



## ANNEX

### *Specific features of the translation service of the Court of Justice and contributions to inter-institutional cooperation*

The Court of Justice translation service has for many years taken an active part in all inter-institutional initiatives. Given that its resources are of necessity limited, the service has been able to obtain significant advantages, in particular in relation to IT projects, which, it may be added, reflects the spirit of such cooperation, one of the objectives being that the smaller institutions should have the benefit of the strength and accumulated resources of the larger institutions.

At the invitation of the Rapporteur, Mr Manka, and following discussions within the Translation executive committee (cf. its report sent on 11 May 2010), the Court's translation service has developed certain additional measures of inter-institutional cooperation, aimed in particular at areas where the legal skills and expertise of the lawyer linguists of the Court might offer valuable support to the translation services of the other European Union institutions. Those additional measures, and the particular restrictions inherent in the work of legal translation and the workload, are detailed below.

#### **1. Exchange of documents to be translated ('Workload balancing')**

##### **1.1. Specific constraints on the translation service of the Court of Justice**

The following two factors restrict quite considerably the possibility that the Court of Justice's translation service might exchange documents to be translated:

- ✓ The type of documents concerned and their confidentiality

While exchanges of translations between the three legislative institutions are, to a certain extent, facilitated by the similarity of the documents to be translated and the potential inter-changeability of translators (the product of common selection procedures), the Court's lawyer linguists translate legal documents which are complex and structurally different (case-law texts and procedural documents). Further, the staff of the Court's translation service is made up of experts recruited by means of specialist competitions, open exclusively to lawyers.

Moreover, it must be emphasised that the documents translated by the Court's lawyer linguists are very particular and highly confidential. The European Union institutions are involved in various capacities in proceedings before the Court of Justice, the General Court or the Civil Service Tribunal and the translation of the parties' pleadings in such cases can under no circumstances be entrusted to one of the parties, if the courts' obligation of confidentiality is not to be jeopardised and the fundamental principle of equality of the parties is not to be infringed.

✓ The workload

The workload of the Community Courts since 2003 and, consequently, their translation service, has very substantially restricted that service's capacity to make itself available to carry out work for other institutions. It must be recalled, in that regard, that the Directorate General for Translation is the language service common to the three courts of the institution. While, initially, that service ensured the multilingualism of a single court, the addition of the Court of First Instance in 1989, and then the Civil Service Tribunal in 2005, brought neither the creation of new language services for the new courts nor even the creation of posts to meet the increased number of cases to be dealt with. Further, because of the very strict policy of managing freelance appropriations, any availability which may arise within a translation unit is reflected immediately and primarily in a reduced use of outsourcing.

## **1.2. Proposed changes**

As stated in the introduction, in the light of Mr Manka's request and given the present context of increasing workload which demands the systematic search for solutions and synergies, the Directorate General for Translation of the Court of Justice has played an active part in the work of the Translation executive committee and the development of new avenues for collaboration referred to in the report of 11 May 2010.

Against that background, the decision was made to propose to the translation services of the other European Union institutions a joint analysis of their capacity to take responsibility for documents which the Court is obliged to outsource. Within the constraints of confidentiality mentioned in point 1.1, it could be envisaged that a small category of documents might be entrusted to the translation services of the other European Union institutions. The nature of those texts requires nonetheless that the corresponding translations be undertaken by lawyers. However, that in itself is not an obstacle since the translation services of the Commission, the Parliament, the Council and the Court of Auditors have some translators with legal qualifications (provided that those institutions can actually assign to such persons the translations requested by the Court of Justice).

## **2. Exchange of reference documents with the Directorate General for Translation of the Commission**

The French-language translation units of the Court of Justice and the Commission, which translate procedural documents within cases pending before one of the courts, work on documents which often are mutually referential. Within a secure framework and with the maximum of respect for the obligation of confidentiality which links the two services, arrangements for cooperation are currently being examined with the aim of limiting duplication, albeit partial and patchy, of the work of translation through a targeted exchange of translations of reference documents. Once those arrangements are in place, it will be possible to extend such cooperation to the translation services of the other European Union institutions.

## **3. Sharing of specialised terminological work**

A group of Court of Justice lawyer linguists is currently working, as part of a proposed e-Justice gateway, on establishing a multilingual legal vocabulary. The origin of this initiative is a request from the Publications Office, tasked by the Commission with the management of the pilot project for the creation of such a vocabulary. The project, which relates to the terminology and concepts of national law in the 29 legal systems<sup>1</sup> of the European Union, has so far targeted two areas (immigration law and family law). The legal, terminological and documentary rigour of the approach adopted by the translation service of the Court of Justice has been of very particular interest to the legal IT working group of the Council. The results of the work of the lawyer linguists of the Court of Justice will be made available to the other institutions.

## **4. The Court of Justice's contribution to inter-institutional training activities**

The translation service of the Court of Justice regularly organises seminars on legal subjects which cover not only substantive matters but also problems of terminology specific to the area in question. Those seminars are led by Court of Justice lawyer linguists or outside experts (teachers of law, national judges and magistrates, etc.). Within that framework, some of the places available are reserved to colleagues from the other European Union institutions.

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<sup>1</sup> As regards the United Kingdom, three legal systems coexist, namely those of England & Wales, Scotland and Northern Ireland.