EIL in Legal and Medical Portuguese: Contracts and Medical Research Articles

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1. Introduction

The all-pervading role that English as an International Language (EIL) has increasingly been playing worldwide will unavoidably have an impact on national languages. Given the assumed prestige of English as a source language (SL), interference from English may occur not only in everyday European Portuguese\(^1\) but also in specialised discourse. This paper presents a general overview of the current state of the art regarding EIL and discusses how it influences Portuguese. This influence will be addressed by analysing loanwords, calques, false friends, abbreviations and acronyms used by the legal and medical communities of practice, namely in translated and non-translated contracts and medical research articles (RAs).

2. The role of English in international communication: an overview

In the last decades, the English language has gradually gained ground as the favoured means of international communication worldwide. In fact, native and non-native speakers of English (NS and NNS) across the three

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\(^{1}\) In this paper, the term 'Portuguese' will be used to refer to the European Portuguese variety.
concentric Kachruvian circles (Kachru 356)² use English in diverse contexts and for different purposes. English may indeed serve various functions: the instrumental, the interpersonal, the institutional (or administrative), and the innovative (Berns 195). The educational domain is the ideal field for the instrumental function with English gradually becoming a medium of instruction, especially at tertiary level;³ social contacts both at and after work, while travelling or participating in meetings or student/school exchange programmes serve the interpersonal function of English. The institutional function, although usually less frequent at a national level, is nevertheless perceptible in many situations where English is used as a default language, for example, at international meetings with both NS and NNS of English. The way the English language is used in the media, in advertising, in music, and on the Internet — be it on blogs, chat rooms, or instant messaging — fulfils yet another function, the innovative one.

These functions, defined by Berns with reference to the spread of English in the European Union (EU), can easily be adopted to describe the way English is used throughout the world. This widespread use has led a number of researchers⁴ to argue that English currently holds a hegemonic position in several domains of everyday life with implications for national languages. Some of these scholars view English as a Tyrannosaurus rex, (Swales 376), a lingua frankensteinia (Phillipson, “Lingua Franca” 251)⁵, or describe its role as epistemicide (Bennett 154), the underlying metaphor common to these perspectives being that of “a powerful carnivore gobbling

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² The Kachruvian model (Kachru 356) describes the spread of English worldwide across the Inner, Outer, and Expanding Circles; according to it, English is spoken as a mother tongue in the norm-providing Inner Circle, as a second or one of the official languages in the norm-developing Outer Circle, and taught as a foreign language in the norm-dependent Expanding Circle.
³ See MacKenzie (2003), Mauranen et al. (2010), and Phillipson (2008) for the use of English at tertiary level.
⁵ Phillipson (“Disciplines” 10) questions the neutrality of the use of English as a lingua franca.
up the other denizens of the academic linguistic grounds” (Swales 374), thereby ultimately threatening other languages.

This is, however, a controversial stance as other researchers hold a contrary view, claiming that the overwhelming presence of English worldwide need not be a threat to other languages mainly because NNS will use English as a language for communication, a vehicular language to make themselves understood in international situations, rather than as a language for identification, i.e. a language “rooted in their speakers’ shared history, cultural traditions, practices, conventions, and values” (House, “English as a Lingua Franca” 562), a role which would be left to their mother tongue.

Another reason for the prevalence of English over other languages as a means of international communication may be associated with the idea that a multiplicity of languages may actually subvert diversity, in line with de Swaan’s (571) often cited claim that “the more languages, the more English will take hold”. Indeed, reality has shown that when faced with many different languages, even NNS of English will choose it over their mother tongues and over any other foreign language to communicate at an international level.

