

Artificial Intelligence in Legal Translation at the Court of Justice of the European Union

*Susan Wright**

Abstract

In the unique institutional context of the Court of Justice of the European Union, what could and should be the place of artificial intelligence (AI) in legal translation? To answer that question, it is necessary to understand the parameters within which the Court's legal translation service operates, and the choices that have been made in respect of multilingualism in the face of a growing workload, budgetary restrictions, and the Court's obligation to maintain the functioning of EU justice. It is equally important to understand the Court's institutional position on AI, how AI is currently used within the legal translation service, and the challenges AI currently poses. The future of AI in legal translation at the Court will depend not only on technological progress and the specificities of the EU's multilingual framework, but also on a careful assessment in relation to the desired translation output, the methods used in its production, and the impact of AI's growing role on human resources. In spite of its current limitations and unpredictable future, AI has the potential to enhance rapid multilingual access to EU justice and case-law and contribute to a 'beneficial' future. This is a matter of importance for all those subject to EU law, given the extent to which AI can be abused and the climate of rising nationalism within and beyond the EU.

Keywords

Court of Justice of the European Union, multilingualism, access to law and justice, legal translation, artificial intelligence, neural machine translation, fit for purpose, management of human resources

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**Susan Wright*: until January 2024 Director in Legal Translation at the Court of Justice of the European Union, susanwright.sk@hotmail.com. All opinions expressed are personal. The text was finalised on 5 December 2024.

1. Introduction

Artificial intelligence (AI) is creating waves in all areas of life. More tools based on ‘generative AI’ have recently been released onto the market, including ‘ChatGPT’.¹ ‘General purpose AI’ seems to be the technological holy grail of our times.

AI is having an impact on courts and legal practice. In machine translation, we have moved from rule-based to statistical to neural machine translation (NMT) based on ‘large language models’. There are general claims of more rapid, more multilingual communication, without the need for a common language: AI is going to provide all the benefits of Esperanto without any of the effort.

However, there are fears and warnings in respect of generative AI, such as fake content, bias, ‘hallucinations’, overreliance and job market transformations. The United Nations, the Council of Europe, the European Union (EU) and the Organisation for Economic Co-operation and Development (OECD) are all monitoring developments (see, for example, OECD.AI Policy Observatory).

This article focuses on the challenges and opportunities presented by AI in the field of legal translation (not interpreting) at the Court of Justice of the EU (‘the Court’). It presents, first, the limits to legal translation at the Court, resulting from the parameters of a unique institutional context and its management. Second, it explains the complementary role currently played by AI in that translation service and the challenges AI poses, against the backdrop of the Court’s new AI strategy. Lastly, it explores the possible future of AI in legal translation at the Court through the lens of an analytical framework which focuses on the translation output required in this multilingual judicial system, the methods appropriate to produce output that is ‘fit for purpose’, and the critical importance of human resources and their management as part of a system of ‘augmented’ supply.

Despite its current limitations and unpredictable future, might AI enhance rapid multilingual access to EU justice and case-law, and contribute to a ‘beneficial’ future?

2. Legal translation at the Court

The mission of the Court’s translation service, which forms part of the Directorate-General of Multilingualism (DGM), is to assist in providing multilingual access to EU law and justice in the name of the rule of law. This mission is subject to specific constraints, which influence the manner and extent of its performance.

¹ Chat Generative Pretrained Transformer, OpenAI’s chatbot launched in November 2022 and updated to use GPT-4 in March 2023, available at openai.com/ (accessed 22 April 2025).

2.1. Parameters

First, the Court of Justice operates under *mandatory language arrangements* imposed by EU law.² They are adopted, and can be modified, only by unanimous agreement between the Member States acting in Council, since they reflect a delicate balance between two fundamental EU values: the rule of law and linguistic diversity. The two key features of these arrangements which determine demand on the Court's translation service are the existence of EU 'official languages' and 'languages of the case' (*langues de procédure*). As a result, proceedings may be brought before the Court in any of (currently) 24 languages, and the Court's case-law is published in all 24. Scholars have demonstrated the importance and necessity of such language arrangements for the Court (see, for example, McAuliffe, 2017; Pingel, 2019; Clément-Wilz, 2022).

Second, the *nature of the legal texts* to be translated is specific to the judicial activity of the Court. In such an environment, the Court's translation service is primarily responsible for translating written pleadings lodged in cases brought before the Court, and judicial decisions and Advocates General's Opinions in those cases. The Court's judgments and orders are a stylistically formulaic product of an entire Bench, reproducing standardised phraseology and extracts from EU legislation, case-law and the case-file, within a fixed format. These decisions constitute a source of EU law, meaning that their translation must faithfully convey the Court's message and provide legal certainty. Procedural documents, including requests for preliminary rulings, applications from natural or legal persons, observations and statements in intervention from Member States, contain passages not written in 'Court speak' or even 'EU speak'. The target texts resulting from translation must faithfully convey the issues and arguments raised by the parties. Advocates General's Opinions are somewhat hybrid texts, since they contain extracts from EU sources, but are at the same time written in the individual styles of the persons signing them. They are not a source of law, but translations of them must serve as a reliable guide to the Judges on the Bench, the parties and the wider public.

Third, the Court's legal translation service is working within a *branch of specialised translation* which relies upon subject-specific knowledge, and subject-specific terminology and phraseology. The 'lawyer linguists' in the service must combine several approaches. Requests for preliminary rulings demand an extensive understanding of the source language, research into the terminology and concepts of national legal systems, and a translation of legal concepts on the basis of functional equivalence and sophisticated understanding of context. This is an exercise in comparative law (Wright, 2002; Monjean-Decaudin and Popineau, 2019). The lawyer linguists also practise both 'horizontal' and 'vertical' translation (Monjean-Decaudin, 2010), depending on whether they are conveying the message of a source text referring to the specificities of a Member

² Treaties, Protocol on the Statute of the Court of Justice, Council Regulation No. 1 of 15 April 1958, Rules of Procedure of the Court of Justice and of the General Court.

