

## Popularizing while Implementing EU Legislation on Environmental Issues

**Abstract:** The aim of this study is to investigate popularization strategies in a corpus of Summaries of EU legislation on environmental issues. In particular, the analysis will be divided into two steps. The first step will include the investigation of commitment by the EU towards these issues by means of an analysis of the contextual features of the word ‘environment’ in the corpus under scrutiny. The second step, instead, will be aimed at comparing the summaries with their source legal texts in order to focus on the strategies employed to ‘reformulate’ legal concepts for popularising purposes.

Keywords: *popularization, environmental legislation, reformulation, EU Commitment*

### 1 Introduction

Environment is one of the top priorities of the European Union. As can be read on the European portal, “the EU and national governments have set clear objectives to guide European environment policy until 2020 and a vision beyond that, of where to be by 2050, with the support of dedicated research programmes, legislation and funding”.<sup>1</sup> From a legal perspective, the EU is committed to ensuring the successful implementation of the Paris Agreement and implementing the EU’s Emissions Trading System (EU ETS). In this regard, EU countries have agreed to meet various targets in the years to come. EU environment policy is based on Articles 11 and 191-193 of the Treaty on the Functioning of the European Union. Under Article 191, combating climate change is an explicit objective of EU environmental policy. Sustainable development is an overarching objective for the EU, which is committed to a ‘high level of protection and improvement of the quality of the environment’ (Article 3 of the Treaty on European Union).

Starting from this assumption, the study is aimed at investigating a corpus of Summaries of EU legislation concerning environmental issues. The final goal will be to focus on the strategies employed by the EU to disseminate legal concepts concerning environment but also to analyse the EU

---

<sup>1</sup> European Union, “Environment”, [https://europa.eu/european-union/topics/environment\\_en](https://europa.eu/european-union/topics/environment_en), accessed 20 March 2018.

‘viewpoint’ concerning this issue. Thus, methodology will imply some different perspectives (see Sections 2, 3)

## 2. Corpus and Aims

The corpus under scrutiny includes Summaries of EU legislation on environmental issues from 2000 to 2017. The Summaries are part of EU legislation published on the EU portal. They are aimed at disseminating legal knowledge on different issues, such as Agriculture, Economic and monetary affairs, Enterprise, external trade, etc.

Summaries can be subsumed as a popularization genre.<sup>2</sup> The latter is usually addressed to non-specialists as its function is mainly informative in disseminating specialized knowledge. In particular, innovative knowledge, target audience and purposes are listed among the main features that characterize popularization.<sup>3</sup> Thus, Summaries are aimed to disseminate knowledge and redefine the message of the source text addressed to a wider audience. More specifically, they are expected to be primarily informative through the use of a language close to everyday life in dealing with specialized topics.<sup>4</sup> A distinction concerning the popularized text could be made between ‘appropriate simplification’ and ‘distortion’.<sup>5</sup> In particular, simplifying information means selecting materials from a source text into a popularizing one. A distorted popularization, instead, relies on oversimplification and adulteration of the original knowledge. For all these reasons, popularization can be compared to the translation process, as it implies derivation from a source text, thus requiring a transformation process from a source text into a target text. In particular, the processes of redrafting and remodelling are implicit in popularization.<sup>6</sup> Notwithstanding, redrafting can be found to be accountable for generating an imperfect equivalence of the source text resulting from moving ‘from one system of discourse to another’.<sup>7</sup> Thus, the study is aimed at focussing both on possible distortion and exhaustiveness of legal information concerning some environmental issues when it is disseminated through the EU portal. Exhaustiveness will be intended here as appropriateness and completeness of

---

<sup>2</sup> Vanda Polese and Stefania D'Avanzo, “Popularization and Dissemination of Legal Knowledge in EU Summaries of Directives on Immigration”, in Giuditta Caliendo and Giancarmine Bongo, eds., *The Language of Popularization: Theoretical and Descriptive Models*, (Bern: Peter Lang, 2012), 191-220.

<sup>3</sup> Maurizio Gotti, *Specialized Discourse: Linguistic Features and Changing Conventions* (Bern: Peter Lang, 2003).

<sup>4</sup> Ibid.

<sup>5</sup> Stephen Hilgartner, “The Dominant View of Popularization: Conceptual Problems, Political Uses”, *Social Studies of Science*, 20 (1990), 519–539.

<sup>6</sup> Gotti, *Specialized Discourse*.