The controversy over the so-called hegemonic role of English falls, however, beyond the scope of this paper. Yet, it is a fact that the prevailing influence of English is felt globally in such various fields of human activity as the cinema, advertising, the media as well as in specialised domains (e.g. law and medicine). This phenomenon has given rise to a plethora of labels to describe English as an instrument for intercultural communication: ELF (English as a Lingua Franca), EFL (English as a Foreign Language), EIL (English as an International Language), WE (World Englishes), among others. In this paper, EIL will be used to the detriment of the other above-

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7 ELF is associated with VOICE, the Vienna-Oxford International Corpus of English, and ELFA, the English as a Lingua Franca in Academic Settings, two major projects led by Seidlhofer (2009) and Mauranen (2010) respectively, which focus on the description of ELF, mainly from the spoken discourse viewpoint, also researched by Jenkins (2009). EFL (e.g. Brumfit 1984, Richards and Rodgers 2001, and Widdowson
mentioned labels because it refers to the English that is used internationally nowadays not only in more informal encounters but also in formal contexts such as the ones associated with education, educated speech and publishing. The influence of EIL on written Portuguese will be discussed placing special emphasis on the pervasiveness of standard English in contracts and medical RAs, two genres from the specialised domains of law and medicine. With that in mind, exposure to EIL in Portugal will be first addressed as a backdrop to the impact of English in those two types of texts.

3. Exposure to EIL in Portugal

When Portugal joined the European Union in 1986, it adopted and implemented the EU language policy that promotes multilingualism and language diversity and that encourages EU citizens to speak at least (any) two foreign languages. With time, however, the use of one particular foreign language, i.e. English, became more predominant amongst Member States; this happened especially after Sweden’s, Finland’s, and Austria’s adhesion in the 1990s because citizens from those countries “felt more secure writing and talking in English than in French” (McCluskey 40) and this therefore influenced the choice of the default language used in most EU affairs. Indeed, this enlargement brought about a radical change in terms of the favoured default language for communication between NS and NNS alike. If a high percentage of documents and publications were initially mainly drafted and released in one of the official languages other than English,

1997, 1998) and WE (e.g. Kachru et al 2006 and Kingsley Bolton 2005) do not constitute the main interest of this paper because EFL, on the one hand, looks at the influence of English worldwide from the language learning viewpoint; WE, on the other hand, describes and discusses the different varieties of English used worldwide.

8 In this paper, standard English will be used, in line with Trudgill (118), as ‘the variety of English normally used in writing, especially printing; (...) the variety taught to non-native learners.’


10 In 1970, there were no EU documents drafted in English (against 60% in French, and 40% in German) whereas in 2006 the figures evidence a totally different reality, with
i.e. German and French, this state of affairs has gradually changed over time as English became the language most commonly used in official and unofficial EU meetings (Brens 195-196). Furthermore, it has become the chosen language for communication with close to 90% students learning it as their first foreign language (de Swaan 573).

The spread of English also finds expression in Portugal where, in general terms, exposure to EIL takes place across areas as different as the educational system, literature, cinema, television, and the press.

In the primary and secondary school system, English became the first foreign language taught at school in the mid-1970s, replacing French. Four decades later, English is the first and dominant foreign language and a statutory subject of the national school curriculum. It is currently taught at primary, secondary and tertiary levels. The early teaching of English was implemented from 2005 onwards, starting with 6-year-olds; English is taught throughout the school curriculum until the end of the secondary school, although it is an optional subject from the 10th grade onwards. At tertiary level, the Bologna Process has further promoted the spread of English, namely through the Erasmus and Leonardo da Vinci exchange programmes. Available data on the use of English as an academic language for research and teaching at this level in Portugal (Barros n.p.g.) point to a mainly passive contact (i.e. reading) with English but show that English is still rejected by many respondents when it comes to publication (67%) and teaching (83%); these data have also indicated that 50% of the teaching-staff respondents accept the idea that English does not constitute a threat to the Portuguese language as a language of culture. Other data (Azuaga and Cavalheiro 26-30) for the same level regarding students and teaching staff alike evidence a passive contact (i.e. listening and reading) but a positive attitude towards English, on the students’ side, and both a passive and active contact (i.e. listening, reading, writing and speaking), on the

72% of all EU documents drafted in English (against 14% in French, 3% in German, and 11% in other EU official languages) (Phillipson, “Lingua Franca” 259-260).

11 See Cabrita (forthcoming) and the Ministério da Educação, the Portuguese Department for Education at sitio.dgde.min-edu.pt/linguas_estrangeiras/Paginas/L.Estrang_curriculo.aspx. n.p Web 20 April 2011.
teaching staff’s side. These data reveal a mainly positive attitude to the use of English at tertiary level in Portugal.