State, or the *sui generis* meaning of autonomous concepts of EU law. And the least creative but nonetheless essential part of legal translation at the Court is the faithful reproduction of pre-existing official translations from the *Official Journal of the European Union* (OJEU) and the *European Court Reports* (ECR) of the EU legislation and case-law cited, particularly in the Court's decisions.

2.2. Management

Within the confines of the mandatory language arrangements applicable, the Court has adopted a number of internal measures designed to ensure that it can, in practice, perform its mission.

First, since judicial deliberations at the Court are secret and interpreters are not present, the first Judges from the six founding Member States adopted a *single language of deliberation*, French. This judicial convention is still in operation. As a result, the case-file must include a French version of all written pleadings and, for the day of its delivery, the Advocate General's Opinion. On that basis, the preliminary report, the Report for the Hearing and the decision itself are drafted in French. The consequence for the Court's translation service is threefold: the French-language unit must translate any pleading not lodged in French, in every case, whatever the source language and the language of the case; the unit corresponding to the language of the case must translate into that language, for the parties, the Report for the Hearing and, prior to delivery, the decision; and the 22 other language units must translate the case-law from French into their respective target languages for publication.

Second, the Court has adopted an *egg-timer model of case management* (diagram in Wright, 2018: 147). Since proceedings may be brought in any of the EU official languages, procedural documents arrive at the Registries in 24 different languages. At the close of proceedings, the case-law is produced in the same 24 languages. However, between those two extremes, each case is managed through the medium of French and the language of the case. Just as the case-file will contain a French version of all the relevant documents, so will the parties receive in the language of the case not only the Report for the Hearing and the final decision translated from French, but also all the pleadings in the case, where necessary translated from the language of lodging, and the Opinion, where necessary translated from the language of drafting.

Third, the Court's translation service has operated an *egg-timer model of language management* since 2004. Wherever direct translation from source to target languages is possible, it is preferred, and it is required into French, the language of deliberation. However, since the translation units are not all able to cover 23 source languages, the service depends on 'pivot' languages, namely English, German, Italian, Polish and Spanish, each of which is paired with several predetermined source languages. Every unit must be able to translate directly from French and those five languages, the languages of the

permanent Advocates General. However, when a request for a preliminary ruling is received from a Danish court, for example, it will always be translated into English, and the English pivot version becomes the source text for all other translation units unable to translate directly from Danish.

2.3. Limits

Over the years, the Court of Justice has been obliged to take a number of *cost-saving measures* (*mesures d'économie*) in order to maintain the smooth functioning of EU justice in spite of a growing case-load, a limited budget and successive enlargements of the Union. Some of these measures are directly related to the translation service, whose workload depends on the Court's case-load, and which reports annually on the 'pages saved' as a result of the cost-saving measures (CJEU, 2023a: 92–95; CJEU, 2024a: 25).

First, *multilingual access* is not ensured to certain documents. The full text of requests for a preliminary ruling is not always available in the prescribed 22 languages,³ since a 'summary' may be drawn up and translated into all languages other than French, pursuant to Article 98 of the Rules of Procedure of the Court of Justice. The Member States and 'interested persons', on which translations of requests must be served, are thus not all in receipt of the same information, whatever the quality of the summary, unless they use the original or French versions. Pleadings are available only in the original, French and the language of the case, whatever the languages of Members, defendants and other interested parties. Annexes to pleadings are available only in the original, unless a Member of the Bench expressly requests a French translation. Reports for the Hearing are no longer translated and published in all language versions of the ECR (a 'necessary sacrifice' per Edward, 1995). The full text of many judicial decisions, particularly of the General Court, is available only in French and the language of the case, in accordance with the Court's policy on selective full publication.⁴ Much less case-law is thus available in those official languages which are infrequently language of the case (CJEC, 2005: 11–12 for the original justification). More broadly, certain information conveyed via the Court's Curia website is not available in 24 languages, for example most press releases exist in a limited number of languages.

Second, unlike interpretation at the Court, translation is not simultaneous. Potential bottlenecks are thus inherent in a multilingual court and may affect the *timeliness of EU justice*. Pleadings in a variety of languages must be translated into a language which enables judicial deliberation. Judicial decisions must be translated from the language of drafting into a language which allows them to be handed down and made accessible to the parties, unless those two languages are the same.

³ Requests are notified to Ireland and Malta in English, since that language is constitutionally recognised as a language of those two Member States.

⁴ Available at curia.europa.eu/jcms/jcms/P_106308/en/ (accessed 22 April 2025).

Third, the use of pivot languages means that certain documents, particularly requests for a preliminary ruling, are not subject to *direct translation*. Whatever the quality of the pivot version, and measures are indeed in place to reduce the potential for Chinese whispers (CJEU, 2023a: 84), it is undoubtedly challenging to capture the subtleties of legal concepts expressed in Lithuanian, Bulgarian, Greek, Croatian or Latvian when the lawyer linguist must view them through the prism of English, German, Italian, Polish or Spanish respectively.

3. AI at the Court

3.1. Institutional Approach

The Court's general approach to AI has become apparent to the public through the recent publication on Curia of three documents: *Artificial Intelligence Strategy* (under 'Various documents') (CJEU, 2023b), and the references to that document in the Court's 2023 Annual Report (CJEU, 2024b: 76, 82–83) and annual Management Report (CJEU, 2024a: 14–15).

