

Relational expressions signalling the legal relationship between provisions – concurrency, conflict, concession or condition

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Legal language uses special expressions for encoding how conflicts between concurrent or even contradictory legal provisions are to be resolved – within one legal order, not with regard to private international law nor a hierarchy of legal orders. For EU legislation, the *Joint Practical Guide* explicitly warns against using such expressions with reference to higher ranking provisions, because they have precedence over lower ranking ones anyway:

16.9. The consequences of references introduced by the words "*without prejudice*" are often far from clear. There may, *inter alia*, be contradictions between the act containing the reference, and the act to which reference is made. Such references can generally be avoided by better defining the scope. Furthermore, it is unnecessary to use this formulation to refer to higher-ranking provisions, which apply in any event.

Example of drafting to be avoided:

"Without prejudice to Directive 91/414/EEC, the articles on classification, packaging, labelling and safety data sheets of this Directive shall apply to plant protection products."

Better drafting:

"The articles of this Directive on ... shall apply to plant protection products."

Thus, the expressions are to be used when provisions of equal rank would or could be in conflict with each other or in the case of an exception to a provision. This does not preclude that more than one legal consequence could be applicable to a single state of affairs.

1 Conventions in the *Manual of Precedents*

The *Manual of Precedents* (as of 2002), which is publicly available in FR, ES, IT, PT, EN, NL, DA, SV, EL and FI, and its current version (2022), extant in FR, PT, EN, SV, FI, BG, CS, ET, HR, GA, LT, LV, PL, SK and SL, distinguishes and paraphrases four categories of expressions employed in such cases. Table 1 presents the relevant expressions, with the main entry in boldprint, the paraphrases after the colon and any current modifications, that are contained in the 2002 versions plus in the Czech and Polish versions as of 2022.

	Category 1	Category 2	Category 3	Category 4
FR	sans préjudice de: sans que soit affecté, indépendamment de	sous réserve de: à condition que soit respecté	nonobstant: malgré, sans que ... s'y oppose	par dérogation à: à titre d'exception par rapport à, toutefois, ... ne s'applique pas lorsque ...
EN	without prejudice to: without affecting, independently of, leaving intact	subject to: on the condition that the following is	notwithstanding: despite, in spite of, without obstruction	by way of derogation from: by way of exception from, however, ... shall not apply where ...

		observed	from/by	
ES	sin perjuicio de: sin que sea afectado	a reserva de (que): siempre que se respete	no obstante: a pesar de, sin que constituya un obstáculo	no obstante lo dispuesto en: como excepción a lo dispuesto en, ... no se aplicará en caso de/cuando/en el supuesto, sin embargo
IT	senza pregiudizio di: indipendentemente da	fatto salvo il: purché sia rispettato il	nonostante: malgrado	in deroga a: in quanto eccezione rispetto a, tuttavia, ... non si applica se ...
NL	onverminderd: zonder af te doen aan, onafhankelijk van	behoudens/ onder voorbehoud van: op voorwaarde dat ... in acht genomen	niettegenstaande: ondanks, zonder dat ... zich daartegen verzet	in afwijking van: als uitzondering op, echter, ... is niet van toepassing wanneer ...
PT	sem prejuízo de: sem que seja afectado, independentemente de 2022: sem afetar / sem pôr em causa	sob reserva de: na condição de que seja respeitado 2022: na condição de / na condição de ser respeitado / unicamente se	não obstante: apesar de, sem que a tal se oponha	em derrogação de: a título de exceção relativamente a, todavia, ... não se aplica no caso de (sempre que) ...
SV	utan att det påverkar (tillämpningen av) 2022: utan att det påverkar (tillämpningen av), utan att tillämpningen av [...] påverkas	med förbehåll för 2022: om inte annat följer av, om inte annat sägs i	utan hinder av 2022: trots (vad som sägs i), utan hinder av (vad som sägs i)	med (genom) avvikelse från/genom undantag från 2022: med avvikelse från, genom undantag från
DA	jf. dog/med forbehold af, uden at foregribe/berøre/anfægte, uden at gribe ind i, den at dette (i øvrigt) indskrænker/berører	med forbehold af	uanset	uanset, som undtagelse fra ...
EL	Υπό (με) την επιφύλαξη: χωρίς να θίγεται, υπό τον όρο ότι τηρείται		Παρά: χωρίς να αντιτίθενται	κατά παρέκκλιση: ως εξαίρεση σε σχέση με, πάντως, δεν εφαρμόζεται όταν ...
FI	sanotun kuitenkaan rajoittamatta: ilman, että ko. säännös vaikuttaa ..., riippumatta ... 2022: sanotun/tämän	jollei ... muuta johdu: sillä edellytyksellä, etä noudatetaan	sen estämättä, mitä ...: huolimatta jstkn	poiketen: poikkeuksellisesti verrattuna jhkn 2022: Poiketen siitä, mitä kuitenkin, kuitenkaan, ... (kohtaa, alakohtaa) ei