As regards translated published literature and the media (cinema, television and the press), available data for Portugal also point clearly to the strong presence of English in the country. Where book translation is concerned, between 1950 and 1955 English increasingly became the first SL of published translated books in Portugal slowly replacing French from this decade onwards (Rosa, “A Long and Winding” 219). Cinema does not differ much in this regard: the Anuário Estatístico/2009 Facts & Figures, a bilingual publication of the Institute for Cinema and Audiovisuals (ICA), shows that English is the SL for all the top 10 films viewed (and translated) in Portugal between 2004 and 2009. Similarly, figures for television reveal that 71.05% of all programmes screened in November 2007 were translations, the main SL (70%) of which was English (Rosa, “To Translate” n.pg.). The above data clearly indicate a widespread use of and exposure to English, especially because subtitling, not dubbing, is by far the most commonly adopted type of translation (Rosa, “To Translate” n.pg.), allowing viewers to experience a first-hand contact with this foreign language.

The fact that English is the main SL for translated literature, cinema, and television in Portugal may account for an overall exposure to English. The pervasiveness of English is further illustrated by the fact that the Dicionário da Língua Portuguesa Contemporânea (2001), the Lisbon Academy of Sciences Portuguese Dictionary (hereinafter the Academy Dictionary), features a large number of entries of lexical imports. The Academy Dictionary has seventy thousand entries in a total of two hundred and forty thousand words and English accounts for 70% of all the foreign words listed (Casteleiro xv). In the preface, the editor claims that this dictionary is “a comprehensive, innovative (...) standardising dictionary

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12 Similar findings were reached by Leslie (2009) who investigated and compared opportunities for contact amongst four groups of university students in Portugal.

13 Cited by Cabrita (forthcoming); the ICA site can be accessed at ica-ip.pt/ n.d Web 21 April 2011.

14 See for instance Correia and Lemos (21).
of the Portuguese language” and that “although it is essentially a descriptive work in its nature, (...) [it includes] the ‘Portuguesisation’ of foreign words or replaces them with vernacular forms” (Casteleiro xiii, italics added), thereby attesting to the presence of English in the Portuguese language while confirming official acceptance of those words.


The Academy Dictionary also lists loanwords which have undergone changes in spelling (Casanova 197)\(^{15}\) to comply with Portuguese spelling rules, e.g.

<table>
<thead>
<tr>
<th>British English</th>
<th>Portuguese</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gang</td>
<td>gangue</td>
</tr>
<tr>
<td>football</td>
<td>futebol</td>
</tr>
<tr>
<td>handball</td>
<td>andebol</td>
</tr>
</tbody>
</table>

Finally, several entries are listed with dual spelling, the English and the Portuguese, both forms being accepted and used interchangeably, as in the examples below discussed by Casanova (198).

<table>
<thead>
<tr>
<th>British English</th>
<th>Portuguese</th>
</tr>
</thead>
<tbody>
<tr>
<td>jerrycan</td>
<td>jerrycan / jerricã</td>
</tr>
<tr>
<td>hamburger</td>
<td>hamburger / hambúrguer</td>
</tr>
<tr>
<td>rugby</td>
<td>rugby / râguebi</td>
</tr>
</tbody>
</table>

At the time of its publication in 2001, the Academy Dictionary shocked many Portuguese speakers because it listed so many English or Anglicised loanwords. Those speakers had probably long forgotten that many

\(^{15}\) For a detailed study of English loanwords and acronyms in the Academy Dictionary, see Casanova (2010).
common words such as *bife*, *bibe*, *boicote*, *queque*, *lider* and *relaxar*, which are now accepted as Portuguese words without a second thought, were originally imported from English (‘beef’, ‘bib’, ‘boycott’, ‘cake’, ‘leader’ and ‘relax’) (Casanova 196). Only time will lead to full acceptance of the new loanwords which now still seem so foreign to many Portuguese speakers.

As illustrated by the Academy Dictionary, the impact of English is felt in most domains where, one may assume for no other reason than English is a prestigious language, it has become common practice to favour the English or Anglicised word to the detriment of the Portuguese word. As a case in point, Portuguese speakers usually say ‘make-up’ for *maquilhagem*, ‘check-up’ for *exame geral*, ‘check-in’ for *registo de embarque* (for flights) or *registo de entrada* (for hotels) or ‘hall’ for *átrio* or *vestíbulo*, although all of these Portuguese terms are also listed in the Academy Dictionary.