First, there was a period of *exploration* and *experimentation*, during which the Court was monitoring developments and identifying emerging technologies which could improve the Court's functional efficiency. In 2019 the 'Innovation Lab' was set up in the Court's Information Technology (IT) Directorate to support the institution in its digital transformation. It identifies, analyses and tests promising tools and products in order to ensure that innovative technologies are properly used and understood. Its work takes account of the principles set out in the *European ethical Charter on the use of artificial intelligence in judicial systems and their environment* (CEPEJ, 2018). In 2020 the 'AI+ Network' was established to bring together representatives from departments, registries and chambers, to propose multidisciplinary initiatives for exploration by the Innovation Lab. Over the period in question, progressive digitisation towards developing a 'smart court' has been explored and partially implemented in various fields. Examples are virtual visits to the Court, the future integrated case-management system (SIGA), automatic recognition of citations, speech recognition and, indeed, translation.

Second, the Court has clarified its *goals*. In general terms, it seeks to harness the power and potential of information technologies to enhance the Court's efficiency in performing its mission. At the same time, it must ensure ongoing respect for the institution's values and ethics, and compliance with the obligations of confidentiality, security and protection of personal data. Equally it seeks to manage the impact of innovation with cautious optimism. On the one hand, AI has the potential to optimise or render unnecessary certain activities, by automating repetitive or costly tasks and thereby freeing up resources which could focus on tasks of greater added value for the institution

and its mission. On the other hand, legitimate questions are raised about risk and the impact on the day-to-day functioning of the institution. More specifically, the Court has identified three main objectives in respect of the use of AI. These are a) improving the efficiency and effectiveness of administrative and judicial processes, b) improving the quality and consistency of judicial decisions, c) improving access to justice and transparency for European citizens (CJEU, 2023b: 10–16). Specific reference is made to the use of AI through translation based on natural language processing, to reduce language barriers.

Third, the institution formally adopted in June 2023 a *strategy* specific to the integration of AI at the Court, which is designed to usher in a new era of digital transformation in the light of apparently exponential growth in AI and the catalyst recently provided by tools based on generative AI. The first step is a review of tools currently available at the Court and beyond, their likely short- and medium-term development, and their possible uses. The second aspect is an analysis of the risks (CJEU, 2023b: 7–8, 17–18 and 2024a: 39) associated with the prospective uses of AI at the Court and possible mitigation strategies. The strategy document refers to unintentional bias in algorithms, disclosure of sensitive data, false or inaccurate information, over-reliance on technology, uncontrolled or excessive use ('over-hype'), cyber-attacks, and inappropriate use of cloud-based solutions. The third aspect is the introduction of a formal ethical framework, based on clear principles governing the use of emerging technologies, and a system of internal governance. The principles include impartiality, transparency, traceability, confidentiality of information, human oversight and continuous improvement. It is the role of a new 'AI Management Board', composed of Members of the Court of Justice and the General Court, to draw up guidelines and establish limits on the use of AI-based tools at the Court.

3.2. Current Use in Legal Translation

The Court's legal translation service is supported by a DGM unit responsible for *Outils d'aide au Multilinguisme* (OAM). In concert with the Court's IT service, OAM researches and develops tools specific to legal translation and provides translation staff with training and support in their use. A full description of the IT tools used by the translation service can be found in *Multilingualism at the Court of Justice of the European Union*, the first volume of the recent work on multilingualism prepared by DGM (CJEU, 2023a: 127–139 and glossary). For the purposes of this analysis, three key features of the DGM approach should be highlighted.

First, the lawyer linguists at the Court use a number of IT tools and work within a *digitised translation environment* based on the translation editor Trados Studio.⁵ For full-

⁵ Available at trados.com/product/studio/ (accessed 22 April 2025).

text multilingual legal research they have access, in particular, to EUR-Lex, the EU database covering EU law,⁶ in addition to internal and interinstitutional search engines. For terminological research, they use IATE, an interinstitutional database which includes terminology collections prepared and managed by the Court.⁷ Within the Trados Studio environment the lawyer linguist sees the source and target texts aligned side-by-side. The translation project, based on a ‘functional translation kit’ prepared within DGM, contains the text to be translated, the relevant translation memories, the relevant documentary and terminology resources, as well as, since 2019, NMT suggestions.

Second, *pre-existing official translations*, particularly of EU legislation and case-law, must be faithfully reproduced or adjusted to match the content of the source text. The translations proposed within Trados Studio are derived from Euramis, the interinstitutional translation memory management system.⁸ Translation memories are language databases containing segments of text from a document paired with the corresponding segment from the same document in another language. Since 2005, the Court has enriched the content of Euramis by ‘feeding’ a multilingual memory containing the case-law of the two EU Courts. It also creates memories for internal use which cover procedural documents, particularly requests for a preliminary ruling, the language units’ standardised phraseology, and documents of general legal interest. It is the lawyer linguist’s responsibility to check the precise source and relevance of any text derived from Euramis. For example, it must be ensured that the proposed text of a legislative provision corresponds to the version applicable at the time material to the proceedings.

Third, *NMT* is treated as a complementary *proposal* within Trados Studio, which lawyer linguists are invited to consider, adjust and adopt as appropriate. The source of such proposals is twofold: eTranslation, a service developed by the European Commission for the benefit of the EU institutions and national authorities, and DeepL Pro, a commercial product.⁹ Both NMT services provide translations using algorithms that assign weighting to the matches found in their corpora of aligned bilingual segments. However, there are significant differences between them. On the one hand, eTranslation is trained on the Euramis memories and covers all 24 EU official languages. In fact, the system includes more than one engine: in addition to the Commission’s original engines using EU texts in general, which focussed on translation to and from English, the Court requested specific engines which are trained exclusively on documents produced by the Court, most notably to produce bidirectional direct translations of the case-law between French and all the other official languages. On the other hand, DeepL has been trained on Linguee,¹⁰ does not cover ‘small languages’ such as Croatian, Irish or Maltese, and

⁶ Available at eur-lex.europa.eu/homepage.html (accessed 22 April 2025).

