), which governs the profession of sworn translators and interpreters in Poland, is compared with the Italian legislative landscape, in which the relevant legislation remains fragmentary. The analysis aims to assess how these countries have addressed certain requirements imposed by Directive 2010/64/EU. The comparative analysis seeks to pinpoint the systemic shortcomings in the regulation of the profession and propose tentative *de lege ferenda* conclusions regarding its desirable regulation. The rationale behind the present analysis is that juxtaposing the Polish and Italian legal systems may provide valuable insights into the optimal regulation of the profession of sworn (legal) translators and interpreters.

## 2. Supranational and international perspective

From the perspective of supranational law, Article 82(2) of the Treaty on the Functioning of the EU (TFEU) states that the European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules to facilitate mutual recognition of judgments and judicial decisions as well as police and judicial cooperation in criminal matters with a cross-border dimension. These rules may include provisions on the rights of individuals in criminal procedure. Importantly, the adoption of *minimum minimorum* rules referred to therein does not prevent Member States from maintaining or introducing a higher level of protection for individuals. Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings is the first directive on translation and interpretation adopted under the said Article 82(2) of the TFEU (Hertog 2015: 83; cf. Allegrezza and Bernardini 2023).

The provisions of the Directive, despite being very general (Katschinka 2014: 110), taking precedence over national law and being binding as to the result to be achieved in the EU Member States, still pose certain challenges in some areas despite the considerable time since the implementation deadline, i.e. 27 October 2013 (see Article 9(1)). At the date of expiry of the transposition

period, sixteen Member States failed to communicate the necessary measures to the Commission, and Italy was one of them (see COM(2018) 857 final of 18 December 2018). Overall, the implementation process has been described not only as “sluggish” across the EU, but also “as a missed opportunity” (Kotzurek 2021). This is partly due to the fact that the Member States have discretion regarding the form and method to improve the quality of legal translation and interpretation and to propose appropriate regulation of the profession of legal translators and interpreters (Bajčić and Basanež 2016: 2).

The Directive concerns the right to interpretation and translation in criminal proceedings, ensuring the right to “free and adequate linguistic assistance” (see Recital 17) of any suspected or accused persons who do not speak or understand the language of the criminal proceedings fully to exercise their right of defence<sup>1</sup>. The Directive thus formalises several rulings of the European Court of Human Rights on this topic (Brannan 2010, 2023; Rafaraci 2013: 336). The Directive’s immediate goal is to facilitate the exercise of one’s right of defence and safeguard the fairness of the entire proceedings (cf. Fingas 2019: 109–110). At the same time, the broader goal is to enable mutual recognition of judgments and other decisions of judicial authorities in criminal matters (see Recitals 1–4, 8) and to foster trust in each other’s criminal justice systems (see Recitals 3–4, 6–7, 9, 12). The Directive requires Member States to adopt concrete measures to ensure that interpretation and translation provided before investigative and judicial authorities, including during police questioning and proceedings for the execution of a European Arrest Warrant, are of quality “sufficient to safeguard the fairness of the proceedings” (see Article 2(8) and Article 3(9)).

Apart from providing linguistic assistance, Member States’ other duties include:

- having “a procedure or mechanism in place to ascertain whether suspected or accused persons speak and understand the language of the criminal proceedings and whether they need the assistance of an interpreter” (see Recital 21, Article 2(1));
- ensuring that essential documents, or at least the relevant passages of such documents, are translated for the benefit of suspected or accused persons (see Recital 30, Article 3(1));
- ensuring that an oral translation or oral summary of essential documents instead of a written translation may be provided if such oral translation

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<sup>1</sup> It should be noted that Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA (OJ EU L No. 315, p. 57) guarantees the right to interpretation and translation for victims of crime.

or oral summary does not prejudice the fairness of the proceedings (see Article 3(7));

- enabling the competent authorities to replace the appointed interpreter if the quality of the interpretation is considered insufficient to ensure the right to a fair trial (see Recital 26);
- guaranteeing the right to challenge a decision finding that there is no need for interpretation or translation and the right to complain that the quality of the interpretation or translation is not sufficient to safeguard the fairness of the proceedings (see Recital 25, Article 2(5) and Article 3(5));
- enabling remote interpretation (see Recital 28, Article 2(6));
- establishing a register (or registers) of independent translators and interpreters who are appropriately qualified and facilitating access to them (see Article 5(2)) (this obligation will be examined in more detail in Sections 3 and 4);
- ensuring that interpreters and translators are required to maintain confidentiality regarding interpretation and translation work (see Article 5(3));
- training judges, prosecutors, and judicial staff involved in criminal proceedings to pay special attention to the nuances of communicating with the assistance of an interpreter to ensure efficient and effective communication (see Article 6).

From the perspective of international law, which precedes Directive 2010/64/EU, the right to interpretation and translation in criminal proceedings is enshrined in Article 6(3)(e) of the European Convention for the Protection of Human Rights (ECHR) (see Brannan 2010; Vogiatzis 2022):

3. Everyone charged with a criminal offence has the following minimum rights:  
(...)  
(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

The Charter of Fundamental Rights of the EU guarantees these rights in Article 47 (right to an effective remedy and to a fair trial) and Article 48 (presumption of innocence and right of defence).

### 3. Regulation of the profession in Poland and Italy

The primary objective of Polish sworn translators and interpreters, who frequently mediate between state law enforcement and judicial authorities on the one hand and citizens and foreign nationals on the other, is closely related to the field of law rather than exclusively to the domain of language (cf. Kądzelski 2020). Sworn translators and interpreters, as representatives of a profession op-

erating at the intersection of language and law and closely intertwined with the Polish legal and justice systems, play a crucial role in ensuring the security of legal transactions. They do so by providing certified translations and interpreting services, for instance, in court proceedings or notarial offices (cf. Koźbiał 2024).