<sup>7</sup> Richard D. Whitley, “Knowledge Producers and Knowledge Acquirers: Popularisation as a Relation between Scientific Fields and Their Publics”, in Terry Shinn and Richard Whitley, eds., *Expository Science: Forms and Functions of Popularisation, Sociology of the Sciences Yearbook*, Volume 9 (Dordrecht: Reidel, 1985), 3-28.

legal information when it is ‘recontextualized’ from the original legal texts into their Summaries. In short, the latter will be analysed in contrast with their original legal texts in order to focus on the strategies employed to disseminate legal knowledge. Furthermore, the EU ‘viewpoint’ concerning environmental issues will be analysed thanks to the investigation of the immediate co-text of some key words. In particular, corpus based approach will allow to focus on some contextual features of words and phrases concerning environment with the final goal of analysing discursive practices employed by the EU when dealing with this issue (see Section 3).

Thus, the study will try to answer two main research question: 1) What are the discursual strategies employed by the EU when dealing with environmental issues? 2) Is the audience exhaustively informed about EU Environmental legislation?

### 3. Methodological Framework

The study is based on a twofold methodology corresponding to the two main aims illustrated above (See Section 2). In particular, corpus based approach will help to analyse patterns of language co-occurring in the popularized legal discourse concerning environmental issues.<sup>8</sup> More specifically, clusters and concordance lines will be used to focus on the immediate co-text of some key-words in the corpus under scrutiny. Then, the co-text of the key words investigated will be analysed in terms of ‘semantic preference’, intended as the relation between a word form and a set of semantically related words.<sup>9</sup>

The second step of the analysis will be based, instead, on some theoretical approaches and studies concerning popularization discourse.<sup>10</sup> In popularization discourse, purpose and target audience have revealed to be fundamental in demarcating a specialized text from a popularized one.<sup>11</sup> In particular, purpose has appeared to be prominent in the Summaries investigated. More specifically, the function of the summaries is mainly informative as some legal information is spread through the EU portal in order to inform the wider audience about legal provisions enacted by the European Union. Thus, no legal obligation is imposed on citizens through the Summaries as they are only informed about provisions legally adopted by the E U concerning some different issues. As asserted in Section 2, a controversial

---

<sup>8</sup> Paul Baker, *Using Corpora in Discourse Analysis* (London: London Continuum, 2006).

<sup>9</sup> Michael Stubbs, *Words and Phrases: Corpus Studies of Lexical Semantics* (Oxford: Blackwell Publishing Ltd, 2001).

<sup>10</sup> Gouimar Ciapuscio, “Formulation and Reformulation Procedures in Verbal Interactions between Experts and (Semi-) Laypersons”, *Discourse Studies*, 5.2 (2003), 207-233; Helena Calsamiglia and Teun van Dijk, “Popularization Discourse and Knowledge”, *Discourse and Society* 15.4 (2004), 369-389; Jan Engberg, et al., eds., *Popularization and Knowledge Mediation in the Law* (Zürich: Lit Verlag, 2018); Srikant Sarangi, “Rethinking Recontextualization in Professional Discourse Studies: An Epilogue”, *Text*, 2 (1998), 301-318.

<sup>11</sup> Polese and D’Avanzo, “Popularization and Dissemination”.

point is often implicit in popularization discourse, as it is often challenging to distinguish distorted information from the simplified one. In particular, even in the case of appropriate simplification, the popularized knowledge is somehow deprived of the purity of the original causing the boundary between appropriate simplification and distortion to be ambiguous and flexible as it appears to depend on context as well as on the communicative purpose.<sup>12</sup>

Thus, in the study, possible simplification of legal concepts expected in the Summaries will be discussed in terms of presence or absence of distortion of information.

#### 4. Contextual Features of ‘Environment’

The first step of the analysis coincides with the investigation of the immediate co-text of the word ‘environment’ in the summaries mentioned above. The corpus of Summaries includes 15409 word tokens. In Table 1, a selection of clusters of the word ‘environment’ has been provided:

Rank	Frequency	Range	Cluster
1	6	3	environment action
2	5	5	environment and
3	4	2	environment policy
4	4	3	environment. The
5	3	2	environment (oj
6	3	2	environment of
7	2	2	environment what
8	2	1	environment \x
9	2	2	environment adequate
<b>Total No. of Cluster Types: 51</b>			
<b>#Total No. of Cluster Tokens: 78</b>			

Table 1. Clusters co-occurring with ‘environment’ sorted by frequency

As can be observed from the data above, EU ‘action’ is one of the fundamental aspects related to the environmental issue in the Summaries. The phrase ‘environment action’ as the first-word cluster reveals the EU’s commitment to safeguarding environment. Thus, in order to verify this assumptions, some selected significant concordance lines of the word ‘environment’ have been provided:

<sup>12</sup> Ibid.