⁷ Interactive Terminology for Europe available at iate.europa.eu/home (accessed 22 April 2025).

⁸ European Advanced Multilingual Information System.

⁹ Available at commission.europa.eu/resources-partners/etranslation_en (accessed 22 April 2025) and deepl.com/en/pro (accessed 22 April 2025).

¹⁰ Available at linguee.com/ (accessed 22 April 2025).

uses English as a pivot. As a consequence, eTranslation proposals are generally more useful when translating legal documents produced within the Court, but DeepL may cope better with the less structured style and content of, for example, national requests for a preliminary ruling (which are not confidential), at least for certain language combinations.

Although lawyer linguists may see a significant volume of draft translation already present in the Trados Studio translation project, they are responsible for the content of the final target text. Their principal task is not ‘post-editing’, but rather ‘enhanced’ or ‘augmented’ translation. They ‘remain at the helm of the translation process’ (CJEU, 2023a: 134).

3.3. Current Challenges for Legal Translation

The general risks associated with AI are outlined in the Court’s AI strategy. One such risk of particular relevance to any activity in the field of law, and specifically to judicial activity, is a breach of security and *confidentiality*. The Court systematically handles confidential, sensitive and anonymised data which must not be disclosed to those without privileged access. Since judicial decisions are translated prior to delivery, and procedural documents are translated throughout the course of judicial proceedings, the translation service must enjoy such privileged access. It is thus responsible for maintaining the confidentiality of large volumes of information, even when AI is used in translation. As a result, the Court must remain vigilant in its recourse to market tools, interinstitutional servers, and any cloud-based solutions.

As regards the use of AI in legal translation at the Court, the current challenges can be classified under three headings.

First, there are *limitations and weaknesses inherent in NMT*.

Machine translations can read very well because of their fluent use of language, but this very fluency makes them plausible, even where the target text does not correspond faithfully to the source text. Plausibility is a greater challenge than obvious absurdity.

NMT cannot detect intentional ambiguity on the part of the author of the source text. It cannot comprehend that a rather imprecise passage may reflect a policy position on the part of a national authority or EU institution, or the compromise reached between Members of a Bench who may not issue dissenting opinions. In such cases, the NMT target text will not be judiciously ambiguous. Nor does NMT know that a target term may be more or less specific than the source term because of the nature of the two languages concerned.

NMT cannot make a conscious selection between terms corresponding to different levels of abstraction. ‘Tort’ and ‘*délit*’ have clear meanings in English and French law, but they are more specific than ‘non-contractual liability’. The machine does not know that requests for a preliminary ruling, including concepts peculiar to national legal systems,

require different translation techniques from those applied to autonomous concepts of EU law, which rely on terms that may not bear their common meaning.

In short, NMT is not a comparative lawyer but a translator of words. It produces a fresh translation every time it is used. It does not yet have the capacity to select and reproduce in a target text the official translations of words, passages and documents that have been cited in the source text. The terminology of the translation may at best be consistent, but it will not necessarily be appropriate.

The quality of machine translations also depends on the quality of the corpora on which the engine has been trained, and the quality of the algorithms applied in producing the translation. In accordance with the saying ‘rubbish in rubbish out’, NMT will faithfully repeat the mistakes contained in an unreliable corpus and will be unable to detect historical translations that have become less appropriate over time.

Second, NMT provokes a variety of *human responses*, ranging from wide-eyed over-optimism to unfounded cynicism.

Since AI can already produce, at speed, plausible translations of large quantities of text, some stakeholders may be overconfident and have unrealistically high expectations. The EU budgetary authority and the EU taxpayer may be led to believe that the costs associated with legal translation will be drastically reduced. Those waiting for a translation may not understand why there is a delay. Some translators may fail to comprehend the level of vigilance required to review raw NMT and to check the source of the draft translations proposed. Their challenge is to avoid becoming passive recipients.

On the other hand, NMT can provoke undue scepticism, mistrust and resistance on the part of clients, readers and indeed translators. The internal and external recipients of the Court’s legal translations are accustomed to the high-quality products of augmented translation and may struggle to believe in the appropriateness or usefulness of any alternative service which relies more heavily on NMT. Lawyer linguists are traditionally trained to reconcile quality, quantity and timeliness in the independent and active production of high-quality legal translation, and they may be unjustly dismissive of NMT and the benefits it can deliver. Their challenge is to modulate their input.

Third, *management* of the way forward is challenging. NMT and AI-based tools in general represent evolution if not revolution, and the speed of progress makes it difficult to keep abreast of what is available and to predict what may be possible. If the potential of AI is to be embraced, the very organisation of the legal translation service may need to be re-examined. There could be wholesale changes in the roles played by various members of staff, including lawyer linguists, the tools and methods employed, the skills required, and the services offered. If such changes are to be undertaken, and choices are to be made in response to the array of AI solutions on offer, it is essential to manage expectations as part of overall change management. The challenge is to work out how best to harness the power of AI without losing sight of the essential characteristics of a legal translation service within the EU’s judicial institution. The baby must not be thrown out with the bathwater.

