

**Université Paris Diderot – Paris 7
Master 2 professionnel ILTS / CDMM
Année universitaire 2013-2014**

**Test d'admissibilité du 06 avril 2013
Epreuve de résumé-synthèse en français**

 **Durée : 1h30**

➤ **Remettez le sujet avec la copie**

➤ **Précisez votre langue maternelle sur la copie**

Donnez un titre en français. Résumez en français (150 mots maximum, y compris le titre) en n'omettant aucune idée importante.

Vous noterez à la fin de l'article le nombre de mots utilisés. NB : par convention, on considérera que les mots avec apostrophe (« l'arbre ») comptent pour un seul mot.

Vous donnerez également une liste de mots-clés qui permettraient d'indexer cet article pour faciliter sa recherche dans une base de données.

Mickey is watching you: Does Disney's new 'Magic Band' infringe on consumer freedoms?

The Independent, Wednesday, 20th February, 2013

The 'Magic Band' will make it easy to do and pay for anything at its theme parks. Rhodri Marsden investigates this hi-tech sorcery.

Many of us have had our patience tested as we wait in line at a tourist attraction or festival. Waiting times are often wildly disproportionate to the mundane rewards that await us – a disappointing ride, a lukewarm burger, bladder relief – and during those moments we may ponder how much we'd be prepared to pay to make the queue evaporate.

So here's an offer: how about helping the organisers improve your experience by giving them information about your activities, information that's been automatically collected by a smart wristband? Some of us might consider this a good deal; others may resent the way our privacy continues to be used as a bargaining chip in a game that's loaded heavily in favour of big business. But whatever your gut instinct, these smart wristbands, equipped with RFID (Radio-frequency identification), look set to become a sensor-swiping, information-gathering part of our holiday season.

Any emerging technology related to RFID tends to raise hackles. Ten years ago, supermarkets trialled an anti-shoplifting scheme where RFID tags were attached to Gillette Mach 3 razorblades and their movement around the store linked to cameras; the tags were soon referred to as "spychips" – a name still favoured by their most vehement critics.

Christian fundamentalists, meanwhile, likened RFID to "The Mark Of The Beast", citing chapter 13 of the Book of Revelation. On a technological level they're just tiny chips, as small as a fraction of a millimetre wide, that can wirelessly transfer data to a reader, making them perfect for the identification of goods and a godsend for stock management systems. But as soon as they're attached to human beings, controversy inevitably follows; it seems that people don't like to be thought of as goods in transit, cattle or sex offenders.

The latest kerfuffle has resulted from Disney's plan to introduce an RFID wristband – "the MagicBand" – at its parks during 2013. It would function as a room key, a parking ticket, a pass for certain rides, a payment system and, if you opted in, a personal ID that would, say, allow Disney characters to greet you or your children by name. The online reaction to this plan ranges from "awesome" to "terrifying".

Disney says that it's trying to "appeal to customers more efficiently" in a way that's "transformational" to its business; critics say that it enables the company to "monitor, track and analyse your every activity". When the plans became public, Congressman Ed Markey complained to Disney about the "surreptitious use of a child's information", a claim that was deftly rubbished by the company – but the move still furrows the brows of privacy campaigners, including Nick Pickles, director of Big Brother Watch.

"RFIDs [which he pronounces to rhyme with Triffids] were, until recently, a dumb tracking technology. Just a dot, moving around within a certain radius. But when you add your spending patterns to that, details of what you're doing as a consumer, this can throw up an incredibly detailed profile of your movements." It's clear to see how this kind of information is tremendously valuable to anyone involved in events management; the question is where said information lies on the sliding scale between utility and, well, spying.

One popular misconception is immediately rebutted by Steve Daly, director of ID&C, a Kent-based supplier of RFID wristbands to (amongst others) the Coachella music festival in California. "Some people think you can track the whereabouts of people if you're wearing an RFID wristband," he says, "which is basically not true. Most RFIDs have a reading distance of two inches or less, so unless someone comes up and puts a reader on your wrist, you're not going to be tracked." He acknowledges that there are higher-frequency RFID tags that can be read from distances of a few metres which would, say, allow footfall to be monitored for health and safety reasons – but he stresses that this "is not GPS".

As yet, no major music festival in the UK has followed the US's lead on RFID – so what's going to eventually persuade them to take the plunge? "RFID is a platform," says Daly. "You can put different modules on it: ticketing and access control, cashless payments, social media integration... So you may have that person's registration details – their age, their postcode – together with what they like to consume, who their friends are and where they like to socialise. This is very rich data that's not really available anywhere else."