1	2007	Environment Policy Review The 2007 Environment Policy Review 2007 environment policy review
2		al marine knowledge system. <b>Establishing</b> a common environment for marine data Obtaining data crossing M
3		depends on <b>the creation</b> of a common environment. This environment should incorporate the followin
4		data of activities that could affect the environment; authorisations which could have a significant im
5		data of activities that could affect the environment \x97 authorisations given which could affect the
6		\x97 authorisations given which could affect the environment \x97 environmental impact studies and risk asses 2
7		articipation in <b>decision-making</b> which affects the environment; extending the conditions of access to justice
8		articipation in <b>decision-making</b> which affects the environment; extending the conditions of access to justice
9		nt, soil, pesticides, natural resources and urban environment) and the accompanying legislative proposals have
10		of public health, consumer safety and the environment (C(2015) 5383 final, 7.8.2015) last update 23.01
11		greater consistency in <b>implementing and applying</b> environment legislation in the Member States. This recommend
12		of public health, consumer safety and the environment WHAT IS THE AIM OF THE DECISION?
13		ring and declaring greenhouse gas emissions. The environment in other policies Integration of the environme
14		the <b>creation</b> of a common environment. This environment should incorporate the following elements: from
15		exploit business opportunities in the field of environment and energy. Acting on a global scale
16		, including LIFE+, the Thematic programme for the environment and the sustainable management of natural reso

Table 2. Concordances lines of the word ‘environment’

If we refer to Habermas’ distinction between ‘communicative’ and ‘strategic action’,<sup>13</sup> it is possible to assert that the interaction is here oriented to arriving at understanding and conveying the EU’s attitude towards the Environmental policy and legislation rather than to getting results in terms of audience involvement.

As can be observed from the selected concordance lines above, action verbs related to legal discourse are frequently found co-occurring with the word ‘environment’ (establishing, implementing, decision making, applying, etc.). ‘Action verbs’ have been explored in popularization studies where they have been included in the category of ‘Directives’. The latter being considered as a category implying three main acts used to involve the audience: textual acts, physical acts, cognitive acts.<sup>14</sup> Textual acts are used to guide the readers through discussion, whereas, physical acts instruct readers how to carry out research processes. Finally, cognitive acts get the readers to understand a point in a certain way and are “... potentially the most threatening type of directives”.<sup>15</sup> Action verbs have also been analysed in studies concerning popularization of legal discourse where their use was explored in order to focus on the interactional metadiscourse found in some examples from Popularization of family Law.<sup>16</sup> Notwithstanding, action verbs related to legal concepts seem to be used differently in this study as no element related to the interactional dimension is found due to the informative function of the Summaries rather than the interactional metadiscourse traditionally implicit in popularization studies. In order to verify this assumption, the co-text of these verbs is further explored in the examples 1, 2, and 3:

<sup>13</sup> Jürgen Habermas, *The Theory of Communicative Action: Reason and Rationalization of Society*, Volume 1 (Boston: Beacon Press, 1984).

<sup>14</sup> Ken Hyland, “Directives: Power and Engagement in Academic Writing”, *Applied Linguistics*, 23.2 (2002), 215-239.

<sup>15</sup> Hyland, “Stance and Engagement: A Model of Interaction in Academic Discourse”, *Discourse Studies*, 7.2 (2005), 173-192.

<sup>16</sup> Engberg, et al., *Popularization*.

Ex. 1

the European Parliament and the Council stressed the need to fix criteria and/or minimum guidelines for inspections performed in Member States and possible ways to enable Member States to supervise their implementation. This would foster greater consistency **in implementing and applying** environment legislation in the Member States (*Summary of Recommendation*, 2001/331/EC).

As can be observed in (1) above, the two verbs ‘implementing’ and ‘applying’ are referred to environmental legislation which could be ‘implemented’ and ‘applied’ if some criteria and guidelines concerning inspections and supervision are adopted. The employment of these two verbs in (1) could be interpreted in terms of semantic preference,<sup>17</sup> which “... describes a phenomenon whereby a particular item x collocates frequently, not with another item y, but with a series of items which belong to a semantic set”.<sup>18</sup> Both of the verbs are referred to the semantic field of commitment, which includes some legal actions by the EU in favour of environment.

In (2) below, instead, agents responsible for implementing legislation are clearly expressed:

Ex. 2

The 7th EAP entered into force in January 2014.