Many characteristics typical of Polish sworn translators and interpreters also apply to Italian translators and interpreters who provide services to institutions such as courts. In particular, both groups (1) protect socially relevant personal interests such as health and freedom; (2) adhere to principles of independence, impartiality, confidentiality; and (3) are personally accountable for the quality of services provided (cf. Schultze 2007; Koźbiał 2024: 100). In addition, sworn translators and interpreters are expected to (4) be highly qualified, (5) adhere to professional codes of ethics (such as the Professional Sworn Translator's Code established by the Polish Society of Sworn and Specialized Translators<sup>2</sup> or the Code of Professional Ethics and Conduct developed by the Italian Association of Translators and Interpreters), and (6) be affiliated with professional associations (cf. Schultze 2007; Koźbiał 2024: 100). Polish translators and interpreters may voluntarily belong to, among others, the Polish Society of Sworn and Specialized Translators (*Polskie Towarzystwo Tłumaczy Przysięgłych i Specjalistycznych*, PT TEPIS)<sup>3</sup>, the Society of Polish Translators (*Stowarzyszenie Tłumaczy Polskich*, STP)<sup>4</sup>, as well as the Union of Sworn Translators and Interpreters in Poland (*Związek Zawodowy Tłumaczy Przysięgłych w Polsce*, ZZTP)<sup>5</sup>. The Italian situation is quite similar, as translators and interpreters may belong to various associations: the Italian Association of Translators and Interpreters (*Associazione Italiana Traduttori e Interpreti*, AITI)<sup>6</sup>, the National Association of Translators and Interpreters (*Associazione Nazionale Italiana Traduttori e Interpreti*, ANITI)<sup>7</sup>, or the Italian Association of Court Translators and Interpreters (*Associazione Italiana Traduttori e Interpreti Giudiziari*, AssITIG)<sup>8</sup>, although membership is not mandatory (see Subsection 3.2).

<sup>2</sup> In Poland, due to the lack of a professional self-government of sworn translators and the resulting absence of a generally binding, profession-wide code of ethics, a code of professional ethics such as this one constitutes only a set of non-binding recommendations for translators not affiliated with PT TEPIS; on the other hand, members of PT TEPIS are obliged to comply with its resolutions (cf. Koźbiał 2024: 50).

<sup>3</sup> See: <https://tepis.org.pl/> [access: 14 February 2025].

<sup>4</sup> See: <https://www.stp.org.pl/> [access: 14 February 2025].

<sup>5</sup> See: <https://www.zztp.pl/> [access: 14 February 2025].

<sup>6</sup> See: <https://aiti.org/it> [access: 14 February 2025].

<sup>7</sup> See: <https://www.aniti.it/> [access: 14 February 2025].

<sup>8</sup> See: <https://www.interpretgiudiziari.org/> [access: 14 February 2025].

In Poland, the profession of a sworn translator and interpreter is widely regarded as a profession of public trust (Badora and Roguska 2004: 6–7) despite the absence of explicit acknowledgment in the statute governing this profession and related legal acts (primarily regulations) (Koźbiał 2024: 155). Article 17(1) of the Polish Constitution<sup>9</sup> regulates the status of professions of public trust in a general manner, as it does not define the concept of such professions (Smarż 2020: 261), and, instead, focuses on the institution of professional self-government:

By means of a statute, self-governments may be created within a profession in which the public repose confidence, and such self-governments shall concern themselves with the proper practice of such professions in accordance with, and for the purpose of protecting, the public interest.

The concept of a “profession of public trust” is unique to Poland (Antkowiak 2013: 135), while being absent in the Italian regulatory framework. It encompasses professions that perform tasks considered essential from the perspective of public interest, such as lawyers, notaries, tax advisors, psychologists, etc. The Polish “public trust professions” are close, although not identical, to the “liberal professions” (*professioni libere*), which is the preferred conceptualization in Italy (Law 4/2013).

In the Polish context, professional self-governments may be established by the legislator for professions of public trust as a means of decentralising state power, overseeing how these professions are practiced by individuals, and protecting the public interest. Additionally, professional self-governments serve other functions, such as (1) admitting individuals to practice the profession and maintaining a register of those entitled to practice it, (2) establishing binding rules of professional ethics, and (3) exercising disciplinary jurisdiction by adjudicating issues of professional liability (Kocowski 2018: 660–663). The Italian Constitution does not include a provision on professions of public trust or professional self-government, allowing only for the establishment of trade unions (Article 39), as does the Polish Constitution (see Article 59). Instead, Article 111(3) of the Italian Constitution<sup>10</sup> *expressis verbis* provides for the right to interpretation in criminal trials, thereby implicitly placing trust in the hands of court translators and interpreters:

<sup>9</sup> The source of translation: <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm> [access: 14 February 2025].

<sup>10</sup> Source of the translation: The Constitution of the Italian Republic, [https://www.senato.it/sites/default/files/media-documents/Costituzione\\_INGLESE.pdf](https://www.senato.it/sites/default/files/media-documents/Costituzione_INGLESE.pdf) [access: 14 February 2025].

In criminal trials, the law shall ensure that the accused (...) have the assistance of an interpreter in the event they do not speak or understand the language which the court proceedings are conducted in.

In contrast, the right to a fair and public hearing without undue delay, before a competent, impartial and independent court is guaranteed in Article 45 of the Polish Constitution. In addition, Article 27 states that Polish is the official language<sup>11</sup>, which cannot infringe upon national minority rights resulting from ratified international agreements.

In Poland, as of 24 September 2024, there were about 9,579 practicing sworn translators and interpreters, and the total number of languages for which they have been appointed by the Ministry of Justice amounted to 57<sup>12</sup>. Most of them translated and interpreted from and into German (3602), English (2874), Russian (1169), and French (1108), followed by Spanish (357), Ukrainian (334), and Italian (289). In Italy, as of 24 September 2024, the estimated number of translators and interpreters with legal and judicial specialisation working for the Italian courts amounted to 727–1,201 individuals<sup>13</sup>, indirectly implying low popularity of this field in the broader professional community<sup>14</sup>. Compared to Italy, the total number of sworn translators and interpreters in Poland is vastly higher, especially considering that the population of Poland is lower by ca. 35%, which translates into greater overall availability of sworn translation and interpreting services per capita.

Subsections 3.1 and 3.2 provide an overview of the regulation of the profession in both EU Member States.

### 3.1 Poland

In the Polish legal system, in which there is no distinction between state-certified sworn translators and interpreters (cf. Biernacka-Licznar 2011: 171), a single act governs the highly specialised and esteemed profession of sworn

<sup>11</sup> See: Act of 7 October 1999 on the Polish language (Journal of Laws of 2021, item 672).

<sup>12</sup> The data come from the on-line database of sworn translators and interpreters available at: <https://arch-bip.ms.gov.pl/pl/rejstry-i-ewidencje/tlumacze-przysiegli/lista-tlumaczy-przysieglych/search.html> [access: 24 September 2024].

<sup>13</sup> The data come from the Italian on-line database with expert witnesses and other auxiliaries run by the Italian Ministry of Justice available at <https://alboctuelenchi.giustizia.it/gestione-albi/home> [access: 24 September 2024].