4. The Future of AI in Legal Translation at the Court

The further use of AI in legal translation is currently under active review at the Court. For example, a colloquium took place in September 2023 on the subject of quality multilingualism at a time of accelerating technological progress (2024a: 24).

Any future model will depend on technological progress in general and the specificities of the EU's multilingual framework. It must be consistent with the Court's mission as the judicial branch of EU government and its goals in relation to AI, and it should seek to respond to the limits and challenges outlined above. In devising such a model for a future that is uncertain and difficult to predict, it is important to focus on key issues within a clear framework of analysis. This will provide a method by which to assess the relevance and usefulness of any AI-based tools and applications that may be proposed, keeping in mind the fundamental criteria specific to legal translation at the Court.

4.1. Translation Output

What translations should the Court produce?¹¹

First, for as long as the Member States continue to support multilingual access to EU law and justice, the Court is *obliged* to produce different language versions of certain (legal) texts, as prescribed by the mandatory language arrangements. The model depends upon mass translation, as is recognised by provision for a 'language service'.

Notices must be published in the 24 languages of the OJEU in relation to applications initiating proceedings, and judgments and orders closing proceedings. Requests for a preliminary ruling must be served on the Member States and interested persons in the relevant EU official languages. Procedural documents, Advocates General's Opinions and judicial decisions must be notified to the parties in the language of the case. 'Publications of the Court' must be issued in the 24 languages: the ECR includes judicial decisions and Advocates General's Opinions.

Second, within the framework of those mandatory language arrangements, the Court has made a number of *choices* which have an impact on *multilingualism* and the translation service. All procedural documents are translated into French, the Court's language of deliberation, and procedural documents lodged by EU institutions must be accompanied by a French translation. Annexes to pleadings are not systematically translated from the language of lodging. Requests for a preliminary ruling are not translated into Irish or Maltese, are frequently translated via a pivot language, and are often translated in summary form, into languages other than French. Advocates General's Opinions

¹¹ A 'multilingual needs typology' is discussed in Mendez, C., Gazzola, M., Clément-Wilz, L., Triga, V., Mendez, F. *et al.* (2022), Chapter 5.

are invariably translated from one of only six languages and are all translated for publication in the 24 languages of the ECR. Reports for the Hearing are translated only into the language of the case, from French. Judicial decisions are translated from French, and that language version is either published or disseminated, but they are not all translated in full into all official languages for publication in the ECR. Press releases are usually not translated into all official languages, and some of the documents published on Curia are available in only one or two languages.

Might the pragmatic choices made in the name of expediency be reviewed in the light of what AI does or might make possible? Might it be possible not only to fulfil the Court's multilingual obligations, but also to take account of the needs and even preferences of the multilingual target audience and draftsmen, whether internal 'clients' of the translation service or external users of its translations? Might the output of the legal translation service become *more* multilingual in terms of both source and target languages? In the light of the Court's AI Strategy in relation to the goal of multilingual access, might it be judicious to give access in the reader's chosen language to texts otherwise not translated as a result of the egg-timer model of management and selective publication of case-law?

Third, whatever translations are produced, they must be *fit for purpose*. This need not be a pejorative label suggesting that quality is being compromised, even though it can be challenging for the lawyer linguist traditionally trained to produce legal translations of the highest possible quality. It describes the judicious balance between quality, quantity and timeliness that is inevitable unless and until it is possible to produce unlimited quantities of 'perfect' translation rapidly, with finite resources. The balance that is appropriate depends not on the identity of the target language itself, but on the purpose for which the translation is produced. It is the quality of the translation *service* that must be considered, and not only the quality of the translated text. The concept is openly discussed by the translation service of the European Commission (EC, 2015), and the Translation Centre for the Bodies of the EU has used the notion of 'quality for purpose'.¹²

Judicial decisions of the Court are a permanent source of rights and obligations under EU law. Even though only the version in the language of the case is 'authentic', all available language versions will be consulted in the Member States and may ultimately inform the Court's interpretation of its own case-law (Derlén, 2014). Translations of case-law must therefore accurately convey the Court's message in language that is clear and meaningful in the light of expectations specific to national legal systems. They must reproduce the standard and recognisable terminology and phraseology that the Court chooses to employ, as well as official translations from EU legislation and case-law. Whilst speed is important, to ensure that justice is delivered in a timely manner, translations of a binding source of law must be reliable. The question naturally arises as to whether it is better to have a high-quality translation of the full version of only some

¹² Available at cdt.europa.eu/en/services/translation-services (accessed 22 April 2025).

judicial decisions, arguably the most important, or translations to a potentially lower standard of all decisions. Whenever certain language versions are made available later than others, or indeed not at all, there is a reduction in (timely) multilingual access to the case-law, which may result in less interest from certain language communities.

Advocates General's Opinions are not a source of law, but they are a guide from an official source. If they are not available in 24 language versions for the day of their delivery, they may attract less interest from certain quarters. However, when they do become available, the translations will have a lasting impact on the image of the Court.

Procedural documents form the basis for understanding the issues and arguments raised by the parties. They are working documents that are accessible to the parties and to the Members of the Court working on the case-file. Translations of pleadings must provide an accurate basis for deliberation and analysis within the institution and a sound basis for participating in proceedings before the EU Courts. Translations need to be clear, correct and comprehensible, but complete consistency in the use of terminology is not essential at this stage of the proceedings, unless there is a risk of misunderstanding: the parties themselves do not consult each other in drafting their pleadings, and they do not always use the same terminology as each other. Speed is important, particularly in urgent, accelerated or interim proceedings, and Members on the Bench need access to the case-file in a language they understand before starting their deliberations.