But even if that data was anonymised to merely collect behavioural patterns of a particular demographic, privacy campaigners are still wary. "Just because you haven't written someone's name down next to this information doesn't mean it's not private," says Pickles. "It undermines a consumer's individual ability to control data about them."

Data laws have a knowledge and consent obligation at their heart, and for its part, Disney stresses that the MagicBand is an opt-in system that no one is obliged to use. "As far as the law is concerned," says James Mullock, head of privacy and data law at Osborne Clarke, "there's nothing inherently illegal with the use of RFID chips so long as this and other data protection law obligations – such as keeping the information secure – are met. [But] there is a trade-off which needs to be considered carefully by companies who use RFID technology. Through openness they need to win the confidence of their customers, and therefore their consent to being tracked."

The question is whether the carrots being dangled alongside RFID wristbands are simply too tempting to refuse – and this is an issue that even Daly, as someone working in the industry, recognises.

"In our experience," he says, "the percentage of people opting for the wristbands is in the high 90s, because of the features and incentives built in. If the choice is, say, between wearing the wristband and walking two miles to exchange cash for a token, you're going to opt in, aren't you?"

This is one of Pickles' major concerns about RFID. "We call it the Home Office choice," he says. "If you don't go through the body scanner that's your choice, but if you choose not to, you can't fly. It's not much of a choice."

And so we're back to our impatient wait for a rollercoaster or our fast-food fix; faced with the choice of poring over an incomprehensible list of terms and conditions or wearing the magic pass, I know what I, as a weak-willed consumer, would do. Now give me that wristband.

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TRADUIRE EN ANGLAIS LE TEXTE SUIVANT

Projet de déviation Voie Sud

La Ville de Mulhouse réalise la Voie Sud, une voie de contournement au Sud de la ville qui permet aux automobilistes de relier Brunstatt (à l'Ouest) à Illzach (à l'Est) sans passer par le centre ville. Cette voie dessert la gare (point de départ de multiples modes de transport) et le futur centre d'affaires qui sera édifié sur le site.

Un passage va être construit sous la rue du Miroir pour permettre à la Voie Sud de relier le quai d'Oran à la gare. Les travaux débuteront en novembre 2012 pour un délai de huit mois. Afin de limiter la fermeture du pont d'Altkirch (très fréquenté), le cadre en béton qui formera ce tunnel sera construit sur un terrain à côté du site¹. Ce n'est qu'au moment de l'installation (durant les vacances de Pâques 2013) que le pont sera fermé : un « trou » sera ouvert rue du Miroir dans lequel sera glissé le cadre béton, et la route sera reconstruite au-dessus. Cette solution, inédite à Mulhouse, permettra de limiter la fermeture du pont d'Altkirch à deux semaines au lieu de plusieurs mois.

Un nouveau "poumon vert"

Parallèlement à l'aménagement de la Voie Sud, un parc paysager de 2,5 hectares est créé le long de la tranche Est, en lieu et place des friches industrielles. Entre le canal et la Voie Sud sont nées des prairies fleuries, des clairières, des espaces boisés. 255 arbres seront plantés d'ici au 15 mars 2013. Ce nouveau "poumon vert" de 800 mètres de long et de 15 à 40 mètres de large viendra compléter les jardins du centre-ville.

<http://www.mulhouse.fr/fr/la-voie-sud/>

Le site en question est celui du passage sous la rue du Miroir.

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The problem with which we shall be concerned relates to the following typical situation: A college is considering a set of n applicants of which it can admit a quota of only q . Having evaluated their qualifications, the admissions office must decide which ones to admit. The procedure of offering admission only to the q best-qualified applicants will not generally be satisfactory, for it cannot be assumed that all who are offered admission will accept. Accordingly, in order for a college to receive q acceptances, it will generally have to offer to admit more than q applicants. The problem of determining how many and which ones to admit requires some rather involved guesswork. It may not be known (a) whether a given applicant has also applied elsewhere; if this is known it may not be known (b) how he ranks the colleges to which he has applied; even if this is known it will not be known (c) which of the other colleges will offer to admit him. A result of all this uncertainty is that colleges can expect only that the entering class will come reasonably close in numbers to the desired quota, and be reasonably close to the attainable optimum in quality. The usual admissions procedure presents problems for the applicants as well as the colleges. An applicant who is asked to list in his application all other colleges applied for in order of preference may feel, perhaps not without reason, that by telling a college it is, say, his third choice he will be hurting his chances of being admitted.