Another example of how English permeates the Portuguese language is to be found in the press. Analysis of the leading daily newspaper in the economic field *Diário Económico* revealed repeated occurrence of terms in English (Cabrita n.pg). The 14th April 2011 issue includes 257 words in English16 in feature articles, news items and ads; this word count does not include any names of people and/or companies, otherwise the number of occurrences would be far higher. Interestingly enough, even though words such as ‘payoff’, ‘payback’ and ‘bailout’ are closely associated with the expected field of economics, the majority (68.3%) of occurrences are common everyday words, e.g. ‘design’, ‘resort’ and ‘performance’, which points to a generalised use of English words in various contexts other than economics. Another relevant characteristic is the abundance of Portuguese companies with English-sounding names (e.g. Oon Recycling Solutions, Taguspark, Troia Eco Resort & Residences) and business projects (e.g. Inovcity and Young Lions Portugal), choices which clearly attest to the prestige of the English language in the country while “contributing to what could be called ‘linguistic anglocalisation’” (Prtcic 35).

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16 It is worth noting that there is no other foreign language occurrence in this issue of *Diário Económico*. 
4. The impact of EIL in contracts and medical RAs in Portugal

As shown by the Academy Dictionary, English loanwords have made their way into the Portuguese language and are used by its speakers across various contexts. The Academy Dictionary further attests that the presence of English has spread to more specialised domains where calques, false friends, hybrid expressions and English acronyms have become a recurrent feature.

As regards both translated and non-translated contracts and medical RAs, English loanwords are commonly used even though not all of them may be listed in the Academy Dictionary.

It might be expected that the pervasiveness of English would not be felt in contracts as clearly as it is, since Portugal is a civil law country and most English-speaking countries are common law countries. Reality, however, proves to be quite different as a first look at two examples from the legal field evidences. Advocatus, an online monthly newspaper, and Diário Jurídico, a blog on legal matters, both have hyperlinks to sites of The New York Times, The Wall Street Journal, the OECD, the International Chamber of Commerce, in the former, and to international blogs such as The EU Law Blog, The Legal Ethics Forum, or The Harvard School Forum, in the latter, with no translation into Portuguese. Advocatus and Diário Jurídico also post articles and/or chapters of books in English but again no translations into Portuguese are made available. Similarly, six major Portuguese law firms conducting international business have bilingual web sites (in Portuguese and English). Between 55.8% and 63.3% of all materials (articles and books) posted online are in English and once again no translations are provided on the Portuguese home page (Cabrita n. pg.).

In medical RAs things appear to be similar as there is a repeated occurrence of words in English both in translated and non-translated texts. Indeed, English has become the predominant language of medicine and,

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17 Hereinafter reference to examples of English in contracts and medical RAs will be understood to mean that they occur both in translated and non-translated documents.


19 See Maher (1986), Navarro (2001), and Pilegaard (1997) about arguments for English as the international language of medicine.
as it is generally acknowledged that medical doctors and researchers represent one of the most globalised communities of practice in the academia (Giannoni 97), they are therefore more likely to adopt the writing conventions and specialised terminology of their discipline rather than those of their national languages and cultures (Dahl 1822). Not surprisingly, Portugal is no exception to this state of affairs. Medical students, doctors and researchers are significantly exposed to English since most reference books adopted in Portuguese medical schools are in English and health professionals learn about medical advancements mostly through medical journals published in this language. Portuguese medical journals publish abstracts in English and have adopted the requirements for manuscripts submitted to biomedical journals drawn up by the International Committee of Medical Journal Editors (ICMJE). It is also worth noting that Portuguese medical RAs are a calque on the English model: the IMRAD (Introduction-Methods-Results-and-Discussion) structure typical of RAs is calqued from English and used consistently in Portuguese medical journals (Mealha n. pg.). Given these circumstances, it is hardly surprising that medical Portuguese appears to be influenced by English.