Procedural documents initiating proceedings merit particular attention. Their translation into the language of deliberation must not mislead as to substance to the extent that the Court reaches its decision on an incorrect basis. Requests for a preliminary ruling are served on the Member States and interested persons, so that they can assess whether they wish to submit statements of case or written observations.

Documents published on the multilingual Curia website are usually intended for information only, but not necessarily for the same target audience. Some of them are not legal documents at all, but relate to the Court's buildings, art and internal organisation. Some of them have been written and translated for other purposes and are subsequently made available via Curia. Press releases specify 'Unofficial document for media use, not binding on the Court of Justice.'

4.2. Methods

The Court is responsible for the choice of tools, processes and methods used to produce its translation output.

First, it is essential to make continually *judicious choices* in respect of what is provided to translators. The quality of the digitised translation environment, the accessible IT/AI tools, the translation memories on which NMT engines are trained and the algorithms applied to the corpora to produce NMT, and the security of the servers over which (con-

fidential) source texts, proposed translations and (confidential) target texts are delivered, are all relevant to a translation service. Translators may be able unilaterally to modify certain default settings within the digitised translation environment, but just as a translator can improve on the quality of an original only to a limited extent, by ironing out typographical errors and rendering the text more readable, for example, so is the capacity of translators influenced by technical choices made upstream.

The question of corpora is crucial. At present, the material fed into the Euramis translation memories is derived from high-quality ‘enhanced’ translation, not (post-edited) machine translation. In its turn, eTranslation is trained on Euramis material, producing a virtuous circle. However, if future translations are more heavily reliant on AI-produced text, will it be possible to maintain the quality and integrity of translation memories not only as corpora to train engines, but also as a reliable source for the lawyer linguist in search of official translations? Will it still be necessary to train corpora? Will there be an AI-based tool for automatic retrieval and incorporation of the necessary official translations? Or is it possible that the Court’s style conventions will evolve away from immutable formulae (which are not a feature of case-law worldwide, but arguably a necessary characteristic of multilingual case-law), enabling more widespread use of ‘creative’ NMT?

Second, a *range of processes* can be used in response to the intended purpose of a translation. When (human) resources are finite or limited, how can lawyer linguists best be employed to ensure that the value they add to machine output is targeted to where it is most needed? The answer depends on a judicious assessment of how the translation service should balance quality, quantity and timeliness.

At present, there appear to be three broad possibilities for combining machine and human input in the translation process. As the reliability of AI-based translation improves, the boundaries between processes will shift and the evaluation of certain processes will evolve.

The premium or gold standard service is represented by enhanced human translation intended to produce ‘perfect’ quality including consistent and appropriate terminology. Official translations are retrieved with the help of Euramis and faithfully reproduced, NMT is but a proposal, and there is a full bilingual review by an expert of target against source, even if the time needed to complete the exercise depends heavily on the volume of text. The process is designed for high-profile texts of lasting importance which reflect on the reputation of the provider and produce legal effects, for example. It is the standard approach adopted by the Court’s lawyer linguists.

Where speed is of greater relative importance, ‘light post-editing’ of NMT is a possibility. The process involves a more rapid monolingual review by a human of the draft NMT, (perhaps) with reference to the source text where there appears to be an error. There is no guarantee that terminology will be either consistent or appropriate, but the translation will be made comprehensible to the reader. Terminological accuracy can be improved in certain fields of law when engines are trained on subject-specific corpora,

such as trade mark documents. The process is designed for cases where ‘gisting’ is sufficient, to convey the broad meaning of the document. Questions clearly arise as to the (language) profile and (legal) qualifications of the human reviewer, the value added to the NMT, and the standard expected. Clients may need to be reminded that you cannot ‘have your cake and eat it’: a premium service takes longer. Light post-editing can usefully be combined, internally, with the possibility for the target public to request a gold standard translation of key passages in the documents in question.

Where speed is of the essence and volumes are large, outweighing the need for a ‘perfect’ translation, raw NMT may be considered. There will be no intervention by a human translator. The process may be appropriate for translation of general texts intended purely for information. An obvious question arises: since there is no human input in the process, should the supplier make available a product, the automatic translation, or simply the wherewithal to produce it, the equivalent of an eTranslation button? The second alternative shifts responsibility onto the user but does imply some recommendation of the tool offered.¹³ Would it be appropriate to provide multilingual NMT versions of those Court documents which are currently available in only a limited number of languages? Like post-edited NMT, raw NMT can provide a basis for internal queries and requests for more targeted translation. It can be noted that eTranslation is made directly available to all staff within the Court for independent use on non-confidential texts.

It might be supposed that the relevance of freelance and pivot translations will wane as AI-based translation improves. Is it not more efficient for Court staff to review an AI product instead of a freelance translation? If direct NMT between source and target languages is available, why use pivots? The answer seems to be one of resources in cases where raw NMT will not suffice. If freelance translation is of reliable quality, it can be used to relieve temporal or quantitative pressure. Where translation units do not have sufficient expertise in all 23 source languages, they can only review the plausibility of a direct translation and not whether it corresponds to the original.

Third, a question arises as to the extent of *disclosure* that is appropriate in respect of the process or method of production employed. The Court has had to make it clear that it uses freelance translators, at least since the first public procurement exercise some 20 years ago, and it chooses to explain its recourse to a ‘mixed’ translation system involving pivot languages, although perhaps it did not need to. However, it has never been specific as to the use of freelance or pivot translation in respect of individual texts, just as the

¹³ The Translation Centre for the Bodies of the EU offers an ‘automatic translation’ service (in addition to ‘light post-editing of neural machine translation output’), available at cdt.europa.eu/en/services/translation-services (accessed 22 April 2025); the EU Intellectual Property Office provides on-demand MT, available at euipo.europa.eu/en/about-us/governance/strategic-plan/ip-innovation-for-customers (accessed 22 April 2025); the European Patent Office provides a ‘Patent Translate’ button, available at epo.org/en/searching-for-patents/helpful-resources/patent-translate#:~:text=The%20EPO%20and%20Google%20have%20worked%20together%20to,translations%20from%20and%20into%20English%2C%20French%20and%20German (accessed 22 April 2025).

identity of the lawyer linguist responsible for a particular translation is not revealed. It is the service, and indeed the Court, that takes responsibility overall.