	kuitenkaan rajoittamatta			(kuitenkaan) sovelleta silloin kun/jos ...
CS	aniž je dotčen: aniž je ovlivněn, nezávisle na	s výhradou: za podmínky, že bude dodržen	bez ohledu na: přes, aniž tomu brání ...	odchylně od: (obecnou) výjimkou ve vztahu k
PL	Bez uszczerbku dla / (nie naruszając): bez wpływu na	z zastrzeżeniem: pod warunkiem przestrzegania	niezależnie od: pomimo	na zasadzie odstępstwa od: w drodze wyjątku od Jednak(że)

Tab. 1

For the languages DE, HU, MT and RO, no relevant instructions are included in the manuals (2022); for DA, EL, ES, IT and NL, the respective section is not part of the manuals (2022) any longer. In the Latvian version (2022:205), only the following line is found:

9. "without prejudice" - "neskarot", nevis "neierobežojot".

The *Manual of Precedents* (2002:142, ES version) specifically mentions that in Spanish *derogación* means something different from what is intended in category 4. Linguistically spoken, *derogación* is a "false friend", a word closely resembling words in other languages formally, such as French, English and Portuguese, but different in semantics, viz. meaning 'abrogation, repeal, revocation', not 'exception', as the RAE (2022) defines:

"En el derecho de la Edad Media y Moderna se distinguía la abrogación de la derogación porque aquella afectaba a la totalidad de la ley y esta solo a una parte".

The *Manual of Precedents* (2002:142 EL version) also warns that in Greek categories 1 and 2 are not distinguished. The Swedish version (2022:202) lists two expressions each as translations for one English expression.

2 The four distinct categories of relations

The basic formal scheme behind the different categories is

	Provision X	[relational expression of categories 1 to 4]	provision Y
or	State of affairs X	[relational expression of categories 1 to 4]	state of affairs Y,

and the relations between X and Y are of different natures.

The relational expressions of **category 1** (*without prejudice to* and corresponding expressions) describe the scenario that when X and Y are concurrent provisions, Y is applied.

Wolff (2012:32) claims for German national law that the corresponding formula "X unbeschadet Y" means that X may be applied alongside Y in case it does not act against Y. This is backed by the footnote in the *Czech Manual of Precedents* (2022:197) for EU law, which says

že dotčené a citované ustanovení nelze vykládat tak, jako by byla v rozporu.

However, according to a judge of the Court (pers. comm.), "X without prejudice to Y" and correspondences can only be used to mean that Y alone is applied, as the meaning is that X

shall not harm Y.¹ In any case, there is no precedence of X; put in a formula: either $(Y > X)$ or $(Y \geq X)$.

The relational expressions of **category 2** (*subject to* etc.) describe the scenario that X is applied under the condition that Y is fulfilled. There is thus precedence of Y, which puts a conditional restriction on X: $(Y \Rightarrow X)$.