It is now up to the EU institutions and the Member States to **ensure** that it is **implemented**, and that the priority objectives set out are met by 2020 (*Summary of Environment Action Programme*, 2014-2020)

In (2), ‘implemented’ is referred to Environment Action Programme (EAP), which is aimed at guiding European Environment policy until 2020. In the programme, three main objectives are identified, that is, to protect, conserve and enhance the Union’s natural capital; to turn the Union into a resource-efficient, green, and competitive low-carbon economy; to safeguard the Union’s citizens from environment-related pressures and risks to health and wellbeing. In the example above, responsibility for the implementation of the programme is explicitly applied to EU institutions and Member States. In particular, agency is here reinforced as it is ‘anticipated’ in an ‘it- cleft’ structure (e.g. *It is now up to the EU institutions and the Member States*). Thus, its explication represents here explicit commitment by the EU to implement EAP.

---

<sup>17</sup> Stubbs, *Words and Phrases*; Alan Partington, “‘Utterly Content in Each Other’s Company’: Semantic Prosody and Semantic Preference”, *International Journal of Corpus Linguistics* 9.1 (2004), 131-156.

<sup>18</sup> Ibid, 150.

In the following example, instead, action verbs are referred to actions involving both the EU and the Arctic population:

Ex. 3

To help the Arctic population to **develop** an ambitious climate adaptation policy, the EU **is ready to work** together with Arctic countries, their local populations and indigenous communities to (*Summary of Joint Communication*, 2016) .

As can be noticed in (3), the EU is committing to help the Arctic population, as it is ‘ready’ to cooperate with them. In particular, the EU seems to promise immediacy in its intervention among the local populations and communities.

In short, in all the examples above, the verbs adopted all deal with commitment as they related to legal and political actions adopted by the EU order to improve and guarantee environmental rights to EU citizen.

Thus, coming back to distinction concerning some different types of ‘acts’ in popularization discourse, these verbs seem to be responsible for ‘cognitive acts’, as they get the readers to understand environmental issues as some of the EU top priorities.

## 5. Summaries vs. Legal Provisions

In order to try to answer the second research question – is the audience exhaustively informed about EU Environmental legislation? – the Summaries have been ‘compared’ to their source legal texts with the aim to better focus on possible reformulation procedures adopted by the EU to disseminate legal knowledge to a wider audience. In the following example, an extract of Regulation (EC) No 1367/2006 (4a) has been investigated in relation to its summary (4b):

Ex. 4a

The objective of this Regulation is to contribute to the implementation of the obligations arising under the UNECE Convention on Access to Information by laying down rules to apply the provisions of the Convention to Community institutions and bodies, in particular by:

guaranteeing the right of public access to environmental information received or produced by Community institutions or bodies and held by them, and by setting out the basic terms and conditions of, and practical arrangements for, the exercise of that right (*Regulation, EC*, No 1367/2006 )

Ex. 4b

EU institutions and bodies must:

guarantee the public access to environmental information they receive or produce (*Summary of Regulation, EC, No 1367/2006*).

As can be observed in the Summary above, no reference to the type of obligations has been made. As a matter of fact, in the source text obligations have been specified (e.g. obligations arising under the UNECE Convention on Access to Information). Conversely, in the Summary, they are not mentioned at all. Furthermore, in the Regulation, the institutions where the information is held are further specified (e.g. *environmental information received or produced by **Community institutions or bodies and held by them***) whereas they are not found in the corresponding summary. In short, in the latter, the obligation is clearly expressed through a very simple syntactic structure following the pattern: Agents responsible for the obligations+verbal phrase (including *must*)+direct object (the right to be implemented).

In the instances 5a) and 5b) below, an extract of the Summary of Directive 2003/4/EC on public access to environmental information has been examined and compared to the original provision:

Ex. 5a

Access to environmental information upon request

1. Member States shall ensure that public authorities are required, in accordance with the provisions of this Directive, to make available environmental information held by or for them to any applicant at his request and without his having to state an interest (*Directive 2003/4/EC on public access to environmental information, art.3*)

Ex. 5b

Public authorities must make available any environmental information they possess to an applicant without the person having to state a reason. (*Summary of Directive 2003/4/EC*)

If the extracts 5a) and 5b) are compared, it is possible to notice that some legal procedures and the institutions involved in them mentioned in the source text (e.g. *Member States shall ensure that public authorities are required, in accordance with the provisions of this Directive, to make available environmental information*) are not included in the summary. On the contrary, a structure similar to the one found in the previous Summary (Agents responsible for the obligations+verbal phrase (including *must*) + direct object (the right to be implemented) is found. In this case, the right is represented by with the availability of the information provided by public authorities.