How much disclosure is required in respect of the extent to which AI is employed, whether to internal clients, such as Judges' chambers, or to external users, such as the parties, national authorities and the general public? How far does the obligation of transparency extend? Modern ethics seems to dictate that at least a product which is pure NMT should be identified as such. A warning or disclaimer is attached to the translation, to enable the reader to assess the reliability of the information made available. Trust must be maintained in legal translations, whatever may be the role of AI in their production, in the interest of the reputation of EU law and justice.

4.3. Human Resources

The Court is also responsible for managing (the changes induced by) the potentially augmented supply. On the basis of an analysis of the relative roles envisaged for humans and machines, and the tasks they are to perform in relation to legal translation, it is possible to define the skills and knowledge required to carry out those tasks, and then to adapt the process and method of selection and recruitment for new staff (to detect and assess the required skillset) and the programme of training for probationary and existing staff (to develop that skillset).

First, *tasks*. The current role of the Court's lawyer linguists can be understood from the Court's website and publications. Their core (and traditional) task is legal translation, but their 'other tasks' now include preparing summaries in their target language of requests for a preliminary ruling, responding to questions on national law from DGM colleagues, legal analysis, research into sources and terminology, and more general administrative tasks (CJEU, 2023a: 62–63). These latter tasks are not all carried out by every lawyer linguist but are shared throughout the translation service according to language, individual experience and expertise, and availability.

How the role of the Court's 'lawyer linguists' will evolve is not yet clear. The mission of the Court is clear, the need for a translation service is clear, but the boundaries between metiers are being blurred, and new metiers are emerging (EP, 2023 on 'intercultural and language professionals'). Lawyer linguists already work with other services on recruitment and legal analysis, and some of them work closely with OAM on the technological aspects of translation. The translation service depends upon a digitised workflow, pre-translation text preparation, progressively automated terminology extraction, bilingual alignment of language versions for Euramis, technical development of algorithms, tools and applications, but there are no immutable rules as to who should do what.

The Court's AI Strategy posits that more repetitive tasks, the routine work, will be performed by AI, and that humans will be freed up to engage in tasks with more 'added

value' dependent on human intellect. Will lawyer linguists assist in the drafting of Court documents, for example, thereby reducing the need for review of texts produced by non-native speakers and potentially for translation itself, at least into certain languages, where the new language of drafting would have been a target language, perhaps the language of the case? What will be the impact of AI being used by others, particularly those producing the originals to be translated? Perhaps chambers will use AI-assisted drafting (within a secure, Court-specific environment), even where Judges and their legal secretaries are working in their first language. Perhaps national courts, EU institutions, companies and individuals involved in proceedings before the Court will draft in their preferred language and then use AI to produce the language version required under the Court's language arrangements.

In respect of legal translation itself, lawyer linguists will clearly have progressively more interaction with computers, AI and its products. Since we do not know how powerful and competent AI-based translation will become, and we do not know whether the Court will formally adopt a fit-for-purpose approach based on a taxonomy of document types, the value to be added will evolve.

Second, *skills and knowledge*. In a changing work environment, lawyer linguists need a variety of skills which may go beyond what is currently specified in open competition notices (Borgonovi et al., 2023: 24–28; UK Government, 2018 on 'success profiles').

In a judicial institution, where the majority of tasks relate to the law, there will perhaps be even greater emphasis on subject-specific knowledge. It is arguably what will permit the intellectual input envisaged and most differentiate the human from the machine. The lawyer linguist must at least be capable of identifying errors in the translation of legal argument and legal concepts, requiring knowledge not only of the target language legal system, but also of source language national legal systems and EU law.

Like legal drafting, legal translation depends upon a perfect command of the language of expression, the target language. Lawyer linguists '*portent la plume de la Cour*' and must resist 'interference' from source texts and the multilingual environment in general, and the temptation of plausible drafts and translations proposed either by humans or by machines.

An excellent knowledge of their chosen source languages will continue to permit a deep and nuanced understanding of a variety of texts and styles which goes beyond the current capabilities of AI.

Although the Court's lawyer linguists have always been billed as lawyers who translated rather than translators, translation skills are clearly relevant to the core task of the legal translation service. The 'European Masters in Translation Competence Framework' presents the competences, skills and knowledge to be acquired in modern translation training (EC, 2022).

For the purpose of human-AI interaction in legal translation, lawyer linguists will need sound digital skills. Experience at the Court shows that they need more than an understanding of the mechanics of using Trados Studio, for example. AI production of

translation can lead to less engagement by lawyer linguists with the text and its substance. They need to understand the capability, limits and biases of AI, to recognise that NMT produces different types of errors from those made by human translators, and to maintain vigilance and a critical eye to avoid being duped by plausible but incorrect proposals. It is unclear whether a lawyer linguist not immersed in the independent production of high-quality legal translation is as able to review successfully the quality of NMT.