The relational expressions of **category 3** (*notwithstanding* etc.) describe the scenario that X is applied, although it acts against Y or may act against a provision Y that may be created some time afterwards. Thus, there is precedence of X as a concession: $(X > Y)$.

Again according to a judge of the Court (pers. comm.) *notwithstanding* and correspondences are used when two provisions do not in fact interfere with each other (viz. $(X \geq Y)$).¹

Last but not least, relational expressions of **category 4** (*by way of derogation from* etc.) describe the scenario that X applies as an exception to Y, so again there is precedence of X, but only in a restricted domain: $(x > Y)$.

As a derogation amounts to a partial permanent or non-permanent non-application of a provision, a small $< x >$ has been chosen for the formula. Cf. also point 18.15. of the *Joint Practical Guide*, relating to "Substantive amendment".

18.15. It is possible, however, that, for reasons of urgency or for other practical reasons and for the sake of simplicity, the drafter wishes to include in an act provisions which in fact constitute substantive amendments to another act. Such substantive amendments may concern the scope of the other act, derogations from its obligations, exceptions to the period of application of the act, and so forth.

Example:

"By way of derogation from Article ... of Regulation ..., applications may be made after ..."

18.15.1. As a general rule, and in particular for reasons of transparency, it is preferable to avoid substantive amendments of this kind. When substantive amendment is used, the basic act remains unchanged and the new provisions derogate from it in such a

1 Interestingly, the German national drafting guideline *Handbuch der Rechtsförmlichkeit* (2008) and its official English translation *Manual for Drafting Legislation* (2008) show a different picture from the supranational use (cf. Tab. 2-4). Rn./point 87 runs: "Sollen neben der jeweiligen Vorschrift weitere Rechtsnormen anwendbar sein, kann formuliert werden: „**unbeschadet der Rechte Dritter**“ oder „**unbeschadet der Vorschriften über**“ with the translation: "Where other provisions are also applicable, the following wording can be chosen: "**notwithstanding the rights of third parties**" or "**notwithstanding the provisions on ...**". *Unbeschadet* corresponds to *notwithstanding* here. The German text continues: "Eine Wendung wie „Regelungen anderer Gesetze **bleiben unberührt**“ kann dagegen Verschiedenes meinen: Es kann sich um einen klarstellenden Hinweis auf andere Rechtsnormen handeln, wobei der Geltungsbereich beider Regelungen sich nicht überschneidet. Durch die Formulierung kann ferner angeordnet werden, dass beide Regelungen nebeneinander anwendbar sind. Manchmal wird mit der Wendung ein Vorrangverhältnis ausgedrückt." with the translation: "The phrase "provisions in other laws shall **remain unaffected**" can, by contrast, mean various things: It could be used to make a clarifying reference to other legal norms although the scope of the two individual provisions does not overlap. It can, secondly, indicate that both provisions are simultaneously applicable. Sometimes the phrase is used to express precedence." *Unberührt* thus expresses a similar relation to *notwithstanding* there.

way that the old text, which remains in force, coexists with the new text, which deactivates some of the old text's provisions, alters their scope or adds to them.

In practice, judges (pers. comm.) check in each single case in which way provisions interact as it is known that the formulaic relational expressions are not always employed in a consistent way in legal acts.

3 Qualitative evaluation of legal acts

A comparison of the actual occurrences of the above-mentioned relational expressions in the language versions of the DGA proposal and of Regulation (EU) No 575/2013 with the standards of the *Manual of Precedents* suggests that a more refined tableau than displayed in Table 1 should be dressed up, for several reasons.

Not only are the multilateral correspondences employed inconsistently and even in a contradictory fashion across languages (cf. also Visconti 2012:54) and within single languages, but also are there, depending on the language, a variety of expressions for a single category in different linguistic contexts.