<sup>14</sup> In 2022, the total number of translators amounted to 15,000; see: <https://www.lingoyou.com/blog/agenzie-di-traduzione-il-mondo-delle-traduzioni-professionali-in-italia-nel-2023/#:~:text=Ci%C3%B2%20premesso%2C%20l'Aiti%2C,ci%20siano%20circa%2015.000%20traduttori> [access: 14 February 2025].

translator ( *tłumacz przysięgły*)<sup>15</sup> — the Act of 25 November 2004 on the Profession of Sworn Translator<sup>16</sup>. It defines the conditions and procedure for obtaining and losing the right to practice this regulated profession, as well as the rules for its practice. The 2004 Act is accompanied by a number of regulations containing detailed provisions on a number of issues directly related to the profession (cf. Nartowska 2016: 30), namely (1) the procedure for conducting the examination for a sworn translator<sup>17</sup>, (2) the State Examination Commission<sup>18</sup>, (3) the examination fee<sup>19</sup>, (4) the model certificate confirming the right to practice as a sworn translator and the administration of a register of sworn translators<sup>20</sup>, (5) the Professional Accountability Commission<sup>21</sup>, (6) the remuneration for the activities of a sworn translator<sup>22</sup>, and (7) the adaptation internship and skills assessment in the proceedings for recognition of qualifications to practice the profession<sup>23</sup>.

Owing to its comprehensive character, the 2024 Act may be considered the most progressive regulation of the profession of court interpreters and translators in Europe, ranking above those of, *inter alia*, France, Italy, and Germany (see Table 1) (Hertog and van Gucht 2008: 174; cf. Nartowska 2016: 30, 44; Kotzurek 2021). Although considerable time has passed since Hertog and van Gucht's study (2008: 174), its findings remain relevant to Poland and Italy to a limited extent, as the regulation of the profession in both EU Member States has not undergone significant changes since the study's publication.

<sup>15</sup> For sake of brevity, the profession in question in Poland will be referred to as "sworn translator".

<sup>16</sup> Act of 25 November 2004 on the Profession of Sworn Translator (Journal of Laws of 2019, item 1326, as amended).

<sup>17</sup> Regulation of the Minister of Justice of 24 January 2005 on the Detailed Manner of Conducting the Examination for a Sworn Translator (consolidated text of 10 January 2020, Journal of Laws of 2020, item 124); Regulation of the Minister of Justice of 30 October 2018 amending the regulation on the detailed manner of conducting the examination for a sworn translator (Journal of Laws, item 2138).

<sup>18</sup> Regulation of the Minister of Justice of 24 January 2005 on the State Examination Commission for the examination for a sworn translator (Journal of Laws No. 15, item 127).

<sup>19</sup> Regulation of the Minister of Justice of 24 January 2005 on the Amount of Examination Fee Paid by a Candidate for a Sworn Translator (Journal of Laws of 2005 No. 15, item 128).

<sup>20</sup> Regulation of the Minister of Justice of 24 January 2005 on a template of a certificate confirming entitlement to practice the profession of a sworn translator and the manner of keeping a list of sworn translators (Journal of Laws No. 15, item 130).

<sup>21</sup> Regulation of the Minister of Justice of 24 January 2005 on the Professional Accountability Commission (Journal of Laws of 2005, No. 15, item 132).

<sup>22</sup> Regulation of the Minister of Justice of 24 January 2005 on Remuneration for the Activities of a Sworn Translator (consolidated text of 1 February 2021, Journal of Laws of 2021, item 261, with subsequent amendments based on regulations from 2007, 2009, 2016, 2019, 2023).

<sup>23</sup> Regulation of the Minister of Justice of 21 October 2016 on Adaptation Internship and Skills Assessment in the Course of Proceedings for Recognition of Qualifications to Practice the Profession of a Sworn Translator (Journal of Laws of 2016, item 1831).



In the context of criminal procedure, the provisions which set out the right to assistance from a translator or an interpreter in the Polish Code of Criminal Procedure<sup>24</sup> are Articles 72 and 204 (see Długosz 2009: 101–102). Courts may take advantage of services offered not only by sworn translators but also by ad hoc translators and interpreters who are obliged to take an oath to ensure that they perform their duties diligently and impartially (Fingas 2019: 114–115; Kotzurek 2021; Cieślík *et al.* 2022: 5). Under Article 195 in conjunction with Article 204 § 3 of the Polish Code of Criminal Procedure, any person who is known to have adequate knowledge in a particular field may be an interpreter<sup>25</sup>, regardless of the fact whether they have been appointed as an interpreter or not. Article 204 of the Polish Code of Criminal Procedure states that an interpreter should be called if there is a need to question: (1) a deaf or mute person, if communicating with them in writing is not sufficient, or (2) a person who does not speak Polish (cf. Article 265 of the Polish Code of Civil Procedure<sup>26</sup>). Linguistic assistance is also possible when there is a need to translate a written document (Cieślík *et al.* 2022: 5). What needs to be noted is that any person who, as an expert or a translator, presents a false opinion or translation which is to serve as a proof in judicial proceedings or in any other proceedings conducted pursuant to the law is liable to a penalty of deprivation of freedom of one year up to 10 years (see Article 233(4) of the Polish Criminal Code<sup>27</sup>). In addition, the Polish law specifies on many occasions when a translation is to be carried out by a sworn translator (Cieślík *et al.* 2022: 5; Koźbiał 2024: 192–196).

The requirements for candidates seeking to become sworn translators, which are laid out in Article 2 of the 2004 Act, are as follows: (1) Polish citizenship, or the citizenship of an EU Member State, an EFTA Member State, party to the Agreement on the European Economic Area, or, in accordance with the principle of reciprocity, citizenship of another state, (2) full capacity to perform acts in law, (3) knowledge of Polish, (4) no prior conviction for an intentional offense, a fiscal offense or an unintentional offense against the security of commerce, (5) university degree (at least a Bachelor's degree, any specialization, see Cieślík *et al.* 2022: 15–16), and (6) passed state examination in translation and

<sup>24</sup> Act of 6 June 1997 – Code of Criminal Procedure (Journal of Laws of 2024, item 17, as amended).

<sup>25</sup> An interpreter is able to use a pivot language to mediate between the person that needs to be questioned and the court (see judgment of the Court of Appeal in Wrocław of 24 April 2013, II AKa1 08/13).

<sup>26</sup> Act of 17 November 1964 – Code of Civil Procedure (Journal of Laws of 2024, item 1568, as amended).

<sup>27</sup> Act of 6 June 1997 – Criminal Code (Journal of Laws of 2004, item 17, as amended).

interpretation from Polish into the foreign language and from that foreign language into Polish.