As stated above, the Academy Dictionary also attests to the presence of English in these two specialised domains (i.e. law and medicine). The pervasiveness of English goes, however, beyond dictionary entries as there are several English terms which are not listed in the Academy Dictionary and yet they are widely accepted and used by these two communities of practice. The examples presented below for lexical imports listed and not listed in the Academy Dictionary are a case in point.20

Instances of legal loanwords listed in the Academy Dictionary are ‘factoring’, ‘franchise’, ‘franchising’, ‘holding’ and ‘leasing’, which have acquired a specific meaning in the Portuguese legal context. Although there are Portuguese terms to refer to these very same concepts, the legal community of practice acknowledges and uses the English terms more often than it does the Portuguese ones. To give just one example, legal professionals and laymen alike will refer to ‘holdings’ or ‘holding companies’

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20 For a detailed analysis of examples given here, see Cabrita (forthcoming) and Mealha (forthcoming).
using the all-English or hybrid term *sociedade holding* [gloss: company holding] to the detriment of the Portuguese *sociedade de gestão de participações sociais* [gloss: company of management of participations social], a choice which is supported by the EU database IATE entries. A good example of a commonly used English term which is *not* listed in the Academy Dictionary is ‘joint venture’. Again, legal professionals and translators may be aware that a Portuguese decree law, *Decreto-Lei* no. 231/81 of 28th July, lays down *contratos de associação em participação* [gloss: contracts of association in participation] as the Portuguese translation for this concept that does not exist under Portuguese law. The English term ‘joint venture’ is, however, the preferred term used by the legal community of practice and it is also the first translation choice offered by the 23 entries of IATE. It may be worth noting that IATE’s second translation choice (*empresa comum* [gloss: company common]) describes a concept which is not defined in the above-mentioned *Decreto-Lei*.

In medical RAs, English loanwords are also often encountered. The terms ‘bypass’, ‘check-up’, ‘follow-up’, and ‘pacemaker’, among others, are listed in the Academy Dictionary with their original spelling and are common both in everyday speech and in medical Portuguese. Their Portuguese counterparts, *pontagem* (coronária), *exame global de saúde*, *seguimento*, and *marca-passo*, respectively, are seldom used because health professionals and laymen alike favour the English terms. Other English medical terms, such as e.g. ‘endpoint’, ‘gold standard’, ‘rash’, and ‘stent’, are *not* listed in the dictionary but are acknowledged and used by the medical community of practice. Even though Portuguese equivalents for these words also exist (*parâmetro de avaliação*, *padrão-ouro*, *erupção cutânea/exantema*, *endoprótese*, respectively), the fact is that the English terms appear to be the preferred ones.

Pervasiveness of English in Portuguese contracts and medical RAs is also seen in the number of calques, false friends, hybrid expressions and abbreviations and acronyms occurring in such texts. Two well-known examples of calques and false friends in Portuguese contracts are: a) *‘consideração’* (for ‘consideration’)\(^{21}\) instead of *contraprestação contratual*, the

\(^{21}\) The asterisk is used here to mark an incorrect form.
correct term; and b) ‘franchisado’ (for ‘franchisee’) instead of *franquiado*, the word listed in the Academy Dictionary. *Consideração* (‘consideration’) is a calque which is also a false friend because it is meaningless when used to describe one of the essential ingredients of a contract. In turn, the term ‘franchisee’ also raises some questions: *franquiado* is not the one preferred by legal professionals; they use the term *franchisado*, an obvious calque of ‘franchisee’, which is *not* listed in the Academy Dictionary. Medical Portuguese also frequently resorts to calques and false friends, some of which are commonly accepted and widely used (e.g. *achados* and *evidências* for ‘findings’ and ‘evidence’) while others are regarded as incorrect. For instance, *severo* and *severidade* are two words that do exist in Portuguese, the general meaning of which is ‘strict’ for *severo* and ‘excessive sternness’ for *severidade*. In the medical context, however, *severo* (instead of *intenso* or *grave*) and *severidade* (instead of *gravidade*) are calques used incorrectly to translate ‘severe’ (e.g. ‘severe pain’) and ‘severity’ (e.g. ‘the severity of obstructive coronary disease’). The two words do not match the meanings conveyed by the English terms (‘intense’ for a particular kind of pain and the ‘seriousness’ of a given medical condition).