Lastly, there is probably a greater need for more generic, transferable (intellectual) skills to face an uncertain future in the face of ‘exponential’ progress in information technologies (‘general competencies’ per EPSO, 2023a). The information or set of knowledge we acquire at school and university becomes inadequate as it is surpassed by later discoveries and inventions: it may be necessary, but it is not sufficient. An educational system must teach the student to think, how to learn, how and where to find an answer to a new question or problem, the skills of research, analysis and synthesis. The ability to adapt to new tasks and unknowns, openness to change, and flexibility in providing a variety of services fit for purpose on the basis of varying levels of post-editing have all become more than just ‘nice to have’.

Third, *selection and training*.

The eligibility criteria of selection as a lawyer linguist reflect the wording of the Rules of Procedure of the Court of Justice: the language service must be staffed by ‘experts with adequate legal training and a thorough knowledge of several official languages of the European Union’. On that basis, competition candidates have always had to satisfy three minimum conditions: a formal qualification in the law of an EU national legal system using the relevant target language; a perfect command of the target language; and an excellent knowledge of two other official languages including French (where the target language is not French). Is this model of selection fit for purpose, or does it need to be rethought in the age of the AI (r)evolution?

Even though it makes the selection process more complex and possibly more time-consuming, the notion of ‘adequate legal training’ could be given a broader interpretation to encompass a list of qualifications that is less prescriptive. This approach would reflect the modern reality of binational and bi-disciplinary degrees which may also produce graduates with the necessary legal skills, including those associated with comparative law, and is consistent with the principle of functional analysis underlying the acceptability of ‘equivalent’ qualifications pursuant to Case T-713/20 *OQ v Commission* (EPSO, 2023b).

At the same time, since today’s law graduates do not all have a perfect command of the language of their degree, particularly in universities with a multilingual student population, it might be appropriate to include a test designed specifically to assess competence in the target language (EPSO, 2021b). Experience at the Court shows that, although recruits can improve their ability to use Court terminology and phraseology, a

perfect command of the target language from the outset prevents descent into ‘Euro language’ that is unrecognisable and potentially incomprehensible to target audiences in the Member States.

The traditional ‘field-related’ tests are two legal translation tests. In competitions organised by EPSO (European Personnel Selection Office) they are now sat online, without the help of a dictionary or other resources, since it is believed that candidates need to draft a legal translation unaided to demonstrate that they will be able to identify errors produced by NMT. It would be possible to test knowledge of source languages further through computer-based multiple-choice exercises (EPSO, 2021a).

To assess transferable intellectual skills, a test requiring a summary of a complex legal text could be introduced (EPSO, 2021a) to complement the computer-based verbal, numerical and abstract multiple-choice ‘reasoning tests’ which are now an eliminatory component of EPSO competitions. To assess applied digital skills, it would be useful to reintroduce the test involving review of the NMT version of a legal text against the original, first launched in the 2020 round of open competitions for Court lawyer linguists (EPSO, 2020).

In order not to overburden the initial selection process and to accommodate changing demands, it is important continually to review priorities and the boundary between ‘must-haves’, the absolute prerequisites to becoming swiftly operational, and ‘nice-to-haves’. Similarly, while the must-haves provide a foundation for working as a lawyer linguist, learning has always been required during the probationary period and over the course of a career. Selection must not be based on skills or knowledge, however essential, that can be acquired only within the Court, for example in relation to Court-specific tools. In-house training and lifelong learning enable lawyer linguists to develop and update their initial skillset in relevant fields, for example through the acquisition of additional source languages, legal knowledge and IT skills (CJEU, 2023a: 79–81).

Since EPSO’s new competition model includes a limited number of written tests, and no oral phase, the Court has a golden opportunity to refine unilaterally its criteria and testing methods during the second half of the selection and recruitment procedure. Whatever approach the Court decides on, it will ideally adopt an open communication policy to allow future professionals to develop and acquire the skills and knowledge needed to work in AI-assisted legal translation at the Court.

5. Conclusion

This article has explored the place of AI in legal translation at the Court of Justice of the European Union and the extent to which AI might enhance rapid multilingual access to EU justice and case-law.

It has been shown that AI, in the form of NMT, is being used in legal translation at the Court. However, NMT in its current form cannot reproduce the expertise of a comparative lawyer. It is thus used as a complement to human translation in a unique judicial environment where lawyer linguists use standardised terminology and phraseology and must respect the wording of official translations. It is clear that the very plausibility of NMT texts poses new challenges demanding the acquisition of new skills.

It has also been shown that the Court is exploring the untapped potential of AI and is open to the unpredictable possibilities of the future. The Court is nonetheless aware of the risks associated with AI and the need to keep control, retain human oversight and impose limits on the use of AI. It has established a system of internal governance to that end. We must not be tempted by innovative proposals, whether general purpose AI or merely generative AI, without assessing their impact. The simple fact that something is technically possible does not make it a wise or ethical choice.

It appears that further use of AI could enhance rapid multilingual access to EU justice and case-law. By delivering high volumes of translation at speed, AI has the potential to relieve tension between supply and demand. The Court could thus review its cost-saving measures and egg-timer models of case management and language management. However, a balance must always be struck between quality, quantity and timeliness. Access must be worth having.

It is clear that no objective should be attained at any price. It is thus appropriate to place an apparent objective in context and redefine it more broadly to include the idea of a 'beneficial' outcome (Russell, 2021). What is the desired destination, and what are the criteria of success? What is in the best interest of the administration of EU justice and consistent with the *raison d'être* of the Court's legal translation service? That assessment must include a clear vision of the desired balance between the complementary roles of humans and machines. Machines are but helpmeets which provide input to assist us in achieving our goals. Above all, any approach to the further integration of AI must take account of human preferences, fears, ambitions, reactions and expectations. It must be 'human-centric'.¹⁴

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¹⁴ Available at humane-ai.eu/ (accessed 25 April 2025).

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