State examinations are administered by the State Examination Commission. Each of its eleven members is appointed by the Minister of Justice based on the degree of expertise in the area of (foreign) languages and translation or interpreting techniques. The examination fee is about €185. The examination comprises a written and an oral part (see Article 4 of the 2004 Act), both of which need to be passed to obtain license. The four-hour written part requires candidates to translate four texts (max. 50 points per text) — two texts are translated from Polish into a foreign language, and two texts are translated from a foreign language into Polish. One text in each language direction must be a specialised text (typically a legal document), while the two general texts address socio-political and economic issues (Cieślak *et al.* 2022: 22–25). Candidates may use paper dictionaries during the written part. Each translation is evaluated in two categories: (1) translation (accordance of the source text's content in the target text, terminology and phraseology, adherence to formal standards for certified translations), and (2) language (style, grammar, spelling and general lexis).

Only candidates who have passed the written part may proceed to the oral examination, which involves consecutive interpreting of two texts from Polish into a foreign language and sight interpreting of two texts from a foreign language into Polish. As in the written examination, one of the two texts must be a judicial, official or legal document. The texts for sight translation are handed over to candidates directly prior to interpreting. No aids are allowed during the oral part of the examination, and the exam must be audio-recorded. Interpretations are evaluated (max. 200 points for all four texts) in two categories: (1) translation (accordance of the source text's content in the target text, terminology and phraseology, formal aspects of certified translations), and (2) language (pronunciation, intonation, and fluency).

Successful candidates acquire the license to exercise the profession of sworn translator and interpreter (see Article 5 of the 2004 Act). Subsequently, they take an oath before the Minister of Justice in which they undertake as follows (see Article 7 of the 2004 Act) (cf. Biernacka 2017: 20):

Being aware of the significance of my words and my liability before the law, I do solemnly affirm that I will perform the tasks of sworn translator entrusted to me with due diligence and impartiality, keeping State secrets and other secrets protected by the law, as well as following, in my conduct, the rules of honesty and professional ethics.

The duty to remain diligent and impartial while performing professional obligations, as well as to maintain confidentiality, corresponds to the requirement

to provide translation and interpretation of “quality sufficient to safeguard the fairness of the proceedings” contained in Directive 2010/64/EU (see Article 5(1)).

Upon request, candidates are then registered in the public register of sworn translators and interpreters maintained in electronic form by the Minister of Justice (see Article 6), through which they acquire the right to practice the profession (Nartowska 2016: 32; Cieřlik *et al.* 2022: 26–29). The Polish register is regarded as exemplary in Europe (Hertog and van Gucht 2008: 184; Nartowska 2016: 32). The obligation to maintain a public register of court translators and interpreters who are appropriately qualified remains particularly important in light of Directive 2010/64/EU (see Article 5(2)) (cf. Katschinka 2014: 106; Kotzurek 2021). Sworn translators and interpreters are issued an official certificate by the Minister of Justice as proof of the acquired right (see Article 5 of the 2004 Act) and are entitled to use a round seal (see Article 18).

Sworn translators and interpreters are licensed to (see Article 13 of the 2004 Act): (1) prepare and certify translations from a foreign language into Polish, from Polish into a foreign language, as well as verify and certify translations prepared by other persons; (2) prepare certified copies of documents in a foreign language, verify and certify copies of documents prepared by other persons; and (3) interpret (cf. Cieřlik *et al.* 2022: 41–43). Moreover, they have to keep repositories (registers) listing their activities (in paper or electronic form) (see Article 17(1)), perform tasks with diligence and impartiality, maintain confidentiality, and improve their professional skills (see Article 14) (cf. Cieřlik *et al.* 2022: 44–45). They cannot refuse a translation or interpreting assignment at the request of the court, the prosecutor’s office, the police or public administrative authorities in legal proceedings conducted under law, unless there are “particularly important circumstances” justifying the refusal (Article 15) (cf. Cieřlik *et al.* 2022: 48–53).

As they are required to perform their tasks with due diligence, Polish sworn translators and interpreters are subject to professional accountability if they fail to fulfil their statutory duties or perform them improperly or unreliably (Article 21(1) of the 2004 Act) (cf. Cieřlik *et al.* 2022: 66–68). In such cases, proceedings before the Professional Accountability Commission may be initiated upon request of the Minister of Justice or the competent province governor (also at the request of a client) (Article 24) (Cieřlik *et al.* 2022: 72–73). The disciplinary measures that may be imposed by the Professional Accountability Commission include: (1) admonition, (2) reprimand, (3) fine, (4) suspension of the right to practice as a sworn translator for a period from 3 months to one year, (5) deprivation of the right to practice as sworn translator, with the possibility of reapplying no sooner than two years after deprivation and only after retaking the examination (see Article 21(2)).

### 3.2 Italy

Against an explicit mention of interpreting in the Italian Constitution, as well as its early recognition in the 1930 Rocco Code<sup>28</sup> (Articles 326–331), one would expect to find this profession meticulously regulated in the Italian legislation. And yet, the profession remains not only liberal but also non-regulated (Law 4/2013), as Italy lacks a comprehensive legal act regulating the profession in question (cf. Salmeri 2015: 169; Bańcyrowski 2023: 155; Koźbial 2024: 77). Legislative decrees transposing Directive 2010/64/EU<sup>29</sup> received a “frosty” welcome from the Italian judiciary (Caianiello *et al.* 2022: 18) and left many grey areas (Caianiello *et al.* 2022: 5, 16), including selection criteria for court translators and interpreters, minimum qualifications, quality standards, ethical issues and the specification of the stages of proceedings when interpreting and/or translation must be guaranteed.

Legislative Decree 32/2014 amended some parts of the Code of Criminal Procedure, introducing what has been reported as a “systemic innovation” (Lucev and Rosso 2023: 18), i.e., a distinction between the notion of “translator” (*traduttore*) and “interpreter” (*interprete*), which were notoriously interchangeable in the Code’s 1988 version (Sau 2010: 18–19; Garwood 2012: 175). Despite the terminological clarification inspired by the Directive, the initial confusion still transpires in the way court interpreters’ and translators’ services are remunerated: by fixed bihourly rates (*vacazioni*). While one can see the logic in applying this system set forth by Law 319/1980 to interpreting, it is less suitable to written translations, for which most European markets would envisage payment based on the number of words or characters in the document.