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La culpabilidad en el derecho comparado

[...] No cabe duda de que la culpa, como elemento subjetivo del delito, es una de las cuestiones claves en todos los ordenamientos legales. Enfrentarse a los estados mentales que determinan la responsabilidad de un sujeto es un tema complejo. [...]

La presencia o no de culpabilidad y su grado resulta esencial para que exista una sanción, lo cual tiene una notable influencia, no solamente en el ámbito del derecho penal, sino también en asuntos tan delicados como la responsabilidad de los administradores de una sociedad, la cobertura de un seguro, o la determinación de si un accidente puede considerarse o no como accidente de trabajo.

Estudiando el sistema penal estadounidense vemos que el “Model Penal Code” (MPC) ha tratado, durante los últimos cincuenta años, de organizar los estados mentales que originan la culpabilidad en cuatro grandes grupos de actos culpables: intencionales, conscientes, imprudentes y negligentes. Cada uno de ellos conlleva, como es lógico, diferentes grados de culpa y diferentes consecuencias para el infractor.

En los dos primeros casos estaríamos ante lo que se conoce como dolo en el sistema penal español, que consiste en la voluntad deliberada de cometer un delito a sabiendas de su ilicitud. El infractor que actúa de forma intencionada causa un daño mediante una conducta destinada a causarlo. Su conducta podría equivaler, con todas las reservas necesarias, al dolo directo de primer grado. El dolo directo de primer grado se produce cuando un sujeto sabe que el hecho es constitutivo de delito y, aún así, acomete dicha acción, independientemente de que aquella dé sus resultados esperados. [...]

Los dos siguientes tipos de actos culpables analizados por el MPC podrían englobarse en alguna de las modalidades de culpa. La culpa consiste, bien en una acción u omisión voluntaria causada sin malicia que produce un resultado contrario a derecho y no querido [...], o bien en una acción u omisión voluntaria, así mismo realizada sin malicia, que impide el cumplimiento de una obligación [...]. En el caso del infractor imprudente o temerario éste tampoco desea causar el daño, pero es consciente de que asume un gran riesgo de causar dicho daño. Estaríamos ante algo similar a la culpa por imprudencia o por impericia. Por último, el infractor negligente también asume un gran riesgo de causar daño, pero no es consciente de ello. En el sistema español, la culpa por negligencia se da cuando el causante ocasiona un daño por su falta de actividad.

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Wir studieren die Klimata früherer Zeiten, um Prozesse, die das Klima der Erde beeinflussen besser verstehen zu können und so Hinweise auf zukünftige Klimaentwicklungen zu erhalten. Nur die Paläoklimaforschung bietet die Möglichkeit, Klimazustände zu erforschen, die völlig anders sind als die heutigen, die aber in ferner Zukunft eventuell wieder auftreten können. Außerdem erlaubt sie uns, die Qualität von Klima-Modellen zu testen, denn nur im Vergleich mit früheren Klimazuständen ist dies möglich.

Der Ozean spielt im globalen Klimageschehen eine große Rolle, da er den Wärmehaushalt, also die Umverteilung von Wärme bestimmt und die Aufnahme und Abgabe von Treibhausgasen der Atmosphäre wie Wasserdampf, Kohlendioxid und Methan steuert. Die Rolle des Ozeans für den Wärmehaushalt verdeutlicht ein Blick in die hohen Breiten des Atlantiks: An den Küsten Norwegens etwa gedeihen Äpfel und Birnen, wird Gemüse angepflanzt und Heu eingefahren. Nur die weit ins Land eingeschnittenen Fjorde frieren im Winter teilweise zu. Dagegen bleiben die wirtschaftlich wichtigen Seewege entlang der über 2.000 Kilometer langen Küste in der Regel eisfrei. Ursache dafür ist der warme Norwegenstrom, ein Ausläufer des Nordatlantikstroms, der seinerseits vom Golfstrom abstammt. Die Wirkungen des Norwegenstroms sind noch weit jenseits des Polarkreises zu spüren. So auf 80 Grad Nord an der Westküste *Spitzbergens*, wo das Thermometer selbst im kältesten Monat nur auf durchschnittlich minus zwölf Grad Celsius fällt. An der kanadischen Küste auf dem gleichen Breitengrad ist es zur selben Zeit 20 Grad Celsius kälter, weil die mildernde Meeresströmung fehlt. Die Bedeutung des Ozeans für das Klimageschehen liegt also in seinem Wärmehaushalt.