From the formal point of view, the relational expression may be a (complex) adposition, a complex conjunction, an intransitive predicate, a transitive predicate, an adverb or in a subordinate clause (see Tables 2, 3 and 4, which are not exhaustive). The languages are, of course, free to chose from these forms, as long as the relation is correctly encoded. Expressions with yellow highlighting in the tables are striking in the categories where they turn up as translational equivalents.

	Category 1, adposition + N	Category 1, intransitive predicate	Category 1, transitive verb + object	Category 1, subordinate clause
FR	sans préjudice de N	être sans préjudice de N	ne porte atteinte à N, ne devrait pas affecter N, ne devrait pas avoir d'incidence sur N, ne devrait préjuger en rien de N	
EN	without prejudice to N	is without prejudice to N, should be without prejudice to N, N should not be affected, applies without prejudice to N	does/shall/should not affect N,	
DE	unbeschadet N	N bleibt unberührt (cf. fn. 1)	lässt N unberührt	ohne N zu berühren
IT	fatto salvo N		lascia impregiudicato N, non pregiudica N, non dovrebbe incidere N, [inciderebbe su], dovrebbero lasciare	senza pregiudicare N, senza che N possa avere per effetto di impedire a,

			impregiudicato N, non pregiudichi N non dovrebbe pregiudicare N	fermo restando N, lasciando impregiudicato N
ES	sin perjuicio de N, no obstante N, sin perjuicio de lo dispuesto en N, no obstante lo dispuesto en N	se entiende/se entenderá sin perjuicio de N, se aplicará sin perjuicio de N	no debe/ha de afectar N, no afectará a N, no limitará N, no debe limitar N, no socavar N	
PT	sem prejuízo do N	não prejudica nem N, aplica-se sem prejuízo do N	não afeta N, não deverá afetar N, não prejudica(m) N	sem prejudicar N
RO	fără a aduce atingere N		nu ar trebui să aducă atingere N, nu aduce atingere N	
MT	mingħajr preġudizzju għal N	għandha tkun mingħajr preġudizzju għal N		
NL	met inachtneming van N, onverminderd N, niettegenstaande N	leidt niet tot een beperking van N, zijn onverminderd, mogen niet indruisen tegen N	doet geen afbreuk aan N, mogen geen afbreuk doen aan N, laat N onverlet, doet/mag geen belemmering vormen voor N	zonder afbreuk te doen aan N
DA	jf. dog N, med forbehold af		uden at det berører N, bør ikke berøre, berører ikke, begrænser ikke N	
SV	utan att det påverkar de N, inte påverka tillämpningen av N	ska inte påverka, ska inte begränsa de N	gäller utan att det påverkar tillämpningen av N	
FI	rajoittamatta	sanotun kuitenkaan rajoittamatta, sanotun kuitenkaan vaikuttamatta, ei rajoiteta	ei saisi rajoittaa N soveltamista, ei kuitenkaan rajoittamatta N soveltamista, ei saisi vaikuttaa N, eivät kuitenkaan vaikuta N	
HU	sérelme nélkül		nem érinti/nem érinteti(k) N, nem sérti/nem sértheti N	
PL	bez uszczerbku dla N, z zastrzeżeniem N,	pozostaje bez uszczerbku dla N, stosuje się bez uszczerbku dla N	nie narusza przepisów N, nie powinno naruszać przepisów N, nie wpływa na N, nie powinno mieć wpływu na N	nie naruszając przepisów N
CS	aniž by byla dotčena N, aniž je dotčen N/aniž	není dotčen, nejsou dotčeni N, by neměla být dotčena	se nedotýkají N	

	jsou dotčeny N			
EL	με την επιφύλαξη N		δεν θίγει/θίγουν N, δεν θα πρέπει να θίγει N, δεν προδικάζουν τρόπο ...	