Some terminological variation persists, depending on the “hiring” body. Translators and interpreters – regardless of the mode of delivery, written or oral, or the mixed mode of “intercept translators-interpreters” (Hohl Zuercher and Capus 2024) – working for the judicial police are referred to as judicial police auxiliaries (*ausiliario di polizia giudiziaria*), those working for the public prosecutor are known as technical consultants or experts (*perito*), whereas at the court level they become court-appointed experts (*consulente tecnico d’ufficio*, CTU) (Amato and Mack 2015: 47). In order to work with the judicial bodies, they have to be inserted in the local registers (*albo*), like those existing for psy-

<sup>28</sup> The Rocco Code was a normative document that entered into force in 1930 and was sparsely used until the 1940s. It laid groundwork for the modern (and reformulated) Criminal Code (*codice di diritto penale sostanziale italiano* del 1930); Code of Criminal procedure (*codice di diritto processuale penale italiano* del 1930).

<sup>29</sup> Legislative Decree No. 32 of 4 March 2014 and Legislative Decree No. 129 of 23 June 2016.

chiatrists or forensic graphologists (Amato and Mack 2015: 52). Every job for the courts or the judicial police is preceded by the so-called technical consultancy assignment report (*verbale di conferimento di incarico per consulenza tecnica*), whereby a judge or a public prosecutor appoints and authorises the professional translator or interpreter to provide their services. In some cases, the language professional can be appointed an auxiliary or a technical consultant simultaneously with the report drafting (*nominato ... contestualmente al presente atto*), offering the appointing bodies flexibility within the register-based system, as the appointed individual may not be registered with that particular body.

In contrast to the Polish national public register (see Subsection 3.1), Italian registers are court- or police station-specific and are managed by the administrative offices of the *local* body. Most courts prefer to work with professionals having at least a degree in languages, and a degree in translation, interpreting or language mediation remains optional. Most courts require the candidates to enrol first in the local Chamber of Commerce's list of experts (*Ruolo dei Periti e degli Esperti*<sup>30</sup>) (Garwood 2012: 177). Admission to this list is subject to a payment of €52 tax duty and compilation of an application form – online or in person, with a candidate's CV enclosed along “with any documentation they deem relevant to demonstrate their professional activity” – such as prior translations, reference letters, publications, diplomas, etc. – to be assessed by “a special board” (Garwood 2012: 177; see also Salmeri 2015: 177–178). Since it is only possible to be registered on one list and only at the court having jurisdiction over the expert's place of residence or activity (Salmeri 2015: 176), candidates must also provide proof of residence.

Rather than establishing a national register, Legislative Decree 129/2016 put forward a separate search engine for interpreters and translators acting as court-appointed experts<sup>31</sup>. This Ministry of Justice-managed search engine gathers lists of authorised interpreters and translators sent by the courts. Since it is co-created by the Italian courts, and not by the Ministry of Justice itself (as is the case in Poland), there is a lack of unity at state level, implying a mere “cosmetic compliance” (Gialuz 2018: 86) with the Directive.

Article 4 of Directive 2010/64/EU (the costs) was transposed into Article 51-*bis* of Legislative Decree 129/2016, which set forth “free assistance for at least one interview with the lawyer [...] [and] for those who are not well-off the costs of interpretation and translation remain in any case to be borne by the State” (Ca-

<sup>30</sup> Established by Article 32 of Single Text (*Testo Unico*) approved by Royal Decree No. 2011 of 20 September 1934.

<sup>31</sup> See: <https://alboctuelenchi.giustizia.it/gestione-albi/home> [access: 14 February 2025].

ianiello *et al.* 2022: 26). While the state undoubtedly bears the costs, enabling the accused person and any person investigated (i.e., *sospettato*, *indagato*, *accusato*, *imputato*, as well as victims, witnesses, see Amato and Mack 2015: 47) “who does not know the Italian language<sup>32</sup> (...) to understand the accusations made against him and follow the actions in which he participates”, the rates it fixed for these services are far from encouraging. Currently, the bihourly rate system – steadily in force<sup>33</sup> without any updates since 2002 – envisages that one *vacazione* (two hours) is paid €14.68 if it is the first one in a given trial or document and €8.15 for each subsequent *vacazione*, up to a maximum of 4 *vacazioni* per day, resulting in an hourly rate of € 4.08 gross. If the interpreter or the translator works longer than 8 hours per day, they still cannot invoice any extra hours. This amount may be doubled in cases of particular difficulty or urgency. The low remuneration rates create a vicious circle: they discourage<sup>34</sup> the most qualified legal interpreters and translators from court work and attract *ad hoc* – untrained – language brokers (Garwood 2012: 179). The situation is further exacerbated by the gap between the languages taught at universities and the real market demand. Following the influx of migrants, the Italian landscape of public service interpreting has widened its horizons to languages of lesser diffusion (see, e.g. Nikitina and Montenovio 2023: 80 for some examples of linguistic combinations in healthcare). For these languages, courts and police stations hold unofficial lists, with the only requirements for inclusion being fluency in the language, availability on relatively short notice and acceptance of the offered rates. Professional associations have tried to address this systemic problem, explaining that being bilingual or a foreigner does not amount to being a legal (court) interpreter or translator, and does not guarantee either the assisted person’s language rights or legal certainty (AssITIG Position Paper 2017: 2<sup>35</sup>). It would seem that the Italian legislator has “shown little sensitivity to the requirement of quality” (Caianiello *et al.* 2022: 26), turning a blind eye on Article 5 of the Directive, providing “a low-cost pseudo-solution” (Gialuz 2018: 293).

<sup>32</sup> It is worth highlighting that the knowledge of Italian is assessed by a judge or a prosecutor.

<sup>33</sup> Set forth in Law No. 319 of 8 July 1980 on the remuneration of experts, technical consultants, interpreters and translators, as amended by Ministerial Decree of 30 May 2002.

<sup>34</sup> Highlighted, for example, by the Florence Court Order (I section) of 5 April 2024: “The provision of a ‘seriously disproportionate by default’ remuneration leads to a removal of the most qualified professionals from the judicial circuit and to the persistent willingness of individuals who do not have the qualifications and/or skills to benefit from more fairly remunerated job opportunities on the market to take on the role of interpreter” (own translation from Italian); see: [https://www.gazzettaufficiale.it/atto/corte\\_costituzionale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2024-06-05&atto.codiceRedazionale=24C00120](https://www.gazzettaufficiale.it/atto/corte_costituzionale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2024-06-05&atto.codiceRedazionale=24C00120) [access: 14 February 2025].

<sup>35</sup> See: <https://www.interpretigiudiziari.org/images/Position-Paper-deontologia-al-2017.pdf> [access: 14 February 2025].