Hybrid expressions are another common feature of both translated and non-translated contracts and medical RAs. ‘Factoring agreement’, ‘joint venture agreement’ and ‘leasing agreement’ coexist with ‘*contrato de factoring*’, ‘*contrato de joint venture*’ and ‘*contrato de leasing*’ to the detriment of the all-Portuguese expression and are used by legal professionals and scholars alike in their everyday professional life and in the literature on the subject of contracts. ‘*Medidas de outcome*’ (‘outcome measures’), ‘*amostras* blinded’ (‘blinded samples’) and ‘*stents farmacológicos*’ (‘drug-eluting stents’) are just three examples of hybrid expressions often used in non-translated texts and in specialised medical speech.

Finally, the use of abbreviations and acronyms is a recurrent feature of both legal and medical Portuguese. Abbreviations often occur in contracts but they usually come from an area other than law as is the case of CEO (for Chief Executive Officer), ICC (for International Chamber of Commerce) and LSE (for London Stock Exchange). These examples portray a different situation; in the case of CEO and LSE there are no equivalent Portuguese abbreviations but the English ones are favoured over
the Portuguese expressions in full *administrador executivo* [gloss: board member executive] or *administrador delegado* [gloss: board member deputy] and *Bolsa de Londres* [gloss: the Stock Exchange of London]. In the third example, ICC is used instead of the existing Portuguese abbreviation (*CCI*). In all three cases, there is a clear preference for the use of the English abbreviations. Similarly, in medical Portuguese abbreviations and acronyms often retain their original English form even though the expression in full is given in Portuguese as in, for example, ‘RCT’ (for randomised clinical trial)’ and ‘PET’ (for positron emission tomography)’ where the English forms are used side by side with the full expressions in Portuguese *ensai clínico controlado e aleatorizado* (*RCT*) [gloss: trial clinical controlled and randomized] and *tomografia por emissão de positões* (*PET*) [gloss: tomography by emission of positrons], respectively. Other abbreviations and acronyms as for instance DNA (for deoxyribonucleic acid) or NSAID (for non-steroidal anti-inflammatory drug) have Portuguese counterparts: *ADN* (for *ácido desoxirribonucleico* [gloss: acid deoxyribonucleic]) and *AINE* (for *anti-inflamatório não-esteróide* [gloss: anti-inflammatory, non-steroid]), which are also commonly used by professionals and researchers alike.

5. Conclusion

This paper considers examples that attest to the widespread use of EIL in everyday language and in the specialised fields of law and medicine to the detriment of existing Portuguese words and expressions. A brief analysis of the examples of calques, false friends, hybrid expressions, abbreviations and acronyms listed and *not* listed in the Academy Dictionary has shown that there is some interference from English in Portuguese. The next step of this ongoing project will be to further undertake systematic empirical research on the influence of EIL in the drafting of contracts and medical RAs and to determine to what extent tolerance to interference from English is common practice in Portugal.
Works Cited


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**Abstract**

It is often argued that English holds a hegemonic position in several domains of 21st century everyday life with serious implications for national languages. This paper will give a brief overview of the all-pervading role of English in international communication and examine its relevance within such diverse areas as the educational system, cinema, television, literature and the press in Portugal with reference to lexical imports listed in the *Dicionário da Língua Portuguesa Contemporânea*, the Portuguese Academy of Sciences Dictionary, published in 2001. The paper will further discuss manifestations of interference in translated and non-translated legal and medical texts.

**Keywords**

EIL; Contracts; Medical research articles; Interference

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**Resumo**

O presente artigo começa por descrever a alegada posição hegemónica da língua inglesa reveste no século XXI, abordando de forma necessariamente sucinta a controvérsia gerada pela expansão do inglês no mundo. Faz-se uma breve descrição da presença do inglês na realidade portuguesa em setores tão variados como o sistema educativo, o cinema, a televisão, a literatura e a imprensa escrita. A partir da análise de entradas registadas no *Dicionário da Língua Portuguesa Contemporânea*, da Academia das Ciências de Lisboa, publicado em 2001, procede-se à exemplificação de empréstimos, decalques, expressões híbridas e siglas e acrónimos no léxico geral e especializado do português europeu, com o intuito de registar a tolerância existente à interferência do inglês.

**Palavras-chave**

Inglês como Língua Internacional; Contratos; Artigos médicos; Interferência