Tab. 2 (N = noun)

	Category 2, adposition	Category 2, subordinator	Category 4, adposition	For comparison: 'Except'
FR	sous réserve de + N,	sous réserve que + clause, pour autant que + clause, à condition que	par dérogation à N	à l'exception de, sauf, sauf si, à moins que
EN	subject to N	where + clause, provided that, unless	by way of derogation from	except for/in/where/if, with the exception of, excluding N, unless
DE	vorbehaltlich N	sofern + clause, unter der Voraussetzung/ vorausgesetzt, dass + clause	abweichend von N	außer, ausgenommen, mit Ausnahme von N, es sei denn, sofern nicht
IT	fatto salvo N, fermo restando N, nel rispetto de N, subordinatamente a N, previa autorizzazione, con N	che prevedano N, provviste di N, subordinatamente a, purché siano soddisfatte N	in deroga a N	salvo, eccetto (quando), ad eccezione de, tranne che per, ad esclusione de, eccettuato, fatta eccezione per
ES	a reserva de N, sin perjuicio de N, previa N	a reserva de que + clause, si + clause, siempre que	no obstante lo dispuesto en N, como excepción a lo dispuesto en N	salvo (que/si), a excepción de, en tanto no, a menos que, a no ser que
PT	sob reserva da N, pelo N	desde que + clause	em derrogação da N / a N, a título de derrogação do N	exceto no caso do/de, exceto para/num, com exceção da, exceto se tal for, exceto quando
RO	sub rezerva N, numai cu N, intră sub incidența	cu condiția + clause, sub rezerva + clause, dacă + clause	prin derogare de N	cu excepția N/cazului în care, exceptând N
MT	sogġett għal	sakemm	b'deroga minn, permezz ta' deroga	bl-eċċezzjoni ta, ħlief

			minn, bħala deroga minn	
NL	met N, met inachtneming van, onder voorbehoud van	mits + clause, op voorwaarde dat + clause	in afwijking van N, bij wijze van afwijking van N	behoudens, tenzij, met uitzondering van N, uitgezonderd N, behalve
DA	omfattet af	kravene i nærværende, forudsat at	uanset	bortset fra, undtagen (hvis), medmindre
SV	om inte annat, med beaktande av N, under N, dock endast med N,	under förutsättning att, förutsatt att, efter att	med avvikelse från N, genom undantag från N, trots vad som sägs	med undantag av/för N, utom (för), om inte
FI	sovelletaan N, siihen sovelletaan, jollei N muuta johdu	edellyttäen, että	poiketen siitä, mitä, N poiketen	lukuun ottamatta, poikkeuksin, jollei, paitsi jos
HU	sérelme nélkül		N eltérve / eltérően (eltérések)	kivéve függetlenül (attól, hogy) tekintet nélkül arra
PL	z zastrzeżeniem podlega przepisom	pod warunkiem że jeżeli spełnione są oba następujące warunki:	w drodze odstępstwa od N	z wyjątkiem: chyba że
CS	s výhradou podléhající	za předpokladu, že za podmínky, že	odchylně od N	kromě, s výjimkou
EL	υπόκεινται σε N, που εμπίπτουν στις N, Δυνάμει N	εφόσον ..., με την επιφύλαξη	κατά παρέκκλιση από N	με την εξαιρέση N, εκτός εάν, ή παρέκκλιση από N

Tab. 3

	Category 3, adposition	Category 3, subordinator	Category 3, adverb	For comparison: 'irrespective'
FR	nonobstant N, malgré N	même si + clause, nonobstant + clause	toutefois, néanmoins	indépendamment, sans tenir compte, sans prise en compte de N
EN	notwithstanding N, despite N	even if + clause notwithstanding + clause	however this notwithstanding	irrespective of, regardless of
DE	ungeachtet N, trotz N, unbeschadet N	ungeachtet dessen, dass + clause, selbst wenn + clause, auch wenn + clause	jedoch	unabhängig von/davon, ob
IT	nonostante N,	a prescindere da,	tuttavia,	indipendentemente,