Besides court and police translators and interpreters, whose services are paid by the State under the *vacazione* system (Article 143 CCP<sup>36</sup>), legal translators may also provide sworn translations (*traduzioni asseverate* or *traduzioni giurate*) for private clients without fixed rates. A paradox thus emerges: highly qualified legal and judicial translators and interpreters feel discouraged<sup>37</sup> by court/police rates, so much of their professional activities revolve around sworn translations and privately commissioned jobs. A sworn translation is a translation for which accuracy and reliability is attested twice: first by the translator who attaches an oath (*verbale di giuramento stragiudiziale*) to the translation identifying themselves and self-attesting the quality of the translation<sup>38</sup>, and then by the Court's administrative offices, in whose presence the oath is signed. As sworn translators are categorised as experts, not unlike architects or other liberal professions, any false declaration in the sworn translation is subject to criminal liability.

It goes without saying that the Court's clerks do not carry out any quality assessment, but merely check the formal requirements, such as whether the text is properly bound and whether the stamp duties (€16 for every four pages of the translation) are properly applied. Against an effective impossibility to check the quality of translations, Italian courts imposed some limits on who can make sworn translations. In Milan<sup>39</sup>, in addition to experts registered in the *Albo dei consulenti tecnici d'ufficio del Tribunale*, sworn translations may be made by translators registered with the local Chamber of Commerce or by members of professional associations of translators and interpreters, such as the ones listed in Section 3. The latter category, albeit the membership is not mandatory, presents the most rigid membership requirements. The Italian Association of Translators and Interpreters (AITI) requires that prospective candidates possess a Master's degree in Translation or Interpreting obtained within a 10-year period from the time of application. Alternatively, candidates with a different university degree shall provide proof (such as invoices) of at least 24 months of professional experience. If a candidate has only a school diploma, he or she

<sup>36</sup> Code of Criminal Procedure (Presidential Decree No. 447 of 22 September 1988).

<sup>37</sup> The situation is not different for sign language interpreters, either. The president of ANIOS (Association of sign language interpreters) Francesca Malaspina and ANIOS exam board representative Marcello Cardarelli (2020), observe how the professional preparation of legal interpreters of sign language "does not correlate to a dignified and proportionate remuneration" (own translation from Italian), <https://www.mondoprofessionisti.it/professione-in-primo-piano/linterprete-di-lingua-dei-segni-in-ambito-giudiziario> [access: 14 February 2025].

<sup>38</sup> Part of the oath reads "I swear that I carried out the operations well and faithfully and that I had no other purpose than to make the truth known" (own translation from Italian).

<sup>39</sup> See: [https://tribunale-milano.giustizia.it/it/traduzioni\\_e\\_perizie.page](https://tribunale-milano.giustizia.it/it/traduzioni_e_perizie.page) [access: 14 February 2025].

must provide proof of 60 months of professional experience. These documental checks allow a professional to become an aggregated member (*socio aggregato*); to become a full member (*socio ordinario*), candidates must also pass a number of tests that simulate a real-life working environment<sup>40</sup>. Prospective translation candidates sit a 4-hour exam and translate a text of ca. 3,000 characters. Prospective interpreting candidates must pass a 15/20-minute simultaneous interpreting exam and/or 7/10-minute consecutive interpreting exam. It is possible to select legal-judicial specialisation for both professional categories. All members of professional associations are bound by the Code of Ethics<sup>41</sup>.

Since 2015, Italian legal translators and interpreters have been able to obtain certification pursuant to the national standard on non-regulated professional activities for the professional activity of individuals working in the field of (legal) interpretation and translation, currently UNI 11591:2022<sup>42</sup>, which replaced UNI 11591:2015. The certification is quite costly (€700+VAT) and is carried out by an impartial third party (i.e. not professional associations but a certifying body accredited with ACCREDIA<sup>43</sup>, in line with ISO/IEC 17024:2012) and comprises<sup>44</sup> a translation/interpretation test in the desired language combination (180 minutes), a pre-examination, i.e. a questionnaire of 20 multiple-choice questions (30 minutes), diversified for translators and interpreters, which are aimed at assessing knowledge of the common tasks identified in the standard, and a final 20-minute interview aimed at assessing the relational and professional areas of the respective points of the standard. Similarly to association memberships, adherence to the UNI standard is not mandatory for translators and interpreters throughout Italy, thus further exacerbating the lack of comprehensive harmonisation at state level.

Another Achilles heel of the Italian system is that the need for translation or interpreting is established by the judge, but in practice, this responsibility is frequently delegated to the judicial police (Canestrini 2019: 5). This “raises all sorts of alarm bells with translators (how can the judge be the judge

<sup>40</sup> See: <https://aiti.org/en> [access: 14 February 2025].

<sup>41</sup> See, e.g. Articles 2–3 of the AITI Code of Professional Ethics and Conduct for administrative sanctions.

<sup>42</sup> UNI 11591:2022 Non-regulated professional activities – Qualified professionals operating in the field of translation and interpreting – Knowledge, skill, autonomy and responsibility requirements [UNI 11591:2022 Attività professionali non regolamentate – Figure professionali operanti nel campo della traduzione e dell’interpretazione – Requisiti di conoscenza, abilità, autonomia e responsabilità], replaced UNI 11591:2015.

<sup>43</sup> See: <https://www.accredia.it/en/> [access: 14 February 2025].

<sup>44</sup> See: <https://www.intertek.it/contentassets/8a6815cfd99c49a185f12cdb01333356/mod-scheda-traint.pdf> [access: 14 February 2025].



of a translation, how can the defendant know if anything vital is missing and so on?)” (Brannan 2023: 1). A recent case of the *Iuventa* ship<sup>45</sup> is emblematic in this regard: after a tour guide and a retired police officer were engaged as interpreters, during the trial the judge famously declared that “the defendant had understood the ‘main content’ (of the interpreting in that case)” (Brannan 2023: 1), thus satisfying the letter of the law, but voiding its essence (Gialuz 2018: 383).

#### 4. Discussion and conclusions

A milestone for legal interpreters and translators, Directive 2010/64/EU has strengthened the procedural rights of suspected or accused persons in criminal proceedings (cf. Gracin and Vrgoč 2023: 137). United in diversity, the EU Member States have left some unresolved issues which still undermine the effectiveness of the rights guaranteed by the EU legal framework, namely (1) the lack of uniform legal practices, (2) insufficient quality and availability of legal interpretation and translation services, (3) failure to properly assess the interpreting needs and language proficiency of suspects or accused persons, (4) vague and incomplete definition of “essential documents”, and (5) the need for greater awareness and education about the right to interpretation and translation among legal professionals and all stakeholders (e.g. judges) (Gracin and Vrgoč 2023: 137). These shortcomings represent opportunities to raise the standards of the right to interpretation and translation in EU criminal proceedings, especially since the poor quality of interpretation or translation could be used as a ground for challenging court judgments.