In the following examples, avoidance and simplification in the Summaries concern the dissemination of environmental information:

Ex. 6a

ensuring that environmental information is progressively made available and disseminated to the public in order to achieve its widest possible systematic availability and dissemination. To that end, the use, in particular, of computer telecommunication and/or electronic technology, where available, shall be promoted (*Regulation, EC, No 1367/2006*)

Ex. 6b

ensure that environmental information is progressively made available and disseminated to the public (*Summary of Regulation, EC, No 1367/2006*)

In the instance (6b), the EU's final aim of providing the 'widest possible availability and dissemination' of environmental information has been omitted.

In the next instance, instead, omission concerns legal procedures and legislation:

Ex. 7a

2. For the purposes of this recommendation, "environmental inspection" is an activity which entails, as appropriate:

(a) checking and promoting the compliance of controlled installations with relevant environmental requirements set out in Community legislation as transposed into national legislation or applied in the national legal order (referred to hereinafter as "EC legal requirements");

(b) monitoring the impact of controlled installations on the environment to determine whether further inspection or enforcement action (including issuing, modification or revocation of any authorisation, permit or licence) is required to secure compliance with EC legal requirements; (*Recommendation of the European Parliament and of the Council, 4/04/2001*)

Ex. 7b

Inspection entails the following:

checking that installations comply with EU environmental requirements;

monitoring the impact of installations on the environment.

(*Summary of the Recommendation of the European Parliament and of the Council, 4/04/2001*)

As asserted above, in 7b) omission is related to legal procedures (*requirements set out in Community legislation as transposed into national legislation or but also applied in the national legal order*) but also to specification of further enforcement actions probably needed in the impact of installations on the environment.

In short, in all the examples above, the phenomena of “exemplification” and “reformulations” can be observed as some concepts have been omitted or paraphrased using some recurrent patterns.<sup>19</sup> In particular, omission mainly concerns legal procedures or provisions which are not mentioned in the Summaries. Thus, only partial information concerning legal environmental issues is conveyed to the wider audience. This outcome is consistent with previous studies where Summaries of legislation concerning migrants’ rights were investigated.<sup>20</sup> As a matter of fact, in these studies, ‘omission’ seemed to be the most relevant practice.

In short, in the study, both reformulation and omission practices have been employed in order to make legal information easier to be understood by a wider audience.

Coming back to the initial differentiation between simplification and distortion, it is possible to infer that avoidance of some information related to legal procedures or motivations of the EU legal actions could surely be considered as distorted messages communicated to a non-expert audience. As a matter of fact, the latter is not exhaustively informed about legal procedure. Furthermore, reformulation concerning more explicitness of agents responsible for legal actions in the Summaries may convey more certainty concerning actual implementation of environmental rights as responsibility is clearly expressed and attributed to authorities and Institutions.

## 6. Concluding Remarks

In order to draw some conclusions, the initial two research questions will be addressed. As far as the first research question is concerned – what are the discourse strategies employed by the EU when dealing with environmental issues? – it is possible to assert that commitment by the European Union in favour of environmental rights seems to be conveyed through the Summaries. In particular, the audience is surely informed about the positive attitude of the EU towards the future improvement of environmental legislation and policy. As far as the second research question is concerned – is the audience exhaustively informed about EU environmental legislation? – it can be stated that two main popularization procedures have been employed, including omission and reformulation in terms of

---

<sup>19</sup> Calsamiglia and van Dijk, “Popularization Discourse”.

<sup>20</sup> D’Avanzo, “European Summaries of Directives on Asylum: Changes in Institutional Discourse”, in Srikant Sarangi et al., *Genre(s) on the Move: Hybridization and Discourse Change in Specialized Communication* (Naples: Edizioni Scientifiche Italiane, 2011), 87-97; Polese and D’Avanzo, “Popularization and Dissemination”.

paraphrasing. The wider audience is only partially informed about legal actions on environmental issues.

More specifically, exhaustiveness of legal information is not guaranteed at all as omissions concerning motivations related to some legal actions are found along with omissions referred to some legislative provisions and implementation procedures. Moreover, reformulations in terms of adoption of different syntactic structures seem to be responsible for distortion of information as institutions and authorities are clearly mentioned in the Summaries as directly liable for implementation of environmental rights. On the contrary, in the source text, Member States, rather than institutions and local authorities are responsible for respect of the same rights.