	fatto salvo N, malgrado N, in deroga a N, salvo N, anche in caso di N	nonostante non siano, nonostante che + clause	ciò nondimeno	siano, a prescindere da
ES	a pesar de N, sin perjuicio de N, no obstante lo dispuesto en N	a pesar de que + clause, aun cuando + clause, aunque no + clause	no obstante, sin embargo, pero	con independencia, independentement e de N, sin tener en cuenta, tanto si
PT	não obstante N, (sem prejuízo da N)	não obstante + clause, mesmo que + clause , mesmo se + clause	no entanto, não obstante	independentemente do (facto de)
RO	în pofida N, fără a aduce atingere N	chiar dacă + clause, în pofida + clause	cu toate acestea	indiferent de N, indiferent dacă
MT	minkejja	minkejja	madanakollu	irrispettivament minn
NL	onverminderd N, niettegenstaande N	zelfs bij	evenwel slechts, maar, echter, niettemin dienen	ongeacht of
DA	uanset		imidlertid	uanset om, eller ej
SV	trots (vad som sägs), utan hinder av	oaktat, oavsett	dock, med beaktande av att	oberoende av, oavsett om, utan beaktande av
FI	sen estämättä, mitä, riippumatta	sen estämättä, mitä, vaikka, riippumatta	kuitenkin, kuitenkaan	riippumatta (siitä,)
HU	N ellenére, séreelme nélkül, elterve	még abban az esetben sem, ha még akkor is, ha	mindazonáltal, séreelme nélkül, még, azonban, viszont	függetlenül
PL	niezależnie od N	nawet jeśli nawet wówczas, gdy niezależnie od	jednak	niezależnie od N, bez względu na to, czy,
CS	bez ohledu na N	bez ohledu na ustanovení, jimiž bez ohledu na to, že	mohou však (Avšak) pokud	bez ohledu na to,
EL	με την επιφύλαξη N, παρά N, κατά παρέκκλιση από N	ακόμα και εάν	ωστόσο, όμως	ανεξάρτητα

Tab. 4

The language comparison shows that

- the current usage does not completely follow the conventions set out in the *Manual of Precedents* in each and every language.
- French, Italian, Dutch, Finnish and Polish have a greater variety of expressions, whereas Hungarian and Romanian are very coherent. German, Dutch, Spanish and French also use a

greater variety of grammatical forms (e.g. adposition, intransitive and transitive formulations).

- The expressions are not used in a completely distinctive or consistent way, for example
- the adpositions of category 1 and 3 are frequently not distinguished by different expressions, although they should encode opposite relations.

(1) a. Regulation (EU) No 575/2013 Art. 306(2)

2. Notwithstanding paragraph 1, [...]	(2) Ungeachtet des Absatzes 1 [...]	2. In deroga al paragrafo 1, [...]	2. Niettegenstaande lid 1 [...]
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b. Regulation (EU) No 575/2013 Art. 121(4)

4. Notwithstanding paragraphs 2 and 3, [...]	4. Unbeschadet der Absätze 2 und 3 [...]	4. Nonostante i paragrafi 2 e 3, [...]	4. Onverminderd de leden 2 en 3 [...]
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c. Regulation (EU) No 575/2013 Art. 33(3)

3. Without prejudice to point (b) of paragraph 1,	(3) Unbeschadet des Absatzes 1 Buchstabe b	3. Fatto salvo il paragrafo 1, lettera b)	4. Onverminderd lid 1, punt b),
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d. Regulation (EU) No 575/2013 Art. 92

1. Subject to Articles 93 and 94, institutions shall [...]	(1) Unbeschadet der Artikel 93 und 94 müssen Institute [...]	1. Subordinatamente agli articoli 93 e 94, gli enti soddisfano [...]	1. Onverminderd de artikelen 93 en 94 voldoen de instellingen
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This explains in part the multitude of expressions in categories 1 and 3 in Italian, Spanish, Dutch and German – four languages for which there is no standard set up in the current version of the *Manual of Precedents* (2022).