Professionalisation of (court) legal translators and interpreters has to be further problematised, leveraging the foundation of Directive 2010/64/EU. This, in turn, is necessary to better account for the need of citizens and foreign nationals to fully exercise their rights in various legal contexts, including but not limited to criminal proceedings (cf. Katschinka 2014: 108). Having in mind the provisions imposed by Directive 2010/64/EU, there are certain aspects of the regulation of the profession that could be changed in both Italy and Poland.

The Italian fragmentary<sup>46</sup> and selective transposition of the Directive

<sup>45</sup> See: <https://iuventa-crew.org/en/2022/11/12/whether-in-ports-or-courtrooms-italy-disregards-basic-rights/> [access: 14 February 2025].

<sup>46</sup> Italian legal acts touching upon the profession of legal (court) translators and interpreters include: the Code of Criminal Procedure (Presidential Decree No. 447 of 22 September 1988), the Code of Civil Procedure (Presidential Decree No. 1443 of 28 October 1940), two legislative decrees through which the directive has been transposed in Italy (cf. Gialuz 2019), namely Legislative Decree No. 32 of 4 March 2014 – Implementation of Directive 2010/64/EU on the right to

obeys its letter (cf. Amato and Mack 2015: 51), conveniently ignoring its spirit. It does not make the quality of interpreting and/or translation an issue (Amato and Mack 2015: 52), being stuck between the rock of quality concerns and a hard place of financial constraints coupled with increasing fluctuation in the linguistic landscape brought about by intense migratory flows. The cost of adequate and high-quality legal translation has been a stumbling block for many EU states already at the Directive's preparatory stage, wherein to sway the states already providing translation and interpreting services under ECHR obligations, it was estimated that "the costs of implementing this proposal will not be much higher than current costs" (SEC 2009: 31, quoted in Lucev and Rosso 2023: 17–18). As Katschinka (2014: 109) outlined about a decade ago, Europe seems to be divided in half into states where judicial linguistic assistance is subject to binding quality requirements and where it is not. Sadly, Italy lingers in the former category, and the question of costs remains the thorn in Italy's side, while Poland recognizes sworn translators state-wide as highly specialized professionals. The Italian legal framework would undoubtedly benefit from a nationwide regulation of court interpreting and translation with binding quality requirements as well as from a reform concerning the rates for this important job, which seem to form a vicious circle at the moment. The regulation could establish a uniform, state-wide exam (certification) administered by the Italian Ministry of Justice, followed by a separate national electronic register of qualified translators and interpreters maintained solely by the Italian Ministry of Justice (cf. Amato and Mack 2015: 52). The rate update would attract highly trained professionals, already operating on the Italian soil, as the exams required by professional associations or UNI 11591:2022 certification can guarantee both adequate and high-quality service satisfying the requirements of the Directive. As concerns languages of lesser diffusion, there are already some university-level programmes accommodating the need to train students with a foreign background in linguistic and cultural mediation (see Nikitina and Montenovio 2023 for an overview), thus preparing specialists with rarer language combinations.

In the Italian legal context, some of the most urgent *de lege ferenda* reforms are as follows: (1) the adoption of a comprehensive, binding legal act regulating the profession of sworn/legal translators and interpreters setting clear

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interpretation and translation in criminal proceedings, and Legislative Decree No. 129 of 23 June 2016 – Supplementary and corrective provisions to Legislative Decree No. 32 of 4 March 2014, implementing Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings, Decree of the President of the Republic of 30 May 2002, No. 115. Consolidated text of laws and regulations on legal expenses (Text A), and (5) Statutory act No. 4 of 14 January 2013. Provisions concerning unorganised professions.

standards for training, certification and ethical conduct; (2) the introduction of a state-administered certification exam, overseen by the Italian Ministry of Justice, to ensure uniform qualification standards; (3) the creation of a centralized national register of certified translators and interpreters, managed exclusively by the Italian Ministry of Justice; (4) a proper inclusion of sign language interpreters within this professional category. As we write, the Italian Constitutional Court<sup>47</sup> has recognised the illegitimacy of making *vacazioni*, after the first one, lower in value than the initial one. However, it rejected the Florence Court's<sup>48</sup> request to review the proportionality of the rates. Thus, the most important and still blatantly unaddressed *de lege ferenda* proposal (5) concerns the need for an overhaul of the remuneration system to both attract top-tier professionals and guarantee fair, standardised pay across regions and jurisdictions.

Italy, along with some other EU Member States (cf. Hertog and van Gucht 2008) may draw inspiration from the Polish example. Yet, in its two decades of existence, the 2004 Act has been exposed to some criticisms, from both practitioners and translation scholars (cf. Kubacki 2012, 2019; Biel 2017; Nartowska 2018; Koźbiał 2024: 44). The deficiencies of the 2004 Act include, *inter alia*, (1) the lack of a division into state-certified (sworn) translators and interpreters on grounds of the different nature of translation and interpretation, (2) failure to include sign language interpreters within its scope, (3) failure to explicitly describe the status of the profession as a profession of public trust, (4) failure to better adapt the state examination's formula and its specificity to the current work conditions of sworn translators (Koźbiał 2024: 43–44; cf. Kubacki 2012, 2019; Biel 2017).

The most pressing *de lege ferenda* conclusions regarding the Polish regulation of the profession are as follows: (1) recognition of sworn translators and interpreters as a profession of public trust in the applicable statute, which would strengthen the profession's legal status and reinforce its role in ensuring access to justice, (2) establishment of a professional self-government for sworn translators and interpreters, which could contribute to, *inter alia*, better training of sworn translators, representation of their interests *vis-à-vis* the state, ensuring the diligent practice of the profession in line with professional ethics binding all representatives of the profession, keeping a register of sworn translators, handling disciplinary matters, and co-operation with professional self-governments of the legal professions (Koźbiał 2024: 186; cf. Kądziański 2020: 54), (3) differ-

<sup>47</sup> Judgment No. 16 of 11 December 2024–10 February 2025, Italian Constitutional Court, <https://www.gazzettaufficiale.it/eli/id/2025/02/12/T-250016/s1> [access: 14 February 2025].

<sup>48</sup> See Footnote 33.

entiation between sworn translators and sworn interpreters, recognizing the distinct nature of written legal translation and oral interpretation in legal settings, (4) inclusion of sign language interpreters within the legal framework governing sworn translators and interpreters, thereby ensuring that deaf and hard-of-hearing individuals have access to qualified legal interpreting services, (5) modernization of the state examination system to better reflect real-life legal scenarios, such as interpretation during court proceedings and police interviews, and, lastly, (6) re-evaluation of sworn translators certified under the Regulation of the Minister of Justice of 1987 on court experts and sworn translators and interpreters<sup>49</sup> to ensure they meet professional standards, as Poland meets the requirements imposed by Directive 2010/64/EU only with regard to sworn translators appointed under the 2004 Act (cf. Nartowska 2018: 175–176, 184–185). Therefore, it seems necessary to re-evaluate the skills of sworn translators appointed under the 1987 Regulation. While that regulation was in force, the law allowed exclusively graduates of philological or linguistic studies to exercise the profession of sworn translator and interpreter, which meant that the ability to translate and interpret was deemed to be directly derived from knowledge of a foreign language (cf. Nartowska 2016: 35–36, 45, 2018: 175). These reforms would enhance access to justice for all individuals requiring professional linguistic assistance while ensuring greater compliance with Directive 2010/64/EU. Particularly significant is the establishment of a mandatory professional self-government for sworn translators and interpreters, as the Polish Constitution already permits the creation of self-governing bodies for professions of public trust. Given that sworn translators and interpreters perform functions essential from the perspective of public interest, their self-governance would align with existing structures for other professions of public trust, such as notaries, who already operate autonomously, thereby minimizing state influence over their professional matters.

The right to “free and adequate linguistic assistance” (see Recital 17) enshrined in Directive 2010/64/EU necessitates quality “sufficient to safeguard the fairness of the proceedings” (see Article 2(8) and Article 3(9)), which implies proper regulation of the profession at state level. Expanding the scope of the Directive and the right to interpretation and translation beyond EU criminal proceedings to other legal contexts at the supranational level is also a viable prospect. Another area for potential improvement at the supranational level is the enhancement of cross-border recognition of sworn translators’ qualifica-

<sup>49</sup> Regulation of the Minister of Justice of 8 June 1987 on court experts and sworn translators (Journal of Laws No. 18, item 112).

tions, which could further facilitate access to justice and enhance cross-border legal cooperation by eliminating administrative barriers in linguistic matters.

In summary, both Poland and Italy have opportunities to improve the regulation of sworn translators and interpreters to enhance fair trial rights and access to justice. While Poland has a more developed framework, it requires refinement, whereas Italy needs a fundamental structural reform to establish binding quality standards and enhance professional recognition. Implementing these *de lege ferenda* proposals would align both countries more closely with the spirit of Directive 2010/64/EU, ensuring effective linguistic assistance in legal proceedings.

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## STRESZCZENIE

W artykule przeanalizowano regulacje dotyczące zawodu tłumacza przysięgłego (sądowego) w dwóch państwach członkowskich Unii Europejskiej (UE), a mianowicie w Polsce i we Włoszech, w świetle dyrektywy Parlamentu Europejskiego i Rady 2010/64/UE z dnia 20 października 2010 r. w sprawie prawa do tłumaczenia ustnego i tłumaczenia pisemnego w postępowaniu karnym. W tym celu przepisy ustawy z dnia 25 listopada 2004 r. o zawodzie tłumacza przysięgłego porównano z włoskimi ramami legislacyjnymi, w którym sposób uregulowania zawodu jest nadal fragmentaryczny ze względu na fakt, że we Włoszech nie uchwalono kompleksowego aktu prawnego o charakterze ogólnie wiążącym, regulującego zawód tłumacza przysięgłego (sądowego).

Celem analizy jest ustalenie, który kraj w większym stopniu spełnił wybrane wymogi określone w dyrektywie 2010/64/UE. W ramach analizy zidentyfikowano niedostatki obecnego sposobu regulacji zawodu, a także przedstawiono wnioski *de lege ferenda* dotyczące jego pożądanego unormowania w obu państwach członkowskich UE. W artykule wysunięto tezę, zgodnie z którą niektóre aspekty obowiązującej w Polsce regulacji, w szczególności ustawy z 2004 r., mogłyby, mimo pewnych niedociągnięć, służyć jako punkt odniesienia dla Włoch, gdzie brak harmonizacji na poziomie krajowym stanowi jedno z kluczowych wyzwań. Ustalenia te mogą mieć również zastosowanie do innych państw członkowskich UE o podobnym ustawodawstwie.

**Słowa kluczowe:** zawód tłumacza przysięgłego w Polsce; pisemni i ustni tłumacze prawniczy we Włoszech; tłumaczenie poświadczane; zawód zaufania publicznego; dyrektywa 2010/64/UE; prawo do tłumaczenia ustnego i tłumaczenia pisemnego w postępowaniu karnym

**Dariusz Koźbial** – Assistant Professor at the Institute of Applied Linguistics, University of Warsaw. He obtained his PhD in linguistics from the University of Warsaw in 2020 based on the work carried out within the framework of the research project “The Eurolect: An EU Variant of Polish and Its Impact on Administrative Polish” (see the monograph: “The Language of EU and Polish Judges: Investigating Textual Fit Through Corpus Methods”, Peter Lang, 2020). His recent work focuses on the legal status of the profession of a sworn translator as a profession of public trust in Poland (see the monograph: “Status prawny zawodu tłumacza przysięgłego”, C.H.Beck, 2024).

ORCID: <https://orcid.org/0000-0003-4395-3138>

E-mail: [d.kozbial@uw.edu.pl](mailto:d.kozbial@uw.edu.pl)

**Jekaterina Nikitina** – Associate Professor of English language, translation and linguistics at the University of Milan. She works on LSP theories and applications, knowledge dissemination and popularization dynamics, legal discourse and terminology, especially in multilingual institutional settings, and institutional legal translation. Jekaterina combines (Critical) Discourse Analysis with Corpus Linguistics approaches. She is a member of the Corpus and Language Variation in English Research Group (CLAVIER) and of the Italian Association of Translators and Interpreters (AITI). Her latest publication is “Human Rights Discourse: Linguistics, Genre and Translation at the European Court of Human Rights” (Routledge, 2025).

ORCID: <https://orcid.org/0000-0002-3295-1113>

E-mail: [jekaterina.nikitina@unimi.it](mailto:jekaterina.nikitina@unimi.it)