- Some expressions, e.g. “subject to”, “porter atteinte à”, are used in different semantic senses, one for the relation between conflicting provisions, the other for more general conditions. This is mirrored by a range of correspondences chosen in the other languages, e.g. for English *subject to* and *provided that*.

(2) a. Regulation (EU) No 575/2013 Art. 230(3)

[...] and subject to Article 124(2), [...]	[...] und vorbehaltlich des Artikels 124 Absatz 2 [...]	[...] e fatto salvo l'articolo 124, paragrafo 2, [...]	[...] en behoudens artikel 124, lid 2, [...]
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b. Regulation (EU) No 575/2013 Art. 105(1)

1. All trading book positions shall be subject to the standards for prudent valuation specified in this Article.	1. Tutte le posizioni del portafoglio di negoziazione sono valutate secondo le regole di valutazione prudente specificate nel presente articolo.	(1) Alle Handelsbuchpositionen unterliegen den in diesem Artikel festgelegten Standards für eine vorsichtige Bewertung.	1. Op alle posities in de handelsportefeuille worden de in dit artikel bepaalde normen voor prudente waardering toegepast .
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c. Regulation (EU) No 575/2013 Art. 99(6)

6. [...] institutions	6. [...] posti da enti	6. [...] um in Bezug auf	6. [...] voor andere dan
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other than those referred to in paragraphs 2 and 3 that are subject to an accounting framework based on Directive 86/635/EEC, [...]	diversi da quelli di cui ai paragrafi 2 e 3 che sono soggetti alla disciplina contabile basata alla direttiva 86/635/CEE, [...]	andere als die in den Absätzen 2 und 3 bezeichneten Institute, für die ein auf die Richtlinie 86/635/EWG gestützter Rechnungslegungsrahmen gilt , [...]	de in de leden 2 en 3 bedoelde instellingen die onderworpen zijn aan een kader voor financiële verslaglegging op grond van Richtlijn 86/635/EEG, [...]
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Visconti (2012:47) also points to non-biunique correspondences between the English and Italian versions that are even leading to opposite meanings in the two versions. She shows that where the English version has “subject to”, the Italian version has “a condizione che”, “con riserva di”, “fatto salvo” and “salvo”. Whereas the meaning of “subject to Y”, “a condizione che Y” and “con riserva di Y” is that Y is a prerequisite for X ($Y \Rightarrow X$), “fatto salvo Y” may not preclude a side-by-side of X and Y ($Y \geq X$), and “salvo Y” makes Y an exception ($y > X$) and perverts the general precedence relation of X and Y.

4 Consequences for legal interpretation

When precedence relations are changed like this, the consequence of non-distinction or inconsistency of expressions could be a high demand for interpretation of relevant passages by the Court of Justice of the European Union, which does not, however, seem to be the case. A simple string search in order to find relevant cases in the EUR-Lex data base is not feasible, as the corpus does not distinguish between object language (the wording to be analysed for interpretation) and metalanguage (the language used for describing the findings of the Advocate General or the Court). However, as a further line of research, cases heard by the EuGH in which the relation between entire legal acts is at issue could be compared.

5 Conclusion

In conclusion, a random test of restrictive expressions for concurrent or conflicting provisions in EU legal acts shows some heterogeneity and non-biuniqueness of expressions for the four different relations. The four categories are not strictly distinguished in the legal acts, in particular in those languages for which the *Manual of Precedents* (2022) has no section on expressions for conflicting provisions; which may lead to unequal law falling out from different language versions. Thus, a correspondence table of fixed expressions for the different categories in the area of concurrent or conflicting provisions or states of affairs is certainly a handy tool for drafters and interpreters of EU legal acts and would also facilitate AI processing.

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